



THE FOOD SAFETY ACT 1990 – A GUIDE FOR FOOD BUSINESSES

2008 Edition

Summary

Intended audience:	The Guidance Notes are intended for food businesses.
Regional coverage:	The Guidance Notes are applicable to England, Scotland and Wales.
Legal status;	The Guidance Notes are intended to provide regulatory guidance.
Purpose:	The Guidance Notes provide guidance on the requirements of the Food Safety Act 1990 in the light of amendments to the Act and other relevant legislation.

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INTRODUCTION

Foreword

1. The safety of food, other than hygiene issues, is the main subject-matter of the Food Safety Act 1990, and is vital to all consumers and food businesses. Food businesses include producers, processors, manufacturers, retailers, importers and distributors. Consumers must have confidence that the food they buy and eat will be what they expect and will do them no harm. The importance of this confidence cannot be underestimated for businesses.
2. Although food safety legislation affects everyone in the country, it is particularly relevant to anyone working in the production, processing, storage, distribution and sale of food, no matter how large or small their business. This includes self-employed people and non-profit making organisations as well as farmers, growers and caterers.

Purpose of Guidance Notes

3. These Guidance Notes “The Food Safety Act 1990 – a Guide for Food Businesses”, update the previous guide “The Food Safety Act 1990 and You”, issued in 1996 and reprinted in 1997 and 1999. Their purpose is to provide informal, non-binding advice for all food businesses on the legal requirements of the Food Safety Act 1990. They should be read in conjunction with the legislation itself.
4. The update of the Guidance Notes is needed owing to significant amendments to the Act, which have important implications, particularly for food businesses. The Notes focus on the aspects of the Act which are of most significance to food businesses, i.e. what the Act requires: the offences under the legislation, the powers of food authorities, possible defences and appeal rights.
5. Since 1999 there have been substantial changes in food safety law in the United Kingdom. In particular, the European Union adopted the General Food Law Regulation (Regulation (EC) 178/2002), which came fully into effect in 2005. This Regulation created new laws on food safety; traceability; withdrawal and recall of products. These have been effected in Great Britain by the General Food Regulations 2004 (No. 3279), which created criminal offences for breaches of certain articles in Regulation (EC) 178/2002. In addition the Food Safety Act 1990 (Amendment) Regulations 2004 (No. 2990) has made substantial changes to the Food Safety Act 1990.
6. **These Guidance Notes should be read in conjunction with the Food Standards Agency (FSA) Guidance Notes on the General Food Law Regulation (EC) 178/2002, which were published in 2007. These are available at**

http://www.food.gov.uk/foodindustry/guidancenotes/foodguid/generalfoodlaw_

7. Food hygiene requirements for businesses are dealt with separately under food law and are covered by the Food Hygiene Regulations 2006¹ (as amended). Those national Regulations provide for the execution and enforcement of certain Community Regulations including Regulation (EC) 852/2004 on the hygiene of foodstuffs; Regulation (EC) 853/2004, laying down specific rules for food of animal origin; Regulation (EC) 854/2004, laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption and Regulation (EC) 2073/2005 on microbiological criteria for foodstuffs. There is detailed guidance on food hygiene legislation at <http://www.food.gov.uk/multimedia/pdfs/fsaguidefoodhygleg.pdf>
8. The Food Safety Act 1990 remains very important primary food safety legislation. It applies to the whole of Great Britain². It has provided the basis and a flexible framework for much domestic food law. It concentrates on fundamental issues and leaves the detail to secondary legislation (which is not specifically covered in this guidance).
9. In summarising the Food Safety Act 1990, these Guidance Notes indicate what the Act requires and the information contained here is relevant to everyone involved in supplying food for human consumption.
10. The text of these Guidance Notes should not be taken as an authoritative statement or interpretation of the law, as only the courts have this power. Every effort has been made to ensure that these guidance notes are as helpful as possible. However, it is ultimately the responsibility of individual businesses to ensure their compliance with the law. The Environmental Health or Trading Standards Department of your local authority/ies should be your main source of advice on food safety legislation. Information and advice may also be available from trade organisations.

¹ There are separate versions of the Food Hygiene Regulations 2006 in England (No.14), Scotland (No.3) and Wales (Welsh S.I. No.31 (W.5))

² Similar legislation exists in Northern Ireland, the Food Safety (Northern Ireland) Order 1991. FSA Northern Ireland are producing a separate guide to this order.

THE FOOD SAFETY ACT 1990

What is the Food Safety Act 1990?

11. The Food Safety Act 1990 is wide-ranging legislation which strengthened and updated previous law on food safety and consumer protection in relation to food throughout Great Britain.

What does the Act aim to achieve?

12. The aims of the Act are:
 - (a) to ensure that all food reaches expectations in terms of nature, substance and quality and is not misleadingly presented;
 - (b) to provide legal powers and specify offences in relation to public health and consumers' interest and
 - (c) to enable Great Britain to fulfil its part of the United Kingdom's responsibilities in the European Union.

What is the scope of the Act?

13. The Act covers activities throughout the food distribution chain, from primary production through distribution to retail and catering.
14. In addition to the principal matters mentioned above, the Act gives the Government powers to make regulations on matters of detail, and much specific regulation has been made using the powers given under the Food Safety Act. The Food Standards Agency is the principal Government Department responsible for making specific Regulations under the Act.

What does the Act mean by 'food'?

15. "Food" (or "foodstuff") is defined by reference to Article 2 of Regulation (EC) 178/2002 and means:

"any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans. 'Food' includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment. It includes water after the point of compliance as defined in Article 6 of Directive 98/83/EC and without prejudice to the requirements of Directives 80/778/EEC and 98/83/EC.

'Food' shall not include:

- (a) feed;
- (b) live animals unless they are prepared for placing on the market for human consumption;
- (c) plants prior to harvesting;
- (d) medicinal products within the meaning of Council Directives

- 65/65/EEC and 92/73/EEC;
- (e) cosmetics within the meaning of Council Directive 76/ 768/EEC;
 - (f) tobacco and tobacco products within the meaning of Council Directive 89/622/EEC;
 - (g) narcotic or psychotropic substances within the meaning of the United Nations Single Convention on Narcotic Drugs, 1961, and the United Nations Convention on Psychotropic Substances, 1971;
 - (h) residues and contaminants.”

What activities are covered by the Act?

16. The Act covers operations involved in

- selling and possessing with a view to sale,
- free supply in the course of a business³,
- consigning and delivering,
- preparing,
- presentation and labelling,
- storing,
- transporting, and
- importing and exporting food.

17. The Act does not cover specific hygiene issues or food prepared in the home for domestic purposes. But it does extend to activities which might not normally be regarded as ‘commercial’, e.g. preparation of food in canteens, clubs, schools, hospitals, institutions and public and local authorities.

Does the Act affect farmers and growers?

18. Most farmers are considered to be running food businesses, which the Act describes as “any business in the course of which commercial operations with respect to food or food sources are carried out”. As food businesses, farms are subject to the improvement and closure procedures outlined later in this guidance and if farmers sell food directly to the consumer, they will be subject to the provisions relating to the sale of food.

What does the Act mean for food importers?

19. The European Union is a single market and therefore there are no import controls at borders on food being brought in from other Member States. However, for food imports from countries outside the EU, importers have to comply with relevant requirements of EU food law or equivalent conditions (Article 11 of Regulation (EC) 178/2002). Such imports have to meet food safety and food hygiene requirements equivalent to those for UK produced food and can be subject to checks by enforcement authorities at UK points of import and inland.

³ Under s.2(1)(a) of the Act, the supply of the food, otherwise than on sale, in the course of a business, shall be deemed to be a sale of the food.

20. All imported food remains covered by all the main offences outlined in paragraph 22. Enforcement authorities, which in this case include Port Health Authorities, have a range of powers to deal with suspect imported food. Therefore, like other UK food businesses, importers have to take all reasonable precautions and exercise due diligence to avoid committing an offence. They cannot rely solely on warranties provided by someone beyond the jurisdiction of the courts of Great Britain.

What does the Act require food businesses to do?

21. In summary, the Act requires food businesses not to commit various offences of
- rendering food injurious to health (see paragraphs 24-25)
 - selling food which is not of the nature or substance or quality demanded (see paragraphs 26-28)
 - falsely describing or presenting food (see paragraphs 29-30).

