

# T&L *UPDATE*

After much debate the Fish CMO (Regulation on the Common Organisation of the Markets in Fishery and Aquaculture Products) has been published. The new Regulation includes labelling provisions that apply alongside the new EU FIC Regulation on Food Information to Consumers so needs to be considered if redesigning packaging for certain fishery products.

Everyone is ramping up their efforts to change food label indications as the December deadline looms; the FSA have launched an on line learning tool to help Enforcement Officers get to grips with the new requirements - it is also available for food businesses to use - and its completely free!

Also new on EU FIC, the Regulation on Food Information to Consumers - check out the National Measurement Office's webpage on the BIS website to read about how weight indication requirements will change.

Have your say - Defra are consulting on what to do with the current Meat Products Regulations. The proposal is to amend them to remove overlaps with the new EU FIC Regulation on Food Information to Consumers and ask whether people want to keep minimum meat content standards for reserved descriptions such as 'burger' and 'sausage'

The Fluorinated refrigeration gases review or F Gas review is now very close to being finalised, discover how it might affect your business and start preparing for the change.



December saw the publication of Professor Chris Elliott's Interim review into Integrity and Assurance in the Food Supply Chain in which he identifies 8 key system features. Cold stores, transport, brokers and frozen meat blocks are all highlighted as posing particular risks. We are seeking to meet with Professor Elliott before his final report is published. In the meantime you may find useful a new guide on managing supply chain risks entitled: Food Authenticity: 5 steps to help protect your business from food fraud.



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## ACTIVITY OF EUROPEAN INSTITUTIONS

### GUIDANCE ON COLOURS

The European Commission has published a guidance note on the distinction between colours and food extracts that have colouring properties. "Guidance notes on the classification of food extracts with colouring properties" can be accessed via this link: <http://tinyurl.com/puzvzsu>

The new guide was approved by the Standing Committee on the Food Chain and Animal Health at the end of November 2013 and is intended to give direction on when a colour is a food additive needing an E number notation and when it is in fact a food extract with colouring properties.

The guidance specifies that ingredients that impart colour can be considered as a colouring food rather than an additive if it is derived from a fruit, vegetable, herb or other food source usually consumed in the UK before 1997; is minimally processed and retains the characteristics of the original source material.

### COMMON AGRICULTURAL POLICY AGREED

In late December the European Council adopted the common agriculture policy (CAP) reform package following a first reading agreement with the European Parliament on 20 November.

This reform sets out the new rules for the CAP in the next seven-year period. The main objectives of the reform were intended are to make the CAP greener and better targeted, with a more equitable distribution of income support to farmers across the Union and a more effective rural development policy.

The CAP budget for the 2014-2020 period amounts to EUR 408.31 billion (38% of the overall EU budget).

The CAP reform package comprises four main legal texts:

- The regulation establishing rules for direct payments to farmers (95/13).
- The regulation establishing a common organisation of the markets in agricultural products (96/13). The single common market organisation (Single CMO)
- The regulation on support for rural development (93/13).
- The regulation on the financing, management and monitoring of the CAP (horizontal regulation) (94/13).

The package also includes a transitional regulation for the year 2014 (103/13) to bridge the gap between the existing legal framework and the elements of the reform for which it was decided that they will apply only from 2015 (particularly as regards direct payments and rural development), in order to give Member States sufficient time to roll out the new policy.

Find out more on the Commission website: <http://tinyurl.com/qjvdegt>

### FISH CMO AND COMMON FISHERIES POLICY PUBLISHED

The new Regulation on the common organisation of the markets in fishery and aquaculture products (Fish CMO) replacing the Regulation 104/2000 has now been published the Regulation entitled: Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 can be downloaded through this link: <http://tinyurl.com/pgbk4qe>

The new Regulation contains labelling provisions that apply alongside the new EU FIC Regulation 1169/2011 on food information to consumers including a requirement for certain fishery and aquaculture products sold to consumers or caterers to be marked or labelled with:

- the commercial designation of the species and its scientific name;
- the production method, in particular by the following words "... caught ..." or "... caught in freshwater ..." or "... farmed ...";

- the area where the product was caught or farmed, and the category of fishing gear used
- whether the product has been defrosted; though this does not apply to ingredients; foods for which freezing is a technologically necessary step; fishery and aquaculture products previously frozen for health safety purposes and products which were defrosted prior to the processes of smoking, salting, cooking, pickling, drying or a combination of any of those processes.
- the date of minimum durability, where appropriate.

Alongside the Fish CMO the revised Common Fisheries Policy has also been published.

Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC

The Regulation can be downloaded via this link: <http://tinyurl.com/omtfn3x>

## **GUIDE TO THE TERMINOLOGY AND PROCEDURES OF THE EU**

The UK Parliament has published a useful Commons background paper providing a guide to terminology and procedures of the European Union. It aims to clarify some of the terminology used to describe the institutions, laws and procedures of the European Union. It also provides some very helpful links to useful sources of information on the EU to help you keep up to date on the latest activity. The guide can be downloaded from the Parliament.uk website: <http://tinyurl.com/mrmshn9>

## **CONSUMER RIGHTS DIRECTIVE APPLIES**

On the 13th December 2013 the Consumer Rights Directive (the “CRD”) was enacted across the EU. It will mean that following the 13th June 2014, businesses across the EU will need to comply with the legislation when contracting with consumers. Particular emphasis is given to e-commerce and doorstep sales, and there are a number of new requirements to comply with to ensure contracts are enforceable with consumers. These include the requirement of enhanced cooling off periods and increased price transparency.

Eversheds have produced a useful guide to the CRD that looks at how the CRD will change the laws of 15 countries including the United Kingdom, Germany, France, Italy and Spain. The guide is free to download and can be accessed on the eversheds website through this link: <http://tinyurl.com/p2nkmmq>

## **OPTIONAL QUALITY TERM ‘PRODUCT OF ISLAND FARMING’**

The European Commission published a report in December 2013 on the case for an optional quality term (OQT) ‘product of island farming’.

Under Article 32 of the Regulation on Quality Schemes for Agricultural Products and Foodstuffs (EU) No 1151/2012, the Commission was required to present a report to the European Parliament and Council on the case for such a new term.

The report examines the socio-economics and specificities of island farming, reviews existing labelling schemes and provides factual analysis to enable a debate on whether reserving a new ‘product of island farming’ OQT is the right way to help island producers better communicate the characteristics that add value to their products.

The Commission report is available here: <http://tinyurl.com/nga7eht>

## EFSA 2014 MULTIANNUAL PLAN

EFSA will be looking at a very busy 2014, with over 670 scientific outputs scheduled for completion this year. Among the highlights of the work programme will be the delivery of opinions and reports on issues of key public health importance such as: exposure to acrylamide in food; allergens in food; dietary reference values for vitamins and minerals; exposure to caffeine; and the threat posed by pathogens found in food or non-animal origin.

This year's work programme will be carried out as EFSA's first Multiannual Plan (MAP), covering 2014-2016. The aim of this approach is to help the Authority to work more closely and effectively with stakeholders, Member States and the wider European risk assessment community.

EFSA's Acting Executive Director, Dr. Bernhard Url, said: "EFSA's work programme for 2014-2016 illustrates the challenged Europe faces from an increasingly complex food chain and also our commitment to continuing to protect our citizens with robust scientific advice."

Data collection will be to the fore as EFSA continues to position itself as the hub of European food safety data networks. As part of this strategy, work will continue on the development of a data 'warehouse', which will make relevant data more accessible to Member States and stakeholders.

To read more about EFSA's Multiannual Plan, go to: <http://tinyurl.com/ptvkv9q>

## EUROPEAN PARLIAMENT REPORT ON FOOD FRAUD

The European Parliament Committee on Agriculture and Rural Development (AGRI) and the Committee on the Internal Market and Consumer Protection have voted on an own Initiative paper on the food crisis, fraud in the food chain and control thereof. Both Committees have approved the opinions below.

<http://tinyurl.com/ozogldo> and <http://tinyurl.com/qbpbk7d6>

The paper was then further approved in full plenary meeting and will be passed to the European Commission with some recommendations for action: <http://tinyurl.com/qcwkhna>

The text calls for

- An EU-wide harmonised definition of food fraud and calls on the European Commission to strengthen the EU Food and Veterinary Office (FVO), which carries out inspections.
- The establishment of a European network to combat food fraud and proposes that DNA tests should be used more widely, to eliminate any species fraud.
- More thorough inspections of frozen foodstuffs and for a draft law to make labelling mandatory for meat and fish.
- Traceability would be improved by making it mandatory to state the country of origin, they observe, including for all meat-based processed products.
- Dissuasive Penalties of at least twice the estimated economic gain sought by the fraudster, and criminal law penalties for cases in which fraud endangers public health.

