

PRIMARY AUTHORITY ASSURED ADVICE

CCC/830242/B

Outer case labelling requirements – business to business/non- prepacked/prepacked for direct sale.

If you require further information and the full version of this advice and guidance, please contact the Primary Authority via the Primary Authority Register. Alternatively email deniserion@bfff.co.uk or hollyjones@bfff.co.uk

Notes:

1. This document includes best practice advice and a brief summary of the requirements of the [Primary Authority Statutory Guidance](#). It should be read alongside the Primary Authority Statutory Guidance.
2. Primary Authority Advice is assured. This means that when a business is following the advice the primary authority can direct against any proposed enforcement action which is inconsistent with the advice

Introduction

This Primary Authority Advice has been produced by Cambridgeshire County Council in partnership with British Frozen Food Federation for use by members of British Frozen Food Federation to help your business comply with the law. If you follow this advice correctly your local trading standards officer should respect this and not ask you to comply with the law in a different way.

The Cambridgeshire County Council contact;

Trading Standards Administration Team

01954 284619

Ts.administration@cambridgeshire.gov.uk

Primary Authority Advice

Relevant Legislation:	<p>REGULATION (EU) No 1169/2011 on the provision of food information to consumers (FIC)</p> <p>Note: European Regulation on the provision of food information to consumers (EU) No. 1169/2011 (the EU FIC) will continue to apply in the UK as “retained EU law” after EU Exit. The Food Information Regulations 2014 (FIR) as amended, and equivalent regulations in Wales, Northern Ireland and Scotland provide for the execution and enforcement of the EU FIC in the UK.</p>
Geographic Applicability:	<p>This has the status of Primary Authority Advice in England.</p>
Scope:	<p>This advice is addressed to businesses in the regulated group which are food business operators engaged in business-to-business supplies of food.</p>
Details of request:	<p>FAQ: What information is required to be printed on the outer case of foods when they are supplied business to business for non-prepacked food and food packed for direct sale?</p>
Advice provided:	<p>The requirements under Article 8(7) apply only to pre-packed food intended for the final consumer but marketed at a prior stage and to prepacked food for supply to a mass caterer.</p> <p>FIC does not specify the outer case labelling requirements for foods traded between other food businesses nor does it specify the requirements for non-prepacked foods.</p>



	<p>However, Article 8(6), concerning suppliers of non-prepacked food, does require food business operators to provide the required mandatory information to the receiving food business operators so that they can meet their food information obligations to the consumers or mass caterers that they supply. If the non-prepacked food is to be sold as is to the consumer or if it is an ingredient for a caterer, the recipient food business may only need a legal name and allergen information (and QUID for meat in meat products).</p> <p>Article 8(8), concerns business to business transactions and it requires these food business operators to provide the required mandatory information to the receiving food business operators so that they can meet their food information obligations to the consumers or mass caterers that they supply.</p> <p>From October 2021 additional food information requirements apply to foods prepacked for direct sale (PPDS). The PPDS product offered for sale to the final consumer must be labelled with name, full ingredients list including the emphasis of all substances and ingredients in Annex II of FIC, and (where applicable) % meat content. It may not be possible for the B2B seller of non-prepacked food to be certain how the food is to be sold to the final consumer by the retailer or mass caterer and therefore that information should be provided to comply with article 8(8).</p> <p>The food supplied as ingredients in a business-to-business transaction may be used to produce a pre-packed food product. In this case, full particulars will need to be provided, though not necessarily labelled on the outer packaging. The information must be sufficient to enable the purchasing food business to correctly label the prepacked product. This includes descriptive name, ingredients, information on allergens, the quantitative ingredient declaration, country of origin, etc., to enable proper labelling of the final product in accordance with articles 9 and 10 FIC.</p>
Document references:	This guidance was previously issued under code CCC/031760/3
Communication with businesses	<p>This advice will be published in electronic format and located in the Technical Guidance area of the BFFF website:</p> <p>http://bfff.co.uk/technical/guidance/.</p>
Communication with enforcing authorities:	<p>An enforcing authority, proposing to take enforcement action against a business, is only required to notify the primary authority, where they are aware that the business is a member of a regulated group. While guidance states that the enforcing authority should ask you whether you are relying on Primary Authority advice, we recommend</p>



	<p>that you ensure you communicate this as soon as possible, and do not wait to be asked. (para 21.5 of the Statutory Guidance refers). The scheme does not allow for a business to make a notification to the primary authority where an enforcing authority has already taken action in respect of which it [the enforcing authority] failed to make the required notification to the primary authority (para 21.20 of the Statutory Guidance refers).</p> <p>Additionally, the rules allow for you (or the Co-ordinator) to notify the primary authority (para 21.19 of the Statutory Guidance refers).</p> <p>Once a primary authority receives notification, statutory time limits apply (usually 5 days) in which time they must respond to the notification. (Paras 21.9 & 21.10 of the Statutory Guidance refer).</p>
<p>Issued by:</p>	<p>Paul Maylunn, Senior Trading Standards Officer</p>



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