

# British Frozen Food Federation



## T&L update 48

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## FSA Incident Prevention Strategy Plan

The Food Standards Agency is seeking views and comments on its draft Incident Prevention Strategy Plan. This sets out a cross-Agency programme of work to help deliver the Agency's Strategic Plan target of developing, by the end of December 2010, effective interventions to tackle food safety problems at source before they become incidents.

Full details are available from the FSA website at <http://tinyurl.com/6gluf4>

The Agency says that the broad aims of the Incident Prevention Strategy Plan are:

- to learn from past incidents to ensure that past mistakes are not repeated
- to identify and address the main sources of incidents
- to be as prepared as possible in future to anticipate and deal with emerging, and re-emerging risks

and that with this in mind the programme of incident prevention work has been brought together in the strategy under three broad themes:

- intelligence gathering and horizon scanning
- building trust and partnerships
- better science and better regulation

"Many of the projects that make up the programme of incident prevention work are in the early stages and the set of measures that will be used to monitor the overall success of the Incident Prevention Strategy have yet to be finalised. Once these measures have been agreed we will be able to identify the elements of the strategy that we believe will result in costs or benefits to the private or public sector, and we will undertake separate consultations where necessary."

The FSA invites comments and views on the draft Strategy Plan, particularly on:

- whether there are any gaps in this strategy. If so, what are they and how can they be filled?
- any additional suggestions on how best to measure the success of the strategy
- the specific projects included so far under the three themes in Appendix 1 of the Strategy Plan and whether there are any suggestions for additional projects

### **The deadline for responses is 1 August 2008**

The summaries of the delivery commitments from Appendix 1 of the draft plan for each of

- intelligence gathering and horizon scanning;
- building trust and partnerships; and
- better science, better regulation

are included below.

The draft Plan includes the following definitions:

- **Incident:** any event where, based on the information available, there are concerns about actual or suspected threats to the safety or quality of food that could require intervention to protect consumers' interest.
- **Emerging risk:** any risk resulting from exposure to a newly identified hazard, or a new or increased exposure and/or susceptibility to a known hazard.

"Types of food incident can range from large-scale outbreaks of food poisoning to smaller incidents such as isolated cases of botulism in livestock. Within the Agency, we classify the incidents that are reported to us in terms of complexity and severity (low, medium and high). Currently, the main categories of incidents are":

allergens	natural chemical contamination
animal feed	on-farm incidents
biocides	pesticides
counterfeit products	physical contamination
environmental contamination	process contaminants
food contact materials	radiological
illegal imports/exports	use of unauthorised ingredients
irradiated ingredients	veterinary medicines
labelling/documentation	water quality
microbiological contamination	

### **Summary of delivery commitments for intelligence gathering and horizon scanning:**

- We will analyse our incidents data from 2000 to present and use our findings to shape further our Incident Prevention Strategy by May 2008;
- We will continue to develop our strategy for external reviews of incidents in consultation with stakeholders by May 2008 and will expand the scope to include investigating the root causes why the incidents occurred and how similar incidents can be prevented;
- We will set up an industry led scoping group with stakeholders to investigate key ingredients by June 2008, and determine how contamination of these could affect the food supply chain by March 2009;
- We will develop a webcrawler to search the internet for information on food safety risks by December 2008.

- We will feed the suggestions for research on horizon scanning into the emerging issues project as part of EFSA's strategy on scientific cooperation; we will implement an Agency coordinated mechanism for food safety horizon scanning by December 2009;

#### **Summary of delivery commitments for building trust and partnerships:**

- We will continue to explore new ways of engaging the food industry at the local level so that we build trust and develop effective partnerships that will allow us to work together to reduce incidents;

- We will devise a proposal for a scheme of earned recognition by March 2008 and look to implement the scheme by December 2009.

- We will establish an incident specific section on our website to bring together the Agency's information on incident prevention and response by March 2008;

- We will develop an industry discussion forum by July 2008;

- We will introduce the new policy of interventions for food law enforcement by local authorities from April 2008;

- We will introduce the new outcome measure for food law enforcement by local authorities in April 2008;

- We will promote our "Working together on imported food" leaflet and seek to increase the number of imported food samples analysed by enforcement agencies;

- We will develop a communications strategy to promote our success by September 2008;

- We will develop a proposal for disseminating incident prevention information to farmers by August 2008;

- We will develop a proposal for a mycotoxin partnership between industry and enforcing authorities and scope out the role, composition and aims of such a partnership by August 2008;

#### **Better Science, Better Regulation - Delivery commitments:**

- We will engage in a targeted, proportionate and effective way in Europe to negotiate limits on contaminants where the evidence demonstrates that changes are appropriate, so as to avoid incidents caused simply by failure to comply with inappropriate limits (on-going work);

- We will ensure our scientific research is targeted and look for ways to collaborate with our stakeholders and partners;

- We will develop a proposal for a joint industry risk-based surveillance programme by March 2009.

## **EU Food Information Regulation**

At its meeting held on 11 June the Food Standards Agency Board discussed the proposed EU Food Information Regulation, following completion of the recent FSA consultation exercise.

A copy of the Board paper (FSA reference 08/06/04) can be downloaded directly as <http://tinyurl.com/4jkegj>. Full details of the meeting are available from the FSA website at <http://tinyurl.com/6yrm6u>. A video-on-demand recoding of the board meeting can be accessed from <http://tinyurl.com/4dfzfr>.

**The FSA Board was asked to give 'a strategic view on a number of areas so that the Agency can contribute to development of the overall UK negotiating lines in Brussels'.**

Specifically the Board was asked to confirm the agreement it gave at the FSA's April Board meeting to support mandatory nutrition labelling and promote continued use of front of pack (FoP) schemes which follow the FSA's core principles approach.

The Board was also invited to agree that 'in contributing to the development of the UK's negotiating lines the Agency should seek the following':

- to achieve greater clarity of labels for consumers, preferably through legislative means in order to ensure compliance
- to ensure that the proposal on country of origin information is more focused, addressing only those commodities where consumers are experiencing possible confusion. Any additional information that might be provided should be meaningful for consumers and keep any statutory obligations for food business operators to a reasonable minimum;
- that Member States be allowed to set their own national rules for allergen labelling for loose foods if they so wish;
- to support the extension of labelling to distance selling sales;
- to support the extension of labelling to alcoholic drinks, subject to further analysis, and ensure there is consistency of approach in labelling requirements;
- that it would be desirable if all alcoholic drinks were required to provide an energy declaration on the label.
- support the Commission's initiative to provide a mechanism for national schemes.

The Board paper also included a précis of the 122 consultation responses received by the FSA (as Annex I); a tabular comparison of 'Current Rules' vs 'Proposed Rules' with 'Recommendations in Paper' (as Annex II); and the FSA's Impact Assessment, previously issued as

part of the earlier consultation exercise (as Annex III).

