

# **FOOD INFORMATION: JOINT WORKING TO ACHIEVE COMPLIANCE**

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# Food Information to Consumers 1169/2011

- **In order to achieve a high level of health protection for consumers and to guarantee their right to information, it should be ensured that consumers are appropriately informed as regards the food they consume. Consumers' choices can be influenced by, inter alia, health, economic, environmental, social and ethical considerations.**



# Food enforcement authorities

## For the purpose of this presentation

- **Food Safety authorities**

- District councils of two-tier authorities who are not authorised to enforce food standards generally

- **Food Standards authorities**

- County councils
- Single tier authorities\*
- Port health\*

\*these also enforce food safety, of course.



# FIC Legislation: who enforces ?

## Food Standards authority – duty to enforce

- FIC FIR generally – Mandatory labelling requirement name, ingredients, nutrition, durability indication
- Information on foods causing allergy/intolerances pp/npp/distance selling

## Food Safety authority may enforce

- Availability of information on food containing substances or products causing allergies/intolerances
  - Non-prepacked, packed at consumer request or prepacked for direct sale
  - Not including distance selling



# Code of Practice – Inter-authority

- Effective liaison between authorities
- Sale of food after the “use by” date, and the removal or alteration of “best before” or “use by” dates:
- Joint enforcement by Food Authorities.
- Division of enforcement responsibilities may not be readily apparent to consumers. **[or businesses\*]**
- Service that is as seamless, effective and accessible as possible to consumers **[and businesses\*]**
- Complaint receipt & handling

\* my addition



# Regulatory Context

- Variety of methods for regulatory interventions
- EH and TS approaches are complementary and beneficial in securing compliance
- Working together and in collaboration and understanding each profession's approach will have the best effect



# Regulator's role?



- Enable businesses to understand their obligations under the law (and the benefits to their business by complying)
- Enable businesses to understand what the Food Information Requirement is
- Enable businesses to understand how to achieve compliance



# Durability dates





# FIC 1169/2011 durability indications

## *Article 24* : Minimum durability date, 'use by' date and date of freezing

1. In the case of foods which, from a microbiological point of view, are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health, the date of minimum durability shall be replaced by the 'use by' date. **After the 'use by' date a food shall be deemed to be unsafe in accordance with Article 14(2) to (5) of Regulation (EC) No 178/2002.**
2. The appropriate date shall be expressed in accordance with Annex X.



# Legislation: who enforces ?

- **Food Safety and Hygiene (England) Regulations 2013**
  - **General Food Regulation (EC) 178/2002**
    - Article 14 unsafe food
    - Article 16 misleading label, advertising, presentation
    - Article 18 traceability requirement
    - Article 19 FBO incident notification
- Food Safety and Food Standards authorities  
-Reg 5(6)



# Use By dates

- **Labelling requirement**
  - FIR IN
  - **food standards** authorities
- **FIC Art 24** : **after the 'use by' date** a food shall be deemed to be unsafe in accordance with article 14 (EC) 178/2002.
  - Offence under FS&H (E) Regs 2013
  - Joint enforcement powers for **FS & FH authorities**
- **Altered Dates**
  - ...?



# Altering dates

- FLR prohibition on changing dates without the permission of the person originally responsible for applying the date – **gone**
- Replaced by FIC art 8 responsibilities including **8(4) – FBO shall not modify accompanying food information if “reduces level of consumer protection” or “informed choice”**.
  - F Standards Authority to enforce.
  - How decide?
- **Requires food officer to make that assessment**
  - **Includes effectiveness of food safety management of the change.**



# Enforcement

- **Changed dates** on a product that may affect the safety or consumer protection of the food
  - FIR IN
  - S14 Not of the quality demanded (...demonstrable proof required)
  - Cannot seize & detain foods that do not meet food standards (*can* take for evidence or sampling)
- **Possession/supply/sale of food past the use by date**
  - FS&H (E) Regulations 2013 offence
  - Loss of lot code details?



# Allergen Information & Control



# Allergen incidents in prepacked foods

- Since 2000, the Agency received 730 food allergy incident notifications
- In 2013, 91 food allergy incidents were reported resulting in the issue of 47 allergy alerts
- **Incorrect labelling or cross contamination** (peanuts, sulphites, milk and cereals containing gluten)
  - Each notification requires a detailed risk assessment
- Majority – **wrong packaging** rather than cross-contamination or **incorrect allergen declarations on correct packaging.**



# Allergens in catering: Environment

- Superficially simple requirement set in very complex legal situation.
- Most incidents due to the intentional use of food containing allergen
- Consumers want correct information to make informed and safe choices.
- FBO worried and wants to be sure doing the right thing:
  - A lot of good practice already developing
- A lot of businesses have poor knowledge
  - Massive culture change for many FBOs
- Consumer raised expectations; Media, campaigns





# Collaboration – Liaison arrangements

- **Inspections of mass caterers**
- **Joined up working expected by business.**
- **Communications – consumer & business**
- **Handling of complaints**
- **Investigation of incidents**
- **Elements of Food standards**
  - Labelling information & identification of allergens
  - Consumer – business communication
  - Commercial communications
- **Elements of food hygiene**
  - Risk assessment, HACCP working practices
  - Hygiene training



