

# FOOD SAFETY

## FACT SHEET



### Food Standards Information for Catering Establishments

#### What is Food Standards?

Food Standards relates to the legal requirements covering the quality, composition, labelling, presentation and advertising of foods and of materials or articles in contact with food. Food descriptions are controlled by the **Food Safety Act 1990**.

#### Who does this fact sheet apply to?

Catering establishments, e.g. Restaurants, take-aways, cafés, canteens, clubs, public houses, schools and hospitals etc. where food is prepared for delivery to the ultimate consumer and is ready for consumption without further preparation. This includes the sale of food from a vehicle, fixed or mobile stall.

#### What Labelling is required by law?

- If food contains an ingredient that has been **irradiated**, the food needs to be labelled that it contains that ingredient and be accompanied by the word 'irradiated' or 'treated with ionising radiation'. Typical foods which may be irradiated include spices and shellfish. This information should be passed to you by your supplier.
- If a meal contains **genetically modified** (GM) material (usually derived from maize or soya) then an indication must be made on the menu by the use of the words 'produced from genetically modified soya/maize', or an alternative. This information must accompany the food item and must also identify if the food has been cooked in genetically modified matter, e.g. 'cooked in oil produced from genetically modified soya'.

As an alternative, the menu may state the product, followed by the letters 'GM', but this indication must have an explanation on the menu that sufficiently explains the meaning. This is similar to the 'V' symbol for vegetarian food but must indicate the GM ingredient and its use when appropriate.

The words 'GM free' can be used but the use is discouraged as, analytically, it is possible to detect minute traces of GM organisms. The only exemption to this are foods that have been accidentally contaminated or have GM material unavoidably present at low levels (no more than 0.9% in both cases).

#### Food descriptions

Any information provided must not falsely describe the food, or be likely to mislead as to the nature, substance or quality of the food being served. This applies whether the description is written on a menu, chalkboard or other advertising material, or where it is spoken - perhaps in answer to a customer's question.

If an item is taken off of the menu for some reason, the description of that food must be removed as soon as is reasonably practicable. If the food in question is only available for a limited period of the

day (for example, at breakfast only) the description should be removed before the start of the next similar period, i.e. before breakfast the following day.

### **Some Examples:**

**Scampi:** Products made from one or more complete scampi wholeetails may be referred to as 'wholetail scampi' or 'scampi'. The term 'wholetail scampi' must not be used for products made from reformed scampi pieces. This product must be advertised as 'reformed scampi'.

**King prawn:** This description can only be used where the prawns are of one of three specific species of prawn and which are the correct size. **Tiger prawn:** This description can only be used where the prawns are of this species.

**Chicken fillet and breast:** These terms must not be used where the chicken has been chopped and shaped. Care must also be taken to check that you are not buying chicken with added water and other proteins, such as from another animal species or milk derived.

**Roast:** This description should not be used where a food has been steamed and flash roasted.

**Smoked:** This description should only be used where the product has been subject to a smoking process. Where only a smoke flavouring has been added, the description 'smoke flavour' should be used.

**Fresh:** This description must not be used where ingredients are tinned or frozen.

**Home-made:** This description must not be used if you have not made the menu dish yourself from ingredients.

**Vegetarian:** Any vegetarian dishes must have been produced without any contact or contamination with meat, fish or seafood. This includes using separate oils for frying vegetarian dishes and careful checking of sauce ingredients.

**Free from nuts, milk, shellfish:** Particular care should be taken with food described as suitable for any allergy sufferers and supplying food to a consumer who has advised you of his/her allergy where you have assured the consumer that the food is safe for him/her. You need to exercise extreme caution, as customers could suffer a fatal reaction from minute levels of contamination. If someone with a food allergy asks you whether a dish contains a certain food, you should never guess the answer, if you make a dish from scratch, you will know what goes into it, but remember that you will need to think about each of the ingredients you use and what they contain. It is important to check the ingredients of anything you buy in ready-made. Don't rely on what you think is in these products.

**Portion sizes:** Pancake rolls (6) or ½ duck, for example, must be accurate.

**Colours:** The law sets maximum levels for colours in various foods, including sauces, and only certain colours may be used. Sweet and sour sauces have occasionally been found to contain excess colours, and care should be taken when making these if you use colours or mixes containing colours.

**Regional Declarations:** Must be able to be substantiated: e.g. Isle of Wight, Aberdeen Angus Beef, Scottish Smoked Salmon.

**Description of drinks:** Care must be taken with drink brand names. The following are examples of well-known brands of spirits: 'Bacardi' is a brand of white rum; 'Smirnoff' is a brand of vodka and 'Bells' is a brand of whisky

If you cannot be certain that you will always have a particular brand in stock, you may wish to list spirits as rum/vodka/whisky, with no specific brand. If you supply a different brand to that advertised on your menu, or what the customer requests, or what is shown on a plaque attached to the optic, you may commit a criminal offence.