Readers may also be particularly interested to see the detailed comments made by LACORS in response to the FSA's consultation. This can be downloaded directly as <http://tinyurl.com/3laqjd>

The FSA has issued a summary of the outcome of the Board's discussion, as follows:

- The Agency Board has agreed that the aim of the Agency's negotiations is to promote clear and consistent food labels to help consumers make appropriate and informed choices.
- **Nutrition labelling:** As previously discussed in April, the Board has expressed its support for mandatory nutrition labelling and front-of-pack (FOP) labelling approaches that follow the Agency's core principles. It also expressed its commitment to an independent evaluation of FOP labelling schemes in use in the UK and recognised that the evidence emerging from this work would be important in the context of future discussions on this matter.  
In April, the Board discussed the nutritional labelling element of the European Commission's food regulations proposal. The purpose of discussing it in advance was so the Board had plenty of time to fully consider all the nutritional and general labelling aspects of the proposal before forming a view on it.
- **Clarity:** The Board felt that the approach to clarity should go wider than simply font size. Any rules that are developed should take into account all aspects of labels that make it easier for consumers to read.
- **Country of Origin:** It felt that the Commission's proposals on information on where a food is produced or processed should be more focused and only deal with products where consumers are experiencing possible confusion. They have also agreed that statutory obligations are kept to a reasonable minimum.
- **Allergy labelling for food sold loose:** The Board felt that Member States should in principle be required to label allergens in food sold loose, such as in restaurants, cafes, and delis, but that each country be free to decide how this is delivered. The Agency has already produced guidance on this area of labelling.
- **Distance selling:** Labelling rules should include the labelling of food sold over the Internet or through mail order catalogues, the Board felt, although it recognised that not all the information needed to be attached as a label but other means might be used, such as telephone help lines. The Board's agreement is subject, though, to further discussions during the negotiations around the impact on small businesses.

- **Alcoholic drinks:** The Board felt that the requirements on ingredients lists for food should be extended to all alcoholic drinks. At the moment the proposal only covers 'pre-mixed' drinks such as alcopops and not wine, beer and spirits. The Agency believes that the labelling rules on alcohol should be consistent. Energy declarations should also be given on labels.
- **Next steps:** The Board's views will, together with the views of other Government departments, be developed into UK negotiating lines to be agreed with Ministers. Negotiations are likely to start in Europe under the French presidency in September.

(from <http://tinyurl.com/4vp6yp>)

### European Parliament

The EU Commission's proposal for a food information regulation is being dealt with under the EU's co-decision procedure, requiring consideration and agreement by both European Council and European Parliament.

The Environment, Public Health and Food Safety Committee is the Parliament's lead committee (with Rapporteur Renate Sommer PPE-DE).

The tentative schedule for the European Parliament indicates report adoption in committee in late January 2009, with consideration in the full Parliament in mid March 2009.

The proposal will also be considered by the Internal Market and Consumer Protection Committee (with Rapporteur Bernadette Vergnaud PSE)

### **Clear Food Labelling Guidance**

The Food Standards Agency has published its revised Guidance on Clear Food Labelling, following the consultation exercise it carried out over the period October - December 2007, replacing the previous guidance published in 2002. The revised Guidance can be downloaded directly from the FSA website (<http://tinyurl.com/6n6zxf>). The new document still carries a label 'Draft Revised 2008', but has clearly moved beyond that point.

Under Legal Status the Guidance notes that it has been produced to provide informal, non-binding advice on:

- The legal requirements for labelling food regarding intelligibility and what must appear on the label (Part 1); and
- Best practice in clear food labelling (Part 2).

"This Guidance should be read in conjunction with the legislation itself. The advice on legal requirements should not be taken as an authoritative statement or interpretation of the law, as only the courts have this power. It is ultimately the responsibility of individual

businesses to ensure their compliance with the law. Compliance with the advice on best practice is not required by law."

The guidance notes that it will be reviewed again regularly and in particular after agreement of the new European Food Information Regulation

The guidance continues to make reference to existing guidelines from the Institute of Grocery Distribution on print size and clarity, and on back-of-pack nutrition labelling

There are some changes from the draft text that was issued for consultation, among which readers may wish to note:

- The early part of the text has been restructured, but without significant change to the overall content - (Intended Audience / Purpose / Legal Status / Background on the Creation of the Guidance, and Part 1 - Legal Requirements for Labelling Food / Intelligibility and Information that must appear on the Label, in paragraphs 1 - 26)

- There is also an enhanced statement on increasing sight problems and demographics:

"17. Over the following years there may be an increase in sight problems if the demographics of the UK's population continues to show an increase in the percentage of older people. Whilst there is no obligation for food business operators to follow the Guidance it is felt that there should be an acknowledgement of these problems and for this reason the revised Guidance continues to recommend a minimum font size of 8 point for mandatory information. This Guidance aims to assist consumers with visual impairment by addressing issues such as font size and type, and contrast etc."

- Part 2 of the guidance includes the detailed 'Best Practice Advice For Clear Food Labelling' (paragraphs 27-54), which continues to advise clearly

**'This best practice advice is voluntary. Industry may wish to consider following these points in order to provide information in the clearest way'**

Changes that have been noted in Part 2 include the following:

- The 'Essential Information and Groupings' section now identifies separately in paragraph 28 any additional allergen information (such as a 'contains' box) and customer care line information, although acknowledging that these are not required by law
- A new paragraph regarding the legal name has been introduced:

**'30. Careful consideration should be given to the prominence of a legal name which is required to provide sufficient description to a purchaser**

**which must given in addition to another less descriptive product name that appears on the front of the pack. Where possible, this legal name should appear on the most prominent face of the pack and alongside the product name.'**

- The statement regarding minimum print size has been softened somewhat:
  - previously 'An absolute minimum print size of 8 point may be used ...'
  - revised to read 'As best practice, the Agency recommends a minimum print font size of 8 point should be used ...'

The guidance notes in footnote 13 that different fonts can give rise to different character heights.

'This Guidance is based on an 8 point font size having the lower case letter 'o' with a height of 1.6 mm.'

This can be compared to the requirement in the EU's food information proposal for a minimum font size of 3mm

- The tabular presentation in paragraphs 38 - 41 of practices that are 'recommended' / 'to be used with care' / 'best avoided' shows some changes from the consultation draft:

Under '**Font type and format**', open fonts such as Arial for letters, and bold type if print quality is retained are added to the recommended column. Ornate fonts, shadowing, and italics have been moved to best avoided.

The section on **contrast** now incorporates the previously separate sections on backgrounds and colours. Light type on a light background, and yellow/white combinations have been added to the best-avoided list

Under **surfaces**, 'metallic and shiny surfaces' has been moved to best avoided

The previous section on '**print quality**' is no longer included

- The section on increasing the printable area on packaging (paragraph 47) now uses some more moderate language:
  - 'reducing space used for branding and claims' now reads 'balancing space used for voluntary information such as branding and claims with space for mandatory information'
- The section on allergen Information has been changed (paragraph 49) to concentrate on the voluntary use of separate allergen information / alert panels
- The section on the format of nutrition labelling (paragraph 52) now includes a clear recommendation that the amount of salt equivalent is also provided underneath, but outside of, the

main nutrition panel.