## **ANALYTICAL, METROLOGY, FOOD SAFETY & ZOOSES**

### **IMPORT CONTROLS ON FROZEN STRAWBERRIES INCREASE DUE TO HEPATITIS A RISK**

The European Commission has published in the Official Journal of the European Union (L341 18 December):

Commission Implementing Regulation (EU) No 1355/2013 of 17 December 2013 amending Annex I to Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin

Among the increased controls are sampling requirements for frozen strawberries imported from China for Norovirus and Hepatitis A. The regulation can be downloaded through this link: <http://tinyurl.com/oc5tre5>

### **WELMEC GUIDE TO GLAZED FROZEN PRODUCTS**

WELMEC (European Cooperation in Legal Metrology) have published a "Guide on the Verification of Drained Weight, Drained Washed Weight and Deglazed Weight"

The guidance is intended to provide guidance regarding the determination of drained net weights in order to comply with the requirements of European Food Labelling legislation. The guidance is based on the same tolerances and weight requirements as those specified for e-marked pre-packages in Directive 76/211/EEC3. Complying with this guidance will fully cover metrological requirements for drained weight. This guidance is harmonised with the requirements and test methods stated in OIML (Organisation Internationale de Metrologie Legaler) 87 (2004) Quantity of Products in Pre-packages.

The guidance sets out requirements, sampling plans and test procedures for the verification of drained weights, drained washed weights and drained deglazed weight (drained weight) which can be used by those involved in their monitoring and regulation. Additional guidance is provided for manufacturers who are obliged to control their filled weights in a manner which ensures the achievement of drained weight targets.

For products where it is unclear whether the liquid of a drained weight product is "meant to be left over after use", the list of liquid media in European Food Labelling Legislation provides clarity. To Download the Guide: <http://tinyurl.com/nhtotuk>

### **NATIONAL MEASUREMENT OFFICE CONSIDERS LABELLING IMPACTS OF EU FIC**

The National Measurement Office has published on its website the changes that will apply from 13 December 2014 to Food labelling that affect Weights and Measures due to the application of the Food Information to Consumers (FIC) Regulation (No. 1169/2011).

Under existing UK legislation the majority of foods is required to be sold by weight or volume, but certain foods may be sold by number and some are exempt from quantity labelling.

The current requirements for quantity labelling of loose and pre-packed foods are contained in:

- The Weights and Measures Act 1964 (Cheese, Fish, Fresh Fruit and Vegetables, Meat and Poultry) Order 1984 (SI1984/1315) (as amended),
- The Weights and Measures (Miscellaneous Foods) Order 1988 (SI1988/2040) as amended and
- The Weights and Measures (Intoxicating Liquor) Order 1988 (SI1988/2039) as amended.

The UK will revoke its national legislation on quantity labelling of pre-packed foods from 13th December 2014, including existing exemptions. Go to: <http://tinyurl.com/pxy78hz> to find out more.

### **WELMEC GUIDE ON PRE-PACKAGES**

WELMEC, a cooperation between the legal metrology authorities of Member States of the EU and EFTA, has published a guide 'Information on Packages whose Quantity Changes after Packing'.

The requirements for the quantity of product, which change after packing, are not consistent across Europe. In order that packers have to meet the same requirements, WELMEC makes recommendations that Competent Departments apply the Directive's requirements for these products whose quantity changes after packing. The guide is available here: <http://tinyurl.com/oh7mmfy>

## ANIMAL WELFARE

### EFSA OPINIONS - ANIMAL WELFARE AT SLAUGHTERHOUSES

EFSA's Panel on Animal Health and Welfare (AHAW) published Scientific Opinions on monitoring procedures at slaughterhouses for pigs, sheep & goats and poultry in December 2013.

The opinions propose monitoring indicators to be used and sampling protocols to be put in place at slaughterhouses. A technical report has also been published that gives indications on how to calculate the number of animals needed for sampling. This work has been carried out in the context of the EU legislation, business operators must ensure that animals do not present any signs of consciousness after stunning and before death.

The Scientific Opinion is available; here <http://tinyurl.com/oragssf> for pigs; here <http://tinyurl.com/nbmng6f> for sheep and goats; and here <http://tinyurl.com/pn7ksb2> for poultry.

### EFSA OPINION ON LOW ATMOSPHERE PRESSURE STUNNING FOR POULTRY

EFSA's panel on Animal Health and Welfare has published a Scientific Opinion on the use of low atmosphere pressure systems (LAPS) for stunning poultry.

Four documents were provided by the European Commission as the basis for an assessment of the extent to which the LAPS is able to provide a level of animal welfare at least equivalent to that ensured by the current allowed methods for stunning poultry.

It was unclear from the submitted documents whether the rate of decompression used in LAPS induces unconsciousness and death without causing avoidable pain and suffering to the poultry. The assessed studies did not pass the eligibility assessment and, therefore, no further assessment was undertaken.

The Scientific Opinion is available here: <http://tinyurl.com/p64o2uh>

## BUSINESS DEVELOPMENT, CERTIFICATION AND TRAINING

### BRIC AND MINT COUNTRY TRADE DATA

In 2001 the world began talking about the 'BRIC' countries - Brazil, Russia, India and China - as potential powerhouses of the world economy. The term was coined by economist Jim O'Neill, who has now identified a new economic grouping - the 'MINT' countries - Mexico, Indonesia, Nigeria and Turkey - as emerging economic giants.

Read a recent 'MINT' article by Jim O'Neill on the BBC website: <http://tinyurl.com/mdq3ue8>

The UK Trade and Industry section of the HMRC website contains the latest UK Import and export trade data for both MINT and BRIC countries, access the site through this link: <http://tinyurl.com/ougnxzt>

### SQF TO REQUIRE UNANNOUNCED AUDITS

The Safe Quality Food Institute (SQFI) will include unannounced audit protocol by July in the next revision of the next SQF Code (SQF).

SQF will be the first internationally accredited third-party assessment program to require unannounced audits. The division of the Food Marketing Institute said it will be possible with the support of its Technical Advisory Council.

The protocol will be implemented in July, and will require that one out of three SQF audits be unannounced.

The SQF code is available here: <http://tinyurl.com/ntegc9d>

## CHANGING COMPETITION LAW

The government is reforming the laws and the institutions that cover competition and anti-competitive activities in business, including those relating to mergers, markets and illegal activities such as price-fixing and cartels.

The laws, institutions and powers are collectively known as the competition regime. For which BIS have provided a guide: <http://tinyurl.com/a7wadto>

The setting up of the Groceries code and the appointment of the Grocery Code Adjudicator last year is part of the changes being made which are intended to be complete by end of 2014.

Most recently the Competition and Markets Authority (CMA) has published guidance on its approach to using some key legal powers that it has been given, including tough new measures introduced as part of the Enterprise and Regulatory Reform Act, to impose financial penalties on firms that do not comply with competition investigations or with interim measures imposed in merger cases.

The CMA takes on its full functions from April, to find out more follow this link: <http://tinyurl.com/p668bbh>

## CHEMICALS, CONTAMINANTS & FOOD CONTACT MATERIALS

### NEW COMMISSION DECISION ON DIOXINS AND FURANS IN FOODS

The European Commission has replaced a previous recommendation (Recommendation 2011/516/EU) on the reduction of the presence of dioxins, furans and polychlorinated biphenyls (PCB's) with a new one: COMMISSION RECOMMENDATION of 3 December 2013 on the reduction of the presence of dioxins, furans and PCBs in feed and food.

The new decision recommends that foods such as free-range eggs, organic eggs, lamb and sheep liver, Chinese mitten crab, dried herbs and clays as food supplement be subject to an increased monitoring.

The decision is annexed with a table including foods that should be monitored and the actions levels for dioxins, furans and dioxin like PCB's.

