

**REVISIONS TO THE AGENCY GUIDANCE ON COUNTRY OF ORIGIN  
LABELLING GUIDANCE**

**SUMMARY REPORT OF RESPONSES TO CONSULTATION  
FROM STAKEHOLDERS**

The Revision of Food Standards Agency Food Labelling Guidance on Country of Origin consultation was issued on 20<sup>th</sup> September 2007 and closed on 13<sup>th</sup> December 2007.

- 1 The FSA is grateful to those stakeholders who responded and sets out in the table below responses in order of the sections of the guidance document
  - 2 The sections on which the consultation sought views were:
    - Part one – Legislation on Country of Origin Labelling.
    - Part two - Compliance with the legislation
    - Part three – Best Practice advice
- The consultation also sought general comments on the revisions to the guidance.
- 3 The Food Standards Agency's considered responses to stakeholders' comments are given in the last column of the table. A summary of changes to the original proposal(s) resulting from stakeholder comments is set out in the final table.
  - 4 A list of stakeholders who responded can be found at the end of the document.

**Statistics**

Number of Interested Parties consulted:	1200
Total number of responses:	33 (100%)
England responses:	22 (67%)
Scotland responses:	8 (24%)
Wales responses:	2 (6%)
Northern Ireland responses:	1 (3%)
Consumers:	1 (3%)
Consumer Organisations:	4 (12%)
Trade Associations:	18 (55%)
Enforcement:	8 (24%)
Health Bodies	0 (0%)
Industry	1 (3%)
Academia:	0 (0%)
Food Advisory Committees:	1 (3%)
OGDs:	0 (0%)

## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION ON REVISIONS TO THE AGENCY GUIDANCE ON COUNTRY OF ORIGIN LABELLING GUIDANCE

<b>GENERAL COMMENTS</b>		
<b>Respondent</b>	<b>Comment</b>	<b>Response</b>
British Bee Keepers Association	We note that the Food Labelling regulations 1996, Regulation 26 – 'Small packages' (3) could be interpreted to include pre-packaged honey as 'breakfast portions', either in plastic sachets or small glass jars. The BBKA considers that these packages should also contain a statement of country of origin, but accepts that this may need to be more concise for reasons of space.	Noted. The guidance does not prevent this being provided voluntarily. No change has been made.
National Farmers Union	<p>In several previous responses to FSA consultations on labelling, the NFU has given specific comments about origin labelling. We strongly believe that country of origin is a key piece of information about a product that must be available to consumers when they purchase food. It is also an area that is particularly at risk of misleading the consumer. The NFU believes mandatory country of origin labelling should be extending to all meat and dairy products, at least. The labelling of these products is most likely to mislead consumers, and the consumer interest in origin is particularly strong for animal products. Until that happens, guidance must be sufficiently clear and strong in order to prevent breaches of General Food Law and Food Labelling Regulations concerning misleading consumers.</p> <p>The NFU believes the demands and requirements of the European and UK consumer have evolved in recent years, including a rise in 'ethical consumerism'. This increases the potential for consumers to make assumptions about environmental, social or animal welfare issues when they look at a label for the primary origin of their food. Denying the consumer this information restricts their ability to make informed choices.</p> <p>The NFU applauds the objectives set out in the covering letter. However, we do not believe that the revised guidance achieves these objectives. The current situation of origin labelling certainly does not further the Agency's aim to 'put consumers first'.</p>	Noted. No change has been made, proposed revisions make clearer guidance and, if followed help prevent consumers being misled.
LACORS	<p>The guidance does not make it particularly clear as to which elements are recommendations and which elements are legal requirements. By way of example the first paragraph of Part 2 ( page 6 ) could be taken to mean that Part 2 contains recommendations only, however, paragraphs 10 and 11 are based upon established case law ( legal requirements) but could be interpreted as recommendations. This issue should be addressed by appropriate rewording which should also include a reference to the due diligence defence.</p> <p>LACORS takes the view that it would be useful to extend to guidance to cover smaller geographical units, such as regions ( West Country etc ) and counties.</p> <p>LACORS is also aware that many enforcement officers have identified problems with other quasi-origin related claims such as " local" or " freshly made on the premises" which is not addressed by this guidance.</p>	<p>Noted.</p> <p>Noted. The issue of smaller geographical units and claims such as "local" are ongoing issues currently under review in the EC Proposal on Food Information.</p>

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	LACORS takes the view that the general tone of the guidance is not firm and authoritative and should be strengthened. This is picked up in the specific comments made.	Noted. Unchanged – as the appropriate terminology for best practice advice (which is not a legal requirement) is in line with better regulation principles.
FDF	It may be premature to republish this guidance due to imminent publication of the EC proposal on food information which is expected to embody fuller wording on origin labelling requirements.	Noted.
Trading Standards South East	<p>The Partnership noted that the title and some references in the text imply that the guidance only related to country of origin, however, the text clearly provides much needed guidance in relation to the wider meaning of origin covered by the Regulations. The Partnership therefore, suggests that the Guidance should be amended to refer to Origin, instead of 'Country of Origin', in the title and paragraphs 3 and 11.</p> <p>In relation to Indications of Origin, the Partnership were of the opinion that advice should be included on the following situations;</p> <ul style="list-style-type: none"> <li>• Packs which are prepared and personalized by commercial companies for small businesses which include a local illustration;</li> <li>• Products, which are manufactured by a larger company for a tourist attraction or small trader and includes the words “specially selected for/by x.... “ and</li> <li>• the manner of display of these product on the premises e.g. “if you like our cream tea why not buy some of the Jam”.</li> </ul>	<p>Noted. No change.</p> <p>Noted. No change as issues of illustrations, impressions and overall presentations are covered in paragraph 12</p>
Health Food Manufacturers' Association	HFMA LAPAD considers the revised guidance an improvement on the current guidance, providing more detail and clarity and hence will be more useful to the members of the association.	Noted.
VEGA	<p>We note in your guidance that:</p> <p>“14. If the place of origin of the food (according to the principle of last substantial change) is not the same as the place of origin of its primary ingredients, it may be necessary to provide information on the origin of those ingredients.”</p> <p>and that:</p> <p>“28. It is clear that many consumers want more information on the origin of meat ingredients in meat products, and in research the ingredients in dairy produce also score highly.”</p> <p>Livestock, including cattle, pigs, poultry and fish, is often reared using substantial quantities of imported feed (eg grain, Soya, fishmeal). Many consumers will have an interest in the provenance of the feed, not just with regard to quality but also the environmental impacts.</p>	Noted. The wording in these paragraphs has been changed to assist clarity.

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	<p>We would therefore suggest that in future you give consideration to labelling that indicates whether a substantial proportion of feed has been imported. For instance, beef or milk labelled as ‘British’ should indicate that feed has been imported when the animals have not been raised on a majority of British produced feed.</p>	<p>Noted. There is nothing to prevent this information being provided on a voluntary basis.</p>
<p>Yorkshire and Humber Trading Standards Group</p>	<p>The guidance does not make it particularly clear which parts of the guidance are recommendations and which parts are legal requirements. YAHTSG feels the legal requirements should be stressed and made clear to the reader. Where appropriate “must”, not “should” should be used.</p> <p>For example the first paragraph of Part 2 (page 6) could be taken to mean that part 2 contains recommendation only. But <b>paragraphs 10 and 11</b> are based upon established case law; but again they could be interpreted as recommendations only.</p> <p>We feel the guidance should also cover due diligence defence.</p>	<p>Noted. No changes made. The guidance is clearly split into legislation, avoiding misleading labelling and best practice advice. The appropriate terminology for best practice advice (which is not a legal requirement) is in line with better regulation principles.</p>
<p>London Port Health Authority</p>	<p>The manner in which the FSA has attempted to convey its views on the avoidance of mis-leading origin labelling is well explained and should leave both consumers and enforcing officers in little doubt as to what is acceptable. The guidance provides useful information for products that have been part processed through to completely processed products and even demonstrates wording that will satisfy the legislation.</p> <p>This guidance is very informative and is presented in a clear, easy to follow style. We particularly like the way the guidance is divided up into sections and referenced. Labelling is a very detailed and often confusing area so this guidance is very welcome and useful tool to both industry and enforcers.</p> <p>We think it will be useful to make the annotated notes in a smaller font size to distinguish them from the main body of the text</p>	<p>Noted.</p> <p>We avoid small font size to aid clarity.</p>

