

## ARTICLE 4 REQUEST

### Regulation (EU) 2015/2283

**Recipient Member State:** Ireland: Food Safety Authority of Ireland (FSAI)

**Name of the food:** Lumenato 10%

**Description of the food:**

Lumenato 10% is a tomato oleoresin extract of dry yellow tomato (*Solanum lycopersicum*) pulp obtained by traditional food processing techniques. The pulp is extracted with supercritical CO<sub>2</sub> to separate non-bio active ingredients (fibers, proteins and sugars). The intermediate oleoresin containing carotenoids, fatty acids, phytosterols and waxes is then standardised by dilution with tomato oil to contain 10-12% total carotenoids, 6-9% of which is phytofluene and phytoene.

**Status:** The FSAI concludes that this food ingredient is **novel**.

**Reasons for this conclusion:**

The applicant is unaware of any product similar to Lumenato 10% with a history of consumption in the EU prior to May 15, 1997. Because yellow tomato has a history of consumption in the EU, the applicant believes that this concentrated source of select yellow tomato constituents should also be considered to have a history of consumption. To back this argument up, the applicant cites part of Recital 17 of the novel food Regulation:

*“Food produced exclusively from food ingredients that do not fall within the scope of this Regulation, in particular by changing the ingredients of the food or their amount, should not be considered to be a novel food”.*

However, this recital was intended to explain that the simple reformulation of a multi-ingredient food does not result in a new food and in that context does not make it a novel food. However, yellow tomato, like many foods or ingredients has numerous constituents (fats, sugars, proteins etc.). In accordance with a long-held premise, the non-aqueous extraction, purification or concentration of select constituents in a food can bring that food within the scope of the novel food Regulation because the composition, nutritional value and the level of undesirable substances may be altered by such manipulation.

Therefore, the lack of a history of consumption within the EU of this yellow tomato extract prior to May 15, 1997 brings it within the scope of the novel food Regulation (EU) 2015/2283.

**Novel food category:**

The applicant correctly proposes that if the food is considered novel, it would fall within the novel food category defined in *Article 3.2(a)(iv)* of Regulation (EU) 2015/2283, “food consisting of, isolated from or produced from plants or their parts.....”.