Access the new Recommendation here: <http://tinyurl.com/oqjs865>

### UK GET DEROGATION ON PROTECTION OF WATERS AGAINST NITRATE POLLUTION

Commission Implementing Decision 2013/781/EU of 18 December 2013 on granting a derogation requested by the UK and Northern Ireland concerning the protection of waters against pollution causes by nitrates from agricultural sources was published in the Official Journal of the EU (L364/65).

This decision grants a derogation in England, Wales and Scotland, allowing a higher amount of livestock manure to be applied to the land each year on grassland farms than that provided for it in Annex III to Directive 91/676/EEC. It expires on 13 December 2016.

The entry in the Official Journal of the EU (L364/65) is available here: <http://tinyurl.com/na8jcnl>

### GUIDANCE OF NITRATE VULNERABLE ZONES IN ENGLAND

Defra has published Guidance on complying with the rules for Nitrate Vulnerable Zones in England for 2013 to 2016.

The guidance is for farmers in Nitrate Vulnerable Zones (NVZs). It explains how Defra interprets the requirements of the Nitrate Pollution Prevention Regulations 2008. The guidance has been updated to reflect the outcome of residual farmers' NVZ appeals since June 2013 and also clarifies sections of the guidance queried by stakeholders since June 2013 and corrects minor typographical errors.

The guidance is available here: <http://tinyurl.com/paofnwj>

## DEFRA GUIDANCE ON PROTECTING WATER, SOIL AND AIR

Defra has published 'Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and managers'.

The publication consolidates and updates the former three separate codes for water, soil and air. It offers practical interpretation of legislation and provides good advice on best practice for minimising the risk of causing pollution while protecting natural resources and allowing economic agriculture to continue.

The Guidance is available here: <http://tinyurl.com/o2k6df4>

## INDUSTRY-WIDE ACRYLAMIDE TOOLBOX UPDATE

FoodDrinkEurope has published an update to its 'Acrylamide Toolbox'.

The FoodDrinkEurope Acrylamide Toolbox is a resource for food and drink manufacturers; identifying ways to reduce acrylamide in products. The update includes:

- Adjustment to the categorisation of tools to help regulators and others understand what they can expect to see implemented;
- Potato based products have been split into two categories in order to enhance the precision of tools; and
- Latest scientific publications and project updates have been included.

Five revised pamphlets have been published, setting out the latest tools to help Europe's food and drink sectors mitigate acrylamide formation in certain food products. The tools are available here: <http://tinyurl.com/q6wyu2b>

# IMPORTS AND THE SUPPLY CHAIN

## EU – US TRADE (TTIP) TALKS CONTINUE

A third round of EU-US trade talks kicked off in Washington D.C. just before Christmas. The talks are part of the negotiations for a Transatlantic Trade and Investment Partnership, or TTIP. An EU-commissioned study  by independent think tank CEPR suggests the deal could boost the EU economy by up to €120bn a year.

Negotiators will again focus on a broad range of issues, including:

- liberalisation of goods' trade through cutting customs tariffs on goods imported from the other side
- making it easier to invest in each other's economies
- opening up trade in services, and in energy and raw materials
- making it easier to sell in each other's markets by:
  - making our respective regulations more compatible, it is thought that food Regulations could be a key element.
  - enabling EU and US regulators to work more closely together in future.

To find out more go to: <http://tinyurl.com/pj8bglg>

## UNDERSTANDING THE US FOOD SAFETY MODERNISATION ACT

SGS have published a discussion paper on how the US Food Safety Modernisation Act (FSMA) may impact supply chains and how organisations can proactively prepare by integrating FSMA requirements into current Food Safety Management Systems.

All organisations operating in supply chains serving the UK market need to ensure that they have to correct food safety management system and control measures in place to ensure continued market access.

The paper outlines the background of the FSMA and the key provisions are detailed and compared against current industry-standard Global Food Safety Initiative recognised schemes. The paper also gives advice on how to prepare to meet the requirements and included a step-by-step process guide.

To download the paper, go to: <http://tinyurl.com/obxekkj>

## REGULATION ON ASSESSMENT OF UNCOOKED SEASONED POULTRY IS PUBLISHED

The European Commission has published in the Official Journal of the European Union (L343 19 December):

Commission Implementing Regulation (EU) No 1362/2013 of 11 December 2013 laying down the methods for the sensory testing of uncooked seasoned poultry meat for the purposes of its classification in the Combined Nomenclature

The Regulation lays down methods for visual and organoleptic testing of raw seasoned poultry meat coming from third countries to establish whether the seasoning is a full surface treatment or penetrates through the meat. This is to enable competent authorities to ensure that imported seasoned poultry meat meets the definition of "uncooked seasoned meat" and is correctly classified according to the Combined Nomenclature classification system.

To access the regulation go to: <http://tinyurl.com/pkag5v9>

## GENERALISED SCHEME OF PREFERENCE: GSP+ CHANGES

HMRC have put out Customs Information Paper (14) 01 on revisions to GSP: Beneficiary countries of the GSP+ arrangement from 1 January 2014

Legislation detailing revisions to the EU's Generalised Scheme of Preference (GSP) was published on 31 October 2012 in Council Regulation (EU) No 978/2012 (Official Journal L303/2013). These changes came into effect on 1 January 2014 and details of the changes were outlined in Customs Information Paper (CIP) 13/76. On 4 January 2014 the EU Commission published details in Commission Delegated Regulation (EU) No 1/2014 of the countries that have been granted GSP+ from 1 January 2014.

The GSP+ arrangement provides additional preferences to countries which ratify and implement a number of international conventions on core human and labour rights, the environment and good governance.

GSP+ provides duty free access to essentially the same product categories as those covered by the general arrangement and includes sensitive as well as non-sensitive products. The full list of products included in this special incentive arrangement is listed in Annex IX of Regulation 978/2012.

The Graduation arrangements suspending tariff preferences in respect of certain product sections from certain countries do not apply to countries which are granted GSP+.

The countries that have been granted GSP+ from 1 January 2014 are:

- Armenia
- Bolivia
- Cape Verde
- Costa Rica
- Ecuador
- Georgia
- Mongolia
- Pakistan
- Paraguay
- Peru

The full CIP can be accessed through this link: <http://tinyurl.com/plrwbqu>

## CHANGES TO EXPORT CERTIFICATION APPLICATIONS

Defra has issued a Customs Information Note to inform businesses of planned changes to the way in which certain Export Health Certificates (EHC) for products of animal origin must be applied for to the AHVLA Centre for International Trade (CIT) in Carlisle. These changes will be introduced during 2014. In the past year the centre has changed the way customers apply for certificates by using interactive Portable Document Files (PDF) as an application form. This PDF process has been used to deliver certification for some certificates covering the People's Republic of China, Russian Federation and the USA. Feedback from industry using this new process has been positive as turnaround times have been improved and exporters have been able to complete the data within the certificate (avoiding the requirement for AHVLA to transpose the data). Following this positive feedback AHVLA have decided to expand the use of the PDF application process during 2014 across all industry sectors and certificates.

It is only the application process that will change as the format, appearance and 'look and feel' of the certificate will not be affected.

CIT are currently converting a number of EHCs into PDFs which will be used, along with an accompanying Export Application (EXA) form, to apply for an EHC. These will be rolled out to industry during 2014. Prior to any changes AHVLA will be contacting each export group and Official Veterinarians (OV) to ensure you are made fully aware of the changes.

A list of EHCs that have been converted to PDF and rolled out for application use in this new format will be published on the Animal Health and Veterinary Laboratories Agency (AHVLA) website in due course.

This and further CINs will be posted on the Defra website at the following address: <http://tinyurl.com/78x7ngf>

For more information contact the Centre for International Trade – Carlisle on 01228 403600 or by email to [centralops.carlisle@ahvla.gsi.gov.uk](mailto:centralops.carlisle@ahvla.gsi.gov.uk)

## ANIMAL BY-PRODUCTS: UNSATISFACTORY CONTROLS IN ICELAND

The European Free Trade Association (EFTA) announced in December that Iceland has inadequate arrangements in place to ensure that all animal by-products are handled, processed and disposed of in accordance with the European Economic Area (EEA) legislation.

This is the conclusion in a report published by the EFTA Surveillance Authority after an inspection in Iceland in September 2013. The Authority has sent a letter to Iceland regarding this issue and will consider initiating formal infringement proceedings in light of Iceland's reply.

The inspection also confirmed that Iceland does not comply with requirements concerning removal of bovine specified risk material and the Authority has already initiated infringement proceeding in relation to this matter.