Food businesses also have responsibilities under legislation made under powers given by the Act, The Act gives enforcement authorities powers to intervene in cases of breach of the Act and Regulations under it.

THE MAIN OFFENCES

What are the main offences under the Food Safety Act?

22. The main offences are:
- rendering food injurious to health (section 7);
 - selling, to the purchaser's prejudice, food which is not of the nature or substance or quality demanded (section 14); and
 - falsely or misleadingly describing or presenting food (section 15).
23. The General Food Regulations 2004 amended section 8 of the Food Safety Act 1990 so that the previous offence under the Act of selling or supplying food not complying with food safety requirements no longer exists. However, under Regulation 4 of these Regulations there is an offence of contravening or failing to comply with the requirements of Article 14(1), which relates to food safety requirements). There are also offences for breaches of Articles 12 (export), Article 16 (presentation), 18(2) or (3) (traceability) and Article 19 (responsibilities for food: food business operators) of Regulation (EC) 178/2002 – **please see the FSA Guidance Notes on Regulation (EC) 178/2002 referred to in paragraph 5 of this guide for details.**

What is meant by 'rendering food injurious to health'? (section 7)

24. The Act states that if a person renders a food injurious to health by adding an article or substance to it, using an article or substance as an ingredient in its preparation, abstracting any constituent from it or subjecting it to any other process or treatment, with the intent that it be sold for human consumption, he/she is guilty of an offence. This section has been amended by the General Food Regulations 2004, which states that in considering whether any food is injurious to health, regard shall be had to Article 14 of Regulation (EC) 178/2002. An example of where a food would be rendered injurious to health would be where a food business operator added a harmful substance to food, whether deliberately or not. In determining whether any food is injurious to health, regard is given to the probable immediate or short/ long-term effects of the food on the consumer, or the particular health sensitivities of a specific category of consumers where the food is intended for that category.
25. There is an overlap here with Regulation 4(b) of the General Food Regulations 2004 (as amended), which creates an offence for any person who contravenes or fails to comply with Article 14(1) of Regulation (EC) No.178/2002. This says that food shall not be placed on the market if it is unsafe and that food shall be deemed to be unsafe if it is considered to be (a) injurious to health (b) unfit for human consumption. The offence in the Food Safety Act is only relevant, however, when the specific actions mentioned are applied to the food. In this case, enforcement action may

be taken under both or either of the Food Safety Act 1990 and the General Food Regulations 2004.

**When is food ‘not of the nature or substance or quality demanded’?
(section 14)**

26. The Act states that any person who sells to the purchaser’s prejudice any food which is not of the nature, or substance, or quality demanded by the purchaser shall be guilty of an offence. In practice:
- “nature” covers a product sold as one thing, but which is in fact another, eg. haddock sold as cod;
 - “substance” covers situations where the food contains foreign bodies (e.g. an insect) or where there is a statutory or other standard for a food and the substance falls below it;
 - “quality” covers commercial quality, having regard to any statutory standards of composition in the food, so an example of food which would not be of the quality demanded would standard cola served instead of diet cola ordered.
27. There are often overlaps between these three phrases. The offence only applies when the purchaser is “prejudiced”, i.e. the food being not of the nature or substance or quality demanded is detrimental to them.

What does the Act mean by the ‘purchaser’ of food? (section 14)

28. The ‘purchaser’ of food can range from a customer at a shop to one company buying from another. Purchasers can be ‘prejudiced’ if they are sold food which is inferior in nature or substance or quality to that which they demanded. A person may be deemed to be a ‘purchaser’ even if no money actually changes hands directly e.g. winning prizes in a raffle.

**How can food be ‘falsely or misleadingly described or presented’?
(section 15)**

29. This section creates offences for false or misleading labels and advertisements and misleading presentation. The offence can occur when statements or pictorial material concerning food are untrue or presented in a misleading way. The offence also covers material that is correct but given such emphasis that the purchaser is led to the wrong conclusion, for example it could cover products which are not cream but which are presented in traditional cream cartons in the colours of cream cartons and displayed amongst cream cartons. There is an overlap between this provision and the Trade Descriptions Act 1968, which creates offences when companies or individuals make false claims about the products or services they sell.
30. Besides the general offence of falsely or misleadingly describing or

presenting food, there are also detailed regulations relating to the labelling of food. These are the Food Labelling Regulations 1996, as amended. There is a similar provision on the misleading presentation of food in Regulation (EC) 178/2002, for which an offence has been created in the General Food Regulations 2004. There is guidance on this in paragraphs 24-25 of <http://www.food.gov.uk/foodindustry/guidancenotes/foodguid/generalfoodlaw> . It does not overrule the provision in the Food Safety Act 1990.

ENFORCING THE ACT

Who enforces the Act?

31. The day-to-day work of enforcement is, in the main, the responsibility of local (food) authorities. However, the Food Standards Agency enforces some regulations made under the Act, such as those on licences for irradiated foods, and has scope to become involved in certain emergency situations (please see paragraph 73) or where a local authority fails to discharge its responsibilities under the Act. Personnel of Animal Health (an Executive Agency) and the Meat Hygiene Service may be involved in enforcement action on farms and at slaughterhouses respectively, for example, in Animal Health's case, in enforcing regulations on veterinary medicines. In Scotland Local Authority Officers and Agricultural Officers from the Scottish Government Rural Payments Inspections Directorate may be involved in enforcement at the point of primary production and related functions such as egg packaging.

What is the role of the Food Standards Agency (FSA)?

32. The main role of the Food Standards Agency is to protect consumers' interests in relation to food by formulating food policy and to negotiate on and implement European Union food law.
33. The Food Standards Agency is also responsible for overseeing the work of the local authorities. Most commonly, it advises them on enforcement, particularly through the issue, by the relevant Health Minister, of respective statutory Codes of Practice for England, Scotland, Wales and Northern Ireland. The Agency has also issued separate Practice Guidance documents to complement the Codes. For instance, the Codes advise local authorities on the timing and frequency of inspections for food businesses. The Codes and associated Practice Guidance are available on the Agency's website at <http://www.food.gov.uk/enforcement/foodlaw/foodlawcop> .

What is the role of Local Government?

34. There are two main departments within local authorities who are responsible for enforcing food law.

Trading Standards

35. The principal responsibilities of Trading Standards Officers are labelling, composition and most cases of chemical contamination;

Environmental Health

36. The principal responsibilities of Environmental Health Officers are hygiene, cases of microbiological contamination of foods, and with food which, for

any reason including chemical contamination, is unsafe.

England

37. In non-unitary council areas in England, the trading standards work is carried out by the county council and environmental health work by the district councils. In all other areas local authorities are responsible for both services and in many, food standards work is carried out by Environmental Health Officers.

Wales

38. In Wales, unitary authorities are responsible for both trading standards and environmental health functions.

Scotland

39. In Scotland, most food law enforcement is carried out by Environmental Health Departments.

Public Analysts and Food Examiners

40. Throughout the United Kingdom, public analysts and food examiners (please see paragraph 44), who are appointed by local authorities, work in close consultation with enforcement teams.

How is the Act enforced?

41. The Act provides that authorised officers of food authorities can:

- take samples of food and food ingredients;
- enter food premises to investigate possible offences;
- inspect food to see if it is safe

and detain suspect food or seize it and make an application to a Justice of the Peace (JP) in England and Wales. In Scotland permission must be obtained from a Sheriff by way of a summary application.

42. Authorised officers must be given the information and assistance which they reasonably require. More details of these powers are set out in the following paragraphs.

What powers of entry do enforcement officers have?

43. To carry out their duties, officers have the right to enter any premises within their authority's area. They also have power, in certain circumstances, to enter food business premises anywhere in the country.

However, in practice, they only use this power when following up offences which have occurred in their own area.

44. Authorised officers may inspect premises, processes and records and may seize or copy any relevant records and take samples of food for analysis or examination. They may also take their own visual records, such as still photographs and videos. In appropriate circumstances, for example when an initial request for entry has been refused, officers can apply to a JP/sheriff for a warrant authorising the officer to enter the premises.

What is meant by 'premises'?

