Comprehensive Amendments to Swiss Food Law Regulations Effective February 2024

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Key takeaways

- **Starting February 2024, Swiss food manufacturers and retailers must comply with new standards following a comprehensive revision of Swiss food law.**
- **Swiss retailers must provide written details of the country of origin for all bakery products sold in bulk.**
- **The new regulations set stringent maximum levels for per- and polyfluoroalkyl substances (PFAS) in various food items.**
- **The new legal framework entails clearer guidelines for manufacturers and retailers on redistributing surplus food.**
- **The revision incorporates EU's maximum values for certain tattoo ink components and imposes stricter regulations on ink preservatives. Additionally, a more rigorous standard for furocoumarins in cosmetics, applicable to all sun-exposed products, will take effect as of 2026.**
- **The permissible time for transporting and processing animals post-slaughter in farm and field will be extended from 45 to 90 minutes settings.**

Introduction

The comprehensive overhaul of the Swiss food law, known as the Stretto Package 4, brings forth substantial modifications to 25 distinct regulations. This sweeping reform aims to elevate the standards of health protection and fraud prevention, while ensuring that Swiss legislation remains in step with the European Union's benchmarks. These amendments will take effect on February 1, 2024.

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Food Safety, Animal Welfare, and Health Protection Measures

Origin Declaration Mandate for Bulk-Sold Bakery Goods

- Bakeries, restaurants, and retail outlets will be required to indicate in writing, and not just verbally, the country of production of bread and bakery products sold in bulk (except for biscuit and cracker products) to improve consumer awareness of the origin of these bulk-sold goods.
- This means, for example, that the country of production of bread served in slices in a restaurant, or sliced bread used to make sandwiches, must also be declared in writing (Art. 39 para. 2 let. d. new OFUA) (Article 39 para. 2 let. d. new OFUA).
- Baking an imported ready-to-use dough does not confer a new country of production to the bread or to the bakery products after baking.

Maximum PFAS Limits in Food

- As of February 1, there will be a maximum limit for per- and polyfluoroalkyl substance (PFAS) residues in certain foods, including eggs, meat, some fish species, crustaceans, and bivalve mollusks, which will match the existing limits in the EU; this step is taken due to the widespread use of these hard-to-degrade chemicals and their potential dispersion into the environment and food chain. (Art. 2 para 3 let. hbis in conjunction with Annex 8a new Contaminants Ordinance.)

Surplus Food Redistribution

- The revision incorporates parts of the EU "hygiene package" regulation and establishes a legal framework for the redistribution of surplus food, allowing manufacturers and retailers to follow clear guidelines on the steps to take before donating food or providing it to charitable organizations, enhancing consumer protection, and reducing food waste (Art. 2 para. 1, no. 32 and 8 para. 4 new OFUA).
- For instance, charitable organizations will issue membership cards to people who consult certain social services, and who are then the only ones entitled to receive surplus food items (Art. 39 para. 1bis new OFUA).

Stricter Health Standards for Tattoo Inks and Cosmetics

- Switzerland is enhancing health protection by adopting EU maximum values for certain components in tattoo inks and implementing stricter regulations for the preservatives in these inks.
- For cosmetics, Switzerland applies a more stringent maximum value (1 mg/kg) for furocoumarins – phototoxic plant substances that can become carcinogenic upon sun exposure – to all products that remain on the skin and are exposed to sunlight (apart from

perfumes, eau de toilette, and eau de Cologne), not only to sunscreens and tanning products like in the EU.

- Therefore, it will no longer be allowed to market cosmetic products from the EU that do not comply with the maximum value of 1 ppm in Switzerland for reasons of health protection.
- This rule will apply to both imported and domestically produced cosmetics and will take effect in early 2026 (Art. 2, let. C nr. 11 new OMPMFS, in conjunction with Art. 6 para. 1 OCos).

Evisceration Time Post-Slaughter

Switzerland, since 2020, allows on-farm and field slaughtering for meat production. The regulation has been updated to extend the time from slaughtering to evisceration at a slaughterhouse from 45 to 90 minutes, ensuring food safety and making the process more practical. This change is also considered beneficial for animal welfare, as it allows animals to remain in a familiar environment until death, reducing stress levels (Annex 3, Article 2.3 para. 5 new OHySl).

Next steps

Companies involved in food production, cosmetics, and tattooing industries in Switzerland must now prepare to comply with the new regulations. This includes adapting to stricter standards for food origin labelling, PFAS limits, tattoo ink composition, and cosmetic safety. Businesses will need to update their practices, train staff accordingly, and possibly adjust supply chains to ensure all products meet the enhanced requirements.

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No legal or tax advice

This legal update provides a high-level overview and does not claim to be comprehensive. It does not represent legal or tax advice. If you have any questions relating to this legal update or would like to have advice concerning your particular circumstances, please get in touch with your contact at Pestalozzi Attorneys at Law Ltd. or one of the contact persons mentioned in this legal update.

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