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SANCO C7

EXPLANATORY NOTE ON THE MODIFICATIONS OF THE SCCS OPINION ON THE POTENTIAL HEALTH RISKS POSED BY CHEMICAL CONSUMER PRODUCTS RESEMBLING FOOD AND/OR HAVING CHILD-APPEALING PROPERTIES FOLLOWING THE PUBLIC CONSULTATION ON THE PRE-CONSULTATION OPINION

This note sets out the rationale for the modifications made to the opinion of the European Commission Scientific Committee on Consumer Safety (SCCS) on **the potential health risks posed by chemical consumer products resembling food and/or having child-appealing properties** following a public consultation conducted between 20 December 2010 and 11 February 2011.

Introduction

The European Commission requested the Scientific Committee on Consumer Safety to assess the potential health risks posed by chemical consumer products resembling food and/or having child-appealing properties. A SCCS Working Group comprising of 4 members of the SCCS, and 1 expert from academia with experience on the subject was formed. The WG produced a draft opinion which was discussed and adopted by the SCCS plenary on 14 December as a preliminary opinion suitable for public consultation (pre-consultation opinion).

In line with its procedures for stakeholder dialogue, implemented in the Rules of Procedures of the new Scientific Committees set up by Commission Decision 2008/721/EC of 5 September 2008, the European Commission Health and Consumers Directorate General (DG SANCO) conducted a public consultation on the pre-consultation opinion of SCCS between 20 December 2010 and 11 February 2011.

Results/participation

By the deadline, DG SANCO received a total of 7 contributions of which the majority agreed or mostly agreed to the conclusions of the opinion. All of them were reviewed by the Working Group and appropriate modifications introduced into the opinion, which was then discussed and adopted as the final opinion by the SCCS at its plenary of 22 March.

Modifications to the opinion

The opinion has been modified to take into account all submitted comments which were assessed by the Working Group to be pertinent and relevant for the subject matter and which were within the competences of the Scientific Committees and respected the clear separation between risk assessment and risk management that underpins the Scientific Advisory structure of the European Commission. Comments on policy, risk management, legal clarification, ethics, the precautionary principle, were not considered as, although pertinent to the subject matter, they are outside the competences of the Scientific Committees.

Detailed explanations of the way the comments received were treated by the SCCS are provided below. The numbering of pages and sections correspond to the final opinion adopted by the SCCS on the 22 March which is published together with this document.

Changes to the opinion

- Section 1 – page 6: The background of the opinion has been modified to reflect changes in the chemical legislation.
- Sections 6.3 and 6.4- pages 12 and 13: The text has been modified to reflect data that has been provided on poisoning cases.
- Section 9.2 - page 23 and annex III – page 41: the SCCS agrees with the comment concerning **properties of products which may cause or contribute to adverse health effects** upon ingestion. Therefore, besides pH, “*contact time, physical state, amount ingested, titrable acid and alkaline reserve*” have been added as critical factors.
- Section 11 – page 28: Regarding the comment on the fact that further **studies utilising the information collected by poisons centres are required** in order to identify product groups associated with the highest risk of poisoning and to describe the circumstances that lead to oral intake, the text of the opinion has been modified and a recommendation has been added at the end of the opinion (page 28) on the need for more specific poison control centre data describing in a systematic manner the circumstances leading to oral exposure of household products and cosmetics information concerning.
- Section 11-page 27, the text has been modified to address the comment on the **hazard of alkaline products**.
- Section 11- page 28: Regarding the comment to **extend the opinion to other exposure pathways and product categories**, it has been clarified that the present opinion focuses on liquid products. Possible future work may address other exposure pathways and product categories.
- Annexes – page 37: Some pictures of **consumer products resembling food** have been added as annex I

Comments for which no changes could be made

In addition to the comments received which resulted in the above changes, the following comments were received and evaluated by the SCCS but no changes were introduced in the opinion. The main reasons for this are: 1) comments were outside the scope of the terms of reference for this opinion; 2) comments were outside the competences of the Scientific Committees (and SCCS in this case) as they concerned policy and risk management issues; 3) in the scientific judgement of the SCCS, the submitted scientific evidence and argumentation were not of sufficient quality and strength to support changes and modifications in the opinion and its conclusions. For reasons of clarity, a brief rationale underpinning the evaluation of each comment is provided for each comment.

- Regarding the comments on the **elements of a product** which are **likely to increase the probability for confusion** with foodstuffs or that make a product more child-appealing, the SCCS was of the opinion that the term **“fragrance”** is already adequately covered by the word ‘smell/odour’ which was used as a broader term rather than fragrance which may carry a more specific, restrictive connotation. The SCCS considers that the odour/smell could be a factor making a product more child appealing or breaking the border between food and consumer products. This is covered in the opinion (page 21) when stated that children will prefer sweet, fruity and candy-like odours. A child or an elderly suffering some visual deficits may then be confused.
- Regarding the comment on **flavoured toothpastes**, the SCCS agrees that fruit / **sweet tastes** are a characteristic making a product child-appealing. This is already covered in the opinion on page 20.
- Concerning the **‘Natural’ and ‘organic’** labelling used in some of the CPRF, the SCCS considers that this may cause a very slight increase in confusion for the elderly, but probably not so much for children under 6 years since their reading skill would be limited.
- Concerning the **"width of the opening container"** as a characteristic of products which may increase confusion, the SCCS considers that it is a characteristic which might increase ingestion of greater quantities of the product once accidental ingestion occurs, but this feature of the packaging is unlikely to play a key role in making a product more child-appealing and lead to accidental ingestion.
- As regards to the circumstances under which exposure to food-resembling or child-appealing chemical consumer products will pose a serious risk to the health and safety of consumers, the comments on **the need for a strong policy** regarding chemicals health risks and children’s health, concern risk management issues which are out of the scope of the SCCS and could not be considered in the opinion.
- With respect to comments on the **most common adverse health effects** observed in humans **after accidental ingestion**, of CPRF/CAP chemical consumer products, the SCCS agrees that children are probably not likely to ingest large amounts of chemicals and this point is well addressed in the opinion (page 28) which states that **accidental ingestion** of cosmetic or consumer products are generally not leading to serious health effects.

- Comments concerning awareness raising of consumers or prevention policies are risk management issues which are out of the scope of the SCCS.
- Regarding the comment assuming that the SCCS conclusion was **based on a limited dataset of single case descriptions or case series that were not collected in a systematic way**, the SCCS would like to clarify that for the development of this opinion an exhaustive review of the literature and published reports, including poison centre data, has been done. All available data considered adequate for this evaluation have been taken into account.