45. The definition of 'premises' in the Act is very broad. It includes the obvious buildings where food is prepared, stored or sold, such as food processing plants, supermarkets or restaurants. It also covers farms and vehicles used for transporting or delivering food, ships, aircraft and road-side and market stalls.

What are the limits to the authorised officers' powers of entry?

46. Authorised officers of a food authority may enter any premises within their authority's area to carry out an inspection and to ensure food legislation is not contravened. They must carry evidence of their identity.
47. They may also enter any business premises, whether within or outside their authority's area, to establish whether there is any evidence on the premises of any breach of the law which has occurred within their authority's area.
48. An authorised officer may enter premises at all reasonable hours, for instance if they are investigating an outbreak of food poisoning. However, they must give at least 24 hours notice of their intention to enter houses which are used only as private dwellings.

Can officers disclose all the information they find during a visit?

49. Authorised officers commit an offence if they reveal commercially sensitive information learnt in the course of an official visit, unless the disclosure is made in the proper course of their duties.

Can enforcement officers take samples of food?

50. Enforcement officers may take samples of food for analysis, microbiological examination or other investigation. Samples may also be purchased from food premises (or may be received from a member of the public complaining about food from a particular business). Analysis and microbiological examination of food are carried out by public analysts and food examiners respectively.

What happens if authorised officers find suspect food?

51. Authorised officers may inspect, at any reasonable time, any food which has been sold or is intended for sale. If they suspect that the food does not comply with food safety requirements, whether or not this is during the course of an inspection, they may issue the owner with a notice requiring the food to be kept in a specific place and not to be used for human consumption while they investigate. This is called a decision to detain the food.
52. Alternatively, they may feel that no investigation is needed and simply seize the food and have it removed to be dealt with by a JP/ Sheriff. If they take the first course, the officers have up to 21 days to carry out their investigations. If they conclude that the food is in fact not unsafe, they must withdraw their notice and restore the food to its owner. If their opinion is that the food is unsafe, they must seize the food and put the matter to a JP/ Sheriff. When officers do this, they must serve a Detention of Food Notice. When food is seized, written notification of the seizure should be issued as soon as is reasonably practicable, which should include details of the type and quantity of the food seized, including any distinguishing marks, codes, dates etc. A food condemnation notification should be given to the person in charge of the food when the officer intends to have the food dealt with by a JP/ Sheriff. The notification may also be given to the owner of the food.
53. When food has been seized and a hearing takes place before a JP/ Sheriff, it may well be that someone may later face criminal proceedings in relation to the food. In such a case, that person can make representations and call witnesses.
54. If a JP/ Sheriff decides that food is unsafe, he or she may order it to be destroyed or otherwise disposed of, and the owner of the food may be ordered to meet the expenses incurred in disposal.

What happens if food is seized but then not condemned?

55. If food detained or seized by an authorised officer is not eventually condemned by a JP/ Sheriff but has deteriorated due to the time that has passed, then the owner is entitled to compensation equal to the food's loss in value. If the local authority and the owner of the food cannot agree on the amount of compensation, the dispute must be settled by arbitration. Further details on Detainment and Seizure are available in Chapter 3.4 of the Food Law Code of Practice and Food Law Practice Guidance (see paragraph 33). Scotland has similar Codes of Practice which can be consulted.

DEALING WITH AN UNSATISFACTORY BUSINESS

What powers are there to deal with unsatisfactory premises?

56. The Food Safety Act 1990 gives authorised officers' powers to close unsatisfactory premises or to issue improvement notices requiring improvements to specific processes to be made by a certain date, when there has been a breach of the Act and/or Regulations made under the Act. However, the only circumstances under which improvement notices are issued under the Food Safety Act 1990 now are in certain cases of breaches of the Animal By-Products (Identification) Regulations 1995 (as amended). Please see Appendix 3 for details on improvement notices.

PROHIBITION ORDERS, EMERGENCY PROHIBITION NOTICES AND ORDERS AND EMERGENCY CONTROL ORDERS

What does a prohibition order involve?

57. Food businesses which give rise to a risk of injury to public health can be closed down wholly or partially by means of a prohibition order.
58. The first step is that the authorised officer must succeed in prosecuting the proprietor for a breach of food regulations made under the Act. In Scotland the decision as to whether to prosecute is for the Procurator Fiscal, who carries out any such prosecutions following a report from the authorised officer. In some cases, the proprietor may have been issued with - and have failed to observe – an improvement notice. If the court then decides that the business is causing a risk of injury to public health, it will issue a prohibition order.
59. A prohibition order will deal with one of three things, depending on the nature of the risk to health:
- if the risk is due to a particular process or treatment, the order will prohibit use of that process or treatment;
 - if the risk is due to the way that premises are constructed or to the use of particular equipment, the order will prohibit use of those premises or the equipment; or
 - if the risk is due to the condition of premises or equipment, the order will prohibit their use.
60. The court also has the powers to ban the proprietor or manager of the business from managing another food business, either of any kind or of a particular kind.

61. A copy of a prohibition order will be served by the food authority on the proprietor or manager of the business concerned. Under certain circumstances, the order will be required to be fixed in a conspicuous position on those premises.
62. It is an offence knowingly to breach a prohibition order.

How is a prohibition order on a business lifted?

63. To get a prohibition order on a food business lifted, the proprietor or manager must apply to the food authority that placed the order on them for a certificate stating that enough has been done to ensure that the business can operate without risk of injury to the public health.
64. Once the certificate has been applied for, the food authority must reach a decision within a fortnight and, if they decide to issue a certificate, issue it within a further three days. If the authority refuses to issue a certificate, it must give notice to the proprietor of the food business of the reasons for the determination. It is possible to appeal to a Magistrates'/ Sheriff's Court to have the order lifted (please see paragraphs 84-88).

How is a prohibition order on a person lifted?

65. To get a prohibition order on a person lifted, that person can apply to the court. The court will lift the order if considered appropriate in the circumstances. However, such an application cannot be made earlier than six months after the imposition of the order or less than three months following a previous application.

What does an emergency prohibition notice or order involve?

66. When a business presents an imminent risk of injury to health, authorised officers can serve an emergency prohibition notice, without prior reference to a court. The premises, or some specific part of them, are then required to be closed. A copy of the notice must be fixed to the premises in a conspicuous position. Anyone knowingly breaching the terms of the notice commits an offence and anyone removing the notice may in certain circumstances commit an offence.
67. Once an emergency prohibition notice has been served, the authorised officer must apply to take the matter before a Magistrates'/ Sheriff's court within three days. And, at least one day before making this application, the officer must serve notice on the proprietor of the business of their intention to do so.
68. If the court agrees that there is an imminent risk of injury to health, it will make an emergency prohibition order, which supersedes the emergency prohibition notice.

69. An emergency prohibition order cannot be made against a particular individual, only the business itself. The arrangements for lifting an emergency prohibition order are the same as for a prohibition order.

What are emergency control orders?

70. There may be times when public health cannot be protected simply by closing an individual business - for example, if a business is producing unsafe food which has already been distributed around the country. Closing the business would prevent more contaminated food reaching the market, but it would not remove the food already in circulation.
71. The Act gives the Secretary of State powers to make emergency control orders. These are control measures to remove substantial threats to public health, e.g. prevention of distribution and sale of contaminated food. These are steps which many firms would take in any case to protect public health and their own good names.
72. Emergency powers are also provided for in Part I of the Food and Environment Protection Act 1985 to deal with circumstances in a particular geographical area which may jeopardise the safety of food.

What are Food Alerts?

73. The Food Standards Agency may issue Food Alerts, which let local authorities and consumers know about specific problems associated with food and in some cases, provide details of specific action to be taken. A Food Alert for Information advises the authorities that a product has been withdrawn or recalled by a company and no further action is required by them. A Food Alert for Action is issued when it is necessary to remove a food product from the market rapidly when it may pose an imminent risk to health. The specific actions required of the authorities are communicated in the Alert. All Food Alerts are placed on the Food Standards Agency's website www.food.gov.uk. When a Food Alert relates to a product that has been imported in to the UK or exported from the UK to other Member States or third countries, the Government issues a Rapid Alert System for Food and Feed (RASFF) notification to the European Commission.

LEGAL PROCEEDINGS

What is the legal defence of 'due diligence'?

