

Heads of Environmental Health Services  
(England)  
Directors of Trading Standards (England)  
Chief Port Health Officers (England)  
Cc: LACORS, TSI, CIEH, APHA, APA

20 August 2009

Reference: ENF/E/09/036

Dear Colleagues,

**UNAUTHORISED NOVEL FOOD INGREDIENT *FESTUCA ARUNDINACEA* IN  
CERTAIN SUPPLEMENTS SUPPLIED BY ASPHALIA FOOD PRODUCTS LTD**

On 5 August 2009 at Abertillery Magistrates Court, **ASPHALIA FOOD PRODUCTS LTD** was found guilty with respect to two separate charges of placing a novel food onto the European market in breach of the Novel Food and Novel Food Ingredients Regulations 1997. The food supplements that were the subject of the charges are sold under the brand name **ASPHALIA** and contain the novel food ingredient **FESTUCA ARUNDINACEA**, which is a species of meadow grass. The supplements have been placed on the market by Asphalia Food Products Ltd without first seeking authorisation for the novel food ingredient.

There are four different varieties of Asphalia on the market, namely:

- Asphalia for Natural Sleep;
- Asphalia for Natural Radiance;
- Asphalia for Natural Protection; and
- Asphalia for Weight Control.

We believe that the supplements have been on sale in the UK since 2007. They are sold in containers containing either 60 or 30 capsules. Weight marking may or may not be included on the packaging depending on the age of the supplements.

The supplements are currently on sale in over 400 health food shops across the UK. A complete distribution list is available on the company's website, <http://www.asphalia.co.uk/>

The supplements can also be purchased from many online health food retailers based in the UK. We are also aware that the supplements are on sale outside the EC under the brand name Asphalia Don't Disturb Me. The quantity of Asphalia supplements already on the market is unknown.

In August 2008 Torfaen Trading Standards contacted the manufacturer to urge a product recall of those items of Asphalia that contained *Festuca arundinacea*. The company refused to conduct a recall at that time. We are not confident that the company will now conduct a recall, notwithstanding the convictions.

In early 2009, the manufacturer changed the formulation of the supplements and removed the *Festuca arundinacea* ingredient. As such the 'newer' versions of the Asphalia will contain wheat and barley grasses that are legal. The supplements, however, are still labelled as *Festuca* and will, therefore, be in breach of the Food Labelling Regulations 1996. Some of the older labels will also be in breach of the Food Labelling Regulations 1996 and the Food Supplements (Wales) Regulations 2003 (and corresponding legislation in Scotland, England and Northern Ireland) as they do not contain ingredients lists, instructions for use, a use of the term 'food supplement' as the name under which the supplements are sold, an indication of recommended daily consumption and a warning not to exceed the recommended daily dose, among other omissions.

All of these supplements are in breach of one or more of the Regulations mentioned above and, accordingly, it is an offence to place the supplements on the market.

From the information available to us about this product, we have not identified any possible harmful effects on health.

Contacts for further information are;

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Matthew Bartlett, Torfaen Trading Standards, tel: 01633 647271

Yours faithfully

Colin Houston

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Food Standards Agency