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SWERCOTS	<p><b>(a) Scope of the guidance</b></p> <p>It is disappointing that, as with the previous issue of the Guidance, the Agency has chosen to focus upon <i>country</i> of origin. Research has shown that the origin of food is important to consumers, but it must be considered that, in many cases, perceived problems relate to a misuse of terms such as ‘local’, ‘west country’, ‘farmhouse’ and, particularly in the catering sector, phrases such as ‘freshly made on the premises’. (In fact, the term ‘farmhouse’ is, of course, discussed in the guidance notes “<i>Criteria for the use of the terms fresh, pure, natural, etc in food labelling</i>”, also currently out for consultation; perhaps there could be scope to bring that guidance across to this document?)</p> <p>Many broader issues of misleading descriptions as to origin occur in situations where goods are either non-prepacked or prepacked for direct sale, areas which are not specifically addressed in this guidance, other than the brief reference at paragraph 22. For example, best-practice guidance would be helpful on matters such as produce displays at farm shops where no differentiation is made between those foods produced on site and others which are bought in – clearly still an issue of ‘origin’. In fact, the need for more detailed advice on situations where food is not prepacked was one recommendation arising from the Agency-commissioned review of the original guidance as mentioned at (c)(ii) below.</p> <p><b>(b) General tone of the document</b></p> <p>Whilst appreciating that there is a need to distinguish between best practice guidance and the minimum requirements which must be met to achieve statutory compliance, we believe that the general tone of the advice provided is too ‘weak’. Although the stated aim of the document is primarily to inform industry in the provision of labelling which consumers will find informative, the Agency’s guidance in such matters would also clearly be persuasive as far as any court proceedings are concerned. To that end, whilst additional, explicit legislation on origin may not be desirable to ensure harmonised compliance across the EU, enforcement authorities would, as a general principle, appreciate the drafting of best-practice advice in such a way that compliance is to be viewed as necessary rather than ‘nice to have’. At the draft label stage, management of the competing tensions between marketing and legal compliance is a key area in which local authorities become involved. In such circumstances, the weaker the phraseology used in the guidance, the less likely it will be that (strictly) non-statutory best-practice rules are observed. For example, in the guidance on “significant ingredient” origin labelling at paragraph 25, it would be helpful for the guidance to state (alongside the example provided of sausages made in the UK from imported pork): “The Agency considers it potentially misleading for such foods to be labelled with an origin marking <i>unless</i> the provenance of the key ingredient, in this case pork, is also divulged”. In its present form, the use of “We suggest that ...” and “We recommend ...” in the guidance is, in our opinion, not robust enough to meet the stated aim of the document. A similar argument could be made for a need to strengthen the language used in explaining the issue of “co-mingling” of packs of different origins at paragraph 23. For example, “should” would be preferable to “may wish to” in the shaded box.</p>	<p>Noted. The remit was to revise the existing guidance in relation to country of origin labelling. The best practice section gives more detailed information on origin.</p> <p>Noted. The issue of the labelling of non-prepacked foods is currently being considered as part of the EC Proposal on Food Information</p> <p>Noted. The section of the guidance referred to is voluntary and best practice and the tone reflects that it is in line with better regulation principles.</p>
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<p>CFG: Foodaware</p>	<p>Foodaware has supported country of origin labelling for many years, and considers it is even more important now that consumers are actively seeking information on the source of foods, and many would like to choose local produce where it is available. We welcomed the original guidance on origin labelling in 2002 and so we make only brief comments on the proposed changes which Members discussed at their December meeting. We note that in preparing this guidance you have consulted with the devolved administrations and Members feel strongly that this guidance should apply throughout the UK so that the Agency is promoting a consistency in approach despite the voluntary nature of the guidance itself.</p> <p>Members queried why the FSA has consulted on this revised guidance at this time, when it is widely expected that the European Commission will bring forth new proposals before the end of the year including origin labelling. Presumably, the FSA will have to consult in due course on the Commission proposals so the timing of this document seems premature. It is extremely costly in time and resources for consumer groups to respond to the many consultations which are now produced, and we think that this duplication could have been avoided by a slight delay until the EU proposals were known.</p> <p>Most of the examples of origin marking in the guidance relate to meat and meat products and the text suggests that origin information should be given for principle meat and dairy ingredients. In 2002 we suggested that EU country of origin should also be given for poultry meat and eggs. Consumers want more information for a variety of reason and should not be misled about the origin of any ingredients. Issues of perceived risk or a desire to choose or avoid products from particular places may be relevant to fish and shellfish, or to fruit and vegetables. The examples should be more broadly based and cover all the above food categories, as well as processed produce such as pasta containing American wheat which may mislead purchasers.</p>	<p>Noted. This consultation was a UK wide undertaking. and the guidance applies UK wide</p> <p>Noted. The Agency were committed to carrying out a review of this guidance and information received will be passed on to colleagues dealing with the EC Proposal on the Food Information Regulation..</p> <p>Noted. There is nothing to prevent origin being declared on poultry and eggs, and it is required by Regulation, on several of the foods mentioned here.</p>
<p>Which?</p>	<p><b>General comments</b></p> <p>Which? welcomes this opportunity to comment on the Food Standards Agency's (FSA's) revision of food labelling guidance on country of origin.</p> <p>Our research has shown that country of origin information is of interest to many consumers and so it is therefore important to have clarity about what is legally required, as well as encouraging best practice in the provision of country of origin information so that consumers can make informed choices on this basis.</p> <p>A recent Which? survey<sup>1</sup> on food labelling found that almost half of the people interviewed (48 per cent) thought that it was important to have information about the country of origin of foods. We therefore welcome the fact that the FSA is encouraging manufacturers to voluntarily provide country of origin information where it is not legally required.</p> <p>Those people who thought it was important, thought that country of origin information was most important on non-processed fresh meat and poultry products (52%), followed by fruit (43%), vegetables (40%), fish (36%), dairy products (35%), processed meat and poultry products (30%), processed fish products (21%), ready meals (20%) and foods aimed at children (19%).</p>	<p>Noted.</p>

<sup>1</sup> A representative sample of 2071 adults was interviewed in home between 6th - 10th June 2007 at approximately 143 locations throughout the UK. The sample was selected using a random location method. The data was then weighted to more accurately represent the adult population of the UK aged 16+.

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	<p>The reasons for wanting country of origin information were varied, however the most common reason was a desire to buy British food (52%), a further 36% had a general interest in where their food comes from, over a quarter are concerned about food miles (26%) and the same proportion think it would help them to judge quality (26%). Some were concerned about avoiding products that they had safety or ethical concerns about (25% and 19% respectively).</p> <p><u>Substantial change</u> More generally, we think it would still be useful to provide some more examples of what would and would not be considered a 'substantial change'.</p> <p><u>Conclusion</u> We are pleased that the FSA has revised this important guidance and still sees country of origin as an important issue for consumers. Other than the specific areas we have suggested for further clarification, we support the approach taken. However, we still think that the EU review of food labelling legislation and expected proposals for a new directive on food information should be used to make it a legal requirement to provide information on country of origin for the products and ingredients identified in the best practice advice as priorities for consumers. We hope that the FSA will also continue to pursue this issue within Codex.</p>	<p>Noted. Mincing was added as an additional example.</p> <p>Noted.</p>
<p>East of England Trading Standards Association</p>	<p>We have come across ranges of traditional food products, such as jams and pickles, which are labelled under the sellers name and address which may be a famous residence such as Sandringham or Chatsworth, but which are produced and packed by a supplier based elsewhere in the country. This has the potential to mislead consumers that they are buying products which have been made from local ingredients and that the product is unique or made to a particular recipe of the seller. We would suggest this could be addressed in your guidance by including a section that where a product has been personalised to an individual seller/retailer then the true origin of the ingredients/manufacture should be clearly declared.</p> <p>Where brand names may be interpreted by consumers as indicating a particular origin then the true origin must be declared. This would include where a business is particularly associated with a location such as Bernard Matthews in Norfolk or Guinness in Dublin that the true origin is declared if this differs from common perception.</p> <p>You could add examples that where a process is described with reference to a geographical location but is not restricted to that location such as Wiltshire ham, it would be more beneficial to consumers to use the term 'Wiltshire cure'.</p>	<p>Noted. No changes made.</p> <p>Noted. This is already covered in the avoiding misleading labelling section of the guidance.</p>
<p>Individual</p>	<p>I personally avoid buying products from Israel because, although I am Jewish, I am very much opposed to the continued illegal occupation by Israel of the West Bank and Gaza Strip, and the abuse of Palestinian human rights for which Israel's policies are responsible. Until now, I have purchased herbs which are described as from "West Bank" believing that, by doing so, I was assisting the Palestinian economy which has been so devastated by the occupation.</p> <p>I am now shocked to read that most goods so labelled in British supermarkets are in fact the products of illegal Israeli settlements on the West Bank in which case, far from assisting the Palestinian economy, they are part of</p>	<p>Noted. Personal response to be sent to provide more information on the labelling of products from the occupied territories.</p>

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	<p>the problem. Such labelling, in my view, is grossly misleading.</p> <p>I am aware that you are currently consulting on the Revision of Food Standards Agency food labelling guidance on country of origin. Can you confirm that this is an issue which you could take on board within your revised guidance?</p>	
Assured Food Standards	<p><u>General</u> – We have to say that we find the new draft much less helpful than the previous guidelines. There have been a number of changes between the sections headed ‘Compliance with legislation’ and ‘Advice on best practice’ the logic of which is not adequately reasoned or explained. This will add confusion rather than clarity and this is a shame. It seems unlikely that the new guidance will actually meet some of the objectives stated in the consultation paper, notably the second ‘to improve consumer confidence in such labelling’.</p> <p><u>Paragraph 18.</u> – We note that you again refer specifically to our Red Tractor logo as you did at paragraph 24 in the previous guidelines. You have modified the text presumably to reflect changes that we made to the logo in the succeeding period and we welcome the change.</p> <p><u>Paragraphs 14, 24 and 25</u> The old paragraph 26 has been dissected and spread between the new paragraphs 14 (legal compliance) and 24/25 (‘not mandatory’). This has become extremely muddled. The sausage example appears in both 14 and 25 – Which is it? Is this form of words necessary for legal compliance or simply as a matter of best practice?</p> <p>It is very difficult to understand how 14 relates to the preceding 6 paragraphs. Paragraphs 8-13 establish the principle that the origin of a food should be the place of ‘last substantial change’. But 14 then says that sometimes the origin of the ingredients should also be mentioned. The guidance on when this circumstance will arise is wholly inadequate. It amounts to no more than the words ‘it may be necessary’.</p> <p>Many would argue that with food, unlike other consumer goods, shoppers should be informed of the origin of ingredients as the rule rather than the exception. So notwithstanding the principle of ‘substantial change’, 14 should also apply as a general rule. To achieve this you would have to strengthen considerably the words in paragraph 14. For reasons that are not fully explained the ‘substantial change’ principle is given much more prominence that it had in the previous draft so it becomes really important to know exactly what it means. You have some new text in paragraph 13 where you offer guidance on some processes that may or may not constitute a ‘substantial change’. But this text deals with only a tiny handful of examples, many other processes are not mentioned.</p> <p>The old paragraph 26 had four examples of preferred labelling, two of which no longer appear in the new 14 (bacon and butter production). Do we take it that ‘churning’ is also a process that results in substantial change? It would be much more satisfactory if guidance on the definition of ‘substantial change’ were given explicitly rather than by inference, not least because the consequences are serious. The new guidelines suggest that a product churned in England from imported milk can in future be described as ‘English butter’; and that bacon produced in the UK from imported pig meat is ‘British bacon’. Our perspective was that these are particular examples of misleading labelling that the original draft set out to rectify.</p> <p><u>Concluding</u></p> <p>With respect, you have created two problems in the new guidance:          First if your new draft must revolve more directly around the principle of ‘substantial change’ then it is essential to have clarity on what constitutes a ‘substantial change’. The very small number of examples in 13 is inadequate and there should be a much more comprehensive analysis of the range of processes used across the food industry and guidance point by point as to whether they do or do not constitute a ‘substantial change’.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted. The wording in these paragraphs has been changed to assist clarity. The difference between Best Practice and Voluntary Guidance is clear.</p>

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	<p>Second, you must address the apparent contradiction in paragraph 14. In what circumstances does the 'last substantial change' definition (paras 8-13) stand alone? And in what circumstances must it be supplemented by the principles in 14, also to declare the origin of raw materials if different?</p> <p>The draft must be re-cast to address these two points. Without this, far from adding clarity to the earlier draft, the latest draft will add substantial confusion.</p>	<p>Noted. Paragraph 14 has been reworded to provide clarification on what to do to avoid misleading labelling.</p>
<p>British Retail Consortium</p>	<p>We believe this is an improved version of the previous guidance.</p> <p>The clear division into what is required to comply with the legislation and best practice, introduced in this document is strongly welcomed.</p> <p>Some of the legislation referred to in this guidance, such as Directive 2000/13/EC and the European legislation on EU Protected Food Name Schemes are being reviewed and therefore this guidance may need to be reviewed shortly after publication.</p> <p>One of our concerns is the potential use of this document. We very strongly believe that the section on best practice should not be used by the Agency as their position in the European general labelling review negotiations.</p> <p>We would like to see a great playing field between packaged and loose foods. We believe that a lower standard should not be expected for this sector. For example, for an Italian ready meal it would be expected to declare 'Produced in the UK', whereas such demands are not expected when purchasing a similar product in a restaurant.</p>	<p>Noted</p> <p>Noted.</p> <p>Noted. This comment will be passed on to colleagues dealing with the EC Proposal on the Food Information.</p> <p>If food was ordered in an Italian restaurant in London, you would not expect it to be cooked in Italy.</p>
<p>City of Edinburgh Council (SCOTLAND)</p>	<p>We have concerns about cooked sliced meat in supermarkets being labelled as e.g. product of UK, EU or South America. This seems to be common practice by Tesco and Asda. Customers want to know the origin of their food to judge food miles for environmental reasons, to support local economies, or avoid certain countries for political or ethical reasons. The use of such huge geographical descriptions makes this very difficult. We understand that this type of product will use different geographical sources of meat at different times. But for traceability and other reasons different batches should not be mixed and it should be possible to give customers more precise information on the country of origin.</p> <p>It could be reasoned that giving 3 possible large places of origin does not comply with The Food Labelling Regulations 1996. We believe that the new guidance should require a single country of origin to be stated unless there is a very good reason this is not possible.</p>	<p>Noted. The guidance sets out the legal requirements, how to comply with legislation and avoid misleading labelling and also what is considered best practice.</p> <p>There is specific EU commodities legislation in place; and general labelling legislation required for when purchasers may be misled as to country of origin.</p>
<p>Scottish Food Advisory Committee (SCOTLAND)</p>	<p>Clear need for labelling that provides information and is not confusing. The guidance could result in declarations which are extensive and could lack clarity in terms of information and readability.</p> <p>One suggestion is that a symbol based system is used, such as Local Country, Member State, EU or rest of the world</p> <p>Concerns over declarations becoming wordy, but cannot avoid this if consumers are to be provided with the</p>	<p>Noted.</p> <p>There is a possibility that symbols may be misunderstood.</p>

