

PRIMARY AUTHORITY ASSURED ADVICE

CCC/830242/E

Date of Freezing & Lot Coding

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> <p>DIRECTIVE 2011/91/EU on indications or marks identifying the lot to which a foodstuff belongs as implemented by:</p> <p>The Food (Lot Marking) Regulations 1996 (as amended)</p>
Geographic Applicability:	This has the status of Primary Authority Advice in England.
Scope:	This advice is addressed to businesses in the regulated group which are food business operators responsible for labelling of prepacked frozen meat, meat preparations or unprocessed fishery products.
Details of request:	Guidance on meeting the requirement to label with the date of freezing for frozen meat, frozen meat preparations and frozen unprocessed fishery products and lot coding. (FIC, Annex III Point 6 and Annex X Point 3)



Advice provided:	<p>SUMMARY: Date of freezing / first freezing</p> <p>Frozen meat, frozen meat preparations and frozen unprocessed fishery products shall bear an indication of the date of freezing or in cases where the product has been frozen more than once, the product must carry the date of first freezing, which shall be the date of freezing of the food as sold to the consumer. The date must be preceded by the words “frozen on” and consist of the day, month and year in uncoded form. For products that are mixtures of different batches or consist of a mix of frozen meat and/or frozen meat preparations and/or frozen unprocessed fishery products, it is acceptable to label the product with the earliest date of freezing.</p> <p>ISSUE</p> <p>The date of first freezing label is required only for frozen meat, meat preparations and unprocessed fishery products. The information will need to be applied to the packaging immediately following the sealing of the consumer packaging and at the same time as the date of minimum durability (best before end – BBE) and lot code information (as required by Directive 2011/91/EU).</p> <p>Current equipment, line set up or packaging design may not have the capability or capacity to delivery these three separate pieces of information and investment may be required in order to comply.</p> <p>The guidance aims to clarify how food businesses can comply with the requirements. In particular the aim is to offer an alternative approach to labelling all three pieces of information separately, in a way that is fully compliant with the Regulatory requirements; which is within the current capability of food businesses and retains the detailed traceability information held within lot code information, which might otherwise be lost.</p> <p>In order to comply with Directive 2011/91/EU on indications or marks identifying the lot to which a foodstuff belongs, the indication of the lot should be preceded by the letter ‘L’.</p> <p>A “lot” mark would not be required if the durability date is presented in the format of “Best before” indicating as a minimum the Day and Month as this is sufficient alone to indicate the lot to which the food stuff belongs. However, where the durability for a frozen foodstuff is indicated as a “Best before end” in the form of Month and Year a lot code would be needed as in this case the “Best before end” does not give sufficiently precise information. A “frozen on” date as required by EU FIC, i.e., Day/Month/ Year does give a sufficient level of precision, and therefore presents an opportunity to incorporate it into the lot code.</p>
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GUIDANCE

- Food businesses may choose to label frozen meat, meat preparations and unprocessed fishery products with three pieces of information separately i.e.
 - Durability Date in the form of “best before end” or “best before”,
 - Lot Code including additional voluntary information to give greater precision for traceability purposes
 - “Frozen on” Date.
- A food business may limit labelling to the “Frozen on” date and the durability date as a “best before date” with at least Day/Month detail as no Lot Code would then be required. If a Lot Code has been previously used the business should consider carefully the potential loss of detailed traceability information or incorporate the additional traceability information as indicated below. This format would suit a single line printing capability.

An example of how this might appear on the package is shown below.

Best Before	Frozen on
12/11/2022	12/11/2020 A 7316

- In order to accommodate the additional “frozen on” information within current printing space constraints, FBOs may use the date of freezing as an indication of lot provided that:
 - The indication of date of freezing is given as specified in Annex X(3)(c) EU FIC
 - The information is preceded by the letter “L”
 - The date of freezing is indicated as set out in a manner consistent with the example below, note that
 - the indication of minimum durability is provided
 - the date of freezing is shown also to be the lot code, replacing the Julian code typically used by food businesses
 - any additional lot or batch traceability information can be provided after the date of freezing, allowing a space in between.
 - The words “Frozen on” and the letter “L” are provided

Food Business Operators are able to tailor additional voluntary coding information, enabling greater granularity for traceability purposes, to the remaining space available within coding window for any given package. E.g., the factory site, line, shift, and time identifiers as desired or to meet particular business traceability needs.



	<p>An example of how this might appear on the package is shown below.</p> <p style="text-align: center;">Best Before End</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="text-align: center;">Nov 2022</p> <p style="text-align: center;">L 12/11/2020 XY 12</p> <p style="text-align: center;">10:30</p> </div> <p style="text-align: center;">Frozen On ↑</p>
Document references:	This guidance was previously issued under code CCC/031760/7
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 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>
Issued by:	Paul Maylunn, Senior Trading Standards Officer





British Frozen Food Federation

Registered Office: Warwick House, Unit 7, Long Bennington Business Park, Main Road, Long Bennington,
Newark, Nottinghamshire NG23 5JR

Tel: 01400 283090

Fax: 01400 283098

Websites: www.bfff.co.uk

www.freshfromthefreezer.co.uk

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