74. Under the Act, there are two defences which apply to the main offences described so far in this booklet. The principal one is the defence of 'due diligence'.
75. 'Due diligence' is a defence provided under the Act. It is not a mandatory requirement of food business operators. It is designed to balance the proper protection of the consumer against defective food with the right of traders not to be convicted of an offence they have taken all reasonable

care to avoid committing. The result should be to encourage all concerned to take proper responsibility for their products.

76. This defence is available where the person charged proves that they 'took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his control'⁴. Although the burden of proof lies with the defendant, they need not establish their case beyond all reasonable doubt. They need only persuade the court that they exercised due diligence on the balance of probabilities.
77. The courts will decide what 'reasonable care' in each case is and will take account of all the facts in that case. For example, a small business might not be required to undertake the same precautions which would be expected of one of the major retailers.
78. Part of the 'due diligence' defence may be to show that someone else was at fault. If this is claimed, the food business must give the prosecution information that will enable them to identify who was responsible for the offence. This must be done seven days before the hearing or, if the defendant has already appeared before the court, within one month of that appearance.
79. The defence of due diligence also applies to offences under the General Food Regulations 2004 and the Food Hygiene Regulations 2006.⁵

Can retailers of 'own label' products offer the defence of 'due diligence'?

80. Yes. Retailers of 'own label' products can be deemed to satisfy the 'due diligence' defence if they can prove that:
 - a. the offence was someone else's fault (so long as that person was not under the defendant's control as an employee normally would be) or resulted from their relying on information supplied by that person;
 - b. they made reasonable checks on the food or reasonably relied on checks made by the supplier, and
 - c. they had no reason to suspect that they were committing an offence.

Can retailers of 'branded' goods offer the defence of 'due diligence'?

81. Yes. Retailers of 'branded' goods can be deemed to satisfy the 'due diligence' defence if they can prove that:
 - a. the offence was someone else's fault (so long as that person was not under the defendant's control as an employee normally would be) or

⁴ s.21(1) of the Act.

⁵ There are separate versions of the Food Hygiene Regulations 2006 for the different UK administrations, see footnote 1.

resulted from their relying on information supplied by another person;
and

- b. they could not reasonably have been expected to know that they were committing an offence.

82. In this instance the retailer is not required to have carried out reasonable checks of the food supplied to him.

What other defences are there?

83. Besides due diligence, the other defence specified by the Act applies to defendants charged with an offence related to the advertisements for sale of food, who had no reason to suspect that publishing or arranging to publish an advertisement in the course of their business would amount to an offence. However, Regulations made under the Act can set their own defences.

Is there an appeals procedure against actions under the Food Safety Act?

84. Yes. Anyone running a food business can appeal to a Magistrates' Court or, in Scotland, to the Sheriff's Court:

- a. if they disagree with an authorised officer's decision to serve an improvement notice (see Appendix 3);
- b. if an enforcement authority refuses to issue a certificate lifting a prohibition order or an emergency prohibition order; or
- c. if an enforcement authority closes a business by refusing, cancelling, suspending or revoking a licence.

85. When there is the right of appeal, this will be made clear in a written notice of the enforcement authority's decision, which will also give the period during which an appeal may be brought. This will normally be one month but may be shorter in the case of an appeal against an improvement notice.

86. In the case of an appeal against an improvement notice, the court not only has the choice of cancelling or confirming the notice, it can also make changes to the notice. This is because an improvement notice may require several changes and the court may feel that some are justified while others are not. Indeed, the person appealing may only wish to challenge certain conditions.

87. A prosecution for failing to comply with an improvement notice cannot proceed if an appeal against that notice is still pending.

88. If people appealing to Magistrates' Court are unhappy with its decision, they have the right of further appeal to the Crown Court. In Scotland, any

person considering appealing a decision should consult a solicitor. For instance, where a magistrates' court has dismissed an earlier appeal or where it has made a decision - such as the imposition of a prohibition order - which is disputed.

What penalties can be imposed under the Act?

89. The courts decide the level of penalties depending on the circumstances of each case but the Act has set the maximum penalties available to the courts.
90. In England and Wales, for offences (other than obstruction and related offences), Crown Courts may send offenders to prison for up to two years and/or impose unlimited fines.
91. Magistrates' Courts may impose a fine of up to £5,000 per offence and/or a prison sentence of up to six months.
92. For the offences under sections 7 and 14 of the Act, the maximum fine a magistrates' court may set for each offence is £20,000. There are also penalties for obstructing an authorised officer.
93. In Scotland, the Sheriff's Court has a maximum sentence of 12 months and there is a statutory maximum fine of £10,000.
94. Regulations made under the Act may set their own level of penalties which will not exceed those listed above.

OTHER GENERAL FOOD SAFETY LEGISLATION

Does the Food Safety Act stand alone?

95. No. Regulation (EC) 178/2002 (the General Food Law Regulation) which provides the basic framework for food law in the EU and UK is also important food safety legislation.
96. The General Food Regulations 2004 and the Food Safety Act 1990 (Amendment) Regulations 2004 make substantial amendments to the Food Safety Act 1990 to implement Regulation (EC) 178/2002 and provide penalties for breaches of the requirements of Regulation (EC) 178/2002. Furthermore, many of the key provisions in food law are contained in regulations on more specific areas. Particularly important are regulations dealing with food labelling, food hygiene, animal, meat and meat products (such as those concerned with the examination for residues and maximum residue limits) the registration of food premises and various regulations on milk and dairies, food composition, novel foods and use of food additives and packaging materials.

APPENDIX 1 - SOME USEFUL ADDRESSES

CENTRAL GOVERNMENT

Food Standards Agency
Aviation House
125 Kingsway
London WC2B 6NH
Tel: 020 7276 8000
e-mail: helpline@foodstandards.gsi.gov.uk
or find a particular topic at www.food.gov.uk/aboutus/contactus

Food Standards Agency (Northern Ireland)
10C Clarendon Road
Belfast BT1 3BG
Tel: 028 9041 7700
e-mail: infofsani@foodstandards.gsi.gov.uk

Food Standards Agency (Scotland)
St Magnus House
6th Floor
25 Guild Street
Aberdeen AB11 6NJ
Tel: 01224 285100
e-mail: Scotland@foodstandards.gsi.gov.uk

Food Standards Agency (Wales)
11th Floor
Southgate House
Wood Street
Cardiff CF10 1EW
Tel: 029 2067 8999
e-mail: Wales@foodstandards.gsi.gov.uk

Department for Environment, Food & Rural Affairs
Customer Contact Unit
Eastbury House
30-34 Albert Embankment
London SE1 7TL
Tel: 08549 335577
e-mail: helpline@defra.gsi.gov.uk

Department of Health
Customer Service Centre
Richmond House
79 Whitehall
London SW1A 2NS
Tel: 020 7210 4850
e-mail: dhmail@dh.gsi.gov.uk

CO-ORDINATING BODIES

Local Authorities Coordinators of Regulatory Services (LACORS)

Local Government House

Smith Square

London

SW1P 3HZ

Tel: 020 7665 3888

e-mail: info@lacors.gov.uk

Local Government Association

Local Government House

Smith Square

London SW1P 3HZ

Tel: 020 7664 3131

e-mail: info@lga.gov.uk

Northern Ireland Local Government Association

Philip House

123 York Street

Belfast BT15 1AB

Tel: 02890 249 286

e-mail: Contacts at

<http://www.nilga.org/template1.asp?parent=414&parent2=419&pid=419&area=2&aName=Public>

Convention of Scottish Local Authorities

Rosebery House

9 Haymarket Terrace

Edinburgh EH12 5XZ

Tel: 0131 474 9200

e-mail: carol@cosla.gov.uk

Welsh Local Government Association

Local Government House

Drake Walk

Cardiff CF10 4LG

Tel: 029 2046 8600

e-mail: Contacts at www.wlga.gov.uk/english/staff-directory/

PROFESSIONAL BODIES

Chartered Institute of Environmental Health

Chadwick Court

15 Hatfields

London SE1 8DJ

Tel: 020 7928 6006

e-mail: Contact form at www.cieh.org/about.aspx?ekfrm=7136

Royal Environmental Health Institute of Scotland

3 Manor Place
Edinburgh EH3 7DH
Tel: 0131 225 6999
e-mail: contact@rehis.com

Royal Institute of Public Health
28 Portland Place
London W1B 1DE
Tel: 020 7580 2731
e-mail: Contacts at <http://www.riph.org.uk/index11.html>

