

PRIMARY AUTHORITY ASSURED ADVICE

CCC/860039/H

Use of the designation ‘formed’

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) specifically Annex VI, Part A, Point 7. 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.
Details of request:	Advice to members on the use of the designation ‘formed’ to accompany the name of the food. in compliance with EU 1169/2011 FIC* Annex VI, Part A, Point 7



Advice provided:

The name of the food must be accompanied by the statement ‘formed meat’ or ‘formed fish’ to indicate that a meat product, meat preparation or fishery product is formed is required in circumstances where it may give the impression that the food is made from a single piece of meat or fish when in fact they are not, and therefore a consumer might be misled.

Annex VI, Part A, Point 7 of FIC states: -

Meat products, meat preparations and fishery products which may give the impression that they are made of a whole piece of meat or fish, but actually consist of different pieces combined together by other ingredients, including food additives and food enzymes or by other means, shall bear the following indication: in English: ‘formed meat’ and ‘formed fish’.

There is also a requirement to provide information to ensure that consumers are able to know the true nature of the food and are able to distinguish it from other foods with which they could confuse it (Art 17, Para 2.).

Therefore, in some circumstances, the labelling of a product as ‘formed fish’ or ‘formed meat’ may not be appropriate to sufficiently inform the consumer of the true nature of the food that they are buying. This is particularly true when making the distinction between products that are made from distinct pieces of meat or fish and products made from minced, chopped or comminuted meat or fish.

The intent of this provision in FIC was to indicate, as part of the name of the food, that it is made or ‘formed’ from pieces of meat or fish and not more finely chopped or comminuted pieces.

This advice is intended to serve as a guide on where and how the term ‘formed’ should and should not be used, and where alternative terms will be more appropriate.

When is the term ‘formed’ required to accompany the name of the food?

The requirement to indicate formed meat or fish in the name of the food applies only in the case of *meat products, meat preparations and fishery products which give the impression that they are made from a whole piece of meat or fish* but are not.

This would apply both to products that appear to be a whole piece of meat (such as a chicken breast fillet or whole fish fillet) and also to products such as slices that appear to be taken from a whole single piece of meat e.g., sliced ham shoulder.

Where the designation of formed is required, there is no flexibility around the use of this word. The need to label with ‘formed’ is only required for products that give the impression that they are made from a single piece of meat or fish. The product includes the entirety of the food stuff, its packaging, and the labelling on it or affixed to it.



When the term ‘formed’ is not required in the name of the food?

For products that make it clear that the product is made from more than one piece of meat or fish in such a way that the consumer is not misled into believing that it is made from one piece of meat or fish.

Such indication could include the shape and appearance of the product or indications appearing as part of the packaging or labelling, as long as they are sufficiently clear and prominent to ensure that the consumer cannot be misled.

Therefore, a fish finger sawn from a block of fillets would not require the designation ‘formed’ by virtue of its shape, whereas a portion again cut from a frozen block of fillets then moulded into the form of a fillet and breaded would require the designation of ‘formed’.

A further example would be Wholetail or Whole Scampi, which is made from up to three whole scampi tails. However, if this name is qualified in accordance the Code of Practice on the Declaration of Fish Content in Fish Products of March 1998 with a statement to the effect: made from more than one scampi or made from up to 3 whole scampi tails, it no longer gives the impression that it is made from a single piece and the use of ‘formed’ would no longer be required.

In this example the use of the word ‘formed’ would not be helpful to enable the consumer to distinguish the Wholetail Scampi described above from ‘formed scampi’ that is made from pieces of scampi tail.

The products to which the provision applies are meat preparations, meat products and fishery products as defined in Annex I of Hygiene Regulation 853/2004.

The requirement to use the term formed in the name would not apply to composite products where meat products, meat preparations or fishery products are used as ingredients. This would include the ham used on pizzas or chicken used in a meat pie. However, it would still be necessary to use the appropriate designation for the ingredient in the ingredients list.

How to use the word ‘formed’

The Regulation, in English, specifies ‘formed meat’ and ‘formed fish’; however, where the food business operator prefers to state the species more specifically the word meat and fish can be replaced with the meat species or commercial name in the case of the fish e.g., ‘formed chicken’ or ‘formed cod’.