To read the full report, go to: <http://tinyurl.com/p22qtkc>

## WORLD'S FIRST GLOBAL MEAT ATLAS

A new publication has been published to catalyse the debate on a healthier, fairer, more sustainable food system.

Since the horsemeat scandal in 2013 it has become much easier to talk about meat – more people seem to know and care about the impact of meat production and consumption and the benefits of cutting down. With more stories in the news about the negative impacts of industrial meat - pollution, dietary diseases and farmers losing livelihoods and lands - the topic is also becoming somewhat of a media frenzy.

The Meat Atlas has been produced as a tool to help in the debate. It is a unique, graphic and highly accessible new guide examines the many aspects of the global meat system – from water pollution to gender equality; from obesity to antibiotics. The graphics are helpful in getting an overall view of issues, i.e. How much money is spent on livestock (in Billion dollars):



To get more information and view the 'Meat Atlas' go to: <http://tinyurl.com/ps03ov5>

## ELLIOTT REPORT ON FOOD FRAUD IN THE SUPPLY CHAIN

On Wednesday 11 December, Defra published the report by Professor Chris Elliott into Integrity and Assurance in the Food Supply Chain.

The following are key system features identified by Elliott and against which his 48 recommendations are made:

**-Consumers First** - All parties involved in the governance of the food chain should prioritise consumer confidence in the food they eat over all other aims.

**-Zero Tolerance** - consumers and business should be sensitive to deals that are “too good to be true” and mechanisms developed within businesses to report suspicions. Businesses should take responsibility to ensure that they have robust audit and testing protocols in place particularly those servicing the public sector such as hospitals, prisons and schools: development of advice and guidance to help business identify fraud along the lines of HACCP is recommended

**-Intelligence Gathering** - business should feed into a “safe intelligence gathering space” independent of government. The facility should be funded by businesses who wish to use the information that it generates. The FSA should have responsibility for the gathering and disseminating of intelligence information and should take responsibility for food authenticity and composition matters – currently managed by Defra. FSA should also be charged with supporting a national food economic intelligence hub to analyse collected data. Dissemination of information could be through trade associations and Primary Authorities. A number of services are suggested which according to the report should be funded by business.

**-Laboratory Services** - A recommendation is made that there should be the development of a standardised authenticity testing framework, FSA should also develop guidance on considerations for surveillance sampling programmes

**-Audit** - Elliott recommends that FSA work with BRC and other certification bodies to develop audits to reduce burden and duplication whilst providing the appropriate protections; also that buyers and auditors should receive training in how to spot fraudulent activities. The report calls for an increase in unannounced audits and that sampling should form part of the audit protocol. Stand alone cold stores (see separate section below) and traders and brokers come under particular criticism and scrutiny. For traders and brokers the recommendation encourages 3<sup>rd</sup> party schemes to be developed (as IFS and BRC) and participation to be contractual.

**-Government Support** - FSA should work in a more coordinated way with professional organisations such as CIEH and TSI and other government departments, and have stronger government support whilst remaining independent.

**-Leadership** - FSA should host a food crime unit and should take over the relevant responsibility's for such, currently held by the Intellectual property office. The unit should comprise dedicated staff with specialist skills.

**-Crisis Management** – protocols for FSA risk management should be strengthened and responsibilities clear between Defra, DH and FSA in the event of authenticity issues.

The table of recommendations can be found in Annex D of the report

The frozen food sector is particularly highlighted as posing risks of fraud - including the activities of stand-alone cold stores, hauliers, traders and brokers and the risks of frozen meat – several recommendations are made and the risks are highlighted in Annex G

Background information, including summaries and notes from his gathering of evidence for the report can be found at the link below where you can also download Professors Elliott's Interim Report: <http://tinyurl.com/nz7weht>

BFFF have written to Professor Elliott requesting a meeting to discuss his report.

# INCIDENTS AND CRISIS MANAGEMENT

## SIXTH SUMMARY REPORT ON RESULTS OF INDUSTRY TESTING OF MEAT PRODUCTS FOR HORSE DNA

A third quarterly report on industry test results for horsemeat DNA in processed beef products was published on 29 January 2014

This was the third quarterly report on the results of industry testing for horse in meat products. It reports all test results submitted since the compilation of the second quarterly report, published on 7 October 2013. Results were collated, verified and reported via an independent third party clearing house provided by Campden BRI.

Table 1a New results since the last report (7 October 2013)

<b>Table 1a</b>			
<b>Collated test results for horse submitted since 7 October 2013 report</b>			
<b>Sample type</b>	<b>Testing for horse</b>		
	<b>Total number of tests</b>	<b>Tests negative for horse</b>	<b>Tests positive for horse (see notes)</b>
<b>Beef products</b>			
Products	1830	1830	0
Raw materials/ingredients	4239	4239	0
<i>Total</i>	<i>6069</i>	<i>6069</i>	<i>0</i>
<b>Other (non-beef) meat products</b>			
Products	647	647	0
Raw materials/ingredients	1904	1904	0
<i>Total</i>	<i>2551</i>	<i>2551</i>	<i>0</i>
<b>All tests</b>	<b>8620</b>	<b>8620</b>	<b>0</b>

### Notes to Table 1a: new results

For the purposes of this testing, a level of 1% (DNA or meat) is being used a pragmatic level to distinguish between gross contamination or adulteration, and 'trace' levels of carry-over from one species or product to another.

No results found horse meat/DNA at or above the 1% reporting threshold. The report includes 6,069 new results, of which 3,333 were submitted by ABP Food Group.

The food industry has continued to test beef products for the presence of horse meat/DNA during the three months since the previous quarterly update. A total of 38,473 beef results tested for horse meat/DNA have been submitted by industry to the FSA since 15 February 2013. Of these, 47 were positive.

An extensive programme of testing by UK industry and local authorities started in February 2013, at the request of the FSA. These tests were carried out to check that beef products on sale or supplied into the UK food chain were accurately labelled and did not contain horse meat/DNA, following the discovery of horse meat being used as beef in a range of food products sold across Europe.

## LABELLING AND GENERAL FOOD LAW

### UK APPROVE THE USE OF A NATIONAL MARK

We have been notified by Defra that a decision has finally been made by the UK government to adopt a National Mark to allow the sale of minced meat in the UK that does not meet EU requirements.

Annex VI Part B of the Food Information to Consumers Regulation 1169/2011 (EU FIC) sets out specific requirements concerning compositional requirements for fat and collagen content to allow the designation of “Minced Meat”

Point 3 of the annex permits member states to allow minced meat not meeting the EU to be marketed only on the national market, subject to the application of a national mark.

The national mark is a square symbol: , followed by the words “for UK Market only”. Defra are asking for feedback on whether the national mark is practical for printing using current equipment. The Defra Guidance on the use of the National Mark is available on the BFFF website: <http://bfff.co.uk/technical/guidance/>

### UK PROTECTED FOOD NAMES

More than 60 unique British foods have now achieved protected status to help safeguard iconic products and prevent non authentic products being marketed under their names and designations..

Wensleydale cheese, Anglesey Sea Salt, West Country Beef and West Country Lamb have all recently had their Protected Food Name (PFN) status confirmed by the European Union – joining the ranks of some of the UK’s best love foods such as Welsh Lamb, Melton Mowbray Pork Pies and Stilton cheese.

For a full list of the UKs Protected Food Names visit <http://tinyurl.com/cgxgvdn>

In 1993 EU legislation came into force which provides for a system for the protection of food names on a geographical or traditional recipe basis.

The EU Protected Food Name (PFN) scheme highlights regional and traditional foods whose authenticity and origin can be guaranteed. The product is awarded one of three marks: Protected Designation of Origin (PDO); Protected Geographical Indication (PGI); and Traditional Speciality Guaranteed (TSG).

Producers who register their products for protection benefit from having a raised awareness of their product throughout Europe. This may in turn help them take advantage of consumers’ increasing awareness of the importance of regional and speciality foods.

How to apply:

Applications for each of the 3 designations can be put forward by groups of producers. Such groups may include other interested parties (e.g. butchers in the case of applications for meat or milk producers in the case of applications for cheese).