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	<p>information they need.</p> <p>Guidance could impact on primary producers in Scotland.</p> <p>There are concerns about having equitable treatment of commodities and countries in any labelling proposed.</p>	
<p>Scottish Association of Meat Wholesalers (SCOTLAND)</p>	<p>In agreement overall with the proposed revision and also with the objectives of the Guidance to improve labelling practice as well as consumer confidence.</p> <p>The importance of guidance to enforcement authorities should not be underestimated and neither should the need for them to provide effective advice to ensure good practice.</p> <p>Supportive of Option 2 (i-vi) as detailed at page 6 of the PRIA particularly at v.) in relation to ‘produced in’ statements and vi) in relation to avoiding misleading presentation and display of products in store.</p>	<p>Noted.</p>
<p>Quality Meat Scotland (SCOTLAND)</p>	<p>Welcomes this review which aims to improve labelling practices.</p> <p>Draft guidance can find no reference as to how these Regulations are to be implemented.</p>	<p>Noted. The guidance is best practice advice and not regulation.</p>
<p>Scottish Beekeepers’ Association (SCOTLAND)</p>	<p>Main issue is importers and packers can legally produce a blend of EU and non-EU honey that contains only a very small amount of EU honey and sell this without declaring the respective origins or quantities.</p> <p>The EU Commission has indicated that national legislation could require the label to list all countries where the honey was sourced. Italy for example requires this information to be printed on the label. All members of the Copa/Cogeca Honey Working Party are in accord that the quantities and origin of each honey should be declared. The customer knows then what they are purchasing.</p> <p>This would prevent cheaper imported honey competing unfairly with EU honey, which is more expensive and difficult to produce.</p> <p>Scottish Beekeepers Association asks that The Honey (Scotland) Regulations 2003 be amended to include this requirement.</p>	<p>Noted.</p> <p>Comments will be passed to colleagues in with the relevant policy area responsible.</p>
<p>Scottish Consumer Council (SCOTLAND)</p>	<p>Welcomes the update on labelling guidance and generally has found it very clear to follow.</p> <p>May have further comments to make on guidance after results of their research in Scotland on country of origin labelling of meat by the retail sector</p>	<p>Noted.</p>
<p>Hybu Cig Cymru Meat promotion (WALES)</p>	<p>HCC support on-pack labelling of country of origin, as this provides additional awareness amongst consumers of county of origin and enhances consumer security in product purchases. We undertake programmes of activity to support the origin labelling of PGI (Protected Geographical Indication) Welsh Lamb and PGI Welsh Beef.</p> <p>As such, we welcome this consultation on Country of Origin Labelling Guidelines and the clarification of</p>	<p>Noted.</p>

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	<p>"best practice", as we hope this will provide sufficient incentive for those not currently following "best practice" to amend their communication without recourse to further regulation or the courts. It is hoped that by enhancing on-pack labelling of country of origin, it will prevent consumers from being misled by companies/ brands who are acting within the letter, but not the spirit, of existing legislation.</p>	
BRC (Northern Ireland)	<p>There are currently three common practices:</p> <ul style="list-style-type: none"> <li>-Declare Northern Ireland as the place of origin. This is frequently used in products of high quality.</li> <li>-Declare the product as "British". This is widely used for many products for which developing labels for each specific possible region of the country would be to laborious and costly.</li> <li>-Declare the product as Irish. As stated in our response the FSAI encourages this as best practice.</li> </ul> <p>The use of the different forms of origin depends on the type of product, business and whether the business operates in the Republic of Ireland.</p> <p>We believe these three practices should continue to be allowed and therefore this should be reflected in the guidance.</p>	<p>Noted. No change has been made. This issue is ongoing and is currently under review in the EC Proposal on Food Information.</p>
Farmers Union of Wales	<p>Members emphasised that clear labelling of food is essential to avoid consumer confusion, and that such labelling should extend to country of origin labelling. However, moves that would affect the packaging of loose foodstuffs should be avoided, as this would place a disproportionate and unnecessary burden on small businesses in particular. Some members noted that too much labelling can be detrimental to the image and consumption of a product, as it can detract from the selling power of the product. Labelling should therefore be simple, and unnecessary information avoided. Too much information can be difficult to decipher, and can put consumers off buying a product, and with this in mind, some members suggested that a list of essential information, prioritised depending on importance, would be useful.</p>	<p>Noted.</p>
Northamptonshire County Council	<p>I ask you to consider if the guidance needs to emphasise a bit more the distinction which must be made between description of the product, its processing, its breed/variety or its recipe. It may not be possible to give a list of generally accepted non-origin statements, but perhaps you can ask them to substantiate the acceptability of a prima facie origin statement not being considered so by consumers in general through evidencing consumer opinion and documentary research and making that available to the Home Authority.</p>	<p>Noted. Changes have been made to paragraphs 14 and 15 to clarify..</p>

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION ON REVISIONS TO THE AGENCY GUIDANCE ON COUNTRY OF ORIGIN LABELLING GUIDANCE**

<p>Scotch Whisky Association</p>	<p>Scotch Whisky Association appreciate the efforts made to encourage manufacturers, producers, retailers and caterers to comply with the law and avoid misleading labeling, while encouraging them to give more voluntary origin information in a way that is helpful to consumers. However they believe mandatory country of origin labeling provisions would be more helpful.</p> <p>Most consumers tend to buy whiskies according to their country of origin – Scotch, Irish, Canadian or otherwise. There is therefore an intentional effort on the part of many producers from other countries to imitate the labeling of such brands, for example by the use of labeling in the English language and which is otherwise consistent with whisky from one of the traditional whisky-producing countries. In the absence of a country of origin statement, the consumer is left to guess the origin of the goods based on the brand’s overall appearance, if the consumer does not automatically assume it is Scotch Whisky.</p>	<p>Noted.</p> <p>Noted.</p>
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**PART ONE – LEGISLATION ON COUNTRY OF ORIGIN LABELLING**

<b>Respondent</b>	<b>Comment</b>	<b>Response</b>
<p>NFU (National Farmers Union)</p>	<p>The NFU is very concerned about the explicit endorsement by the FSA of the 'last substantial change' rule as one that will lead to good practice in origin labelling. We strongly disagree with the statement that this is 'a reasonable guide for the purposes of the Food Labelling Regulations'. The Trade Descriptions Act 1968 and the Codex and WTO rules as described are completely at odds with the aims of the Food Labelling Regulations (regulation 5 (f))and of General Food Law (Article 16).</p> <p>The NFU urges the FSA to acknowledge that food is very different from other consumer products. The fact that the Agency was set up is symbolic of this. Food cannot be dealt with in the same way as other manufactured products whose components are sourced from various EU states and third countries, and for which the Trade Descriptions Act may be appropriate. While the origin of the raw materials to manufacture the chemicals, plastics and metals in a kettle or washing machine are likely to be of little interest to the purchaser, with food consumers associate 'origin' indications with the farm on which the ingredients were produced.</p> <p>Highlighting this contradictory area at the beginning of the guidance seriously weakens subsequent statements about what consumers want to see and how they interpret origin labels, as well as the suggestions for best practice. We recognise guidance must make a clear distinction between the law and best practice. However, considering the lack of a statutory definition of 'place of origin' and the requirement not to mislead, we think guidance in this case must be as clear and robust as possible. If grey areas remain in this important element of labelling, consumers will be confused and misled, which will have a damaging impact on their trust in both the food industry and the Food Standards Agency.</p>	<p>Noted. No change has been made.</p> <p>The Agency seriously considered how best to differentiate between legal requirements, compliance and best practice advice.</p>

## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION ON REVISIONS TO THE AGENCY GUIDANCE ON COUNTRY OF ORIGIN LABELLING GUIDANCE

LACORS	Paragraph 8 - With the forthcoming repeal of the Trade Descriptions Act 1968 and its replacement by the EC Unfair Commercial Practices Directive ( 2005/29 ) it would be appropriate to refer to this here and at all other appropriate places in the guidance text.	Noted. Footnote added.
FDF	Paragraphs 5 and 6: it would be helpful if FSA clarified that even where a statement of origin is required, it does not have to comply with the field of vision requirements under Regulation 39.	Noted. There is no legal requirement for where an origin statement is placed on a label.
London Port Health Authority	This provides a good summary of the requirements. It is easy to understand, although the interpretation by small and medium businesses of the requirements to label may be abused as a result of the flexibility of the Regulations.	Noted.
SWERCOTS	Meaning of place of origin - paragraph 8 With the forthcoming repeal of the Trade Descriptions Act 1968 it would be more appropriate to delete references to it here and elsewhere in the guidance. The definition is however supported by relevant case law and is therefore acceptable. It would also agree with the purpose of the Unfair Commercial Practices Directive (2005/29/EC).	Noted. Section 36 of the TDA has not been repealed and reference to it and to the CPUR are correctly reflected in the guidance.
MLC (Meat and Livestock Commission)	Paras 5-7 - Research regularly shows that with fresh meat (beef, pork and lamb) the consumer assumes it is British, unless they are told otherwise. The growth, in 2005 and 2006 of "tertiary brands", particularly on fresh pork brought this to a head. A range of on-pack "British" imagery, creative brand names and company names and addresses deliberately disguised "hidden" declarations of various EU origins or even just the plant number. e.g. pork loin steaks with the image of a jovial British butcher and the company address in North Yorks were actually, in the small print, produced in Germany. Whilst instances of this are much reduced the clarification will be of significant benefit in the future.  Para 8 - The approach outlined here continues to be unhelpful and potentially misleading to consumers despite acceptance at Codex/WTO level. This is a technical issue, well understood by the industry, but which regularly amazes and confuses consumers. Your suggestions in Part 2 assist in clarification, but, without the force of law may not be enough to solve the potential for misleading the consumer.	Noted.  Noted
CFG: Foodaware	Our members take the view that the advice to catering establishments is wholly inadequate given that people are increasingly consuming food outside the home and want in many cases to know where it comes from. Para 22, at the very least, should cross reference the other parts of the guidance which are relevant for catering outlets and restaurants.	Noted. No changes made.
Quality Meat Scotland (SCOTLAND)	<u>Page 4 point 5</u> Makes it unnecessary for restaurants to be transparent with regard to a statement of origin and therefore appears to be against the objectives of document as set out on page 1.	Noted. Reg 5(f) (particulars of place of origin or provenance is a requirement of the Food Labelling Regulations 1996 and sets out what is legally required so as not to mislead.

## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION ON REVISIONS TO THE AGENCY GUIDANCE ON COUNTRY OF ORIGIN LABELLING GUIDANCE

### PART TWO – COMPLIANCE WITH LEGISLATION

Respondent	Comment	Response
Women's Food and Farming Union	<p>Para 10. Agree that 'true place of origin should always be clearly given if the label as a whole would otherwise imply that the food comes from, or has been made in, a different place or area.</p> <p>Para 11. Agree that it is <u>very</u> important to have country of origin declaration sufficiently precise and prominent in order to correct any potentially misleading statements in a products name or other implied origins contained on labelling.</p> <p>It is also important to have prominent displays of country of origin at point of sale and on supermarket shelves especially where products from different origins are displayed next to each other.</p> <p>Para 14. Agree that if the place of origin of the food (according to the principle of last substantial change) is not the same as the place of origin of its primary ingredients then information on country of origin <u>should</u> be provided.</p> <p>Para 16. Agree that where a product reflects a culinary style country of origin should be provided. Eg. Products labelled as 'Great British classic' should be made from predominantly British ingredients.</p> <p>Para 17. Agree</p> <p>Para 18. Agree with guidance on use of Assurance scheme logos</p> <p>Para 19. Agree</p> <p>Para 20. Definitely agree that promotional displays should not mislead customers as to country of origin.</p> <p>Para 22. We do need to have clearer guidelines for catering establishments so that they cannot mislead the public.</p>	Noted.
NFU (National Farmers Union)	<p>In discussing 'implication' of origin through names, branding or references, paragraph 12 must include 'British' as an example. This has particular connotations in this country and a food labelled 'British' but made from non-British key ingredients will certainly be misleading. The NFU has passed recent examples of this happening in a major retailer to the FSA (i.e. British recipe ready meals using non-British meat). British-relevant examples should also be added to para 16. There are contradictions in the paragraphs about what is a substantial change.</p> <p>In para 13, the guidance says bacon, ham and pies constitute a substantial change, implying that they would be labelled with the processing country and not that in which the pigs were reared or slaughtered. Para 14 uses the sausages example to say this would not be appropriate. We think the change to this section from the previous version does not improve it, and the examples of bacon and butter should be put back into para 14.</p>	<p>Noted.</p> <p>Noted. It is helpfully made shorter by the removal of these examples.</p>

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	<p>Expanding origin indications with the term 'processed in...', while strictly accurate, does have the potential to mislead a consumer who is not fully aware of the processes involved in producing a particular food product. The guidance should include an appropriate warning of this. The concept of misleading labelling is wholly about consumer perceptions and interpretations. There are contradictions between the way this is discussed in part 2 compared to part 3 that cannot be justified by the need to separate compliance with legislation and best practice advice.</p> <p>The NFU is concerned that identification marks used for a bulked product such as cheese, or poultry, that are then portioned and packed for retail can in some cases give an indication of origin that relates neither to the primary product nor to the country of last substantial change. We are aware that this is certainly the case for some own label cheddar cheese that has been produced in another EU country (such as the Republic of Ireland), shipped to England in bulk blocks where it is cut, packed and given a UK code on the identification mark. The hygiene regulations (EC 853/2004) require a new health mark when packaging and wrapping is removed or there is further processing in another establishment (Annex II, Section I, A (2)). The identification mark with country code is transferred onto the final retail pack and consumers can take this to indicate origin with the potential for them to be misled. It is also possible that no origin declaration will be given on a third country product at retail because it is not required but the pack will show the EU and UK codes on the identification mark because it has been packed here. This is another reason why country of origin should be a legal requirement on all meat and dairy products. This issue is referred to in para 17 of the draft guidance. However, the guidance must be strengthened on this issue in order to prevent misleading labels. This represents a significant inconsistency in the legislation relating to products of animal origin. It is not enough to say that 'care must be taken'. Also, it is the <i>existence</i> of marks not just their size, prominence or position that could be misleading. This is most likely to happen when there is no other indication of origin e.g. for processed dairy or meat products or portions of meat, particularly standard or value lines. It would then be likely that the label would breach the Regulation 5(t) of the Food Labelling Regulations 1996 i.e. failure to indicate origin would mislead the consumer, as consumers will interpret 'UK' as meaning 'made in the UK'.</p> <p>The NFU urges the FSA to take this issue to the Commission for them to address in the proposed new labelling rules. We are aware that DG Sanco may argue that the mark is not meant for consumers but for hygiene and traceability, but anything appearing on a label could be used by a consumer to gather information about the product, and could therefore be misleading.</p>	<p>Noted. Guidance does warn that identification marks may contribute to a misleading impression.</p> <p>Noted. Comments will be passed on to colleagues in the relevant policy area.</p>
LACORS	<p>Paragraph 10 - There appears to be some conflict between this paragraph and paragraph 11. The former states that the label as a whole must be considered whilst the latter states that the origin statement must be prominent, precise and compelling.</p> <p>Paragraph 11 - LACORS is of the opinion that this paragraph should be extended to require origin information to be in the same field of vision as the description (see also comments in LACORS comments 17).</p> <p>Paragraph 16 - The reference to "culinary style" should be qualified so as not to condone the use of the term "style" which is contrary to FSA guidance on the use of marketing terms such as fresh, pure, natural etc. LACORS suggests that another example is used to replace that of "onion bhajis" which very few if any UK consumers would</p>	<p>Noted. No change made.</p> <p>Noted. This is suggested as best practice advice at para 33.</p> <p>Noted and reworded as suggested.</p>

## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION ON REVISIONS TO THE AGENCY GUIDANCE ON COUNTRY OF ORIGIN LABELLING GUIDANCE

	<p>expect to have originated from India.</p> <p>Paragraph 17 - This paragraph mentions identification and health marks and refers to them as not being in themselves indications of country of processing. However, LACORS takes the view that they will be taken by the average consumer as an indication of origin as they use the letters "UK" as part of the approved premises number. LACORS would draw attention to the requirements of EC Regulation 853/2004(Annex 11, Section 1, Part 2A) which states that " However, a new mark need not be applied to a product unless its packaging and/or wrapping is removed or it is further processed in another establishment in which case the new mark must indicate the approval number of the establishment where these operations take place". LACORS understands this to mean that replacing the packaging is sufficient to warrant a change of approval mark. For example, Dutch bacon that is re the UK could have a UK health mark and no other origin marking. This seems to be at odds with the guidance in paragraph 13 which states that simple cutting, slicing or packing does not amount to a substantial change. The provisions of EC Regulation 853/2004 need to be addressed in terms of this specific FSA guidance.</p> <p>Paragraphs 20 and 22 - The location of paragraph 20 which applies to non-prepacked food origin claims and paragraph 22 which applies to information given by catering establishments should be reviewed. Part 1 of the guidance almost implies, by virtue of paragraphs 5 and 6 that origin labelling issues only relate to foods which are pre-packed. This is compounded by paragraph 7 which lists those categories of food exempt from the provenance requirements of paragraph 5. It should be stressed that origin claims made in relation to non-prepacked foods/pre-packed for direct sale foods and those foods sold by caterers are subject to legal requirements covering false or misleading descriptions.</p>	<p>Noted. Reworded to make the paragraph clearer.</p> <p>Noted. Comments noted and paragraphs reworded to make them clearer.</p>
<p>FDF</p>	<p>Paragraph 11: The approach here and the use of "prominent, precise and compelling" for country of origin declarations to deal with implied claims is a gloss on the legislation which cannot be justified. Such best practice advice would, in any case, be more appropriate in Part 3.</p> <p>If the paragraph 11 requirements were, for example, applied to "culinary style" issues (paragraph 16), it would appear to be suggested that the origin declaration should always be as big and bold and front of pack, in the same way as the general description of a product, whereas a back of pack declaration might be equally satisfactory.</p> <p>Paragraph 14: contrary to the FSA's stated aim of distinguishing between what may actually be misleading and best practice advice, the two are again confused here. Much of para 14 is almost identical to the best practice advice given in para 25 and it would be better for this and on other issues to provide cross references between the contents of Parts 1 and 2 and the advice given in Part 3.</p> <p>Paragraph 15: terms like "packed in ....." are extremely useful where a product has components sourced from different countries but is assembled at one place. However, the best practice advice in para 30 diminishes the usefulness of "Packed in ....." by suggesting that such words imply origin of ingredients. Some clearer guidance is needed here given the need to use such terms to avoid confusion.</p> <p>Paragraph 16: whilst confusion might exist between European origins, as in the example of the lasagne, it is unlikely that British consumers would think that "Indian-style snacks have been made in India – any more that the</p>	<p>Noted. No change made as this is clearly to avoid misleading labelling</p> <p>Noted. Paragraph reworded to give a better interpretation of how to avoid misleading labelling.</p> <p>Noted. Best practice is a voluntary approach. It is possible that 'packed in' could create an impression of origin and the advice seeks to avoid confusion, Noted. Wording re "style" has been changed.</p>

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	food in the local Indian restaurant has! A “care must be taken” approach would be more appropriate to the latter.	
Yorkshire and the Humber Trading Standards	<p>Compliance with Legislation: Avoiding Misleading Origin Labelling’ of the guidance should be set in the context of a ‘due diligence’ defence.</p> <p>Some concern about <b>paragraphs 10 and 11</b> and whether they contradict each other. In that paragraph 10 states that one must consider the labelling of a food as a whole while paragraph 11 states that the country of origin declaration must be prominent, precise and compelling. The example discussed here was of a jar of jam with a large Swiss flag on the lid but a small statement on the back that it was produced in Germany. This guidance does not address the problems that should be clarified in these paragraphs.</p> <p><b>Paragraph 11</b> needs to be extended to advise that origin information should be in the same field of vision as the description.</p> <p><b>Paragraph 16</b> YAHTSG does not feel the onion bhaji example is helpful as we do not feel consumers would expect this product to have been made in India just because of what it is.</p> <p>The reference to ‘culinary style’ could be taken to condone the use of the term ‘<b>style</b>’, criticised by the FSA’s Criteria For The Use Of The Terms Fresh, Pure, Natural Etc. In Food Labelling.</p> <p><b>Paragraph 17</b> mentions identification and health marks and the fact that they are not an indication of country of processing. They are used as an indicator of origin as they consist of letters and numbers e.g. “UK S001”. The requirements of reg EU 853/2004 annex 11 section 1 part A2 states that</p> <p><i>However, a new mark need not be applied to a product unless its packaging and/or wrapping is removed or it is further processed in another establishment, in which case the new mark must indicate the approval number of the establishment where these operations take place.</i></p> <p>This says that replacing the packaging is sufficient to warrant a change of mark. Dutch bacon that is repacked in the UK could have a UK health mark and no other origin marking. This is at odds with <b>paragraph 13</b> that states the simple cutting, slicing or packing does not amount to a substantial change. Does 853/2004 need to be considered for this part of the guidance?</p> <p>The location of <b>paragraph 20</b> which applies to non-prepacked food origin claims and <b>paragraph 22</b> which applies to information given by catering establishments should be reviewed. Part 1 of the guidance almost implies, by virtue of paragraphs 5 &amp; 6, that origin labelling issues only relate to foods which are pre-packed. This is compounded by paragraph 7 which lists those categories of food exempt the provenance requirements of paragraph 5. It must be stressed that origin claims made by in relation to non-pre-packed foods/ pre-packed for direct sale foods and those foods sold by caterers are subject to legal requirements covering false or misleading descriptions.</p>	<p>Noted. No changes made.</p> <p>Noted. This is suggested as best practice advice at para 33..</p> <p>Noted. Example removed and reworded. Reference to “style” amended.</p> <p>Noted. Paragraph amended.</p> <p>Noted. Paragraphs amended.</p>
London Port Health	The examples used in this part are good demonstrations of positive labelling. Paragraph 17 is a little ambiguous and	Noted. Paragraph amended.