- The Annex to the guidance includes a summary of relevant legislation which is little changed from the consultation draft

Best Practice Guides from the IGD can be obtained (free of charge) via the IGD website at [www.igd.com](http://www.igd.com):

- **Packaging Legibility - Recommendations for Improvement** (revised 2003) from <http://tinyurl.com/6qhlwm>
- **Voluntary Nutrition Labelling Guidelines** (published 1998) from <http://tinyurl.com/59y346>

### **Seven members appointed to EFSA Management Board**

The Council of the European Union has appointed seven members to join the Management Board of the European Food Safety Authority. The new members take up their appointment on 1 July 2008 and, along with seven other Board members appointed in June 2006, will ensure continuity in overseeing the functioning of the Authority. The inaugural meeting of the newly constituted Management Board is scheduled for 2 October 2008.

The seven members are: Sue Davies, Piergiuseppe Facelli, Matthias Horst, Milan Pogačnik, Jiri Ruprich, Sinikka Turunen, Bernhard Url.

Appointed in a personal capacity, they all have proven expertise and longstanding experience in a wide range of areas related to the Authority's mission including relations with institutions and stakeholders, and notably those organizations representing consumers

"These new appointments will ensure continuity in the strong contribution the Board has made to the management of EFSA's work. Emphasis will be put on the further development of EFSA's strategic plans 2008 - 2013. The Board's role in helping EFSA set future directions and guiding the Authority through this process will be crucial," said EFSA Executive Director, Catherine Geslain-Lanéelle.

The appointees replace, for a period of four years, seven of the 14 members from the first EFSA Management Board established in 2002 and whose term of office ends on 30 June 2008. The Council's decision follows consultation with the European Parliament on a list of candidates proposed by the European Commission following an open call for expressions of interest launched in 2007.

The Board ensures that the Authority delivers its mandate as defined in the founding Regulation, functions effectively and efficiently, and meets the expectations of European and national institutions, stakeholders and the public.

- Sue Davies, Chief Policy Advisor of the UK consumer organisation "Which?"
- Pier Giuseppe Facelli, Director Office for International Affairs in Food and Veterinary of the Italian Ministry of Health
- Matthias Horst, Director-General of the Federation of the German Food and Drink Industry (BVE)
- Milan Pogačnik, Dean of the Veterinary Faculty at the University of Ljubljana, Slovenia
- Jiri Ruprich, Director, Czech National Institute of Public Health
- Sinikka Turunen, Secretary General of the Finnish Consumers' Association
- Bernhard Url, Managing Director of the Austrian Agency for Health and Food Safety (AGES)

Matthias Horst and Milan Pogačnik have been re-appointed. Matthias Horst was a founding member of the EFSA Board established in 2002 and Milan Pogačnik was appointed in June 2007.

Among the retiring members of the Board, at the end of their six-year terms of office, were Deirdre Hutton (UK) and Patrick Wall (Ireland)

The Council Decision (2008/486/EC) was published in the EU's Official Journal L165/8 on 26 June, available as <http://tinyurl.com/6esu2c>

### **Unfair Commercial Practices**

Readers will be aware that new UK legislation has been introduced in the areas of unfair trading and misleading marketing.

- The Business Protection from Misleading Marketing Regulations 2008 (SI 2008 No 1276)
- The Consumer Protection from Unfair Trading Regulations 2008 (SI 2008 No 1277)

The regulations came into force on 26 May. Copies of the Regulations, together with the associated Explanatory Memoranda can be downloaded from the OPSI website at [www.opsi.gov.uk/si/si200812](http://www.opsi.gov.uk/si/si200812)

Further information can be found on the BERR website (Department for Business, Enterprise and Regulatory Reform) at <http://tinyurl.com/6d6p95>, including a brief guide for business:

- **Consumer Protection from Unfair Trading Regulations: a basic guide for business** (download directly as <http://tinyurl.com/3gjmb>)

More detailed interim guidance has been produced jointly by the OFT and BERR and is available from the OFT website at <http://tinyurl.com/4qytfh>

- **Consumer Protection from Unfair Trading Regulations 2008 Guidance (INTERIM)**

The Consumer Protection from Unfair Trading Regulations implement the requirements of EU Directive 2005/29/EC concerning unfair business-to-consumer commercial practices - the 'Unfair Commercial Practices Directive' - the directive is available from the Eur-Lex website at <http://tinyurl.com/6ojuz7>

The new Regulations also implement article 6.2 of Directive 1999/44/EC 'on certain aspects of the sale of consumer goods and associated guarantees' ("the Sale of Goods Directive").

**They introduce a general prohibition on traders in all sectors engaging in unfair commercial (mainly marketing and selling) practices against consumers, and repeal a large number of laws which cover the same subject matter, including most of the Trade Descriptions Act 1968 - notably the prohibition on false trade descriptions in section 1(1) and the provision on false or misleading statements as to services in section 14.**

The Business Protection from Misleading Marketing Regulations implement the requirements of EU Directive 2006/114/EC concerning misleading and comparative advertising - available from <http://tinyurl.com/4lmr8a>.

Directive 2006/114 codified the previous 1984 Directive on the same subject (84/450/EEC) with the amendments that had been made to it by other Directives (including the Unfair Commercial Practices Directive which had reduced the scope of the provisions on misleading advertising to business-to-business advertising).

Directive 84/450/EEC was implemented in the UK by the Control of Misleading Advertising Regulations 1988 (SI 1988 No 915) but these 1988 regulations are among those now revoked by the Consumer Protection from Unfair Trading Regulations (above).

**The new Business Protection from Misleading Marketing Regulations have been introduced to ensure that there is no reduction in business protection. The regulations prohibit misleading business-to-business advertising and set out the conditions under which comparative advertisements are permitted.**

**LACORS' opinion on Buy One Get One Free (BOGOF) offers**

There have been suggestions that the new Consumer Protection from Unfair Trading Regulations may restrict the use of the term 'free' in buy one get one free' offers - see for example the Out-Law website at <http://www.out-law.com/page-9002>

**The Regulations list in Schedule 1 a number of 'commercial practices which are in all circumstances considered unfair'.**

Number 20 in this list reads as follows:

"20. Describing a product as 'gratis', 'free', 'without charge' or similar if the consumer has to pay anything other than the unavoidable cost of responding to the commercial practice and collecting or paying for delivery of the item."

**LACORS has now issued an opinion on the continued use BOGOF offers which supports the Government's view that Schedule 1 of the Regulations will not prevent the use of the word 'free' in BOGOF offers and free gifts throughout the UK. Full details are available from the LACORS website at <http://tinyurl.com/3ewhus>**

"Both BERR and LACORS believe that the Regulations will be interpreted in the light of the Directive and the purpose of the Directive (expressed in Article 1) is to approximate laws on unfair commercial practices harming consumer's economic interests. This should assist in the argument that the Regulations should not be interpreted in a manner that prohibits use of the word 'free' in circumstances where consumers are not misled or otherwise economically harmed."