Individuals can also put forward applications for either of the two geographical designations, i.e. PDO or PGI if:

- local and traditional methods and practices are used; and
- the geographical area has characteristics which differ from neighbouring areas
- the product has characteristics which are different from those of similar products

Most foods intended for human consumption can apply for registration including meat, dairy and fish products, honey, fruits and vegetables, beer, beverages made from plant extracts, bread, pasta, pastries, cakes, biscuits and confectionery.

Details of the stages involved in the application process can be found in the EU food name scheme application process flow chart, which is available on the UK Government website here: <http://tinyurl.com/oscosbl>

## **'SUGAR BEET FIBRE' ADDED TO APPROVED HEALTH CLAIMS LIST**

Commission Regulation (EU) No 40/2014 authorises a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health and amending Regulation (EU) No 432/2012 was published in the Official Journal of the EU, L14/8, 8/01/2014.

As a result of a positive EFSA opinion, this Regulation permits the claim 'Sugar beet fibre contributes to an increase in faecal bulk'. The claim has been included in the Union list of permitted claims and the Regulation entered into force on 7 February 2014.

The Regulation can be found here: <http://tinyurl.com/o97qmb9>

## **MANDATORY COUNTRY OF ORIGIN LABELLING FOR THE MEAT OF PIGS, SHEEP, GOATS AND POULTRY**

Article 26, paragraph 8 of the Food Information to Consumers Regulation 1169/2011 commits the European Commission to adopt implementing acts regarding the application of mandatory country of origin labelling for the meat of Pigs, Sheep, Goats and Poultry.

The new Regulation: Commission Implementing Regulation (EU) No 1337/2013 of 13 December 2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry, has now been published and can be accessed through the link below: <http://tinyurl.com/qhukclm>

The European Parliament has reacted angrily to the Commission Regulation stating that it does not go far enough. They have rejected the Commission proposal on country of origin labelling of fresh, chilled and frozen cuts of meat because they do not include the country of birth. A resolution has been approved by MEP's asking the Commission to draft a revised version of the implementing regulation, to include a demand for compulsory labelling of the place of birth, place of rearing and place of slaughter of these kinds of meat, as it is already the case for beef meat. MEPs also want the Commission to get rid of any exemptions to the requirements for minced meat and trimmings. The draft resolution can be found here: <http://tinyurl.com/ntc25jz>

The European Parliament does not have the power of veto but the vote delivers a powerful political signal to the Commission. However the European Commission has already said the only way the Regulation can be challenged is in Court and that the labelling of the country of birth would be too costly and burdensome. We will watch with interest.

## **COUNTRY OF ORIGIN LABELLING OF MEAT AS AN INGREDIENT**

Article 26, paragraph 6 of Food Information Regulation to Consumers indicates that by 13 December 2013 the Commission shall submit a report to the European Parliament and the Council regarding the mandatory indication of country of origin or place of provenance for meat used as an ingredient.

On 17 December the European Commission adopted and have now published the report along with a press release. The Commission report is accompanied by a Commission Staff Working Document – "Origin labelling for meat used as an ingredient: consumers' attitude, feasibility of possible scenarios and impacts" (SWD(2013)437), which provides detailed information underpinning the findings of the Commission report.

Both the Commission report and the accompanied Commission Staff Working Document are mainly based on the results of an external study commissioned by DG SANCO by the Food Chain Evaluation Consortium (FCEC), titled "Study on the application of rules on voluntary origin labelling of foods and on the mandatory indication of country of origin or place of provenance of meat used as an ingredient".

The report indicates a strong desire by consumers for origin information on meat as an ingredient but a lack of willingness to pay for it. The report proposes three scenarios for discussion: maintain voluntary labelling; introduce mandatory origin labelling based on EU/non EU or EU/third country; or, Introduce mandatory origin labelling indicating the Member State or third country.

The Commission is not current intending to present a proposal for a Regulation on meat as an ingredient, but remains under heavy pressure from the European Parliament to do so.

All documents can be accessed through the Commission website at this link: <http://tinyurl.com/3agbe5>

## DOH: UPDATE ON CHILDREN'S REFERENCE INTAKES

The EU Regulation 1169/2011 on the provision of food information to consumers (EU FIC) currently provides only for the use of adults' reference intakes (RIs), unless a Member State implements a national measure (legislation or guidance) allowing the voluntary use of different RIs for 'specific population groups' such as children.

EU FIC tasks the European Commission to adopt implementing acts on the "indication of reference intakes for specific population groups", but the Commission has not yet made any plans to do this.

In May 2013, the Department of Health asked the Scientific Advisory Commission on Nutrition (SACN) to consider:

- whether there might be any public health grounds for the UK to adopt Children's Reference Intakes for food labelling purposes, and
- whether the Institute of Grocery Distribution (IGD)'s work on children's guideline daily amounts could form the basis of any independent UK action and to consider any associated risks and benefits to such an approach.

In its report, SACN concluded that one set of RIs for children could not adequately reflect the variation in energy level requirements and nutrient recommendations for different childhood ages and stages of development. It also advised against using the IGD values as the basis of any UK national measure because these were out of date.

The Department of Health recommend that businesses choose one of the following three options for products marketed specifically for children:

- use adults' RIs with colour coding, and the descriptor that identifies these as adult RIs, as per the 2013 front of pack labelling scheme; or
- do not declare adults' RIs, and use colour coding only; or
- do not provide front of pack information at all – for this limited number of products

For more information on this, you can contact Judith Herbert, Department of Health, Food Information Manager, at [judith.herbert@dh.gsi.gov.uk](mailto:judith.herbert@dh.gsi.gov.uk)

## FOOD LABELLING 'E' LEARNING COURSE

The Food Standards Agency (FSA) in conjunction with the Department for Environment, Food & Rural Affairs (Defra) and the Department of Health (DoH) have developed and launched an e-learning course to support enforcement awareness of the new labelling regulation 1169/2011 EU FIC. You may recall that BFFF members took part in the pilot test during Oct 2013. Although the application is aimed at enforcement officers it is open and available for business to use.

The 8 modules are intended to provide a general understanding of the current food labelling legislation and can be completed in any order:

- Introduction to food information to consumers regulation
- Product names
- Ingredients lists, quid and allergens
- Food supplements
- Products names
- Nutrition and health claims
- Nutritional labelling
- Mandatory information and legibility

Certificates of Continuous Professional Development (CPD) are available to those who register, log in and pass the quizzes.

Link to the FSA hosted webpage: <http://tinyurl.com/pc526n3>

## NUTRITION ADDITIVES AND HEALTH

### SCIENTIFIC ADVISORY COMMITTEE ON NUTRITION (SACN) ADVICE ON SUGAR CONSUMPTION

The Scientific Advisory Committee on Nutrition (SACN) which advises Government on nutrition, is making the recommendation that sugar should make up no more than 10% of daily calorie intake (this includes added sugar and free sugars in fruit juices and honey).

Currently average intakes exceed this, which is why Public Health England advises that most people need to reduce their sugar intake. SACN is currently reviewing dietary recommendations on carbohydrates (including advice on sugar). The work is being undertaken by their working group on carbohydrates and health who can only advise based on the science. It is anticipated that their draft report will be available this summer when it will go for public consultation. The report is likely to be finalised by the end of the year. For more information go to: <http://tinyurl.com/lmvksnr>

### 'ACTION ON SUGAR' CAMPAIGN

A new public health campaign has been launched, to get consumers thinking about how much sugar is contained in food and drinks. The group made up of international scientists was formed by the Action on Salt Group (CASH) to run along the same lines.

'Action on Sugar' has been joined by health experts to make people aware of the hidden sugars in food and drink products. The goal is to gradually reduce the amount of added sugar in the products on supermarket shelves.

The campaign has calculated that a 20% to 30% reduction in sugar added to products by the food industry would lead to a reduction in calorie intake of around 100 calories per day.

Mike Knapton, the Associate Medical Director of the campaign, said that: "We need energy to keep us going, but sugars added to foods like fizzy drinks and biscuits contribute to our daily calorie intake without giving us any other nutritional value.

The House of Commons has welcomed the launch of 'Action on Sugar' as an unprecedented call to action to tackle and reverse the obesity and diabetes problems in the UK. It has been supported by 34 Members of Parliament – a list of which can be found here: <http://tinyurl.com/okxavkb>

For more information on sugar and the effects on health, go to: <http://tinyurl.com/pz6daoc>

### TACKLING OBESITY - PHE AND ADPH SURVEY RESULTS

In September 2013 Public Health England (PHE) surveyed 136 Local Authorities and Directors of Public Health on their obesity priorities. They have now published a report which gives an overview of the survey findings and recommendations for reducing obesity in local communities. To download the report, go to: <http://tinyurl.com/n9bl8hj>

Perhaps unsurprisingly the survey identifies competing priorities for financial resources as one of the three most important threats to success now and in the future, along with a lack of leverage and the need to influence local politicians.

