

2024

Proposition 65 – Position Max Felchlin AG

To Whom It May Concern

The San Francisco Superior Court has defined maximum levels of cadmium and lead in chocolate sold in California, U.S.A. in accordance with Proposition 65. The current limits, which will become more severe in 2024, are:

	up to 65% cacao	More than 65% and up to 95% cacao	More than 95% cacao
Cadmium (Cd)	0.4 ppm	0.45 ppm	0.96 ppm
Lead (Pb)	0.1 ppm	0.15 ppm	0.225 ppm

If the cadmium and/or lead levels in chocolate exceed these levels, the following warning statement must be placed on a consumer covered product's labelling and on websites when the product could be sold in California:

WARNING: Consuming this product may expose you to chemicals including lead and cadmium, which are known to the State of California to cause [cancer and] birth defects or other reproductive harm. For further information go to www.p65warnings.ca.gov

The European Commission has introduced maximum levels of cadmium in chocolate and cacao powder in *Regulation (EC) 2023/915 setting maximum levels for certain contaminants in foodstuffs of 25 April 2023*. Switzerland has followed suit and specified maximum levels of cadmium in chocolate and cacao powder analog to Europe with minor differences in *Swiss Regulation 817.022.15 regarding maximum levels of contaminants (VHK)* effective from 01.07.2020.

The maximum cadmium content is based on the total dry cacao solids.

Chocolate / Cacao powder	Cacao Content [%] (Total dry cacao solids)	Cd-Limit [mg/kg]
Chocolate / couverture	≥ 50	0.8
(Milk) Chocolate / couverture	≥ 30 < 50	0.3
Milk chocolate / -couverture	< 30	0.1
Cacao powder	-	0.6

Regulation (EC) 2023/915 from 25 April 2023

Chocolate / Cacao powder	Cacao Content [%] (Total dry cacao solids)	Cd-Limit [mg/kg]
Chocolate / Couverture	≥ 70	0.9
Chocolate / Couverture	≥ 50 < 70	0.8
Chocolate / Couverture	≥ 30 < 50	0.3
(Milk) Chocolate / Couverture	< 30	0.1
Cacao powder	-	0.6

SR817.022.15 from 01. July 2020

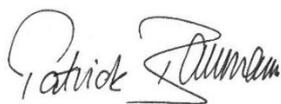
The single origin couverture produced by Max Felchlin (Grand Cru couverture) are affected particularly strongly by the legislation due to the pure origin of the cacao beans. As such, exact information regarding the cadmium level in pure origin beans has been accumulated. For this reason, Max Felchlin AG has actively addressed the issue for a considerable period of time and analyzed cadmium levels in beans since 2000, thus allowing for a precise selection of its cacao beans. The analyses have intensified since the legislation changes came into effect. The accumulated experience enables the correct selection of beans for processing to couverture. These procedures ensure a high level of security and enable Max Felchlin AG to adhere to Swiss and EU legislative limits. There is currently no legislation regarding lead in chocolate in the EU or Switzerland.

Max Felchlin AG does not guarantee limits required by Proposition 65 and recommends:

1. The addition of the warning statement on packaging intended for the California market and
2. Advice to clients that the warning label is required by California law and they must ensure their products are labelled according.

Should you have any further queries, please do not hesitate to contact us.

Kind regards



Patrick Baumann
Chief Sales Officer



Sepp Schoenbaechler
Chief Innovation & Quality Officer