

# businesscompanion

## trading standards law explained

### Food and drink

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**The law sets out rules that cover the preparation, composition and labelling of food supplied for human consumption**

In broad terms:

- the quality must meet the expectations of the consumer
- it must be as described and not presented in a way that misleads the consumer
- nothing may be added or removed that would make it harmful to health

And the rules covering food safety can be divided into two broad areas:

- the preparation of a product (for example, hygiene)
- the finished product (such as labelling and presentation)

If you prepare, pack or sell certain specific food products there will be additional regulations; check the In-depth Guides to find out whether there are extra rules that apply to you.

There are laws that cover the weighing and measuring of foods. Make sure you check the 'Weights and measures' Quick Guide or you can find detailed information in the In-depth Guides under 'Other' below

### Food hygiene and safety

Food businesses and handlers must ensure that their practices minimise the risk of harm to the consumer.

Millions of people in the UK are affected by food poisoning each year, so food hygiene is a key priority if you prepare or handle food. There are a number of key risks, including illness or death from food

poisoning, increased consumer complaints, loss of reputation, legal action and fines.

There are seven issues that must be considered by businesses that prepare and handle food:

- contamination
- temperature controls
- storage and preservation
- personal hygiene
- pest control
- cleaning and disinfection
- food safety management

This area is covered by environmental health rather than trading standards, and is therefore not covered on the site. Contact your local environmental health service for advice on these issues.

## **Food safety: quality and composition**

There are rules that cover the make-up of a range of foods that could be high risk if lower-quality ingredients or products have been used. These foodstuffs include bottled mineral water, jams and meat products.

The composition and labelling requirements for such high-risk foods are covered in regulations that are designed to protect consumers from illegal changes to foods. You can find information on these regulations and who they apply to in the In-depth Guides.

## **Food safety: quality and labelling**

The law sets out what is required to be shown on food packaging. This is to allow the consumer to make an informed choice.

Prepacked foods are supplied to you already packaged. Non-prepacked foods are those that are sold unwrapped - for example, in restaurants, bakeries, deli counters or salad bars. Foods may also be sold 'prepacked for direct sale'. This is where the foods are wrapped on the same premises as they are sold, such as meat pies or sandwiches packed on site

## **Prepacked food**

If you sell food that is prepacked you must give the following information:

- the name of the food
- a best-before or use-by date
- the net quantity
- any required warnings - for example, if food contains aspartame the following wording must be given: 'Contains a source of phenylalanine'
- a list of ingredients (unless the product is a single ingredient and the name of the product is the ingredient); allergenic ingredients must be emphasised in some way (such as bolding) each time they appear in the list

- a quantitative declaration (QUID) of certain ingredients
- the name and address of the responsible food business operator
- traceability information such as a lot number (unless the best before/use-by date is sufficient for traceability purposes)
- any special storage conditions (if necessary)
- instructions for use or cooking (if necessary)
- origin marking (only if the customer would be misled as to the origin without it)
- a nutrition declaration

## Best before, use by and sell by

Best before	Use by	Sell by
<p>for most foods, the 'best before' date mark is appropriate. It relates to the quality of the food and is an indication of the period for which a food can reasonably be expected to retain its optimal condition. Retailers can sell food after the best-before date provided the food is safe to eat, but they take responsibility for the quality of the food if they do so</p>	<p>for foods that are highly perishable 'use by' is the required form of date mark. These foods present a microbiological risk to the consumer if sold after the indicated date, and so this mark relates to the safety of the food. It is an offence for shops to sell food after its use-by date</p>	<p>products may be labelled with 'sell by' and 'display until' dates, but these are not required by law and are used mainly for stock control purposes within business premises. A sell by date cannot replace a best-before or use-by date. (There are different rules for eggs)</p>

There are other special rules for subjects such as the country of origin, and treatments such as genetically modified (GM) food. Again, see the In-depth Guides below if you are in any doubt about the laws that apply to you.

## Non-prepacked food

If you sell food loose - or package it for sale - in your shop or you run a catering business, the rules are different. You only need to show:

- the name of the food
- if any ingredients have been irradiated
- if any ingredients have come from GM sources
- certain warnings
- allergen information (or a notice advising that this is available on request)

## Nutrition and health claims

There are laws governing what claims the food label may make about the nutritional properties of the food - for example, 'low fat' - and/or the potential health benefits consuming the food may have.

It is illegal for the food (or any advertising for the food) to make a claim that consuming it can treat or be a remedy for cancer, or give any advice in connection with the treatment of cancer.

In Scotland, food labelling laws are not generally enforced by the trading standards service, but rather by environmental health. As such, there are fewer In-depth Guides on food for Scotland than there are for England and Wales

***For more detailed information please see the In-depth Guides below. Once you've finished, make sure you look at the full range of Quick Guides to see whether there are any other areas of law that affect your business.***

### **Before you start**

Make sure you choose your location using the drop-down list at the top of the page. The In-depth Guides provide country-specific information as some laws are different in England, Scotland and Wales, and some are enforced differently

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