

Trading Standards Law

An overview for food businesses

The following is a summary of the Trading Standards legislation which may apply to your food business. If you require more details on any of these topics then please contact us.

Food Law

- Food law, in general terms, requires food products to be safe and wholesome.
- Controls are exercised in the main by the Food Safety Act 1990 and its regulations, orders and guidance.
- Standards laid down by the legislation include:
 - Honest and informative labelling
 - The nature, substance and quality of food
 - Controls on residues, contaminants and additives
 - Minimum compositional (or recipe) standards
- Many of the standards for food are laid down in Regulations, such as the Food Labelling Regulations. However they can also be derived from trade and government codes of practice, as well as common usage and practice. For example, the standards for low-fat minced beef is based on extensive survey work. Some specific Regulations for the composition and labelling of certain foods also exist, such as for:
 - Bread and flour
 - Coffee and coffee products
 - Fruit Juices
 - Milk and dairy products
 - Natural mineral water and bottle water
 - Butter
 - Cocoa and chocolate products
 - Wine
 - Sugar and honey
 - Jam and preserves
 - Meat products
 - Margarine
 - Quick Frozen Foods
 - Caseins and caseinates
 - Eggs
 - Frozen poultry

Food Standards law also controls general descriptions applied to food and whether the consumer might be misled in terms of its nature, substance or quality. For example:

Nature – How genuine is the food? Has someone substituted an inferior brand of spirits for a top quality brand? Is the fish not of the kind asked for e.g. hake sold as cod.

Substance – Is the food contaminated? For example does the milk contain antibiotic residues?

Quality – This can incorporate both the above and also applies to food which is not to a consumer's reasonable expectations, for example, the food is stale.

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Food Labelling requirements apply to both food intended for the ultimate consumer and to catering establishments and, subject to certain exemptions, require most food to be marked or labelled with:

- The name of the food
- A list of ingredients
- A date marking
- Any special storage conditions or conditions of use
- The name and address of the manufacturer or packer or of a seller

and in certain cases

- Particulars of the place of origin
- Instructions for use
- The presence of certain allergenic ingredients such as nuts, fish, cereals and mustard etc

Weights and Measures

Every society trades goods by reference to weight, number, price, length, volume, capacity or item. Many foods are sold by reference to weight or volume and if prepacked the container should be marked with the correct net weight or volume. Prepacked goods must be marked in metric quantities.

When selling food loose from bulk by weight, e.g. fruit, vegetables, meat, cheese etc you should indicate to the consumer the exact weight being sold and charge the price by reference to the displayed unit price. You must sell the food in a metric quantity.

The law also contains detailed requirements for quantity control for prepacked goods. This system is designed primarily for controlling quantity at the point of production or importation and is often identified on product labels by the symbol "e", next to the quantity indication.

When using weighing or measuring equipment the scales, weights and capacity measures etc must be accurate and legally approved (stamped with a crown stamp on a lead plug or an officially approved sticker).

Prices

The Price Marking Order 2004 generally requires the display of:

- The selling price
- The unit price for goods sold:
 - Loose from bulk
 - Pre-packaged goods, both food and non-food which are required by Weights and Measures legislation to be marked with quantity or to be made up in a prescribed quantity

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Business Names

If you do not trade under your own surname or your company name, you must ensure that your customers know your true identity and an address at which business documents can be served in a legally acceptable manner.

To do this, you must state the following information on a notice in a prominent position in the part of your business premises where your customers have access:

If you are a sole trader	Your surname (and initials if you wish) and an address at which business documents can be effectively served on you. The important thing is that you can be identified and not confused with other people.
If you are a partnership	The surnames of yourself and all your business partners and an address at which business documents can be effectively served on you and your partners.
For a limited company	Your company's registered title and the registered office address.

This information must also appear on all your business letters, orders, invoices, receipts and written demands for payment.

Norfolk Trading Standards Service have produced a standard form which will assist you to comply with this trading law. Please contact us if you require one.

Best Practice

- ✓ Always describe food exactly as it is described to you by your supplier
- ✓ Remember that advertisements are controlled as well as food labels
- ✓ If you use terms like 'traditional', 'homebaked', 'real cream' and 'low fat', make sure they are truthful
- ✓ If you make your own food products, follow the recipe carefully. Written instructions which staff can follow also help to prevent mistakes
- ✓ Make sure that any notices can be seen by your customers

For more information and advice please contact Norfolk Trading Standards

Customer Service Centre on
0844 800 8013