**Guidance Notes and Best Practice on Allergen and Miscellaneous Labelling Provisions**

The Food Standards Agency has published its finalised guidance on allergen labelling for pre-packed foods. This follows the introduction of the various national regulations which implement the requirements of Commission Directive 2007/68/EC and provide for permanent exemption from allergen labelling for certain derived ingredients.

- The Food Labelling (Declaration of Allergens) (England) Regulations 2008 (SI 2008 No 1188), from [www.opsi.gov.uk/si/si200811](http://www.opsi.gov.uk/si/si200811)
- The Food Labelling (Declaration of Allergens) (Scotland) Regulations 2008 (SSI 2008 No 180), from [www.opsi.gov.uk/legislation/scotland/s-200801](http://www.opsi.gov.uk/legislation/scotland/s-200801)
- The Food Labelling (Declaration of Allergens) (Wales) Regulations 2008 (SI 2008 No 1268 (W 128)), from [www.opsi.gov.uk/si/si200812](http://www.opsi.gov.uk/si/si200812)
- The Food Labelling (Declaration of Allergens) Regulations (Northern Ireland) 2008 (SR 2008 No 198), from [www.opsi.gov.uk/sr/sr200801](http://www.opsi.gov.uk/sr/sr200801)

Each of the regulations came into force from 31 May 2008

The FSA's guidance - **Guidance Notes and Best Practice on Allergen and Miscellaneous Labelling Provisions** - can be downloaded directly from the FSA website as <http://tinyurl.com/6b653t>

The new Guidance Notes replace the guidance that was

published around the end of 2007, which had consolidated and replaced previous separate guidance documents on 2004 and 2005 Regulations and had updated the guidance to include 2007 Regulations.

The new guidance covers the whole of the UK and provides informal, non-binding advice on the 2004 and the new 2008 Regulations, the 2005 and 2007 regulations having been revoked by the 2008 regulations.

The guidance continues to provide specific examples of 'best practice', which are clearly distinguished from the guidance on legal requirements, being included in shaded boxes and labelled 'Best Practice'. **The guidance makes clear that compliance with this [best practice] advice is not required by law.**

The new guidance shows few changes from the draft that was issued for consultation in February 2008. Readers may wish to note the following:

- additional references to the Fish Labelling Regulations in paragraphs 19 and 24 dealing with crustaceans and molluscs
- an expanded list of ingredients that were temporarily exempted by Directive 2005/26/EC but did not gain permanent exemption (paragraph 32)
- an expansion of the best practice advice in paragraph 42 on 'labelling a source allergen that is no longer present in the final product'. This now reads as follows:

"If an allergic consumer were to eat something which was labelled as containing an allergen, that in reality was no longer allergenic, this could lead to confusion, and a potentially dangerous situation, where the allergic consumer might incorrectly assume that they can safely eat that allergen. In order to avoid this confusion, it would be best practice, not to make reference to the source allergen on the label."

### **Food Law Code of Practice England**

The Food Standards Agency has published a revised Food Law Code of Practice for England. This follows the consultation exercise which ran between September and December 2007. Full details of the new code are available from the FSA website at <http://tinyurl.com/5t472d>

The associated Practice Guidance document has not yet been updated and the version available (from the web address above) is the one that was first issued in March 2006.

**The Code of Practice sets out instructions and criteria to which the local and port health authorities (food authorities) should have regard**

**when engaged in the enforcement of food law. Food authorities must follow and implement the provisions of the code that apply to them. The Practice Guidance gives advice to enforcement officers on how best to apply the provisions laid down within the code.**

Also available is the letter that was sent to food authorities in England, which includes (as an Appendix) details of the main changes that have been made to the previous (2006) version of the Code (download as <http://tinyurl.com/6pdof9>)

The review of the Code of Practice was intended to address issues that were raised from the **Hampton Review on Regulatory Inspections and Enforcement** that was published in March 2005. In the 2004 Budget, the Chancellor asked Philip Hampton to consider the scope for reducing administrative burdens by promoting more efficient approaches to regulatory inspection and enforcement, without compromising regulatory standards or outcomes. The FSA listed four recommendations from the Hampton report which the review was intended to address:

- Comprehensive risk assessments should be the foundation of all regulators' enforcement programmes;
- There should be no inspection without reason, and data requirements for less risky business should be lower than for riskier businesses;
- Resources released from unnecessary inspections should be redirected towards advice to improve compliance;
- There should be fewer, simpler forms.

[The full Hampton report can be found at [www.berr.gov.uk/files/file22988.pdf](http://www.berr.gov.uk/files/file22988.pdf) ]

**The main change in the revised Code has been the replacement of the inspection-focussed approach to food law enforcement with a more flexible one whereby local authorities can use a wider range of interventions to monitor, support and increase business compliance.** This is reflected in Section 4 of the revised Code (and elsewhere as appropriate). The aim is to ensure that resources are directed at those food businesses that present the greatest risk to public health and consumer protection.

**Readers should also note that the prescribed inspection frequencies for food establishments that require approval under Regulation (EC) No 853/2004 (on hygiene rules for food of animal origin) no longer apply. Instead the frequency of intervention at these establishments should be determined by means of the food hygiene intervention-rating scheme included in the new Code as Annex 5.**

There has been an Agency-funded programme of training courses on the concept of interventions, and a detailed PowerPoint presentation of the course training

materials is now available to download as <http://tinyurl.com/6rq56m>

There are parallel Food Law Codes of Practice for Scotland, Wales and Northern Ireland which are also being updated. They will be published in due course.

LACORS has updated and reposted a webpage from 2006 which provides links to LACORS food hygiene inspection forms and aide memoire options - available from the LACORS website at <http://tinyurl.com/6xqd3c>. Readers will find that some of the links are to restricted areas of the LACORS website, but copies of the relevant content can be provided on request to the BFFF office.

### **Quick-Frozen Foodstuffs**

The revised Food Law Code of Practice for England includes changes to the section on quick-frozen foodstuffs, chapter 3.7. These reflect the recent legislative changes and are in line with the draft that was issued for consultation in September 2007

[Legislative changes were introduced early in 2007 to provide for the enforcement etc for European regulation 37/2005 'on the monitoring of temperatures in the means of transport, warehousing and storage of quickfrozen foodstuffs intended for human consumption']

The Practice Guidance has not yet been updated and still reflects the previous legislative situation.

### **Labelling of 'added ingredients' in meat products**

The Food Standards Agency has published its finalised guidance on the labelling of added ingredients in meat products, covered by Regulation 5 of the 2003 Meat Products Regulations.

The guidance was prepared by the FSA with the assistance of a Drafting Group comprising a consumer organisation, LACORS and industry stakeholders, with the final draft offered for public consultation between August and December 2007.

Copies of the guidance can be downloaded as <http://tinyurl.com/6dn747>

- **Labelling of 'added ingredients' in meat products covered by MPR Regulation 5: A guide to regulatory compliance incorporating guidance on best practice**

The guidance applies to labelling of added ingredients in meat products which have the appearance of a cut, joint, slice, portion or carcase of meat or of cured meat (in each case whether cooked or uncooked) - referred to in the guidance as appearing like "whole meats".