#### **Good practice advice**

- Check that the descriptions that you make are correct and agree with the descriptions given by your supplier (on order forms, delivery documents, invoices or on product packaging). Remember that product specifications may change over time, so you need to keep checking, take particular care when you change supplier
- If the product specification changes, you must make sure your customers are not misled - if you are not able to change your menu descriptions immediately, or if the change is only temporary (e.g. because of a lack of supply of a particular ingredient), the customer must be advised of the change at the time the order is placed

#### **Contravention of food standards laws**

Contravening of laws enforced by Environmental Health is normally a criminal offence, for which the business itself, persons controlling and directing the business and, in certain circumstances, ordinary food handlers can be held responsible.

#### Further Information

This Fact Sheet contains basic information only. For more detailed and authoritative advice you should refer to the Food Standards Agency [www.food.gov.uk](http://www.food.gov.uk) or call the Environmental Health Department on 823000.

# FOOD SAFETY

## FACT SHEET



### New Food Labelling Regulations: Food Information Regulations 2014

A new EU Regulation on food labelling will amend current food labelling laws in the United Kingdom.

This fact sheet is intended to provide an overview of some of the changes that will affect businesses; it should not be taken as a direct interpretation of the law, as only the courts have this power. Officers of the Isle of Wight Council are able to advise businesses, but ultimately it is the responsibility of businesses to ensure that they comply with the law.

The new EU Food Information Regulations 1169/2011 (FIR) on the provision of food information to consumers, otherwise known as the Food Information Regulation 2014, will replace the Food Labelling Regulations 1996.

The new Regulation will help to make food labels clearer and also improve nutritional and allergen information to consumers. The Regulation applies to food businesses at all stages of the food chain [Article 3]. It will apply to all food intended for the final consumer, including foods delivered by mass caterers, and food intended for supply to mass caterers.

### Basics – Mandatory Information

Many provisions will remain unchanged, but there are significant changes being introduced that will mean most Food Business Operators will be affected in some way.

The fundamental principles of providing safe food which is honestly described and presented remains [Article 7] and this information is required in the language where the item is sold [Article 15].

On pre-packed food there is **mandatory information** which must be included [Article 9] although there are some exemptions listed in [Article 16].

- A true name or description of the food [Article 17]
- A list of ingredients, in descending weight order – there are some exemptions [Articles 18-22]
- Information on allergens [Article 21 and Annex II]
- The quantity indication of certain ingredients or categories of ingredients QUID [Article 22]
- The net quantity [Article 23]
- An appropriate date of minimum durability or the 'use by' date [Article 24]
- Any special storage conditions and/or conditions of use, if necessary [Articles 25 and 27]
- A suitable name or address
- Particulars of the county of origin if its absence would mislead [Article 26]
- A nutritional declaration [Section 3, Articles 29 -35]

There are additional rules for specific information declaring whether the food is irradiated or contains genetically modified material or aspartame, high caffeine, sweeteners, packing gases etc. [Annex III].

Alcoholic strength where there is more than 1.2% alcohol by volume [Article 28]

This mandatory information in the case of pre-packed food, shall appear directly on the package or on a label attached thereto [Article 12].

Mandatory food information shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It shall not in any way be hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material [Article 13].

Other information included on a label which is known as **voluntary information** shall not be displayed to the detriment of the space available for the mandatory information [Article 37].

## Summary of Changes – Pre-packed Foods

This is an overview of the main changes affecting pre-packed foods.

- **Scope** of the requirements as previously food sold between some businesses was exempt from the labelling requirements. However now all in the supply chain must ensure the mandatory information is available on the food labelling or in a commercial documents [Article 8]
- A **minimum font size** is specified in the legislation for all **mandatory** information; the height of the letter 'x' in the chosen font must not be less than 1.2mm.

x - in Times New Roman 7.5 font

x - in Arial 6.5 font

x - in Verdana 6.5 font

There is an overriding principle that the mandatory information is clear and legible [Annex IV].

- **Allergenic ingredients** must be emphasised in the ingredients list, for example by the use of a different font, style or colour. There are currently 14 listed allergens [Annex II]. The use of 'Contains' in an allergy box will no longer be permitted. Voluntary statements highlighting the risk of cross contamination with allergens may still be used but these must be risk based [Article 9].

The 14 substances or products causing allergies or intolerances are: fish, crustaceans, molluscs, nuts, peanuts, milk, eggs, soybeans, celery (including celeriac), mustard, sesame seeds, lupin, sulphur dioxide, and sulphites (as a concentration more than 10mg/kg) and certainly containing gluten (wheat, rye, barley, oats, spelt, kamut)

- The **source** of any animal or vegetable oil or fat ingredient must be provided and the description 'fully or partly hydrogenated' if it is [Annex VII].
- **Country of Origin labelling** has been extended to the meat of pigs, sheep, goats and poultry [Article 26] these came into force in April 2015 and are contained in Commission Regulation 1337/2013. Beef, fish, honey, olive oil, fresh fruit and vegetables already require this.
- **Distance Selling** – all mandatory information must be provided both before the purchase is concluded (except for the durability date) and at delivery [Article 14].