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Authority	states that identification marks should not contribute to a mis-leading impression of the origin of the food. The kind of identification marks that the guidance refers to (which appears to be health marking) should do exactly that – indicate the country of origin, so maybe this explanation could be clearer and would benefit from visual examples.	
SWERCOTS	<p>Compliance with legislation - paragraph 10</p> <p>The Agency's own research (<i>An assessment of the uptake of Food Standards Agency Guidance on Country of Origin Labelling</i> - February 2006) suggests that certain foods are sold with the true origin divulged by means of a declaration in a small font on the back of the pack (7/42 foods where the origin was 'implied'). The Agency's guidance should recommend that origin declarations have a certain prominence (e.g. same field of vision as the statement or implication of origin). In fact, in the stated context a declaration of origin is required, since its absence would render the implied origin description misleading. This declaration should follow the "disclaimer" principles established under the Trade Descriptions Act 1968 and therefore be "as bold, precise and compelling" as the (otherwise) misleading statement itself.</p>	<p>Noted. There is no legal requirement for this information to be on front of pack.</p> <p>This is suggested as best practice advice at para 33.</p>
Scottish Federation of Meat Traders Association	<p>Para 13</p> <p>We feel that there is potential to mislead the consumer on processes that result in a substantial change. We are uncomfortable that pork can be made into bacon and then change its country of origin.</p> <p>We feel the description of Pork sausages is correct when stated as:- "Pork sausages made in Britain using pork from countries outside the UK are not described as "British pork sausages" but are described as "Made in Britain from [imported][country of origin] pork [from more than one country]".</p> <p>Why would this not apply to bacon?</p> <p>The draft states that "simple slicing, cutting and/or packing of meat does not amount to such a change." Should mincing not be included here?</p> <p>Para 14</p> <p>We agree that if the place of origin of the food (according to the principle of last substantial change) is not the same as the place of origin of its primary ingredients, it may be necessary to provide information on the origin of those ingredients.</p>	<p>Noted. These paragraphs have been amended to better clarify the points made.</p> <p>Noted. It does apply, however we have already used this as an example.</p> <p>Mincing has been included as an example.</p> <p>Noted.</p>
MLC (Meat and Livestock Commission)	<p>Para 11-12 - We would concur totally with this, again citing the example of tertiary brands of fresh pork</p> <p>Para 14 - The recommended example is of great benefit but would be improved if it were encouraged to be on the front of the pack, or in the same field of vision as where the place of origin is inferred.</p> <p>Para 17 - There is no consumer awareness of identification marks and therefore no understanding of what they mean. As such, to avoid misleading the consumer. such marks should be used in ways that minimise any indication of origin. It is far better to make a clear declaration of "product of " etc</p> <p>Para 18 - MLC has a clear system of Quality Marks where there is EU-permitted use of flags of origin as part of their design i.e. QSM on pork, EBLEX Quality Standard for beef and lamb. These are therefore clear and legal in their</p>	<p>Noted.</p> <p>Noted. This is suggested as best practice advice at para 33.</p> <p>Noted.</p> <p>Noted</p>

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	<p>communication. The problem area is assurance logos which do not fall within Quality schemes and are therefore not subject to the same rules and regulations e.g. Red Tractor, and public statements that the Red Tractor indicates British origin</p> <p>Para 19 - Again the issue of tertiary brands highlighted this as a way of misleading the consumer. This clarification is beneficial.</p> <p>Para 20 - Within the beef industry and by consumers Aberdeen Angus is seen as a high quality product. Because of its name it is assumed to be from Scotland. However a minority of Aberdeen Angus beef is actually Scotch with large amounts being produced outside of Scotland but not marked in any appropriate way to clearly indicate origin. Whilst Beef Labelling Regulations should cover this for retail sale the foodservice sector could remain a problem.</p>	<p>Noted.</p> <p>Noted.</p>
Which?	<p><u>Product and ingredient origin</u> The requirement that information should be given about the place of origin of ingredients as well as the place of origin of the food (where this could be misleading because of the principle in the legislation that the place of origin is where the product last under-went a ‘substantial change’) appears in the section on ‘Compliance with legislation: avoiding misleading origin labelling’ (paragraph 14) as well as ‘Advice on best practice’ (paragraph 25). This will be an issue both where a manufacturer is legally required to provide country of origin information because it would misleading not to, as well as where a manufacturer voluntarily decides to provide information about origin. However, it must be ensured that this does not lead to any confusion about whether the clarification about the origin of the product compared to the origin of the ingredients (eg. ‘Made in Britain from Danish pork) is a legal requirement or not. It should be made clearer that this is necessary to comply with the legislation.</p> <p><u>Misleading references to origin</u> Paragraph 10 refers to the legal requirement to provide the true place of origin of a food if the label, as a whole, would otherwise imply that the food comes from, or has been made in, a different place or area. It states that consumers are unlikely to expect products such as Chelsea buns, Madras curry or Frankfurters to come from the areas referred to. While we agree that this is likely to be the case, these seem to be fairly arbitrary examples and it would be useful to provide a clearer and more specific rationale for when this provision need not apply. We are concerned that this guidance could otherwise lead to inaccurate assumptions about when or when not to provide information about the true origin.</p>	<p>Noted. Changes have been made to paragraphs 14 and 25 to clarify the compliance with legislation to avoid misleading labelling and also what is expected of best practice advice.</p> <p>Noted. No changes made as guidance gives clear examples.</p>
East of England Trading Standards Association	<p>Para 14 – Perhaps you should make clear that there is an option of making no origin declarations at all in this scenario ie just calling them pork sausages.</p> <p>Para 16 – You talk about the Name of the food being in a foreign language, What do you mean ? Under the Food Labelling Regs the name of the food must be sufficiently precise etc and easily understood by the purchaser, which means in English. You give an example of onion bhajis (described as “Indian-style snacks...”) which you state should be accompanied by a declaration of UK origin if they are made in the UK. In this example we would not expect a consumer to believe that a product described as “Indian-style” was made in India and therefore an indication of UK origin would be superfluous.</p>	<p>Noted. No changes made.</p> <p>Noted. Paragraph has been amended.</p>

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	<p>Para 19 – This could do with some clarification. There is no requirement in the FLR to indicate whether the name and address on the label is that of the manufacturer, packer or seller. Some examples of how this requirement could be used to incorrectly <b>imply</b> origin.</p> <p>Para 21 – Why is this comment here? Does this mean foods from Northern Ireland can be labelled as such, but not those from England, Scotland or Wales?</p>	<p>Noted. No changes made.</p> <p>Noted. Foods could be labelled with an origin of England, Scotland and Wales.</p>
<p>British Retail Consortium</p>	<p>Paragraph 14: The first bullet point should be removed as it already appears in paragraph 25 as best practice.</p> <p>Paragraph 16: Additional guidance on cuisine descriptors and culinary style indications was specifically requested at the stakeholder meeting where this guidance was discussed. However, we feel this paragraph does not provide the clarification needed.</p> <p>The guidance should reflect that the use of cuisine descriptor such as ‘Indian’, ‘Chinese’, ‘Thai’, ‘Italian’, etc. are well understood by the UK consumers and do not, of themselves, suggest a product or ingredient origin. We believe there is no difference between madras curry (paragraph 10) which customers would not expect to be produced in India and Indian style onion bhajis where according to the guidance Indian style needs to be described as produced in the UK.</p> <p>Care should however be taken with the cuisine descriptor ‘British’ which may carry some origin connotations for some consumers.</p> <p>Paragraph 17: Provisions on the size of the health mark are covered under the Hygiene legislation (Regulation (EC) No. 854/2004).</p> <p>Paragraph 18: Several assurance schemes now carry union jacks or the relevant flag as a part of the logo. We feel that this section of the guidance is sufficiently clearly worded.</p> <p>Paragraph 21. Members feel that being able to label a product from Northern Ireland as ‘Northern Irish’ is an improvement; however we strongly feel that products from Northern Ireland should also be allowed to be referred to as ‘Irish’. For the Republic of Ireland, Northern Ireland is constitutionally regarded as part of Ireland and the Food Standard Agency of Ireland considers Northern Irish Foods as ‘Irish’.</p>	<p>Noted. Paragraph has been amended, first bullet point has not been deleted.</p> <p>Noted. Example removed and reworded. Reference to “style” amended.</p> <p>Noted.</p> <p>Noted. Reference added.</p> <p>Noted.</p> <p>Noted. No changes made.</p>
<p>William Costello</p>	<p>We farm in Melton Mowbray and employ eight people. We produce per year 65,000 pigs, which are slaughtered in UK slaughterhouses. All our pigs are reared to full UK assurance guideline and GENESIS inspect our farms yearly to ensure welfare standards are to full UK standard.</p> <p>Our problem stems from the fact that the piglets are born in Ireland and are transported to UK at 20 kg. The pigs spend approx 75 % of their lives in UK and consume 90 % of their food in UK.</p> <p>In our opinion, the pigs are British as they have spent the most of their lives in the UK. The guidelines issued by your offices advise that they should also be born in the UK to be deemed BRITISH.</p>	<p>Noted. Comments will be passed to colleagues dealing with the EU Proposal for a regulation of food information to consumers.</p>