The document identifies the relevant legislation as well as recommending best practice advice on labelling of

added ingredients in these meat products, such as added water, added animal ingredients from different meat species, etc. It also clarifies the legal requirements concerning labelling of added starch and/or protein in regulation 5 meat products following changes to EC rules and consequent amendment of the Meat Products Regulations.

It also provides guidance and 'best practice' advice on labelling of 'added ingredients' in meat products used in cooked recipe dishes in catering establishments. The guidance is aimed at manufacturers, retailers, wholesalers, catering establishments, enforcement authorities and importers.

**The guidance makes a clear distinction between legal requirements and advice on best practice, with best practice advice highlighted by shaded boxes, and states clearly that "while the legal requirements must be met, following 'best practice' advice is not mandatory".**

Although only recently issued, there are a number of areas where the guidance is not completely up-to-date - references to the Trade Descriptions Act and to the old 2002 version of the FSA's guidance on clear food labelling, for example.

The most significant changes from the consultation draft text are

- an expanded and updated treatment of allergen labelling, and
- a re-drafted section on labelling of starch and proteins (paragraphs 5.14 - 5.21), including the omission of previous 'best practice' advice regarding threshold levels:

Previous text no longer included: "5.19 It is understood that starch and/or proteins are added to some meat products at a level of 1% to confer their intended technical effect (e.g. to lower product cooking losses, improve product sliceability, etc.). To facilitate common understanding and to establish a level playing field in the marketplace, it is suggested that a threshold level of [1%] be applied above which the presence of these ingredients should be indicated in, or next to, the name of the food."

- some of the examples included have been changed including for example:
  - "ham, 90% pork with added water and milk proteins" (5.25) has become "chicken breast fillets, 90% chicken with added water and pork proteins" (5.26)
  - examples based on "succulent" have generally become "marinated" - eg "succulent pork chops" has become "marinated pork chops" (5.4, 5.13); also "succulent" has been dropped from paragraph 6.1

## UK Trade Tariff Goes Online

BusinessLink has launched an online tool which gives traders free and direct access to current trading information on taxes and levies, rebates, preferences, restrictions and other information supplied by HM Revenue & Customs (HMRC) at <http://tinyurl.com/4orx4y>.

The majority of import and export customs declarations rely on a classification system that defines goods and assigns each a 'commodity code'. The UK Trade Tariff enables the trader to find commodity codes that accurately describe goods, as well as a full list of duties and other measures such as taxes, rebates and conditions that apply to any code.

Based on the EU's TARIIC database, it also includes additional UK-specific measures. **It is said to be the most accurate information available, as it is updated daily.** Offering a number of features to make finding and storing information easier, 'help' links aid the classification process and provide additional facts such as links to other international trade websites, including SITPRO.

Once registered, a free of charge e-mail alerts subscription can be set up to notify the subscriber automatically whenever changes take place to the Tariff chapters, headings and commodity codes.

Since its launch in early April, the service has received good feedback from traders who report significant time savings in classifying their goods. Other users have reported that the online tool is more 'user friendly' and an improvement upon wading through the paper version which can be unwieldy and daunting to the novice user.

[from SITPRO News: Issue 64, Spring 2008:  
[www.sitpro.org.uk](http://www.sitpro.org.uk)]

## Updated Refrigeration System Safety Standard

The European Standard for the design and construction of refrigeration systems EN378 has been updated following a comprehensive review process.

The previous version of the standard, EN378:2000 has been withdrawn and is replaced by EN378:2008. The title of the standard is unchanged: **"Refrigerating systems and heat pumps — Safety and environmental requirements"**.

**The Institute of Refrigeration has issued a useful Guidance Note (No 16 - EN-378:2008 Review of Key Revisions)**

The IoR Guidance notes that the main reason for the update was to harmonise the standard with the European Commission's Pressure Equipment Directive 97/23/EC, and also assessment for conformity with the Machinery Directives 98/37/EC and 2006/42/EC.

The Guidance Note can be downloaded free of charge from the IoR website at <http://tinyurl.com/55nbyf>

The Standard itself is available from BSI in the UK at <http://www.bsigroup.com/en/> -

BS EN 378:2008 Refrigerating systems and heat pumps. Safety and environmental requirements

- Part 1 - [Basic requirements, definitions, classification and selection criteria] - available shortly
- Part 2 - Design, construction, testing, marking and documentation £160 (£80 to members of BSI), from <http://tinyurl.com/6oocag>  
Replaces BS EN 378-2:2000 (withdrawn)
- Part 3 - Installation site and personal protection £114 (£57 to members of BSI), from <http://tinyurl.com/64np3v>  
Replaces BS EN 378-3:2000 (withdrawn)
- Part 4 - Operation, maintenance, repair and recovery £114 (£57 to members of BSI), from <http://tinyurl.com/6qlozt>  
Replaces BS EN 378-4:2000 (withdrawn)

English language versions of the European Standard can also be obtained via the French standards office (AFNOR) <http://www.afnor.fr/portail.asp?Lang=English>

NF EN 378 Part 1 €77.20

Part 2 €84.70

Part 3 €49.10

Part 4 €56.10

[from <http://tinyurl.com/5l7ddy>]

## City and Guilds launches new F-Gas qualification

A City and Guilds launch and briefing event was held for current and prospective training centres on 3 June in London. The event gave an overview of the new F-Gas regulations, content of the new 2079 suite of qualifications and detailed the process for centres to apply to offer the new qualifications.

City & Guilds has developed the new qualification in association with ACRIB to help refrigeration engineers meet new legal new legal requirements in relation to F-Gas Regulations. **The existing City & Guilds 2078 Handling Refrigerants qualification meets the current legal minimum requirement to handle refrigerants and is likely to enable individuals to continue to practice until July 2011 before achievement of the new 2079 F-Gas qualification becomes mandatory for all individuals working with F-Gas.**

The new qualification is likely to be entitled the City & Guilds Level 2 Award in F-Gas and ODS Regulations. There will be four different versions of the qualification to reflect the different work activities

that relate to F-Gas. These are:

- Category I - covers service, maintenance, installation, commissioning and leak checking of stationary RAC equipment
- Category II - covers activities on equipment with a charge of less than 3kg (6kg if hermetically sealed and labelled)
- Category III - recovery activity
- Category IV - leak checking

Most engineers will require a Category I certificate, which will cover the activities assessed in all the other categories (e.g. if you successfully obtain the category I qualification you would not need to obtain category IV as well if you were undertaking leak checking). Each qualification will require candidates to achieve both a theory and practical assessment. Assessment of the practical will be undertaken on a standard equipment rig.

The practical test will assess subject areas such as:

- Brazing pipe jointing as used to install components
- Pressure testing
- Refrigerant charging
- Inspecting for leaks, rectifying and re-checking
- Connecting and disconnecting gauges
- Refrigerant recovery

The theoretical assessment will cover areas such as:

- Basic thermodynamics
- Basic refrigeration cycle
- Identifying condition and state of refrigerant
- Determining operating conditions and efficiency
- Monitoring system performance for indications of refrigerant leakage
- Understanding of environmental impact of F gases
- Knowledge of equipment record keeping requirements
- Knowledge of key components and associated risk of leakage

It is expected that the first public courses for engineers will begin around September this year.