# What do we want to achieve by effective regulation?

**Reduced incidence of allergen adverse reaction by consumer eating undeclared allergen**

## **How?**

- FBO understanding
- FBO 'HACCP' control
- FBO communication
- FBO management of staff
- FBO confidence in handling allergen-free requests
- Thereby increasing consumer confidence and safety

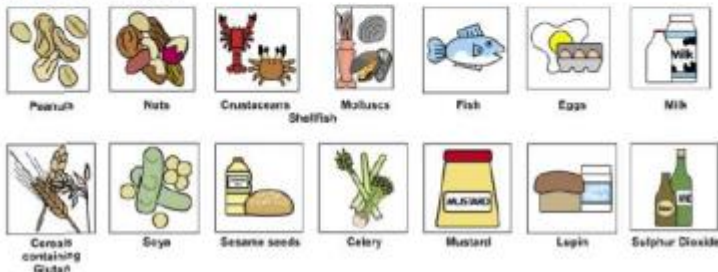




### Food Allergen Risk Assessment for Caterers

People with food allergies have to take great care when eating out to avoid certain foods that could cause them harm. As a business you have a legal obligation to ensure that any food you produce or prepare is safe. There is, from December 2014, now a legal requirement to provide information to consumers about allergenic foods sold unpackaged, you should be able to provide information on allergenic ingredients when asked. You may provide it by talking to your customers, as long as you have signs saying so, and that you have staff who can do this at all times.

#### Main Food Allergens:



The risk assessment has been divided into three sections covering Overall Management & Training, Kitchen Procedures and Front of House. This will allow you to assess whether the controls you currently have in place are effective and if any improvements can be made to ensure that the food you serve is safe.

If you are not certain that you can provide food that is suitable for someone with a food allergy then you should tell them so, they can then decide whether or not to eat the foods you provide.

More guidance and online training can be found on the Food Standards Agency at <http://www.food.gov.uk/business-industry/guidancenotes/labelregsguidance/nonprepacked>

#### Allergen Management & Training

Question	Notes to consider
1. Do you have a written policy on food allergies and intolerances?  <input type="checkbox"/> Yes <input type="checkbox"/> No	You should consider the following: a) Read the Food Standards Agency Guidance (see the link above) b) Identify the allergen risks c) Decide who is to have overall management responsibility for allergens and food safety. d) Ensure training is given to all staff (both permanent and temporary) and that there is always a trained member of staff on duty during opening hours e) Plan how to minimise the risks f) Display notices to remind staff of the risks. g) Plan how to communicate the risk between members of staff, and to customers.
2. Are your first aid emergency procedures up to date and rehearsed?  <input type="checkbox"/> Yes <input type="checkbox"/> No	
(Please see guidance at end)	

# Food Allergies

Could be a matter of life and death

Don't juggle with your customers' SAFETY



### Golden rules for keeping your customers safe

1

#### Take customer requests SERIOUSLY

- Listen carefully to your customer
- Tell the kitchen about the food allergy
- Let your customer know what you are able to do
- Double check orders before serving

2

#### STOP cross contamination

- Keep orders allergen-free from start to finish
- Start fresh - clean hands, gloves, workspace, utensils, pans and dishes
- Use clean utensils for serving the meal

3

#### CHECK for allergies

- Know the ingredients in the foods you sell
- Check recipes and food labels - food products may change
- Beware of allergens hiding in foods like sauces, soups, dressings and oils

### Any food can be an allergen!

The most common are:  
peanuts, tree nuts (eg brazil, walnuts, hazel)  
cereals containing gluten: wheat/barley/rye/oats  
milk & milk products, eggs  
fish, shellfish (crustaceans, molluscs)  
soybeans, celery, mustard, lupin, sesame seeds, sulphur dioxide and sulphites



# Sharing expertise a few thoughts

- Allergen complaint initial investigation indicate likely to have occurred during the supply of take away meal.
- Investigation akin to a food hygiene incident
- Most likely cause – intentional ingredient
- Still need to investigate all causes including contamination
- Obtaining a sterile food sample devoid of contamination
- Management systems of the business to record ingredients and handling
- Deciphering food labels, spotting allergens



# Sharing responsibilities – practical examples in Northamptonshire

- Cooked Meat packer changing use by dates
- Allergic reaction to the supply of take away meal
- Meat trade brokerage & cold stores
- Use by dates & fridge storage temperatures
- Butcher selling marinated meat with high TVN and poor traceability
- ABP disposal – Feed Safety, Waste Food, Butchery, Primary Production, Game,
- Illegal slaughter
- Newsletter circulation – sharing news



# Sharing expertise

- **Pick up the phone, email**
- **Liaison groups**
- **Knowledge Hub – Food Standards & Labelling**
- **Food Hygiene forum**
- **Training –**
  - Joint seminars on significant issues
  - National FSA sponsored training





# Effective Liaison – Have I been stating the obvious?



**ANY QUESTIONS?**