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	<p>This guideline is causing us many problems, as the large supermarkets cannot take product produced from our pigs for their British shelves. We are the only producer in the UK whose pigs are slaughtered in the UK but are still not considered BRITISH.</p> <p>We have spoke to NPA (National pig association) and they do not have any problem with our pigs as the UK herd is in decline and they are not able to supply enough BRITISH pork to the supermarkets. We have spoken to the slaughterhouses and the major supermarkets and they likewise do not have any issues except the guidelines.</p> <p>In XXXXX they have just recently obtained protected status for XXXXX pork pies” This status authorised by the EU stipulates that the meat used must be reared in the UK but it is not necessary that it be born in the UK. As the guidelines are intended to safeguard the consumer, we feel that it is subjective whether pigs need to be born to be regarded as BRITISH. The EU ruling is that the pigs should be reared in the country for protected status.</p>	
<p>Quality Meat Scotland (SCOTLAND)</p>	<p><u>Page 6 point 10</u> Welcome the decision to highlight the potential for the use of names, for example breed types such as Aberdeen Angus or Highlanders in the red meat sector, to mislead the consumer over country of origin. Confusion could be caused by the use of national symbols, such as flags.</p> <p><u>Page 6 point 13 and page 9 point 25</u> Referring to bacon and sausages - products reveal inconsistencies and may lead to confusion. Sausages are considered Scottish as long as the raw material is Scottish, but the nationality of bacon depends on the location of last major process. We consider guidelines for bacon should be the same as sausages.</p>	<p>Noted.</p> <p>Noted. These paragraphs have been amended slightly to clarify further.</p>
<p>Scottish Consumer Council (SCOTLAND)</p>	<p>Paragraph 21. Why pick out Northern Ireland only, to say “Northern Irish” or “UK” could be used?</p> <p>Paragraph 22. We would want to comment on any wording proposed for the section on origin labelling for beef in Scotland in the food service sector.</p>	<p>Noted. The use of various descriptions of produce from NI has caused difficulties and this seeks to clarify the issues.</p>
<p>Hybu Cig Cymru Meat Promotion (WALES)</p>	<p><b>Paragraphs 5-7</b> Research regularly shows that with fresh meat (beef, pork and lamb) the consumer assumes it is British, unless they are informed otherwise. The growth, in 2005 and 2006 of "tertiary brands", particularly on fresh pork brought this to a head.</p> <p>There are examples of on-pack "British" imagery, creative brand names and company names and addresses available that deliberately disguise "hidden" declarations of various EU origins or even just the plant number. Whilst instances of this are much reduced the clarification will be of significant benefit in the future.</p> <p><b>Paragraph 8</b> The approach outlined here continues to be unhelpful and potentially misleading to consumers,</p>	<p>Noted.</p> <p>This is best practice advice.</p>

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	<p>despite acceptance at Codex/ WTO level. This is a technical issue, well understood by the industry, but which regularly confuses consumers. The suggestions in Part 2 assist in clarification, but, without the force of law may not be enough to solve the potential for misleading the consumer.</p> <p><b>Paragraphs 11-12</b> We would concur totally with this, again citing the example of tertiary brands of fresh pork.</p> <p><b>Paragraph 14</b> The recommended example is of great benefit but would be improved if it were encouraged to be on the front of the pack, or in the same field of vision as where the place of origin is inferred.</p> <p><b>Paragraph 17</b> There is no consumer awareness of identification marks and therefore no understanding of what they mean. As such, to avoid misleading the consumer, such marks should be used in ways that minimise any indication of origin. It is far better to make a clear declaration of "product of....." etc.</p> <p><b>Paragraph 18</b> The problem area is assurance logos, which do not fall within Quality schemes and are therefore not subject to the same rules and regulations.</p> <p><b>Paragraph 19</b> Again the issue of tertiary brands highlighted this as a way of misleading the consumer. This clarification is beneficial.</p> <p><b>Paragraph 20</b> Within the example of a product that, from its name, is assumed to be from a specific origin (such as Aberdeen Angus being from Scotland) there is an issue of labelling being required to make the origin clear to the consumer. Whilst Beef Labelling Regulations should cover this for retail sale, the foodservice sector could remain a problem.</p>	<p>Noted.</p> <p>Noted. This is suggested as best practice advice at para 33..</p> <p>Noted.</p> <p>The Agency also has guidance on assurance schemes.</p> <p>Noted.</p> <p>Noted.</p>
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### PART THREE – ADVICE ON BEST PRACTICE

Respondent	Comment	Response
British Bee Keepers Association	a) Para. 29 – Origin Declaration. We note that England, etc. are proposed as acceptable countries of origin. This is welcomed.	Noted.

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	<p>Counties or smaller regions present specific difficulties for beekeepers as bees forage over a range of a number of miles. Thus, bees kept near a county border will produce honey originating partially from nectar from another county. While this may not be an issue in the terms of this consultation, it may constitute a form of 'misrepresentation'. Historically, guidance to beekeepers has been of the form '...70% of the material should originate in the county stated..' and use of phrases such as '... from bees kept in [county] X..', although we know of no specific legal precedent. Perhaps this is worth consideration in the revised Guidance document.</p>	<p>While this type of information may be helpful to consumers the Agency considers it to be too specific to be added to the best practice guidance. No change has been made.</p>
<p>Women's Food and Farming Union</p>	<p>Para 23. Agree see comment above in para 11.</p> <p>Para 24. Definitely agree that country of origin information should be given on meat and meat products/ready meals.</p> <p>Para 25. Agree as per para 16. comments</p> <p>Para 26. Agree</p> <p>Para 27. Agree that consumers need to know where animals are actually reared etc.</p> <p>Para 28. Agree that the origins of principle meat &amp; dairy ingredients should be given.</p> <p>Para 29. Agree</p> <p>Para 30. Agree that 'packed in X' declaration should not mislead consumer about product's actual origin.</p> <p>Para 31. Agree that any information given on origin should be as specific as possible otherwise it is meaningless.</p> <p>Para 32. Agree that any information given on country or origin should be in same field of vision.</p>	<p>Noted.</p>
<p>NFU (National Farmers Union)</p>	<p>The opening explanation that the advice is not mandatory but industry may wish to consider it should be qualified by saying that not following it could lead to accusations of misleading, and therefore breaking the law, especially in the context of increasing consumer awareness and sensitivity to origin. This interest and consumer demand is fully acknowledged throughout this section, and offers clear arguments for the law to be cleared up and loopholes removed.</p> <p>The NFU supports the statements in shaded boxes about product and ingredient origin. We strongly believe these factors are so important to enable consumers to make an informed choice that they should have statutory backing. The detailed rules that apply to beef and veal should apply to all meat and dairy products. Supply chains and traceability practices enable this to happen.</p> <p>Regulatory Impact Assessment The NFU does not have any evidence contrary to the figures presented on costs for time taken to read guidance. We do not believe the revised guidance would change these costs. Most of our members will not be directly making decisions about how to declare origin on their products.</p> <p>In the absence of a change in the law as discussed, if the guidance is strengthened along the lines of our response</p>	<p>Noted.</p>

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	<p>to the consultation, there could be benefits for all parties. This is through reducing the likelihood of consumers being misled and therefore of businesses being non-compliant. In addition it would protect primary producers from losing sales when consumers cannot identify British products or mistakenly buy non-British products. The benefits to enforcers would be greater if the guidance was strengthened as suggested. The majority of NFU members are small, indeed micro- businesses. Of our members, it is producer- processors and those selling direct who will be most directly affected and the majority of these are certainly 'small' in this sense. All our comments therefore apply to them.</p> <p>The NFU believes that labelling certainly has an impact on the market and competition in the food sector, as discussed above. We agree that improved labelling practice would have a positive impact but we do not believe the revisions made to the guidance will make any significant positive difference at all. This will only be achieved by addressing the 'substantial change' issue and extending mandatory origin labelling to all meat and dairy products. If anything, the message is weakened by some of the changes made to the guidance. The sustainability needs of better origin labelling are clear in terms of both social and economic benefit. The revised guidance in its current form is not robust enough to fully meet these needs and will not facilitate a sufficient improvement in current practice to deliver a positive sustainable result. We look forward to commenting further on country of origin as an important aspect of food labelling that is covered in the ongoing EU Commission review of labelling legislation and consumer information. We urge the FSA to take into account the primary production industry's views in the UK submissions to the EU review.</p>	<p>Noted. Comments will be passed on to colleagues in the relevant policy area.</p>
<p>LACORS</p>	<p>Paragraph 23 - Proximity of Food of Different National Origin LACORS suggests that the phrase "may wish to" is replaced by the word "should" in the bold boxed guidance statement.</p> <p>Paragraph 26 - Product Origin The guidance indicates that terms such as "product of..." "should only be used where all the significant ingredients come from an identified country. LACORS suggests that this should be extended to cover larger geographical areas such as e.g. South America, North Africa etc. It would also be helpful if the phrase "significant ingredients" could be defined.</p> <p>Paragraph 28 - Origin of Ingredients LACORS suggests that that to illustrate the intention of the guidance the following sentence should be added to this paragraph: " The law requires an origin declaration on fresh beef but not on processed beef ( e.g. roast beef or corned beef) and products containing beef ( e.g. pies, sausages, burgers ).</p> <p>Paragraph 30 - Form of the Declaration - LACORS agrees entirely with the guidance that terms such as " Packed in X " should be accompanied by the term" Produced in Y ". However, LACORS takes the view that this paragraph should also clarify what the label should include when the statement "packed for "is used. LACORS takes the view that the average UK consumer may infer that "packed for a UK company means that the food is wholly of UK origin.</p> <p>Paragraph 31 - Ingredients of Variable Origin - It is a moot point as to whether the statement "origin will vary "could actually be more helpful than no indication at all. For foods where the origin of the supply is so variable, it is probable that the actual ingredient/food origin is immaterial to the consumer and therefore need not be declared. As a general principle, the guidance should insist that the use of terms listing more than one place of origin be risk</p>	<p>Noted. No change made.</p> <p>Noted. "significant ingredients" has been reworded to clearly define issue.</p> <p>Noted. No change made.</p> <p>Noted. No change made.</p> <p>Noted. No change made.</p>