### SCOTLAND ABANDONS RESPONSIBLE FOOD MARKETING STANDARDS

The Scottish government has shelved a standard for responsible food and drink marketing intended to tackle Scotland's obesity problem, after food industry participants withdrew from discussions.

The government said that it would develop a third party certified publically available specification (PAS 2500) on responsible food and drink marketing in partnership with the British Standards Institute (BSI).

The standard was intended to provide a benchmark for the responsible marketing of food and drink to cut consumption of food high in fat, salt and sugar. However the Food and Drink Federation (FDF) said that it didn't recognise that current approaches to food promotion already encouraged a balanced diet.

The Scottish Government is now considering responses from the industry on draft proposals for other voluntary measures to encourage healthy choices, and aims to publish strategies for marketing and reformulation in April this year.

To read more about this go to: <http://tinyurl.com/o57qw5h>

## EFSA CONCLUDE ASPARTAME IS SAFE FOR HUMAN CONSUMPTION

In December the European Food Safety Authority (EFSA) released its opinion on the re-evaluation of aspartame as a food additive and has concluded that aspartame and its breakdown products are safe for human consumption at current intake levels.

Aspartame is authorised in the EU for use as a sweetening additive. It can be identified either by name, or the number E951.

The latest re-evaluation of aspartame by EFSA forms part of its re-evaluation of all food additives which were authorised in the EU prior to 20 January 2009. It was carried out by EFSA's Panel on Food Additives and Nutrient Sources Added to Food (ANS). It was conducted using original study reports, previous evaluations and information submitted following public calls for data.

For more information, go to: <http://tinyurl.com/nxbecyn>

## EFSA OPINION ON ANTIBIOTIC RESISTANCE IN FOOD ANIMAL ECOSYSTEMS

EFSA's Panel on Biological Hazards (BIOHAZ) published a Scientific Opinion in December 2013, on Carbapenem resistance in food animal ecosystems.

Carbapenems are broad-spectrum antimicrobials used for the treatment of serious infections in humans. To date, only sporadic studies have reported the occurrence of Carbapenemase-producing (CP) bacteria in food-producing animals and their environment.

The panel highlighted that continued prohibition of the use of Carbapenems in food-producing animals would be a simple and effective option and decreasing the frequency of use of antimicrobials in animal production in the EU in accordance with prudent use guidelines is of high priority.

The Scientific Opinion can be found here: <http://tinyurl.com/q6el3ex>

## CONSULTATION ON THE 2013 REDUCTION OF SALT TARGETS

Work to review the existing salt targets, which cover 80 categories of food and were to be achieved by 2012, commenced in 2013. A series of documents outlining the work that has been done, which include suggestions for revisions to a considerable number of the 2012 targets, is now published and available for comment through a Department of Health (DoH) views seeking exercise. The new targets are set to be launched in Spring this year year.

The new targets include some changes which include, introducing new maximum targets or changing processing averages for some categories, and introducing sales weighted averages (SWA) for categories which currently only have a maximum target.

The categories open to comments are:

- |                                |                         |                               |
|--------------------------------|-------------------------|-------------------------------|
| ▪ 1 Meat Products              | ▪ 18 Rice               | ▪ 24 Canned vegetables        |
| ▪ 2.3 Morning goods            | ▪ 19 Other cereals      | ▪ 25 Meat alternatives        |
| ▪ 5 & 6 Butter and fat spreads | ▪ 20 Processed puddings | ▪ 26 Other processed potatoes |
| ▪ 12 & 16 Cakes and biscuits   | ▪ 21 Quiche             | ▪ 27 Dried beverages          |
| ▪ 7 Baked Beans                | ▪ 22 Scotch eggs        |                               |
| ▪ 17 Pasta                     | ▪ 23 Canned fish        |                               |

Interested parties are now invited to review the and provide any comments on the relevant issues and the suggested revised figures for each target category;

Further details are available here: <http://tinyurl.com/ntegq9t> or to download documents across a range of food categories: <http://tinyurl.com/mfc9gll>

Any comments, information or data can be sent to DoH - [saltandfat@dh.gsi.gov.uk](mailto:saltandfat@dh.gsi.gov.uk)

## PROCESSING AND RETAIL

### FDF PUBLISH GUIDANCE ON MANAGING SUPPLY CHAIN RISK

The Food and Drink Federation have published 'Food Authenticity: Five steps to help protect your business from food fraud'. The guide sets out a step-by-step process to help food and drink manufacturing businesses of all sizes protect their businesses from food fraud by helping them to identify, prioritise and manage upstream supply chain authenticity risks.

- [Step 1: Map your supply chain](#)
- [Step 2: Identify impacts, risks & opportunities](#)
- [Step 3: Assess & prioritise your findings](#)
- [Step 4: Create a plan of action](#)
- [Step 5: Implement, track, review & communicate](#)
- [Help for small businesses](#)

Food fraud is committed when food is deliberately placed on the market, for financial gain, with the intention of deceiving consumers or customers. Although there are many kinds of possible food fraud, the Food Standards Agency notes on its food fraud webpage two main types: the sale of food which is unfit and potentially harmful; and the deliberate mis-description of food.

The 5 step guide can be accessed via this link: <http://tinyurl.com/ooqrdz8>

## REFRIGERATION

### F GAS AGREEMENT

Since October 2013, the European Council Presidency has led trilogue discussions with the European Commission and European Parliament in an effort to agree a compromise agreement on the F Gas review.

Just before the Christmas break an informal Trilogue agreement was reached, paving the way for agreement at first reading by the European Parliament, tentatively timetabled for March (before the break for European Elections for a new Parliament) the European Parliament's ENVI Committee also adopted the amended F-gas draft Regulation with an overwhelming majority of votes. Once formally endorsed by the Council the Regulation will be published in the Official Journal in the spring for proposed implementation in January 2015

The final Trilogue agreement has been broadly welcomed by the refrigeration industries National and European associations as it continues to focus the F Gas Regulation on phase down rather than outright bans and also allows for the reclamation and reuse of higher GWP refrigerants for a period of time

The text of the draft revised Regulation agreed by the Envi Committee in January is available at: <http://tinyurl.com/qfjj6bc>

It should be noted that it is still subject to change pending the full EU Parliament vote in March, though substantial changes are now unlikely.

## REGULATORY ENFORCEMENT AND OFFICIAL CONTROLS

### 2012 REPORT ON THE UK MULTI-ANNUAL NATIONAL CONTROL PLAN

The sixth annual report on progress towards implementation of the UK Multi-Annual National Control Plan (MANCP) has now been published by the Food Standards Agency (FSA).

The report informs the European Commission of progress in achieving the objectives of the UK MANCP. It summarises the results of official controls and associated activities undertaken by the competent authorities and associated bodies and outlines the findings of performance audits.

The report will be used by the European Commissions' Food and Veterinary Office FVO in planning audits of UK official controls and, together with similar reports from the other Member States, will contribute to a report by the Commission to the Council and European Parliament on the overall operation of official controls across the European Community.

The report may be downloaded at: <http://tinyurl.com/nf38qer>

### MEAT PREPARATIONS AND THE RE-FREEZING OF MEAT PREPARATIONS

The Food Standards Agency has written to food businesses reminding them that Hygiene Regulation 853/2004 states that "minced meat, meat preparations and MSM must not be re-frozen after thawing".