[from the IoR website]

### **Infected food handlers Occupational aspects of management**

The Royal College of Physicians and NHS Plus have published new guidelines, aimed at preventing the transmission of disease by food handlers. Transmission

of disease by food handlers is described as a major problem, with 765,000 recorded cases of food-borne diseases in 2005 in England and Wales, costing the economy an estimated £1.4 billion.

'**Infected food handlers: Occupational aspects of management**', has been produced by the Occupational Health Clinical Effectiveness Unit (OHCEU) at the Royal College of Physicians. It makes a series of recommendations based on a review of evidence, and is intended to assist employers by providing advice on the management of infected food handlers and prevention of the transmission of infection from food handlers to food.

**Food handlers are defined as employees who fall into the following categories as classified by the Department of Health in its 1995 booklet 'Food handlers: fitness to work':**

- people employed directly in the production and preparation of foodstuffs, including those in the manufacturing, catering and retail industries
- people undertaking maintenance or repairing equipment in food-handling areas, whether permanent staff or workers on contract, and visitors to food-handling areas.

This review summarises the current evidence and is intended to assist occupational health professionals, managers and other interested parties who are responsible for providing advice on the management of infected food handlers and the prevention of transmission of infection.

Three key questions were used as the basis for the systematic review:

1. What have been the organisms responsible for outbreaks of food poisoning by infected food handlers in the past 10 years within the UK?
2. What are the best methods for identifying food handlers who may be infected?
3. What are the best methods of preventing food handlers who may be infected from spreading disease?

Key findings and recommendations are summarised as follows:

- Norovirus, Salmonella enteritidis and Salmonella typhimurium are responsible for the majority of the outbreaks of food poisoning.
- Some food handlers continue to work with symptoms such as diarrhoea or vomiting and pose a significant infection risk via the food.
- Infected food handlers may be asymptomatic and be unaware of the increased risk of passing infection to others via the food they handle.
- No methods were reported for identifying asymptomatic food handlers who are infected with

relevant micro-organisms.

- Hand washing by food handlers is an effective method for preventing the spread of infection from food handlers to food.
- A standardised hand-washing procedure should be included in all induction programmes for food handlers.
- Hand washing with soap and water should be the method of choice for food handlers and they should dry their hands using paper towels or a hot air dryer.

A copy of 'Infected food handlers', can be downloaded from the Royal College of Physicians website, at <http://tinyurl.com/55yzla>, where more information can also be found.

**There are also three summary leaflets - for employers, for employees, and for healthcare professionals, which can also be downloaded from the same web address.**

**Background:** The Occupational Health Clinical Effectiveness Unit at the Royal College of Physicians aims to measure and raise standards, and to reduce variability, of occupational healthcare through the development of evidence-based guidelines and conduct of national clinical audits.

The NHS Plus Project aims to improve the quality and delivery of occupational health services to NHS staff and in turn increase the availability of NHS Plus services to small and medium employers. In addition to commissioning the Occupational Health Clinical Effectiveness Unit to produce evidence-based guidelines and conduct national audits, the Project has work strands to improve the delivery of services, provide an improved trading model and improve the strategic leadership of occupational health services in the NHS.

### IFST Information Statements

The Institute of Food Science and Technology has published a number of updated Information Statements over recent months. These are available to download from the IFST website at <http://tinyurl.com/6dt8ae>. The content is summarised by IFST as follows:

- **AIDS and the Food Handler** (May 2008) - Millions of people worldwide are infected with the HIV/AIDS virus. IFST addresses some of the concerns there may be about people with HIV/AIDS working in the food industry and provides important advice to employers, food handlers and the general public.
- **Cryptosporidium** (April 2008) - Cryptosporidium

infection can be serious. It is usually transmitted by contaminated water, infected animals, person-to-person contact or contaminated food. This IFST Information Statement explains the background to the concerns about cryptosporidium, the nature of the infection and the life cycle of the organism, *Cryptosporidium parva*. Control and detection measures are discussed and advice for food handlers provided.

[Readers may also wish to note that the Food Safety Authority of Ireland has also recently published a new guide giving practical advice to food businesses in the event their water supply becomes contaminated with *Cryptosporidium*. The guidance booklet, *Cryptosporidium - Protecting Your Food Business* is available from the FSAI website at <http://tinyurl.com/5bdtv3> ]

- **Cyclospora** (May 2008) - The growing importance of the protozoan parasite, *Cyclospora cayetanensis*, as a cause of food borne infection is described. Outbreaks so far have occurred mainly in the USA and have been linked to the consumption of soft fruits and salad greens. The microbiological safety of such fresh fruit and salad vegetables depends on the avoidance of contamination with pathogenic microorganisms at all stages of production, most particularly in the field. IFST outlines the measures needed to avoid such contamination and stresses the need for improved reporting mechanisms.
- **Foodborne viral infections** (April 2008) - Foodborne viral infections cause gastroenteritis and hepatitis. All originate from the human intestine and from contamination of food either during preparation by infected food handlers or by contact with sewage sludge or polluted water. This Information Statement analyses the problem, provides guidance on the management of food handlers and recommends other control measures.
- **Verocytotoxin-producing E coli food poisoning and its prevention** (May 2008) - Although illness from VTEC is not common it is regarded as an important pathogen because of the serious complications that can occur following infection. In this Information Statement IFST reviews the incidence of VTEC, detection and control measures as well as providing information on the latest research. Guidance on appropriate food safety and quality assurance procedures is provided.

### Advisory Statement

IFST has also published a new Food Safety Advisory Statement, aimed at the general public, and available from <http://tinyurl.com/4yycmk>

- **Don't Spread Germs: Avoiding cross-contamination in the home** (May 2008) - Cross-contamination or the spreading of germs is a major cause of food poisoning but it is preventable.

Avoiding cross-contamination is simple and important. Here IFST explains how it occurs and how to prevent it. Follow our top 10 tips for avoiding cross contamination in the home.

[an IFST contribution to the 16th National Food Safety Week which ran from 9-13 June 2008]

### Trans-Fatty Acid Content of Food

In 2007, the Food Safety Authority of Ireland (FSAI) commissioned a study of trans-fats in prepared packaged food sold on the Irish market. The results of that study have now been published, and can be downloaded from <http://tinyurl.com/4ruq7a>

The survey looked at the types of food that have been shown to contain trans-fats in past studies. However, results indicated that generally, the levels of trans-fatty acids in the surveyed products were low. Overall, 57% of the products surveyed contained no detectable trans-fats and 23% contained low levels of trans-fats (less than 2% of total fat being trans-fats).

100 samples of retail packaged foodstuffs were sampled for analysis of total fat content and fatty acid profile including trans fatty acids (TFA). The samples comprised a cross-section of products which would be expected to contain industrial TFA as a result of the manufacturing processes or ingredients (hydrogenated oils), and those which would contain TFA naturally (in products from ruminant animals). Of the 100 products surveyed, 33 declared hydrogenated oil (HO) as an ingredient; 67 did not, with 25 of these 67 being of animal origin.