Royal Society for the Promotion of Health
38A St George's Drive
London SW1V 4BH
tel: 020 7630 0121
e-mail: rsph@rsph.org

Trading Standards Institute and Itsa Ltd
1 Sylvan Court
Sylvan Way
Southfields Business Park
Basildon
Essex SS15 6TH
Tel: 01268 582200
e-mail: institute@tsi.org.uk

INDUSTRY BODIES

British Hospitality Association
Queens House
55-56 Lincolns Inn Fields
London WC2A 3BH
Tel: 020 7404 7744
e-mail: bha@bha.org.uk

British Retail Consortium
2nd Floor
21 Dartmouth Street
London, SW1H 9BP
Tel: 020 7854 8900
e-mail: www.brc.org.uk/ContactUs04.asp (use contact form)

Food and Drink Federation
6 Catherine Street
London WC2B 5JJ
Tel: 020 7836 2460
e-mail: generalenquiries@fdf.org.uk

Forum of Private Business
Ruskin Chambers

Drury Lane
Knutsford
Cheshire
WA16 6HA
Tel: 01565 634467
e-mail: info@fpb.org

National Association of Master Bakers
21 Baldock Street
Ware
SG12 9DH
Tel: 01920 468061
e-mail: namb@masterbakers.co.uk

National Farmers Union
Agricultural House
Stoneleigh Park, Stoneleigh
Warwickshire, CV8 2TZ
Tel: 024 7685 8500
e-mail: www.nfuonline.com/x343.xml (use contact form)

APPENDIX 2 - KEY PROVISIONS OF THE FOOD SAFETY ACT 1990

PART I: PRELIMINARY

Section 1 (as amended) says that ‘food’ has the meaning it has in Regulation (EC) 178/2002.

Section 2 extends the meaning of sale to include food supplied in the course of a business.

Section 3 sets out that food items commonly used for human consumption or in the manufacture of food that are found on some food premises will be presumed to be intended for sale, or for the manufacturing of food intended for sale, until the contrary is proved.

Section 5 establishes what authorities are food authorities and who are their authorised officers.

Section 6 establishes who enforces the provisions of the Act and regulations made under it and enables the Secretary of State or Food Standards Agency to take over particular functions in specific cases.

PART II: MAIN PROVISIONS

Section 7 describes the offence of rendering food injurious to health. It has been amended by the General Food Regulations 2004 so that the criteria by which it is decided whether food is unsafe are now those in **Article 14 of Regulation (EC) 178/2002**.

Section 8 originally set out an offence of selling food that does not comply with the food safety requirements, but it has been amended substantially. This section has largely been replaced by Regulation 4 of the General Food Regulations 2004. This makes it an offence not to comply with the food safety provisions of Article 14 of Regulation (EC) 178/2002.

Section 9 gives powers to inspect, seize and condemn food suspected of not complying with food safety requirements.

Section 10 provides for the issuing of improvement notices where it is suspected that specific legislation has been breached.

Section 11 provides for prohibition orders where there is a risk of injury to health.

Section 12 provides emergency prohibition powers where there is an imminent risk of injury to health.

Section 13 gives the Minister power to make emergency control orders prohibiting commercial operations in relation to food when there is an imminent

risk of such food causing injury to health.

Section 14 makes it an offence to sell food which is not of the 'nature or substance or quality' demanded by the purchaser.

Section 15 creates an offence for describing, advertising or presenting food which falsely describes the food or is likely to mislead as to the nature or substance or quality of the food.

Section 16 enables Ministers to make regulations implementing a wide range of food safety and consumer protection measures. Examples might include food composition and the presence of residues in food sources (such as live animals), microbiological standards, food processes or treatments.

Schedule 1 contains further provisions which may be included in regulations under **section 16**.

Section 17 enables Ministers to make regulations to fulfil European Community obligations.

Section 18 provides regulation-making powers for Ministers to control novel foods and genetically modified food, and to cover special designations for milk.

Section 19 enables regulations to be made about the registration and licensing of food premises (NB Registration is now covered by EC hygiene law).

Section 20 gives a defence where the commission of an offence is due to the act or default of another person, and allows enforcement authorities to prosecute that other person.

Section 21 gives a defence if defendants can prove that they took all reasonable precautions and exercised all due diligence to avoid committing an offence. The defence varies for a defendant who manufactured or imported the food.

Section 22 contains a special defence for businesses who publish an advertisement in the course of business who had no reason to suspect that an offence was being committed.

Section 23 enables local authorities to provide training courses in food hygiene for food handlers.

Section 24 allows enforcement authorities to provide facilities for cleansing shellfish.

Section 26 enables regulations and orders to include certain supplementary provisions.

PART III: ADMINISTRATION AND ENFORCEMENT

Section 27 to 30 deal with the appointment of public analysts, the provision by local authorities of facilities for microbiological examination of food and the arrangements for procuring and analysing samples.

Section 31 provides powers to make regulations on sampling.

Section 32 sets out authorised officer's power to enter premises to enforce the Act and explains what they can do while on premises. It also makes unauthorised disclosure of information obtained when using such powers an offence.

Section 33 makes it an offence intentionally to obstruct an authorised officer or to provide false or misleading information.

Section 34 provides time limits for prosecutions.

Section 35 sets out the penalties for offences.

Section 36 provides that someone in authority in a corporate body is liable for prosecution where they are proved to have acted negligently or consented to the alleged offence.

Sections 37 to 39 provide for appeals against decisions of an enforcement authority in the magistrates' court or, in Scotland, to the Sheriff. There is also a further right of appeal to the Crown Court.

PART IV: MISCELLANEOUS AND SUPPLEMENTAL

Section 40 enables Ministers to issue codes of practice to food authorities on the execution and enforcement of legislation, and to issue directions as to specific steps to be taken to comply with a code. Ministers must consult interested organisations before issuing codes.

Section 41 allows the Minister or the Agency to require food authorities to make reports and returns to the Minister with respect to how they have exercised their functions under the Act.

Section 42 enables the Minister to appoint another authority to act in place of a defaulting authority.

Section 43 provides for the temporary continuation of a registration or a licence on the death of its holder.

Section 44 provides that an officer of a food authority should not be held personally liable for his actions if he acted in good faith.

Section 45 enables the Minister to make regulations to permit or require enforcement authorities to impose charges.

Section 46 specifies that expenses incurred by an authorised officer of an authority shall be met by that authority.

Section 47 provides for chairmen of tribunals to be paid with money provided by Parliament.

Section 48 specifies that Ministers' powers to make regulations and orders shall be subject to Parliamentary scrutiny and requires Ministers to consult interested organisations before making the majority of regulations and orders.

Sections 49 and 50 set certain requirements for the form and service of documents.

Section 51 amends Part I of the Food and Environment Protection Act 1985.

Section 52, together with **Schedule 2**, amends provisions of the Food Act 1984.

Section 53 defines terms used in the Act.

Section 54 provides for the Act to apply to Crown premises subject to special arrangements and certain exemptions.

Section 55 amends the Water Act 1989.

Section 56 amends the Water (Scotland) Act 1980.

Section 57 provides that the Act applies to the Scilly Isles and may be extended to any of the Channel Islands.

Section 58 provides for the application of the Act to territorial waters and designated areas of the continental shelf.

Section 59 introduces Schedules 3, 4 and 5 (amendments, transitional provisions, savings and repeals).

Section 60 enables the new legislation to come into force (subject to certain exceptions) on days appointed by the Minister.

APPENDIX 3 – IMPROVEMENT NOTICES

1. Improvement notices under section 10 of the Food Safety Act 1990 are still applicable for breaches of the Animal By-Products (Identification) Regulations 1995 (as amended) (although if enforcement officers have any concerns about animal by-products entering the human food chain, they may wish to make use of the enforcement provisions of the Food Hygiene Regulations 2006⁶). If an officer believes that a food business is not complying with a requirement in the Animal By-Products (Identification) Regulations 1995 (as amended), he or she may issue an improvement notice).

What does an improvement notice involve?

