

PRIMARY AUTHORITY ASSURED ADVICE

CCC/860039/D

Use of star marking to indicate frozen storage conditions

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 engaged in labelling of prepacked frozen food.
Details of request:	FAQ: Can Star Marking or other symbols still be used on pre-packed frozen foods to indicate frozen storage conditions?
Advice provided:	It is a mandatory requirement to indicate the storage conditions, e.g. -18°C or keep frozen. Star marking symbols may be used as additional voluntarily provided information for prepacked foods. Star marking symbols are used on many domestic freezers to indicate the operating temperature. Star markings appear on the packaging of frozen foods for two purposes: • To indicate how the food must be stored • To indicate the durability in different storage conditions Both of these pieces of information are mandatory, specified in Article 9(1). Article 9(2) states the information must be indicated with words and numbers but may additionally be indicated by means of pictograms or symbols, as in the comprehensive example below.



	Food freezer	Until best before date (at -18°C) [*[***]]
	Star marked frozen food compartment	Until best before date (at -18°C) [***] 1 month at (-12°C) [**] 1 week at (-6°C) [*]
	Ice-making compartment	3 days at (-6°C) [*]
	Refrigerator	24 hours (at 5°C)
	No cold storage	Eat on day of purchase if not kept chilled
	It is not sufficient only to use the star coding to indicate mandatory storage information. As technology develops and the efficiency of domestic freezers improves, the prevalence of ice-making compartments has become much less common. Star marking indications as in the format above are a less relevant form of consumer information and may eventually become confusing to the consumer, so any such marking should be accompanied by sufficient additional information to ensure the consumer knows how to correctly store the food. Food businesses may provide storage information in additional alternative formats as additional voluntary information unless it is misleading, ambiguous or confusing.	
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

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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VAT Reg. No. GB 115 5466 23