- The **name of the food** has always had to include a **reference to the physical state** of the food or the treatment the food has undergone, for example powdered, dried, smoked, concentrated but this has been extended to include **defrosted**, to be applied when omission of such information could mislead the purchaser [Annex VI]. The word **formed** must be used when meat or fish products have been made from different pieces of meat and yet have the appearance of a whole piece.
- The **date of first freezing** is required on meat and fishery products [Annex III, Part 6].
- The **field of vision** requirements only include the name of the food, net quantity and alcoholic volume need to be able to be read by the customer from a single viewing point [Article 13(5)].
- The need to provide **nutritional information** on the labelling, such as energy, fat, carbohydrates, protein and salt. Previously this was only required where a certain claim was made but is now mandatory. If you provide this information already you will need to amend the label as the regulations require this to be a prescribed order and format [Annex XV] there are some specific exemptions [Annex V].

## Summary of Changes – Non Pre-packed Foods (loose foods)

This is an overview of the main changes affecting food sold loose or sold directly to the consumer by the person packing the food (known previously as prepacked for direct sale) are:

- If the food contains any of the named 14 **allergenic ingredients** provided in the box above this will need to be declared to consumers. This may be on shelf edge labels, menus or verbally at the request by the consumer [Article 21 and 44(1a)]. Guidance is that information should be where the consumer would expect to find it, for example on the menu or blackboard.

The information should not only be provided on request, but there is also an expectation that some information will be provided up front, as a positive communication regarding allergen information. For example, a statement such as: *“Food Allergies and Intolerances – Please speak to our staff about the ingredients in your meal, when making your order. Thank you.”*

Information can be provided verbally, but **MUST** be accurate, consistent and verifiable upon challenge: **Consistent** (always from a nominated person) and **verifiable upon challenge** (with reference to written information, not from memory or off the top of the chef’s head).

- The presence of **additives** no longer needs to be declared [Article 44]

## Other Considerations

### Specific Food Regulations

There are still some foods that are to be controlled by specific regulations, these cover both labelling and composition and include; chocolate, jam, honey, fruit juice, milk, mineral water, meat, fish, eggs, organic products, baby food, bread and flour.

## Claims – Health or Nutrition

Foods marked with certain claims must comply with complex rules, the types of claims controlled are - A claim that a food has; tonic properties, can prevent, treat or cure disease or has a particular nutritional purpose. In addition claims of reduced, low or free energy, sugar, fat, gluten etc.

As a **General Principle** nutrition and health claims shall not:

- be false, ambiguous or misleading;
- give rise to doubt about the safety and/or the nutritional adequacy of other foods;
- encourage or condone excess consumption of a food;
- state, suggest or imply that a balanced and varied diet cannot provide appropriate quantities of nutrients in general.

### **What to do?**

You must consider how the above changes affect your business and make plans and changes so that you comply.

The final page contains a number of links to documents and training to assist your understanding of the general requirements and these changes.

### **Further Guidance**

The Regulation 1169/2011 can be viewed here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0018:0063:EN:PDF>

Further guidance: The Food information Regulations 2014 Guide to Compliance produced by DEFRA [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/82663/consult-fic-guidance-20121116.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82663/consult-fic-guidance-20121116.pdf). This is a good document and goes through each the Articles and requirements and issues and provides a guide to compliance.

The Food Standards Agency has produced an online training and reference material <http://www.food.gov.uk/enforcement/enforcetrainfund/onlinetraining/food-labelling-training-online/>

Government website on labelling <https://www.gov.uk/food-standards-labelling-durability-and-composition#overview>

A further source of useful information with examples included in the Reading Law Site that <http://www.reading.ac.uk/foodlaw/label/> this sites intention is to help: small and medium sized food businesses - who may have limited access to legal advice.

Claims: <http://ec.europa.eu/nuhclaims/> Website showing the register for the EU permitted Health and Nutrition Claims.

### Allergens:

Please see <http://allergytraining.food.gov.uk/english/default.aspx> an online training programme produced by the Food Standards Agency.

The following document has some examples on how allergens can be highlighted in the ingredients list <http://www.brc.org.uk/downloads/Guidance%20on%20Allergen%20Labelling.pdf>

Some food manufacturers also use voluntary labelling to indicate the possible accidental presence of an allergen in a food – using phrases such as 'may contain nuts'. The Food Standards Agency has produced guidance for the industry on allergen control. This includes advice on how to decide if such advisory labelling is needed and the wording to be used  
<http://multimedia.food.gov.uk/multimedia/pdfs/maycontainguide.pdf>

*This guidance sheet contains basic information only and further advice can be gained by contacting the Environmental Health on 01983 823000 or [eh@iow.gov.uk](mailto:eh@iow.gov.uk)*