64% of the products declaring HO as an ingredient had low levels of TFA, below 2%. The survey concludes "it appears that the presence of HO as a component of the ingredient declaration on product labels doesn't necessarily relate to the presence of TFA in products".

The survey results did however show that "levels of saturated fats in many products were high and this is still a matter of public health concern" 34% of all products surveyed contained 50% or more of saturated fat (as a percentage of total fat), with the corresponding figure for products declaring HO as an ingredient being 51%.

The report concludes "There is no doubt that the trans-fat content of foods needs to be reduced and maintained as low as possible. However, creative solutions to reformulation are needed by the food industry. This should not include the replacement of trans-fats with saturated fats, even in the short term, because this is not a sustainable solution for the improvement of dietary health."

### How the UK should respond to food policy challenges

Britain must take urgent steps to secure a safe and sustainable food supply according to a new report just published by the Institute for Public Policy Research North (ippr north).

ippr north says that food is a major determinant of the UK's social, economic and environmental wellbeing and that greater priority and coordination is needed on food rather than applying a static food policy.

The report advocates a strategy that puts food-related concerns at the heart of policy making across government. Such an approach should be able to resolve tensions between competing policy priorities and be responsive to the global and long-term nature of many of the current food challenges.

The Executive Summary identifies a growing number of increasingly thorny and sometimes urgent food-related challenges facing UK policymakers, which include:

- Protecting consumers from rising world food prices
- Increasing the environmental sustainability of food production
- Ensuring security of food supplies
- Protecting consumer health and food safety
- Improving economic and environmental conditions of foreign food suppliers
- Promoting healthy eating in the UK
- Supporting the economic viability of the UK agri-food sector.

"Unfortunately, neither the current piecemeal approach nor a single, static 'food policy' will be able to respond effectively to these or other challenges around food production and consumption. What is needed is a fresh, coordinated approach to food policymaking that puts food-related concerns at the heart of policymaking across government. Such an approach should be able to resolve tensions between competing policy priorities (for example, cheap food versus environmental protection), coordinate between different layers of government, respond to the global and long-term nature of many of the current challenges, and be the basis of an effective communication strategy around food policy."

The report identifies four key areas for action [taken from the report's Executive Summary]:

1. Food security is an important issue at global, regional, national and household scales. Yet, current UK policies seem not to take national food security seriously enough. Agricultural policy is no longer orientated just to food production; rather, its focus tends to be on environmental management and food safety. An obvious

starting point would be for agricultural policy to clearly support food production.

Ensuring domestic food security will, in turn, also require a greater security in the supply of key resources. For example, a stable supply of workers will also be needed into the agri-food sector, something that may be at risk with changing levels of migration. Moreover, the wider value of food production will need to be taken into greater account when making decisions on land use, especially where good quality land risks not being given over to agriculture.

If we are serious about food security, then we need to ensure that spatial plans and new developments result in greater food production, and respond to food consumption and waste matters. As such, 'food planning' should become part of planning policy.

2. Food poverty is a serious threat to the livelihoods of many Britons. Reducing household food insecurity has to be a priority in the face of rising food and energy prices. The UK government, through the Department of Work and Pensions, has committed to reinstate the link between earnings and the state pension by 2015. To assist vulnerable households and reduce the short- and long-term effects of food poverty a clear date should be agreed, before 2015. It would also make sense for local authorities, supported by government, to develop the universal provision of free breakfasts to all school-aged children, before proceeding to the roll-out of universal free school meals to all school children. This would help reduce the negative health impacts of food poverty and poor diet for all children and young people and the stigma of receiving free school meals.

3. Food citizenship lies at the heart of the interaction between an individual's food choices, private sector production decisions and public sector standards and actions. Promoting sustainable and healthy food production and consumption will require better interventions to promote healthier decisions among individuals, more leadership from the private sector, and more effective interventions from the public sector.

4. Food communication needs to be improved to bolster the above interventions. The UK will only be able to respond effectively to changing challenges in food if there is an informed public debate about competing policy priorities. A good example will be the debate about the use of new technology, especially biotechnology, in the food supply at home and overseas. While the development of new technologies may improve the efficiency and sustainability of food supplies, it will be equally important to communicate why and how they will be used.

**'Best Before: how the UK should respond to food policy challenges', can be downloaded free-of-charge from the ippr website at <http://www.ippr.org/>.** The report is the first paper from ippr north's 'Food for thought' project and is authored by Dr Jane Midgley,

Research Fellow, ippr north

The associated press release from ippr notes the UK does not have a food policy. Scotland and Wales are developing their own national food policies. Food for thought will explore the differences between UK administrations and consider what other policy actions could be taken to ensure coherent and effective governance around food, and the role of the Common Agricultural Policy and future reform. These will be the topics of forthcoming papers.

The Institute for Public Policy Research describes itself as the UK's leading progressive think tank, "producing cutting edge research and innovative policy ideas for a just, democratic and sustainable world". It was founded by Lord Hollick and publicly launched in 1988. ippr has offices in both London and Newcastle.

"We have built a reputation on high research standards and innovative thinking. Studies show we are rated positively by politicians from all parties - a rare distinction." [ippr website]

### **Import conditions for Fishery Products**

There have been a number of changes over recent weeks in conditions for the importation of fishery products from third countries. For convenience, references to the various legislative texts and information announcements are collected below.

Copies of the Fishery Information Notes (FINs) issued by the FSA can be found at <http://tinyurl.com/36fc4a>

Copies of OVS Notes (Notes for Official Veterinary Surgeons at Border Inspection Posts) can be found at <http://tinyurl.com/6zm8dp>

#### **Additional Testing of Aquaculture Fishery Products from China for Residues of Malachite Green & Crystal Violet**

Commission Decision 2008/463/EC (amending Decision 2002/994/EC) was published in the Official Journal on 19 June 2008 (L160/34) and can be downloaded from the Eur-Lex website at <http://tinyurl.com/6efrcz>

From 1 July 2008 all consignments of aquaculture fishery products from China must be accompanied by a declaration of the Chinese competent authority stating that each consignment has been subjected before dispatch to a chemical test to detect the presence of malachite green and crystal violet, and their metabolites. These measures are in addition to the existing ones already in place by Decision 2002/994/EC (as amended).

However consignments of aquaculture fishery products that are not accompanied by the chemical test results may, for a period of no more than six weeks, enter the EU providing they undergo tests to detect the presence of malachite green and crystal violet, and their metabolites at the point of entry.

Further details are available in the FSA Fishery Information Note FIN/12/2008 and in OVS Note 08/41 (27 June).

#### **Imports of fishery products from Eritrea**

At the 18 June meeting of the EU's Standing Committee on the Food Chain and Animal Health (SCoFCAH), fishery products from Eritrea were discussed. The FSA reports that in February/March 2008 the Commission's Food and Veterinary Office (FVO) mission to Eritrea found a complete failure of control systems for both listing and inspection. The FSA understands that, following the 18 June SCoFCAH meeting, Eritrea has suspended two establishments.