2. An improvement notice is imposed on a business which an authorised officer considers does not comply with the Animal By-Products (Identification) Regulations 1995 (as amended). It requires the proprietor to put matters right. It is an offence to fail to comply with an improvement notice but it is possible to appeal against its imposition (please see paragraphs 84-88).
3. The improvement notice must give
 - the officer's reasons for believing that the proprietor of the business is not complying with the legislation;
 - the ways in which the legislation is being breached;
 - the measures the proprietor should take to put matters right; and
 - the time allowed for making improvements (which must be at least a fortnight).
4. Proprietors are required to comply with an improvement notice.

⁶ There are separate versions of the Food Hygiene Regulations for the different UK administrations, see footnote 1.

INTERESTED PARTIES

ENGLAND

3663

A POORTMAN (LONDON) LTD
A WATSON & CO LTD
ABBOTT LABORATORIES LTD
ACACIA FOODS LTD
ACADEMY OF CULINARY ARTS
ACORN FEED PRODUCTS LTD
ADAMS PORK PRODUCTS
ADAS GLEADTHORPE
ADAS HOLDINGS LIMITED
ADM
ADVERTISING ASSOCIATION
ADVERTISING STANDARDS AUTHORITY
ADVISORY COMMITTEE ON ANIMAL FEEDING STUFF
AFC / COMMITTEE BRITISH STANDARDS INSTITUTION
AGRICULTURE & COUNTRYSIDE BOARD
AGRI-EUROPE
AIC (AGRICULTURAL INDUSTRIES CONFEDERATION)
AIRLINE OPERATORS COMMITTEE CARGO
AL NEME FOOD INDUSTRIES CO LTD
ALCONTROL LABORATORIES
ALFA CHEMICALS
ALLERGY ALLIANCE
ALLIED BAKERIES LTD
ALLIED MEAT IMPORTERS LTD
ALLIANCE FOR NATURAL HEALTH
ALLIED TECHNICAL CENTRE
ALLSPORTS INTERNATIONAL LTD
ALSTEAD
AMERICAN PEANUT COUNCIL
ANGLO – EUROPEAN LIVESTOCK ASSOCIATION
ANGLO-SCOTTISH FISH PRODUCERS' ORGANISATION LTD
ANIMAL AIRCARE
ANIMAL HEALTH DISTRIBUTORS ASSOCIATION (UK) LTD
ANIMAL HEALTH TRADE ASSOCIATION
ANIMAL HEALTH TRUST
ANIMAL TRANSPORTATION ASSOCIATION
APAG
AQUINAS COLLEGE
ARABIAN SEAFISH UK LTD
ARKARIUS LIMITED
ARLA FOODS PLC
ARMITAGE BROS PLC
ASDA STORES LTD
ASHURST MORRIS CRISP
ASHWELL ASSOCIATES

ASSOC OF BRITISH PHARMACEUTICAL INDUSTRIES
ASSOC. FOR IMPROVEMENTS IN MATERNITY
ASSOCIATE PARLIAMENTARY FOOD AND HEALTH FORUM
ASSOCIATED BRITISH FOODS PLC
ASSOCIATED BRITISH NUTRITION
ASSOCIATION OF CONVENIENCE STORES (ACS)
ASSOCIATION OF PUBLIC ANALYSIS OF SCOTLAND
ASSOCIATION FOR CONSUMER RESEARCH
ASSOCIATION FOR PUBLIC HEALTH
ASSOCIATION OF AGRICULTURAL EDUCATIONAL STAFF
ASSOCIATION OF BREAST FEEDING MOTHERS
ASSOCIATION OF BRITISH HEALTH CARE INDUSTRIES
ASSOCIATION OF BRITISH SALTED FISH CURERS AND EXPORTERS
ASSOCIATION OF CEREAL FOOD MANUFACTURERS
ASSOCIATION OF FISH CANNERS
ASSOCIATION OF LONDON CHIEF ENVIRONMENTAL HEALTH OFFICERS
ASSOCIATION OF LONDON CHIEF HEALTH OFFICERS
ASSOCIATION OF LONDON GOVERNMENT
ASSOCIATION OF MEAT INSPECTORS
ASSOCIATION OF MEDICAL MICROBIOLOGISTS
ASSOCIATION OF PORT HEALTH AUTHORITIES
ASSOCIATION OF PRIVATE MARKET OPERATORS
ASSOCIATION OF RADICAL MIDWIVES
ASSOCIATION OF SEA FISHERIES COMMITTEES
ASSOCIATION OF VETERINARY SALES MANAGERS
ATLANTIC BAR AND GRILL
ATLANTIC CONTAINER LINE UK LTD
AUSTRALIAN EMBASSY
AUTOMATIC VENDING ASSOCIATION OF GREAT BRITAIN
AVON GLOS AND SOMERSET ENVIR MONIT COMM
AYLESBURY VALE COMMUNITY HEALTHCARE
BABY MILK ACTION GROUP
BARBER INDEX PLC
BARNARD AND GOODING GOAT'S MILK LTD
BBC GOOD FOOD MAGAZINE
BBSRC
BEDFORD BUSINESS CENTRE
BEE SERVICES
BELASCO T/A SASSCO
BELL DAVIE
BELSO'S (UK) CEREALS LTD
BERNARD MATTHEWS FOODS LTD
BERRYSTOCK FEEDING CO
BEST FOODS UK LTD
BESTWAY CASH AND CARRY LTD
BEVAN ASHFORD (LIBARIAN)
BICODE LTD
BIDEFORD TRAWLERSMEN'S CO-OPERATIVE LTD

BILLINGSGATE MARKET
BIOTECHNOLOGY & BIOLOGICAL SCIENCE RESEARCH
COUNCIL
BIOWHITTAKER UK
BIRD AND BIRD
BIRD FOOD STANDARDS ASSOCIATION
BIRDS EYE WALLS LTD
BIRMINGHAM CITY LABORATORIES
BIRMINGHAM LIBRARY SERVICES
BISCUIT CAKE CHOCOLATE & CONFECTIONARY ALLIANCE
BISHOP BURTON COLLEGE OF AGRICULTURE
BONGRAIN UK LTD
BONNIA PETITE BANQUETING LTD
BOURNE SALADS
BOURNE STIR FRY
BOWYERS (WILTSHIRE) LTD
BRAVE BROS FOODSERV LTD
BRETBY ANALYTICAL CONSULTANTS LTD
BREWING RESEARCH FOUNDATION
BRITISH ASSOCIATION
BRITISH CHEESE BOARD
BRITISH ALPACA SOCIETY
BRITISH ANGORA GOAT SOCIETY
BRITISH ASSOCIATION OF FEED SUPPLEMENT AND
ADDITIVE MANUFACTURERS LTD
BRITISH ASSOCIATION OF PLANT BREEDERS
BRITISH BAKERS LTD
BRITISH BEER & PUB ASSOCIATION
BRITISH BISON ASSOCIATION
BRITISH BROSH MAKERS ASSOCIATION
BRITISH CATTLE VETERINARY ASSOCIATION
BRITISH CHAMBER OF COMMERCE
BRITISH COFFEE ASSOCIATION
BRITISH COMPRESSED GASSES ASSOCIATION
BRITISH CONFECTIONERS ASSOCIATION
BRITISH DENTAL ASSOC
BRITISH DIABETIC SOCIETY
BRITISH EGG INDUSTRY COUNCIL
BRITISH EGG INFORMATION SERVICE
BRITISH EGG PRODUCTS ASSOCIATION
BRITISH ESSENCE MANUFACTURERS ASSOCIATION
BRITISH ESSENTIAL OILS ASSOC
BRITISH FEATHER CO LTD
BRITISH FERMENTATION PRODUCTS
BRITISH FISHERMEN'S ASSOCIATION
BRITISH FOOD MANUFACTURING INDUSTRIES RESEARCH
ASSOCIATION
BRITISH FREE RANGE EGG PRODUCERS ASSOCIATION
BRITISH FROZEN FOOD FEDERATION
BRITISH GOAT SOCIETY