The FSA have received allegations that this is not always the case and have indicated that they will be asking local authorities to satisfy themselves that registered businesses within their responsibility are operating legally. FSA also make it clear that the food business operators have responsibility for ensuring that their products are properly classified either as meat preparations or meat products; this is because frozen meat preparations may be defrosted and used to produce a meat product which can then be refrozen quite legally. The letter is available on the BFFF website: <http://bfff.co.uk/technical/guidance/>

### DRAFT CONSUMER RIGHTS BILL

A new Consumer Rights Bill is currently making its way through the UK Regulatory system and has recently been presented to Parliament. The Bill is intended to streamline overlapping and complicated areas of consumer law from 8 pieces of legislation into 1 and also introduces new rights for consumers and businesses. The Consumer Rights Bill was introduced to the House of Commons on 23 January 2014 and is due to have its Second Reading on 28 January 2014

In the Bill consumers will have the right to:

- get some money back after 1 failed repair of faulty goods (or 1 faulty replacement)
- demand that substandard services are redone or failing that get a price reduction
- a set 30 day time period to return faulty goods and get a full refund
- challenge terms and conditions which aren't fair or are hidden in the small-print: for example airlines charging baggage fees will have to make them really clear when consumers are booking to avoid legal challenge

New measures in the draft Bill that are intended to benefit businesses include:

- a new requirement for enforcers such as Trading Standards Officers to give 48 hours notice to businesses when carrying out routine inspections, saving business £4.1 million per year. Trading Standards Officers will still be able to carry out unannounced inspections where they suspect illegal activity
- faster and lower cost remedies for businesses who have been disadvantaged from breaches in competition law
- a reduction in on going training costs. Businesses will spend less time understanding their obligations or considering different scenarios when training staff

for more information go to: <http://tinyurl.com/l2syzzk> and <http://tinyurl.com/omrzwyg>

A Common library briefing paper has been published to inform the debate it can be downloaded from the Parliament website: <http://tinyurl.com/lufxvya>

The new Bill has the potential to consolidate, simplify and modernise consumer law, says the Business, Innovation and Skills Committee in its report: <http://tinyurl.com/ooxccby> However issues and inconsistencies in the draft Bill are identified that must be resolved if this potential is to be realised.

The Draft Consumer Rights Bill was presented to the Houses of Parliament in June 2013 and is currently making its way through the Parliamentary process with discussions in the House of Commons and House of Lords, access the draft Bill here: <http://tinyurl.com/of9pmky>

## **FSA PUBLISH NEW WEBPAGE ON BUSINESS APPEALS**

The FSA has developed a new web page bringing together current advice for business on:

- What to expect from local authority (LA) inspections;
- How to determine if advice or requirements are reasonable, including sources of information such as Industry Guides and links to Trade Associations;
- The role of Primary Authority Partnerships in providing advice for business,
- Where appropriate, how to challenge/appeal LA advice or decisions through the normal LA procedures and existing appeal mechanisms (including appeal against statutory notice, Food Hygiene Rating Scheme ratings and the use of Primary Authority Partnerships where relevant).

The FSA has also set up an independent appeals panel similar to the arrangements operated by the HSE. The FSA Independent Business Appeals Panel will now be able to consider disputes regarding advice of a technical nature where local authority complaints procedures have been exhausted but which have not resulted in agreement. The panel will not consider FHRS ratings or formal enforcement actions as these are already covered by existing appeals mechanisms.

Panel members will be drawn from: Chartered Institute of Environmental Health (CIEH), Trading Standards Institute (TSI), Mark Du Val – currently a member of the HSE's Independent Regulatory Challenge Panel, 2 business representatives nominated from the Better Regulation Delivery Office (BRDO) Business Reference Panel.

The panel's role will be advisory however there is an expectation that LAs will take the findings into account where appropriate. To find out more go to: <http://tinyurl.com/p3pnaj3>

## **TURKEY BUTTERFLIES FROM AN UNAPPROVED PREMISE**

The FSA has published an alert about turkey butterflies that were produced in an unapproved premises, and is advising people not to consume the affected product.

It is suspected that eighteen tonnes of turkey butterflies, processed by Severnside Provisions Ltd at premises in Newport, South Wales, were supplied to independent butchers and catering outlets throughout South and Mid Wales, South West and South Central England. Eight tonnes have so far been retained and prevented from entering the food chain after action by Newport City Council.

There is no evidence at present of any specific risk to public health, however, it is illegal to supply meat from unapproved premises.

Severnside Provisions Ltd is a premises that is approved for processing bacon, but the company has been processing turkeys in conditions that do not meet the required hygiene standards for food production. Investigations by the local authority are ongoing as to the circumstances of how this meat was processed.

Local authorities have been asked to ensure that this product is withdrawn from sale and destroyed.

For further information go to: <http://tinyurl.com/oomzd87>

## **SAFEGUARDING SCOTTISH CHICKEN FOR A SUSTAINABLE AND PROFITABLE FUTURE**

A premium brand for Scottish chicken could be created to safeguard the future of Scotland's poultry sector.

The option will be explored as part of the Scottish Government's new Poultry Plan. The Plan identifies important steps that need to be taken to secure a sustainable and profitable future for the poultry sector.

Other work being taken forward includes scoping demand for Scottish chicken, identifying opportunities for poultry farmers to work together to cut costs, and to provide support for the newly-established Scottish Chicken Growers Association.

The Poultry Plan is available upon request, and you can contact Catherine Brown for more information, at [catherine.brown@scot.gov.uk](mailto:catherine.brown@scot.gov.uk)

## **STUDY ON GEOGRAPHIC ORIGIN OF FOODS**

The FSA, in partnership with Defra, is carrying out study to look at the geographic origin of foods claiming to be from the UK.

The study involves taking food samples from England, Scotland, Wales and Northern Ireland to be analysed using a technique known as stable isotope ratio analysis.

The aims of the study are to:

- check the accuracy of current origin claims on food labels to ensure consumers can be confident that food labelled as from the UK is what it claims to be
- gain experience of using stable isotope analysis to assess where food comes from samples of food have been taken from retail, wholesale and food service outlets. In total, more than 100 samples are being tested, and comprise beef (including burgers), pork, lamb, tomatoes, apple juice and honey.

Stable isotope analysis is a screening method that acts as a useful indicator of potential fraudulent activity. It can be used to give an indication as to whether a certain food has come from a certain geographic location; this is done by comparing isotopes. Any results that suggest a problem will be followed up with an audit of traceability. The traceability audit should be completed by April 2014 and the full report of the study will be published.

For more information go to: <http://tinyurl.com/pkshrgf> or to read the [Stable Isotope Analysis: General Principles and Limitations](#) go to: <http://tinyurl.com/nsby3pp>

## **SCOTLAND ENSURES CONTINUED PROTECTION OF SHELLFISH WATERS**

New legislation has come into force to ensure continued protection of Scottish shellfish growing waters.

The measures – the first of their kind in the UK – have been introduced to replace the European Shellfish Water Directive which has been repealed.

To continue expansion of Scotland's shellfish sector towards the industry's 2020 targets, and ensure a good quality product which is safe for human consumption, 84 shellfish water protected areas (SWPAs) have been identified.

Steps will be taken to prevent the deterioration of water quality in these areas, and where necessary to improve water quality to a high standard.

More information on Scottish policies for the protection of shellfish waters is available here: <http://tinyurl.com/os9lpzn>

## **APPLICATION OF THE FOOD SAFETY AND HYGIENE REGULATIONS 2013**

The Food Safety and Hygiene (England) Regulations 2013 – SI 2013 No. 2996 - came into effect on 31 December 2013. The Regulations revoke and re-enact the Food Hygiene (England) Regulations 2006 and its amendments and certain provisions of the General Food Regulations 2004 as they apply in England, consolidating all of these into one statutory instrument. A link to the Regulations is provided here: <http://tinyurl.com/psox36m>

The FSA wrote to Environmental Health Services in December 2013 to notify that the Food Safety and Hygiene (England) Regulations 2013 were coming into effect and that enforcement action taken on and from 31 December 2013 would need to reference the new Regulations. The letter includes a table of offences; it can be accessed here: <http://tinyurl.com/qc58s6n>

## OFFICIAL CONTROLS ON SCALLOPS

The FSA has written to the heads of Environmental Health Services in England with responsibilities for Official Controls on Pectinidae (Scallops).

Following the Food and Veterinary Office (FVO) audit of UK official controls of live bivalve molluscs in April 2012, the Agency wrote to Local Authorities (LAs) regarding FVO concerns about the lack of official analyses of scallops being undertaken by LAs. The FVO recommendation was that:

“The competent authorities should ensure that Official Controls on Pectinidae harvested outside classified production areas are carried out in accordance with Chapter III, of Annex II, of (EC) No 854/2004.”

This letter informs LAs that it has funding available until 28 March 2014 to support such testing in England and Wales. Guidance on sampling is provided in Annexes to the letter.