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	<p>assessed ( as per the " may contain" declarations for allergen labelling purposes) and restricted to justifiable requirements for flexible purchasing arrangements ( e.g. key ingredients of a food where the harvest in a particular country is liable to variable yields from year to year). This would alleviate suspicions that terms in ingredients lists such as "beef ( produce of UK or Ireland )" could actually be used to permit arrangements of purchasing and use contrary to consumer expectations.</p> <p>Paragraph 32 - Location of the Label Declaration - The word "suggest" in the bold box guidance should be is not strong enough. The guidance should indicate that placement in the same field of vision is a legal requirement to reflect the guidance set out in paragraphs 5 and 6 and the case law cited in paragraph 11.</p>	<p>Noted. No change made. The appropriate terminology for best practice advice (which is not a legal requirement) is in line with better regulation principles.</p>
FDF	<p><b><u>Origin of ingredients</u></b></p> <p>Paragraphs 28 and 31: It would be impractical, if not impossible, to give country of origin on primary ingredients that are internationally traded on commodity markets, that may come from a wide range of sources e.g. milk, cheese.</p> <p>It is vital to retain the flexibility to source ingredients from more than one country for quality/financial/supply reasons, especially meat. Also for composite meat or dairy products, if the primary ingredient is sourced from several countries this would mean having several different packaging materials which would add complexity, cost and packaging waste to the supply chain. Here again, discretion must be allowed to the packer to avoid misleading by omitting origin information without having to state origin in every case because of the nature of the ingredient.</p> <p>Overall, FDF would emphasise that its members are willing to provide consumers with origin information if they contact them, and that it is not always practical to print it on pack for the reasons given above. We believe that the principal application of origin labelling should be to products and not their ingredients, given that to materially mislead the consumer in ether respect must be avoided.</p>	<p>Noted. No changes made.</p>
Trading Standards South East	<p>Part 3 of the Guidance covers best practice advice in relation to foods of different origins. The Partnership felt that this advice was not specific and worded strongly enough, so as to prevent confusion. LACORS has already issued guidance on 27/2/07 entitled "Revised LACORS advice on beef labelling and supermarkets chilled sales" on the origins of meat displayed in chilled cabinets, which is more specific. It was felt that the basis of this advice could be used in the Food Standards Agency's guidance.</p>	<p>Noted. No change made.</p>
Yorkshire and the Humber Trading Standards Group	<p>Part 3 Advice On Best Practice of the guidance should be set in the context of a 'due diligence' defence</p> <p>The text of paragraph 14 - , first bullet point under <b>Part 2 Compliance with Legislation: Avoiding Misleading Origin Labelling</b>, provides an almost identical example as paragraph 25, <b>Part 3 Advice on Best Practice</b>. As these are badged as two different parts of the guidance this may cause some confusion, i.e. what is the difference between parts 2 &amp; 3?</p> <p><b>Paragraph 26</b> says that terms such as "product of..." should only be used where all the significant ingredients come from the identified country. This should cover "place" as well as "country". Also more clarification is required on what would be considered "the significant ingredients".</p>	<p>Noted. Paragraphs amended.</p> <p>Noted. No changes.</p>

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	<p><b>Paragraph 28</b> The reference to the labelling of fresh beef could be clearer labelling in paragraph 28, for example ‘The law requires an origin declaration on fresh beef but not processed beef (e.g. roast beef and corned beef) and products containing beef (e.g. pies, sausages and burgers)’.</p> <p><b>Paragraph 30</b> We agree with the suggestion that Packed in X should be accompanied by Produced in Y. However we feel this paragraph should also clarify what the label should include when the statement “packed for” is used. We believe that a consumer may infer “packed for” a British company to mean it is a British product.</p> <p><b>Paragraph 32</b> “Suggest” is not strong enough. Should reflect <b>paragraphs 5 and 6</b>—and the case law cited at <b>paragraph 11</b>; these are legal requirements.</p>	<p>Noted. No changes.</p> <p>Noted. No changes.</p> <p>Noted. No changes.</p>
London Port Health Authority	This section again provides clear definitions and examples of good practice. The boxed sections in grey text work well at drawing attention to particular points and emphasising the importance of these points.	Noted.
SWERCOTS	<p>Significant ingredients - paragraph 25 For reasons touched upon above, as far as the issue of ‘imported significant ingredients’ goes, the previous version of the guidance was worded far more helpfully from an enforcement perspective. The series of examples (including the words “... should not be described as ...”) was helpful.</p> <p>Ingredients of variable origin - paragraph 31 It is a moot point whether “origin will vary” <i>could</i> actually be a more helpful indication than no information at all. For foods where the origin of supply is so variable, it is probable that the actual ingredient/food origin is immaterial to the consumer and therefore need not be declared. As a general principle, the guidance should insist that the use of terms listing more than one place/country of origin be risk-assessed (as per the ‘may contain’ declarations for allergen labelling purposes) and restricted to justifiable requirements for flexible purchasing arrangements (for example, key ingredients of a food where the harvest in a particular country is liable to unusually variable yields from year-to-year). This would alleviate suspicions that terms in ingredient lists such as “beef (produce of UK or Ireland)” could actually be used to permit arrangements of purchasing and use contrary to consumer expectations.</p>	<p>Noted. The tone is in line with better regulation principles. The appropriate terminology for best practice advice (which is not a legal requirement) is in line with better regulation principles.</p> <p>Noted. No changes made.</p>
Scottish Federation of Meat Traders Associations	<p>Para 23 <i>Display and presentation of products that are prepacked and labelled may create confusion if products that are similar in appearance but are of different national origin are arranged in certain ways or with shelf or promotional information, or other off-label information.</i> This is certainly the case and to say "Care should also be taken with accompanying signage or marketing material" appears to fall on deaf ears. Displays in some multiple retailers are very misleading to the consumer. Cards jut out with saltires on them but the shelves contain British and Argentean beef as well as Scotch. Depending on the rate of sales the Scotch Beef can be outweighed. We do not understand how supermarkets who are so good at demarcation in their wine shelves are so poor at it when it comes to beef!</p> <p>PRODUCT ORIGIN Para 26 <i>For many consumers, terms like “Produce of...”, “Product of...”, “Origin:...”, “British”, “Scottish” and “Welsh” etc.</i></p>	Noted.

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	<p><i>imply that the place of processing and the origin of ingredients are the same.</i>          We do not like this term Produce of - revert to Pork Sausage example for best practice.          Use of Scottish?? If ingredient is beef then the PGI for Scotch should apply. Scottish is not included under the definition of the PGI. It could be described as UK otherwise it might need approval. Beef labelling regulations do not include beef products but if claims were made in meat products then they should follow the guidelines that apply to fresh beef.</p> <p>Para 27  <i>Single country origin declarations should only be given where animals have been born, reared and slaughtered in the same country.</i>          This might be difficult to substantiate because beef (and veal) is the only meat that comes with this full traceability back up.</p> <p>ORIGIN OF INGREDIENTS          Para 28  <i>"The law requires an origin declaration on fresh beef but not on the same product when it has been seasoned."</i>          The example given highlights how misleading this can be. Shelves can be full of Scotch Beef but this loophole allows something other than Scotch to be used on seasoned steaks and it requires a very alert shopper to notice the difference. Also see Para 23 above.</p>	<p>Noted. The use of Scottish may be applied to a non PGI defined product.</p> <p>This is used as an example of best practice.</p> <p>Noted.</p>
<p>MLC (Meat and Livestock Commission)</p>	<p>Para 23 - Considerable consumer confusion has been introduced by merchandising comparable products from different sources in displays without clear differentiation except for small, on-pack origin declarations, e.g. British and S. American sirloin steaks. The advice provided here is of considerable help in trying to avoid similar situations in the future and to avoid the offence of misleading presentation.</p> <p>Para 25-26 - As stated before we totally support this advice but clarification of "significant" would be of benefit.</p> <p>Para 27 - This is broadly in line with the Beef Regulations and is a good principle to adopt for other meats.</p> <p>Para 28-29 - We agree. Beef and Veal Regulations require authorisation and independent verification which is an excellent deterrent.</p> <p>Para 30 - Due to the "international" nature of many products this is welcomed.</p> <p>Para 31 - Websites and in-store information should not be seen as a "solution" for those who seek to manufacture purely on a low cost basis. If information is of significant benefit it should be clearly utilised on-pack with appropriate levels of visibility. Labelling should be used to provide such information.</p> <p>Para 32 - This would be helpful to consumers and remove the "sleight of hand" practised by a few manufacturers.</p>	<p>Noted</p>
<p>Which?</p>	<p><u>Product and ingredient origin</u>          The requirement that information should be given about the place of origin of ingredients as well as the place of origin of the food (where this could be misleading because of the principle in the legislation that the place of origin is</p>	<p>Noted. Changes have been made to paragraphs 14 and 25 to clarify the compliance with legislation to</p>

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	<p>where the product last under-went a ‘substantial change’) appears in the section on ‘Compliance with legislation: avoiding misleading origin labelling’ (paragraph 14) as well as ‘Advice on best practice’ (paragraph 25). This will be an issue both where a manufacturer is legally required to provide country of origin information because it would misleading not to, as well as where a manufacturer voluntarily decides to provide information about origin. However, it must be ensured that this does not lead to any confusion about whether the clarification about the origin of the product compared to the origin of the ingredients (eg. ‘Made in Britain from Danish pork) is a legal requirement or not. It should be made clearer that this is necessary to comply with the legislation.</p> <p><u>Advice on Best Practice</u> Based on our research, it is clearly most important for consumers to have information about primary products, including meat, dairy and fruit and vegetables, as well as information about processed meat and poultry products. We are therefore pleased that this is included in the guidance and hope that the FSA will actively encourage manufacturers to provide this information.</p>	<p>avoid misleading labelling and also what is expected of best practice advice.</p> <p>Noted.</p>
<p>East of England Trading Standards Association</p>	<p>Para 26 – Explanatory note in shaded box – we believe it is unwise to give examples of exemptions as everybody’s knowledge of the origin of ingredients is different.</p> <p>Para 31 – Is a vague statement like “origin will vary” really more helpful to consumers than no information at all (especially when many manufacturers claim that they have difficulty fitting all of the mandatory information on the label as it is)?</p>	<p>Noted. This is an example of advice on best practice.</p>
<p>British Retail Consortium</p>	<p>-Paragraph 24: The guidance should not make incorrect assumptions such as the ‘little cost’ of providing country of origin for meat.</p> <p>-Paragraph 25: While some retailers follow the best practice recommended in the guidance, many companies, including retailers and manufacturers, currently use the phrase ‘produced in the UK’. Retailers using this phrase feel that its meaning is clear and it is not correct to assert that when such phrase is used, consumer understand that the food’s ingredients must come from UK. Having to follow these proposed provisions will be very costly for many businesses.</p> <p>-Describing a product as ‘British’ is one of the areas on which retailers are frequently challenged by enforcement authorities and therefore we strongly believe that this guidance must clarify that it is acceptable to use ‘British’ to denote UK origin, as permitted in beef labelling. Nevertheless, while we welcome acceptance of the use ‘British’, we strongly feel that industry should not be discourage from using phrases such as ‘produced in UK’ or ‘produced in UK from EU pork’. Both practice should be acceptable.</p> <p>-Paragraph 26: We accept that sometimes foods described in this way should have the same origin of processing and origin of main ingredients. For example Welsh butter should be made in Wales from Welsh milk. However, it is by no means always true, for example, there can be consumer expectation that the flour in Scottish shortbread originates from Scotland.</p> <p>-We suggest this paragraph is amended as follows: “For foods where there is a consumer expectation that the significant ingredients should come from the identified country, we suggest that these terms only be used where all the significant ingredients come from the identified country and all the main production/manufacturing processes associated with the food occur within that place or country”.</p> <p>-Paragraph 27. The beef labelling Regulations have been identified to be very costly for businesses. This paragraph</p>	<p>Noted.</p> <p>Noted. This section is about the compliance with legislation to avoid misleading labelling and also what is may be achieved of best practice advice.</p> <p>Noted. Paragraph 14 has been amended to make this clearer.</p> <p>Noted. No change, it is already implied</p>