BRITISH HERBAL MEDICINE ASSOCIATION
BRITISH HIGH COMMISSION
BRITISH HONEY IMPORTERS AND PACKERS ASSOCIATION
BRITISH HOSPITALITY ASSOCIATION
BRITISH INSTITUTE OF AGRICULTURE CONSULTANTS
BRITISH INSTITUTE OF INNKEEPING
BRITISH LEATHER CONFEDERATION
BRITISH MEAT PROCESSERS ASSOCIATION
BRITISH MEDICAL ASSOCIATION
BRITISH NATURAL MINERAL WATERS ASSOCIATION
BRITISH NUTRITION FOUNDATION
BRITISH PASTA PRODUCTS ASSOCIATION
BRITISH PEPPER AND SPICE
BRITISH PEST CONTROL ASSOCIATION
BRITISH PIG ASSOCIATION
BRITISH PORT ASSOCIATION
BRITISH POULTRY COUNCIL
BRITISH REFRIGERATION ASSOCIATION
BRITISH REGULATORY AFFAIRS
BRITISH RETAIL CONSORTIUM (BRC)
BRITISH RICE ASSOCIATION
BRITISH SOCIETY OF PAEDIATRIC DENTISTRY
BRITISH SOFT DRINKS ASSOCIATION
BRITISH STARCH INDUSTRY ASSOCIATION
BRITISH SUGAR PLC
BRITISH TROUT ASSOCIATION
BRITISH UNITED TURKEYS LTD
BRITISH VETERINARY ASSOCIATION
BRITISH WILD BOAR ASSOCIATION
BRITVIC SOFT DRINKS LTD
BRIXHAM TRAWLER OWNER'S ASSOCIATION
BROADLAND FOODS LTD
BROMLEY CENTRAL LIBRARY
BSI GROUP
BUCKINGHAMSHIRE HEALTH AUTHORITY
BURGER KING INTERNATIONAL
BURGESS SUPAFEDS
BURY TRADING STANDARDS DEPT
BUSINESS IN SPORT AND LEISURE
C L AUDITING SERVICES
CADBURY SCHWEPPE'S PLC
CALYMPEX LTD
CAMBRIDGE MANUFACTURING COMPANY LTD
CAMERON MCKENNA
CAMPDEN & CHORLEYWOOD FOOD RESEARCH
ASSOCIATION
CAMRA (CAMPAIGN FOR REAL ALE LTD)
CANFIELDS FARM
CARDINAL HEALTH
CARVER WILDE COMMUNICATIONS

CATERER AND HOTEL KEEPER MAGAZINE
CATERING EQUIPMENT MANUFACTURERS ASSOCIATION
CATERING UPDATE
CATHAY PACIFIC AIRWAYS
CATTLE TECH LTD
CBI SMALL AND MEDIUM ENTERPRISE COUNCIL
CELCAA
CENTRAL PUBLIC HEALTH LABORATORY
CEREAL INGREDIENTS MANUFACTURERS ASSOCIATION
CEREAL PARTNERS WORLDWIDE
CHAMBER OF SHIPPING
CHEMICAL & FEEDS LTD
CHEMIST & DRUGGIST
CHERRY VALLEY FARMS LTD
CHEW VALLEY HIDE & SKIN CO LTD
CHILD ACTION PREVENTION TRUST
CHILLED FOOD ASSOCIATION
CHICHESTER COLLEGE OF ARTS SCIENCES &
TECHNOLOGY
CHITTY WHOLESALE LTD
CHRISTIAN SALVESEN LTD
CITY OF LONDON
CLIFFORD CHANCE
CMA UK
COCA-COLA COMPANY
COELIAC UK (LTD)
COFFEE TRADE FEDERATION (THE)
COLD STORAGE AND DISTRIBUTION FEDERATION
COMMUNITY AND PRIORITY CARE SERVICES
COMMUNITY FOODS LTD
COMMUNITY NUTRITION GROUP
COMPASSION IN WORLD FARMING
CONFEDERATION OF BRITISH INDUSTRY
CONFEDERATION OF BRITISH WOOL TEXTILES LTD
CONSORTIUM OF CATERERS & ADMINISTRATORS (IN
EDUCATION)
CONSULTANT NUTRITIONIST & DIETITIAN
CONTINENTAL FOOD SUPPLIES LTD
CONTINENTAL WINE EXPERTS LTD
CONTRACT FOODS LTD
CO-OPERATIVE GROUP
CORNISH FISH PRODUCERS' ORGANISATION LTD
CORNISH GUILD OF SMALLHOLDERS
CORNWALL INSHORE FISHERMEN'S FEDERATION
CORNWALL SEA FISHERIES COMMITTEE
COUNCIL FOR RESPONSIBLE NUTRITION
COUNCIL FOR THE PROTECTION OF RURAL ENGLAND
COUNSEL LTD
COUNTRY LANDOWNERS AND BUSINESS ASSOCIATION
COUNTRY MARKETS LTD

COURAGE LTD
COVENT GARDEN MARKET AUTHORITY
COVENTRY HEALTH AUTHORITY
COVINGTON & BURLING
CP KELCO UK LTD
CRAIG WHITEHOUSE CONSULTANCY SERVICES
CRANSWICK MILL LTD
CROCODILE CREEK
CRODA COLLOIDS LTD
CROMARTY FIRTH PORT AUTHORITY
CROP PROTECTION ASSOCIATION
CROWN CHICKEN LTD
CULINARY BRANDS DIVISION
CUSSENS UK LTD
CUSTOM PHARMACEUTICALS LTD
CYPRESSA
D&T ASSOCIATION
DAILY MAIL
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DALEGETTY PRODUCTS
DALEHEAD FOODS LTD
DALZIEL INGREDIENTS LTD
DANISH BACON COMPANY PLC
DANISH EMBASSY
DAVTECH
DAWN FOODS LTD
DAYLA SOFT DRINKS LTD
DAYLAY FOODS LIMITED
DEBENHAMS PLC
DECLERCQ TRADING LTD
DEL MONTE FOODS (UK) LTD
DELBANCO MEYER & CO LTD
DEPARTMENT FOR CULTURE MEDIA AND SPORT
DEFRA
DEPARTMENT OF HEALTH
DEPARTMENT OF LOCAL GOVERNMENT & THE
ENVIRONMENT- (ISLE OF MAN)
DEPT OF CLINICAL VETERINARY MEDICINE
DEVON DIRECT SERVICES CATERERS
DEVON SEA FISHERIES COMMITTEE
DIABETES UK
DIETETIC DEPARTMENT
DIMERCO EXPRESS (UK) LTD
DIRECT SELLERS CO-OPERATIVE LTD
DOANE PET CARE UK
DOMESTIC FOWL TRUST
DOVER HARBOUR BOARD
DOVER PORT HEALTH

DOW CORNING COORDINATION CENTER
DRUCES AND ATTLEE
DUTCH EMBASSY
E BOTHAM & SON LTD
EAST DEVON FISHERMEN'S ASSOCIATION
EAST MIDLANDS AIRPORT
EDLONG COMPANY LTD (THE)
EDWARD PAUL & CO (GROCERS) LTD
EM CONSULTANTS
EMA CARGO WEST
ENDS
ENVIRONMENT AGENCY HQ
ENVIRONMENTAL CONTROLS
ENVIRONMENTAL DATA SERVICES
ENVIRONMENTAL HEALTH AND TRADING STANDARDS
ESSENTIAL TRADING CO-OPERATIVE LTD
ETHICAL CONSUMER RESEARCH ASSOCIATION
EURO COOP
EURO ENVIRONMENTAL CONTAINERS
EUROCOMMERCE
EUROFINS
EUROFINS LABORATORY LTD
EUROPE ANALYTICA
EUROPEAN CATERERS ASSOCIATION
EUROPEAN FOOD LAW ASSOCIATION (UK SECTION)
EUROPEAN MALT PRODUCT MANUFACTURERS ASSOCIATION
EUROPEAN MODERN RESTAURANT ASSOCIATION
EUROPEAN MOLASSES IMPORTERS & DIST ASSOC
EUROPEAN PUBLIC POLICY ADVISORS UK LTD
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SCOTTISH BEEKEEPERS ASSOCIATION
SCOTTISH CHAMBERS OF COMMERCE
SCOTTISH CONSUMER COUNCIL
SCOTTISH CORN TRADE ASSOCIATION
LTD
SCOTTISH EGG PRODUCER RETAILER
ASSOCIATION
SCOTTISH ENTERPRISE
SCOTTISH ENTERPRISE BORDERS
SCOTTISH FEDERATION OF MEAT
TRADERS
SCOTTISH FISHERMEN'S ASSOCIATION
SCOTTISH FOOD & DRINK FEDERATION
SCOTTISH FOOD ENFORCEMENT
LIAISON COMMITTEE
SCOTTISH FOOD SAFETY OFFICERS
ASSOCIATION
SCOTTISH GAME DEALERS &
PROCESSORS ASSOCIATION
SCOTTISH GROCERS FEDERATION
SCOTTISH HEALTH FOOD RETAILERS
ASSOCIATION
SCOTTISH ORGANIC PRODUCERS
ASSOCIATION
SCOTTISH RURAL PROPERTY AND
BUSINESS ASSOCIATION.
SCOTTISH SALMON PRODUCERS
ORGANISATION
SCOTTISH SEA FARMS LTD.
SCOTTISH SHELLFISH MARKETING
GROUP LTD.
SEA FISH INDUSTRY AUTHORITY
SEAFOOD SHETLAND
THE MALT DISTILLERS ASSOCIATION OF
SCOTLAND
UNITED DISTILLERS
WALKERS SHORTBREAD LTD
WEST OF SCOTLAND FISH PRODUCERS
ORGANISATION LTD

