

PRIMARY AUTHORITY ASSURED ADVICE

CCC/860039/A

Outer case marking for pre-packed products

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

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:
Primary Authority partnership Administration
primaryauthoritypartnerships@peterborough.gov.uk

Primary Authority Advice

Relevant Legislation:	Assimilated REGULATION (EU) No 1169/2011 on the provision of food information to consumers (FIC) Note: European Regulation on the provision of food information to consumers (EU) No. 1169/2011 (FIC) applies in the GB as “assimilated EU law”. 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.
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 food.
Details of request:	FAQ: What information is required to be labelled on the outer case of prepacked products?
Advice provided:	Where prepacked foods ready for sale to the consumer are marketed at a prior stage, such as to a wholesaler or retailer, or they are intended for supply to a caterer for preparation, processing or splitting up, the labelling requirements of Article 8(7) apply. A number of units of such prepacked product would generally be packed (as a multipack) into some form of external packaging. Article 8(7) indicates that the mandatory food information specified in Article 9 and 10 must be supplied to the retailer, wholesale customer or caterer and that this can be provided in several ways. The mandatory information can be printed on the outercase or prepackage, or be on an attached label; alternatively, the full mandatory particulars can be



	provided in a specification or in commercial documents, as long as these can be guaranteed to accompany the food or be supplied in advance of delivery. It is important that such information can be guaranteed as accurate for each delivery consignment, therefore unless controls are in place that can guarantee a specification or commercial document remains current, labelling of the prepackaging may be the most appropriate approach. If full mandatory information is not provided on the outer case label, e.g., it has been provided in advance through a specification or is provided in a commercial document with the delivery, as a minimum the following information must be provided on the external packaging: • The name of the food • The date of minimum durability or the 'use by' date • Any special storage conditions and or conditions of use • The name or business name and address of the food business operator responsible for the food information or the importer (if the original Food Business Operator is not based in GB or NI as appropriate) – this is the business responsible for specifying and validating the food information – usually the brand owner/importer. It must be in a conspicuous place in such a way to be easily visible, clearly legible, and indelible.
Document references:	
Communication with businesses	This advice will be published in electronic format and located in the Technical Guidance area of the BFFF website: http://bfff.co.uk/technical/guidance/.
Communication with enforcing authorities:	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). Additionally, the rules allow for you (or the Co-ordinator) to notify the primary authority (para 21.19 of the Statutory Guidance refers). 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).
Issued by:	Paul Maylunn, Senior Trading Standards Officer





British Frozen Food Federation

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VAT Reg. No. GB 115 5466 23