A copy of the letter with the included guidance is available here: <http://tinyurl.com/prmkwc2>

## CONSULTATION ON THE MEAT PRODUCTS REGULATIONS

FSA in Northern Ireland, Wales and Defra in England have launched separate but similar consultations to seek views on proposed amendments to the Meat Products Regulations. Scotland intends to launch a similar consultation at a later date

The consultation seeks views of stakeholders on amendments to the Meat Products Regulations 2004.

The draft Meat Products Regulations 2014 (MPR 2014) would revoke and replace the existing Meat Products Regulations 2004 (MPR 2004) in England, Wales, Northern Ireland and Scotland. The proposal to amend them is to avoid overlap and conflict with Regulation 1169/2011 on the provision of Food Information to Consumers (EU FIC).

The Regulations:

- Propose to retain the national provisions for ‘reserved descriptions’, to ensure that certain products meet minimum standards for meat content in order to use names such as ‘burger’, ‘meat pie’ and ‘sausage’.
- Propose to retain the prohibition of certain parts of the carcass such as brains, feet and intestine in uncooked meat products.
- In current MPR there is a requirement that a product resembling a cut, joint, slice, portion or carcass of meat containing added ingredients (with exceptions for expected additions like seasoning) should declare it in the name of the product - this element is removed in the draft to avoid duplication; as there are provisions on added ingredients in the name of the food that are covered by FIC
- Provide for enforcement measures. In England this proposes moving from frontline criminal offences to improvement notices backed up with a criminal offence where there is a failure to comply with an improvement notice..

The proposed MPR 2014 would come into force on 13th December 2014, in line with the relevant provisions in the FIC. Non-compliant products placed on the market before that date can still be sold through.

- Responses are requested by 6 March to the England consultation, which can be accessed through this link: <http://tinyurl.com/p6qap2e>
- Responses are requested by 17 April to the Northern Ireland consultation, which can be accessed through this link: <http://tinyurl.com/q4uoq9l>
- Responses are requested by 17 April for the consultation in Wales, which can be accessed through this link: <http://tinyurl.com/p2jgpvm>

## LOCAL AUTHORITY SAMPLING AND MONITORING

You may have seen several Trade articles that cite a Which? article questioning whether, post horsegate, food is safer given that Local Authority sampling is actually lower year on year. Highlights can be accessed through this link – the full report is available by subscription, also through this link: <http://tinyurl.com/olfmeqz>

In light of the recent coverage thought you might be interested to see the most recent reports on local authority performance from which the statistics were presumably taken.

1. The recently published report from the Northern Ireland Strategic Committee on Food Surveillance on 2012 food monitoring in Northern Ireland. Of 6,270 samples submitted for microbiological examination and 2,067 samples submitted for chemical analysis. 62% of the samples submitted for microbiological examination were reported as satisfactory whilst only 24% of the samples submitted for chemical analysis were reported as satisfactory. Access the report here: <http://tinyurl.com/ntifsow>
2. The topic was tabled at the Food Standards Agency (FSA) 5 November Board meeting when the FSA Annual report on UK local authority food law enforcement covering 1 April 2012 to 31 March 2013 was discussed. The report was accompanied by an FSA board paper. The UK level of Broad Compliance was 91.2%, which was a slight rise from 90.2% in 2011/12. The return however also shows a fall in the number of food safety officers (6.6%) and in sampling levels (6.8%) compared with 2011/12 and in both of these areas this represents a continuing trend. Access the report here: <http://tinyurl.com/p8uw95v>

## RESEARCH

### FSA RESEARCH CALL FOR EVALUATION OF POULTRY AND PORK MSM

The FSA announced in December 2013 that it was inviting tenders to carry out a microbial evaluation of poultry and pork mechanically separated meat (MSM) compared with fresh cuts of meat, meat preparations and minced meat products.

This project will expand on work already carried out for the Agency and will involve microbial data collection to identify the types and abundance of microbes present in MSM. This will enable the factors affecting microbiological quality to be evaluated and should include a range of microorganisms, including *Campylobacter* and *Salmonella*. Samples will be tested at every stage of the production, chilling, freezing and storage process, enabling the identification of microbiological changes that occur during processing, which will affect final MSM safety. This process will be repeated for fresh cuts of meat, meat preparations and minced meat products so that a comparison with MSM can be achieved.

The call for research has now closed and the data is being collated. More information on the research call is available here: <http://tinyurl.com/pyfxet>

## SOCIAL RESPONSIBILITY, ENVIRONMENT & SUSTAINABILITY

### FOOD ETHICS COUNCIL LAUNCHES SUSTAINABLE FOOD SUPPLY CHAIN COMMISSION

The Industry and Parliament Trust (IPT), Food Ethics Council and the University of Warwick have set up a Commission to explore the challenges of maintaining a sustainable supply chain.

The Commission will give parliamentarians, industry and academics the opportunity to discuss issues food companies face in ensuring the sustainability of supply chains and explore upcoming policy developments that seek to tackle them.

Among the topics discussed will be employment conditions; distribution of profit; how to best tackle resource depletion and climate change. Following the conclusion of the Commission, a 15-20 page report will be published outlining its findings and adding to the dialogue between parliament, industry and academia on this important issue. Find out more: <http://tinyurl.com/ntpwt4u>

### DEFRA CONSULTATION ON WATER ABSTRACTION REFORMS

Defra has launched a consultation of reforms to the abstraction licence system for water from rivers and groundwater.

The proposals in the consultation include:

- linking the amount of abstraction allowed more closely with how much water is available; and
- making trading water much quicker and easier, giving licence holders a greater incentive to use their water responsibly. Licence holders include farmers and industry.

The deadline for responses to the consultation is 28 March 2014.

For more information, or to respond, go to: <http://tinyurl.com/k6z7t6u>

## TECHNOLOGY AND NOVEL FOODS

### EC PROPOSALS ON ANIMAL CLONING AND NOVEL FOODS

The European Commission has adopted three draft laws on animal cloning and on novel food in an effort to provide legal certainty in this field.

Two of the proposals will ban the use of the cloning technique in the EU for farm animals (i.e. bovine, porcine, ovine, caprine and equine species) and the imports of these animal clones.

The marketing of food from animal clones will also be prohibited.

These proposals intend to address animal welfare and other ethical concerns related to the use of the technique. The draft law on novel food revises the existing Novel Food Regulation with a view to improving access of new and innovative food to the EU market, while still maintaining a high level of consumer protection.

Other EU institutions, including the European Parliament and the Council will consider the Commission's draft legislation and will adopt their positions in due course. At this stage, it can be estimated that the draft legislation will enter into force in 2016 at the earliest.

To find out more about Regulation in this area and the new proposals visit the Commission webpage at : <http://tinyurl.com/3xus42>

## COMMISSION DETERMINED TO PROGRESS AUTHORISATION OF GM MAIZE

The European Commission has re-ignited the divisive issue of authorisations for genetically modified crops, by putting forward a proposal for the approval of pesticide resistant maize variety 1507, The European Food Safety Authority (EFSA) has issued six opinions that the 1507 maize does not pose a risk to human health, though they have identified a possible risk to butterflies from the pesticide to which it has resistance.

Since 2010, the Commission has held back on referring to the Council any new applications for authorisations because member states remain bitterly divided over GM authorisations. A blocking minority of countries – including Austria, Hungary, Poland and Greece – has refused to approve GM authorisations, to the irritation of pro-GM countries including the Netherlands, Spain, Sweden and the UK.

Both governments and campaigners have remained sceptical of the proposal, which is being blocked by Germany, France and the UK, for different reasons. The German public is overwhelmingly opposed to GMs. France is concerned about the role of EFSA in the approval process. The UK objects that the compromises undermine the single market.

The new push for a settlement on GM comes at a politically sensitive time for the European Parliament, as it heads towards for elections in May of next year.

To read more, go to: <http://tinyurl.com/nlbkpy7>

## EFSA ANNUAL REPORT ON GMO RISK ASSESSMENT

EFSA has published the Annual Report of the EFSA Scientific Network for Risk Assessment of GMOs for 2013.

During its meeting in 2013, the GMO Network discussed the principles of statistical relevance and biological significance, the use on animal feeding trials in the risk assessment of GMOs, the development of environmental protection goals and the EFSA Guidance on the environmental risk assessment of GM animals.

The Scientific Opinion is available here: <http://tinyurl.com/nsd7qbx>