INTERESTED PARTIES LIST (Wales)

A & G Williams Felinfoel Faggots
Abergavenny Fine Foods Ltd
Aberystwyth Farmers' Market
ADAS Wales
Aeron Bacon Supplies
All Wales Dietetic Advisory Committee
Allison's Celebration Cakes
Anaphylaxis Campaign
Angus Meats Wales
Ash Manor Cheese Company limited
Authentic Curry Company Ltd
Avana Bakeries limited
B A Jenkins & Sons
B Sidoli & Sons Ltd
Bar & Restaurant Foods Ltd
Bara Panteg
Baraka Foods Ltd
Barnado's
Barons Patisserie
Beehive Preserves
BELTON CHEESE LTD
Berwyn Bakery
Big Food Group plc
Black Mountains Honey
BLUE CREST CONVENIENCE FOODS
Bob The Butcher Wales Ltd
Brace's Bakery Limited
Bray's Sweets
Brecon Beacons Natural Waters
Bridgend CBC
British Heart Foundation
Broadfield Farms Einon Valley Lamb
Brookes Wye Valley Dairy Co Ltd
Bryn Cocyn Organic Beef and Lamb
Bumpylane Organics
Cadwalader (Ice Cream) Ltd
Cae Groes bakery Limited
Caermynydd Piggery
Caerphilly County Borough Council
Calypso Soft Drinks Ltd
Cardiff Health Alliance
Cardiff University
Carmarthenshire Cheese Company Pont Gar
Carolyn's Real Bread Co
Castle Dairies Ltd
Castlering Organic Woodland Pork
Caws Cenarth Cheese
Caws Nantybwl Farmhouse Cheese
Caws Teifi Cheese
CC Morgan & Son
Cegin Crincae
Celtic Sprit Company

Cheeses From Wales Limited
Children's Commissioner for Wales
Cig Calon Cymru Cyf
Cig Cibyn Ltd
Cig Oen Caron
Cig y Llan
Citizens Advice Bureau
City & County of Cardiff
Clark's Original Pies
Clark's Pies
Classic Organic Ltd
Cnwc Goats Yogoat
Costa Rica Coffee
Cowpots Icecream
CP Bromwell & son Rheld Farm Dairy Crickhowell
Cuts if Quality Preserves
Cwm Deri Vineyard and Estate
Cwmheidir Farm Dairy
Cyngor Gwynedd
D Parisella & Son Ltd
Dairy Development Centre
Dairy Farmers of Britain (Bridgend Site)
Daniel Jones Butchers
Dansco Dairy Products Ltd
Daryl's Fresh Meats
Dawn Pac
Dee dairy services
Denbighshire Catering Services
Derimon Smokery
Dovey Group Ltd
Eira Gwyn - White Snow Dairies
Emily's Jams and Pickles
ET Jones Sons & Daughters
Ethnic Cuisine
EuroCaps Ltd
Farmers' Union of Wales
Fedwen Bakerys (Cardigan) Ltd
FIRST CHOICE FOODS LTD
Food Centre Wales
Food Consultancy
Franks Ice Cream Ltd
Friesland Foods Domo UK Ltd Lactochem
G C Hahn & Co Ltd
Garth Bakeries Ltd
Gelnis Fruit Farm and Vineyard
Glamorgan Federation of Womens Institutes
Glutafin
GM Freeze Campaign
Goetre Farm Preserves
Good Food Distributors
Gower Coast Seafoods
Gower Spring Water Co.
Graig Farm Organics
Greggs Wales

GRH Food Company Ltd
Gwynedd Confectioners
Gwynle Bakery
Gwynt y Ddraig Cider
Halo Foods Ltd
Haverfordwest Cheese Ltd
Hazelwood foods plc
Henllan Bread
Highmead Dairies Ltd
Hill Station Plc
Hybu Cig Cymru (Meat Promotion Wales)
Iceland Foods Plc
JM & A Hughes (Station Bakery)
Joe's Ice Cream Parlour
KK Finefoods
Kwan Yick (UK) Ltd
Labellerouge - The Buffalo Dairy
LACORS
Lewis Fine Foods
Lewis Pies Ltd
Llaeth y Llan village dairy
Llanbody Cheesemakers
Llanfaes Dairy
Llanfaes Dairy Ice Cream
Lowe's Soft Drinks
Mario's Luxury Dairy Ice Cream Fecci's Ice Cream Ltd
Mary's Farmhouse
Memory Lane Cakes Ltd
Meridian Foods Ltd
Merlin Cheeses
Montgomery Spring Water Co
Moorbrook Limited, T/A Ferrari's Coffee
Mr Creamy
Multi Labels Limited
National Assembly for Wales
National Farmers Union Cymru
National Federation of Meat and Food Traders
National Federation of Women's Institutes
National Sheep Association Cymru Wales
Neath Port Talbot County Borough Council
New Sandfields Sustainable Regeneration Ltd
Newport City Council
Newport Sure Start
NFU Cymru
North West Wales NHS Trust
Ogmore Vale Bakery Limited
Organic farms foods
Organic Working Group
Pant Mawr Farmhouse Cheeses
Peters Food Service
Plas Farm Denbigh Farmhouse Dairy Ice Cream and
Yogurt
Precision Labelling Systems
Prince's Gate Spring Water

Rachel's Dairy
Radnor Hills Mineral Water Co Ltd
Real Crisps
RHM Frozen Foods
Rosemarket Spring Water Limited
Rubicon Beverages Limited
Slaters Bakery
Snowdonia Cheese Company
Snowdrop Bakery
South Caernarfon Creameries
Spar
Sunjuice Ltd
Sure Start
Sustain: the alliance for better food and farming
Swansea Bakeries Ltd
Tan y Castell
The Bay (Public Affairs Ltd)
The Chocolate House
The Fruit Garden Wild Fig
The Potato Processors' Association
The Risk Management Practice Ltd
The Serious food company
The Speciality Sauce Co Ltd
The Traditional Welsh Sausage Company
The Unusual food Co (Cymru) Ltd
The Village Bakery (Coedpoeth) Limited
Thornhill Farm Shop
Tillery valley foods ltd
Toloja Orchards
Torfaen CBC
Tovali Ltd
Towards Well - Being Ruby Cool and Ruby Glow
Tredarwen Springs Ltd
Tregroes Waffles
Trethowan's Dairy Ltd
Trioni Ltd
Ty Nant Spring Water Ltd
UK Vineyards Association
Unilever UK Ltd
University of Wales
UWIC
Village bakery (coedpoeth) ltd
Vydex Nutrition
Wades Bakery
Wales Centre for Health
Wales Social Partners Unit
Welsh Assembly Government
Welsh Beekeepers Association
Welsh Consumer Council
Welsh Farm Organics
Welsh Food Alliance
Welsh Highland Shepherds
Welsh Hills Bakery
Welsh Lamb & Beef Producers

Welsh Lamb and Beef Promotions
Welsh Quality Meats
Wendy Brandon Preserves
White's Golden Crust Bakery
Williams Bakery Limited
WJ Philips
Women's Food & Farming Union
Wrexham County Borough Council
Zorba Foods