The word ‘formed’ can be used as part of a descriptive phrase that represents the name of the food. It is not necessary for the words ‘formed’ and ‘meat’ or ‘fish’ (pork or cod) to be next to each other in the name.

Examples



	a) Cod fishcakes	Not formed- shape alone excludes it.
	b) Cod Fillet Fish Finger	Not formed - shape alone excludes it.
	c) A breaded fish portion made from a sawn portion of fish from a block, pressure formed in a mould into the shape of a fillet	Label required - state as 'formed fish'.
	d) A breaded fish portion made by hand, laying 3 – 4 pieces of fish fillet together in a mould the shape of a fillet and freezing.	Label required – state as 'formed fish'.
	e) A circular shape presentation of raw salmon made by rolling two whole fillets together and then slicing across.	Not formed if presentation is culinary or aesthetic and does not deceive the consumer. In the unlikely event that the effect was to present the product as a salmon steak then labelling would be required as 'formed salmon'
	f) A breaded flat fish product (e.g., plaice, lemon sole) made by filleting a flat fish and laying the top and bottom fillets back together and then freezing together.	Not formed if the intention is to present the product as a fish that had been headed, gutted, deboned, and breaded and the food labelling information is not misleading confusing or ambiguous to the consumer. The 'reassembly' of the fish would not be material, even if the two fillets came from different fish.
	g) What about the same scenario above (f) but where 3 or 4 fillets are stacked together (can sometimes be done if fish are small, or to create a chunkier product).	Label required – state as formed e.g., 'formed plaice' or 'formed lemon sole'.
	h) Breaded goujons made from flat fish i.e., scenario in row (f), but then these frozen paired top and bottom fillets are sliced across the cross section into goujons.	Label required – state as formed. A goujon is usually thought of as a small strip of fish or chicken, coated in breadcrumbs and deep-fried. The name would distinguish the product from a fish finger and would imply a strip from a single fillet. In this example the expectation would not be fulfilled and therefore labelling with the designation 'formed fish' would be required.
	i) Seafood sticks	Many seafood sticks are from surimi that is extruded fish protein so it should be



		described as 'shaped and flavoured fish paste' or similar. If made from finely chopped and shaped fish portions (or similar to suit product), 'minced fish' may be appropriate. 'Formed fish' would not be appropriate
	j) Chicken Burger	No label – shape alone excludes it.
	k) Chicken Grill - Chicken Breast shaped formed from pieces of chicken – breast and thigh	Label required – state as 'formed chicken'.
	l) Chicken Grill – Chicken Breast shaped product formed from 100% Chicken Breast	Labelling required – state as 'formed chicken breast'. Good practice would indicate that an indication of the degree of comminution (chopped, chunks of) would be appropriate.
	m) Sliced ham from a joint formed from pieces of ham.	Label required – state as 'formed ham'.
	n) Formed ham on a Pizza	No label required, Pizza is a composite product, the ham is an ingredient Must be labelled as formed ham in ingredients list.
	o) Single Whole Tail Scampi	Only one tail is used in the scampi, name accurately describes product, not formed
	p) Wholetail or Whole Scampi	Descriptions for products where a maximum of three wholetails are placed beside or on top of each other before coating – the name should include phrase to the effect of: 'made from more than one scampi'. Formed is not required.
	q) Formed Scampi	Product made from a combination of whole and pieces of scampi or pieces of scampi, label as 'formed scampi'
	r) Reformed Scampi	Any inclusion of minced scampi should be restricted to products described as 'minced reformed scampi'. The name of the ingredients list should be 'minced scampi'
It should be noted that this guidance relates only to one part of the product description. FIC Annex VI also requires declarations related to added water, added proteins, substituted ingredients and physical condition as appropriate to the product.		



Document references:	<u>Code of Practice on the Declaration of Fish Content In Fish Products of March 1998</u>
Communication with businesses	This advice will be published in electronic format and located in the Technical Guidance area of the BFFF website: <u>http://bfff.co.uk/technical/guidance/</u> .
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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