Eritrea is a 'List II' country and the UK has a bilateral agreement for imports from Eritrea. There are only two establishments approved under the bilateral agreement, but the FSA is not yet clear whether these are the two that have been suspended.

The FSA has requested that, with immediate effect, BIPs undertake 100% physical checks on consignments of fishery products from Eritrea. Samples should be taken and submitted for analysis and /or examination for an appropriate range of parameters which, "dependant on your assessment of risks presented by the product, may include: histamine, heavy metals, pathogens and veterinary drugs".

Further details are available in the FSA Fishery Information Note FIN/11/2008 and in OVS Note 08/40 (24 June).

#### **Imports of fishery products from Mozambique**

The FSA has issued a notification that, at the 18 June meeting SCoFCAH, fishery products from Mozambique were discussed.

"In November 2007 the Commission's FVO mission to Mozambique on fishery products found significant improvements since their last visit in 2006. However Mozambique's monitoring programme for environmental contaminants (heavy metals, polycyclic hydrocarbons, dioxins) is not fully implemented.

"Therefore BIPs may wish to ensure that when carrying out sampling and analysis checks on consignments of fishery products from Mozambique, samples are tested for the environmental contaminants mentioned above. This does not affect monitoring arrangements on consignments of fishery products from EU-approved fishing vessels, which should continue as at present."

Further details are available in the FSA Fishery Information Note FIN/10/2008 and in OVS Note 08/39 (24 June).

#### **Fishery products from Uruguay**

Following a mission by the FVO in Uruguay, it was expected that changes would be made to the list of approved fishery products establishments, with some

removed from the approved list.

However, a further FVO mission in May 2008 found that shortcomings are being addressed and the Commission has withdrawn its proposal to apply safeguard measures to Uruguay.

Further details are available in the FSA Fishery Information Notes FIN/01/2008 and FIN/08/2008 (10 June)

#### **De-listing of Fiji for imports of fishery products**

Following an FVO mission to Fiji which identified major deficiencies, Commission Regulation 439/2008 was published in the Official Journal on 22 May 2008 removing Fiji from the list of approved countries in Annex II of Commission Regulation 2076/2005 (as amended).

Regulation 439/2008 can be downloaded from the Eur-Lex website at <http://tinyurl.com/56gah6>. It came into force on 25 May 2008, with a six-week transition period for imports of fishery products produced and certified before 25 May.

Fiji was a List II country and the UK had a bilateral arrangement in place. Technical assistance is to be provided to the Fijian Government to help them regain their status.

Further details are available in the FSA Fishery Information Notes FIN/01/2008 and FIN/07/2008, and in and in OVS Note 08/33 (23 May).

#### **Fishery Products from Malaysia**

An FVO mission to Malaysia raised serious concerns about hygiene controls, and the Commission issued a draft Decision proposing the suspension of all imports of fishery products from Malaysia, that would come into force with immediate effect with no transitional period for products "on the water".

However following the meeting of SCoFCAH on 18 June, it was announced that "the Malaysian authorities have voluntarily delisted all EU approved fishery products vessels and establishments. Imports of fishery products from Malaysia cannot therefore take place from 18 June 2008. However it was agreed that consignments of fishery products from Malaysia "on the water" accompanied by valid health certificates signed before 18 June may be accepted into the EU, but nothing after that date."

"Establishments will only be relisted by the Commission if Malaysia provides the necessary guarantees and receives a satisfactory Food and Veterinary Office report".

Further details are available in the FSA Fishery Information Notes FIN/08/2008 and FIN/09/2008 (19 June), and in and in OVS Note 08/35.

A report of the FVO mission can now be seen on the DG SANCO website at <http://tinyurl.com/6aat7u>

[Final report of a mission carried out in Malaysia from 08 April to 18 April 2008 in order to evaluate the public and animal health controls and the conditions of production of fishery products, live fish, their eggs and gametes intended for export to the European Union - Inspection Number 2008/7679]

#### **Fishery products from Indonesia**

Following the SCoFAH meeting on 2-3 June, a further Commission Decision is now expected that will amend Commission Decision 2006/236/EC on special conditions governing fishery products imported from Indonesia.

The FSA has announced that it understands that the effect of the amendment will be to reduce the additional checks for heavy metals so that they no longer apply to aquaculture, and additional checks for histamines will cease.

Further details are available in the FSA Fishery Information Note FIN/08/2008 and in OVS Note 08/35 (10 June).

#### **Fishery imports from Gabon**

The FSA issued a cautionary note in mid February (FIN 01/2008) regarding fishery products from Gabon.

"Following a Food and Veterinary Office (FVO) mission to Gabon, where deficiencies were recorded, it is proposed that a Commission Regulation will be introduced for all fishery products entering the EU from Gabon. This is likely to mean that 100% of consignments will have to be tested for heavy metals, as well as sulphites"

This was then discussed at a SCoFAH meeting in April. The Commission has recently published Commission Regulation No 601/2008 'on protective measures applying to certain fishery products imported from Gabon' (Official Journal L165/3, 26 June), available from the Eur\_Lex website at <http://tinyurl.com/5fc45j>

Member States are required to ensure that each consignment of relevant fishery products undergoes necessary tests to make sure that the products

concerned comply with the provisions laid down in Regulation 1881/2006 as regards heavy metals and in Directive 95/2/EC as regards sulphites. The Regulation enters into force from 3 July

#### **Frequency of Import Checks**

The FSA has written to BIPs to set out its views on how to classify certain fishery products and crustaceans with regard to Commission Decision 94/360/EC, indicating that several types of products have been identified as requiring classification, specifically live and frozen lobster, raw and cooked frozen scampi, Dim Sum, surimi and frozen cooked prawns

Further details are available in OVS Note 08/38 (24 June)

Commission Decision 94/360 (as amended) concerns the (reduced) frequency of physical checks of consignments of certain products to be implemented from third countries. Copies can be downloaded from Eur-Lex at <http://tinyurl.com/592zus>

#### **Border Inspection Post manual**

A new version of Defra's BIP Manual (the twelfth edition) has been issued. This guidance document is intended for inspectors at border inspection posts, and covers all aspects of procedures, record keeping and the requirements for equipment and facilities at the BIP.

The manual provides guidance on the implementation of legislation concerning checks on products of animal origin coming from third countries. It covers both EU and national rules applicable at BIPs. Defra cautions however that it is intended as a guide only and specific provisions should be checked in the relevant legislation.

Copies can be accessed from Defra's International Trade website at <http://tinyurl.com/zubxc>

**Note:** TinyURLs™ are used in this newsletter to replace some long web addresses, to help readers in obtaining further information from the websites concerned.

**For more about TinyURL™ ('Making long URLs usable'),** visit <http://tinyurl.com/>. TinyURL was created as a free service to make posting long URLs easier, and is a trademark of Gilby Productions

**Please Note that the BFFF Office is relocating**

**With effect from 7 July, there is a change of postal address and telephone number**

**Members of the British Frozen Food Federation requiring further information about any item in this newsletter should contact Ian Farley, Technical and Legislative Co-ordinator**

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