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	<p>extends the beef labelling principles to other primary meat without identifying any consumer benefit. In particular the methods of producing poultry meat differ markedly from the production of beef.</p> <p>-Paragraph 28: We understand from discussions with the Agency that evidence on consumer demand for country of origin of ingredients is vague and inconclusive. Is there any new recent research in this area? This will be particularly difficult for dairy. Providing information on the origin of the principal dairy ingredients would be a major challenge; for example having to ensure at peak production time that Somerset brie isn't made with Devon milk. Some English cheddar is made with Scottish milk. We strongly feel that there is no customer interest in knowing where the milk comes from in products like cheese where cheese making is the significant process.</p> <p>-Paragraph 29: This paragraph encourages manufacturers to refer to geographical areas that are small to a country. We would agree with this suggestion; however several BRC members were criticised in a recent fish labelling authenticity report for describing the place or origin as Scotland. This paragraph needs to be consistent with paragraph 25.</p> <p>-paragraph 32. Provided the labelling overall is clear there should be no requirement to include certain pieces of information in the same field of vision. It should be made clear that the same field of visions is not necessarily "front of pack".</p>	<p>The Country of Origin Labelling: Omnibus Final Report July 2007 produced figures on country of origin labelling and can be found on our website at <a href="http://www.food.gov.uk/multimedia/pdfs/countryorigin07.pdf">http://www.food.gov.uk/multimedia/pdfs/countryorigin07.pdf</a></p> <p>There is a legal requirement for fish to have the catch area or member state details e.g. Scottish Farmed Salmon (UK)</p> <p>Noted. This is clear</p>
<p>Scottish Food Advisory Committee (SCOTLAND)</p>	<p>The guidance does not require retailers to ensure there is no mixing of similar products which have different origins, which causes consumer confusion. Guidance should strongly recommend retailers have a physical barrier between products of different origin or to state very clearly on the front of the pack or shelf labelling the origin of the products.</p> <p>Guidance should include a definition of meat products and dairy products for clarity. This could help to avoid the best practice guidelines on page 10 being interpreted to mean that all products containing meat and dairy needed country of origin labelling. If this was the case the lasagne example on page 7 if followed through on page 10 would have a very lengthy declaration.</p> <p>A single country of origin declaration is preferred, for principle meat ingredients in meat products but suggestion p11 Para 31 seems appropriate.</p>	<p>Noted. Paragraph 23 gives best practice advice.</p> <p>Noted.</p> <p>Noted.</p>
<p>NFU Scotland (SCOTLAND)</p>	<p>Welcome advice on best practice, retailers to ensure the different origins of food are apparent.</p> <p><b>Product Origin</b> Strongly agrees with statement 'many consumers see the place of origin as an important contributor to a product's identity, particularly for meat'. Welcomes the advice on best practice and would expect all reputable retailers to follow this advice.</p> <p>Agree that 'Produced in the UK' can be misleading.</p> <p>Welcomes the advice on best practice that manufacturers should not describe a products as 'Produced in the UK' when it is made from imported significant ingredients unless stated.</p> <p><b>Proximity of food of different national origin</b> Strongly agree with the statement '...products that are pre-packed and labelled may create confusion if products that are similar in appearance but are of different national origin are arranged in certain ways...'. We believe that</p>	<p>Noted.</p>

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	supermarkets should not co-mingle pre-packed meat sourced from different countries and welcome the advice on best practice that retailers should ensure that the different origins of food are apparent.	
Quality Meat Scotland (SCOTLAND)	<p><u>Page 6 point 13 and page 9 point 25</u> Referring to bacon and sausages - products reveal inconsistencies and may lead to confusion. Sausages are considered Scottish as long as the raw material is Scottish, but the nationality of bacon depends on the location of last major process. We consider guidelines for bacon should be the same as sausages.</p> <p><u>Page 10 point 27</u> Believe it is confusing for the consumer to have different Regulations in place for beef than exists for other red meats such as lamb and pork. We consider these Regulations should be mandatory to avoid consumer confusion.</p>	<p>Noted. These paragraphs have been amended slightly to clarify further.</p> <p>Noted. This is best practice advice not regulation, comments will be passed to colleagues dealing with the EU Proposal for a regulation of food information to consumers.</p>
Scottish Consumer Council (SCOTLAND)	<p>Paragraph 24. This should be more authoritative – “Retailers should wish to avoid this type of confusion” rather than may.</p> <p>Paragraph 25. Would be clearer if stated “Made in UK from (imported) (country of origin) pork (from more than one country)” rather than Britain.</p>	Noted.
Hybu Cig Cymru Meat Promotion (WALES)	<p><b>Paragraph 23</b> Considerable consumer confusion has been introduced by merchandising comparable products from different sources in displays without clear differentiation except for small, on-pack origin declarations, e.g. British and South American sirloin steaks. The advice provided here is of considerable help in trying to avoid similar situations in the future and to avoid the offence of misleading presentation.</p> <p><b>Paragraph 24</b> For meat, we see this as imperative if consumer aspirations are to be achieved and they are not to be misled.</p> <p><b>Paragraphs 25-26</b> As stated before, we totally support this advice but clarification of "significant" would be of benefit.</p> <p><b>Paragraph 27</b> This is broadly in line with the Beef Regulations and is a good principle to adopt for other meats.</p> <p><b>Paragraphs 28-29</b> We agree. Beef and Veal Regulations require authorisation and independent verification, which is an excellent deterrent.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION ON REVISIONS TO THE AGENCY GUIDANCE ON COUNTRY OF ORIGIN LABELLING GUIDANCE**

	<p><b>Paragraph 30</b> Due to the "international" nature of many products, this is welcomed.</p> <p><b>Paragraph 31</b> Websites and in-store information should not be seen as a "solution" for those who seek to manufacture purely on a low cost basis. If information is of significant benefit it should be clearly utilised on-pack with appropriate levels of visibility. Labelling should be used to provide such information.</p> <p><b>Paragraph 32</b> This would be helpful to consumers and remove the "sleight of hand" practised by a few manufacturers.</p>	<p>Noted.</p> <p>Noted.</p>
<p>American Peanut Council</p>	<p>APC would be supportive of requirements to include the origin of the main product(s) in the pack (eg "peanuts from the USA"; "product of the USA") but understands the difficulties this presents when a number of raw materials and ingredients are used. We believe that origin labelling such as "produce of more than one country" is not informative or educational. If origin labelling is not regulated, then manufacturers should have the freedom to state the country of origin if they wish. We believe that country of origin should refer to the country where the raw material was grown, not where it was finally processed and packaged.</p>	<p>Noted</p>

**ANNEXES**

<b>Respondent</b>	<b>Comment</b>	<b>Response</b>
<p>British Bee Keepers Association</p>	<p>A more significant issue for beekeepers is the matter of 'blends of.' (Annex A, para 26). At present, the ratio of the blended components is undefined so that a honey described as 'a blend of EC and non-EC honey' could contain 90% EC honey or only 1%. This creates a wide range of 'qualities' of honey for the consumer and does not allow enough information to make an informed consumer choice. While it is understood that the blending of foodstuffs from bulk ingredients (e.g. soya, fats, oils etc.) will result in the same foodstuff regardless of the proportions of each component from different geographic origins, this is not the case for honey. We suggest that one of the following approaches is followed, in order of preference:</p> <p style="margin-left: 40px;">a) the percentage (by weight) of each component (EC and non-EC) is stated in the 'blend' statement, or</p> <p style="margin-left: 40px;">b) a lower limit (e.g. 30% by weight) is established for each component in the blend . This would, for</p>	<p>Noted. This issue is already covered by the Food Labelling Regulations and the Agency does not consider that honey should be treated differently to other commodities. No change has been made.</p>

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	<p>instance, allow an EC honey and two non-EC honeys to be blended, or</p> <p>c) a limit on the EC component (e.g. 20% by weight) below which the blend statement is changed to 'a blend of EC and mainly non-EC honey'.</p> <p>d) It is also the case that honeys described as 'blended heather honeys' suffer from the same problem; the BKKA view is that such blends should contain at least 50% heather honey.</p>	
<p>London Port Health Authority</p>	<p><b>Annex A</b> – This is excellent. This is by far the best part of this document. This section is divided up by food category/product and deals with problems specific to those product types. The guidance here is comprehensive and coherent.</p> <p><b>Annex B</b> – We would like to see a partial reproduction of the relevant sections of the legislation in this annex. It would prove more useful to the trade, especially small businesses and would enable the document to stand alone as a “one stop” document.</p> <p><b>Annex C</b> – We think this is very useful.</p> <p><b>Annex D</b> – Once again, we believe this section is extremely useful, easy to comprehend and contains useful extracts of the relevant legislation.</p> <p><b>Partial Regulatory Impact Assessment and LPHA Perspective</b></p> <p>We do not foresee any significant cost to the LPHA in regard to familiarisation with the revised guidance. In truth, the guidance is more applicable at local authority level, but the advice is useful at import and on the odd occasion we come across EU goods. Our enforcement of the Products of Animal Origin Regulations is largely related to health marking and confirming the country of origin in relation to health certification. The guidance is a useful update and a reminder for goods that are not of animal origin.</p> <p>The new guidance benefits enforcement by providing a useful source of information.</p> <p>We found the guidance useful and despite the flexibility in some of the advice/guidance, can anticipate using it in the future.</p>	<p>Noted.</p>
<p>Scottish Federation of Meat Traders Association</p>	<p>ANNEX A Para 25 <i>"Fresh and frozen poultrymeat to give an indication of country of origin only when it has been imported from outside the Community."</i> Given the spread of avian flu consumers are interested in country of origin and also for reasons of quality.</p>	<p>Noted.</p>
<p>East of England Trading Standards Association</p>	<p>The reference to the Trade Descriptions Act in Para. 9 of Annex D should be replaced by reference to the Consumer Protection from Unfair Trading Regulations 2007 (coming in to force on 6<sup>th</sup> April 2008), which repeal much of the TDA. The UCPD effectively imposes a duty to disclose which potentially goes beyond existing duties. Also could do with mentioning Control of Misleading Advertising (CMARS) Regulations and the new Fraud Act</p>	<p>Noted. Section 36 of the TDA has not been repealed and reference to it and to the CPUTR have been amended and are now correctly</p>

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	which replaced previous deception offences in the Theft Act. S36 of the Trade Descriptions Act remains in force however (and therefore Para. 8 is still relevant).	reflected in the guidance.
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## List of Respondents:

### **England**

1. American Peanut Council
2. Assured Food Standards
3. British Retail Consortium
4. Costello, Mr William
5. Department of Environmental Services  
London Port Health Authority
6. East of England Trading Standards  
Association
7. Food and Drink Federation
8. Foodaware: the Consumers' Food group
9. Health Food Manufacturers' Association
10. Individual
11. LACORS
12. Meat and Livestock Commission
13. National Farmers' Union
14. Northamptonshire County Council
15. Scotch Whisky Association
16. SWERCOTS
17. The British Beekeepers' Association
18. Trading Standards South East
19. Vega
20. Which
21. Women's Food and Farming Union
22. Yorkshire and the Humber Trading  
Standards Group

### **Scotland**

23. City of Edinburgh Council
24. NFU Scotland
25. Quality Meat Scotland
26. Scottish Association of Meat Wholesalers
27. Scottish Beekeeper's Association
28. Scottish Consumer Council
29. Scottish Federation of Meat Traders  
Associations
30. Scottish Food Advisory Committee

### **Wales**

31. Hybu Cig Cymru Meat Promotion
32. Farmers' Union Wales

### **Northern Ireland**

33. BRC (Northern Ireland)