

Summary of responses to consultation on Food Labelling Action Plan Criteria for the Use of Terms Fresh, Pure, Natural, Etc.

File Ref: SCO/11/FSLC/05/06/02/01

Date of Issue:31/07/2001

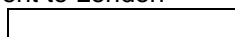
Closing Date: 31/10/2001

Date of Summary:31/10/2001

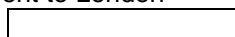
Contact in London: Keith Gregory

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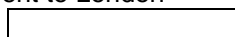
Response from	Comment	Initial View	Accept / Reject / No action required (NAR) / Consider
West Lothian Council	<ul style="list-style-type: none"> Concerned over the use of the word 'traditional'. Considers it would be more logical to use the term 'traditional' to foods stuffs made in a manner and with ingredients similar to those first used in the manufacture of the food, i.e. without artificial colourings and other additives etc. Prohibitions on use of "natural" or derivatives in brands, company names, etc. should be more clearly stated. What controls are suggested? 	For Proposal Some concerns	Consider Consider
Royal Environmental Health Institute for Scotland	<ul style="list-style-type: none"> No Comment 	N/A	NAR
Scottish Centre for Infection and Environmental Health.	<p>'Fresh' - Raw meat:</p> <ul style="list-style-type: none"> Agree that the use of the term fresh should 	For proposal	Consider



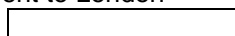
	<p>be used to differentiate raw meat from that which has been chemically preserved. It would serve as no purpose to disqualify chilled meat from the use of the term 'fresh'.</p> <p>'Fresh' - Frozen/thawed meat:</p> <ul style="list-style-type: none"> • Agree that previously frozen meat should not be considered as fresh. <p>'Fresh' - Fruit Juice:</p> <ul style="list-style-type: none"> • Considers that the word 'freshly' is not necessary and only adds to the confusion. • Agree the use of concentrate should also be clearly stated. <p>'Fresh' - Frozen Foods:</p> <ul style="list-style-type: none"> • Agree in principle that the term Fresh should only be used if context is clear, i.e: 'frozen from fresh', or 'made with fresh ingredients'. They also commented that the consumer should be informed that freezing took place immediately after preparation/cleaning etc. <p>'Fresh' - Fresh ingredients:</p> <ul style="list-style-type: none"> • Agree the term 'made from fresh ingredients' should only be used when the intended meaning is that no processed ingredients were used. 	<p>For proposal</p> <p>Consider</p> <p>For proposal</p> <p>For proposal</p> <p>For proposal</p>	
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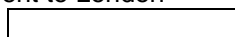
	<p>‘Fresh’ - Fresh taste:</p> <ul style="list-style-type: none"> Reference to such criteria as fresh taste etc, tanginess is still misleading. Tanginess could result from the acidity of the product and the term should only be used if the appropriate criteria for freshness are met. <p>‘Fresh’ - Chilled foods:</p> <ul style="list-style-type: none"> Agree that the term fresh should not be used to describe refrigerated foods in order to indicate a ‘moderate’ life under refrigerated conditions. <p>‘Natural’:</p> <ul style="list-style-type: none"> Agree in principle that ‘natural’ essentially means that the product is comprised of natural ingredients. Except do not agree with the comment that natural is; ‘not the work of man’. Farming, even organic is the work of man and would in the vast majority of cases be acceptable as a natural process. Perhaps a more appropriate description is ‘ingredients produced by nature, not materials that have been produce by industrial/commercial technology. Overall, agree that the term natural without qualification should only be used in certain cases. However, in relation to yoghurt, there is the exception of ‘natural yoghurt’, indicating it does not contain fruit. In order 	<p>Some concerns over ‘tanginess’</p> <p>For Proposal</p> <p>Agree in principle</p> <p>Agree overall, with exception of ‘natural yoghurt’</p>	
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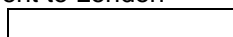
	<p>to reduce confusion this exemption should be rescinded and descriptions for yoghurt brought into line with other foods.</p> <p>‘Pure:</p> <ul style="list-style-type: none"> • Agree that the term Pure should be use in circumstances where nothing has been added, that is free from adventitious contamination and that has been extracted from naturally associated material to which nothing has been added, provided that it is clear it has undergone a process. • Compound foods: Agree in principle that compound foods should not be described as pure. However regarding the term ‘naturally pure’, in terms of consumer understanding, should not include residues of pesticides. Are aware however of the case relating to EU law and therefore they sympathise with the difficulties in dealing with this issue. • Agree that pure should not be used in brands or fancy names. • Agree that pure, meaning no more than plain or unflavoured should not be used, unless meets specific criteria set out <p>‘Traditional’:</p> <ul style="list-style-type: none"> • There is no indication or definition of the 	<p>Agree in principle</p> <p>For proposal</p> <p>For proposal</p>	
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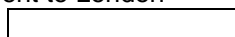
	<p>qualifying time period, which is needed to the term traditional. Support the FAC suggestion of 2 generations/50 years.</p> <p>‘Original’:</p> <ul style="list-style-type: none"> • Agree in principle, but the issue of such additives as preservatives should be addressed to allow for inclusion without detriment to the definition. <p>‘Authentic’:</p> <ul style="list-style-type: none"> • Agree, except for the suggestion that the term original could emphasise a geographical origin of the product. The example ‘authentic Devon toffees’ in their opinion suggests to the consumer that the product/recipe is authentic, not the place of origin. Surely the produce can be clearly labelled in such cases i.e. ‘made in Devon/product of Devon’. <p>‘Home-made’:</p> <ul style="list-style-type: none"> • The term as it suggests and is understood by consumers, means premises other than ‘business premises’. The term therefore should be restricted to such premises as farmhouse kitchens etc. • Agree that in order to avoid visual misrepresentation, factory made foods should not be shown being made in small kitchens, farmhouses etc. 	<p>For proposal, support FAC suggestion of 2 generations/50 years</p> <p>Agree in principle</p> <p>Generally agree</p> <p>Term should be restricted to premises such as ‘farmhouse kitchens’ etc</p> <p>For proposal</p>	
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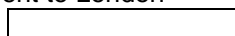
	<ul style="list-style-type: none"> • Agree that the term home made should be restricted to the preparation of the recipe on the premises from primary ingredients, in a way that reflects a typical domestic situation. <p>‘Farmhouse’:</p> <ul style="list-style-type: none"> • Agree, however in relation to ‘Farmhouse’ being used other than in the context of bread, it is still open to abuse by producers and should be restricted to a limited number of specified situations. ‘Farmhouse style’ maybe a more appropriate term. 	For proposal	
		For proposal, but should be restricted to limited number of specified situations	
Royal College of Nursing	<ul style="list-style-type: none"> • Find proposals comprehensive and logical. Although they have not consulted widely on the contents and proposed guidance, the terms would appear to be valid in their usage of the terms covered. 	Agree	Accept
Scottish Executive Rural Affairs	<ul style="list-style-type: none"> • Offers support for the issue of guidance on the use of marketing terms. • Effective and even enforcement (throughout the community) will however be the only way of ensuring that these objectives are fully met, and consideration will need to be given to this point. <p>‘Fresh’:</p>	Agree Agree	Accept Accept



	<ul style="list-style-type: none"> • Supports the FAC recommendation that raw meat that has been previously frozen must not be described as 'fresh'. If it has been processed, then the consumer must be provided with the information. • The FAC have stated that as "very little fish has not been frozen at some point in the chain" that it is therefore acceptable to describe this fish as 'fresh'. Not clear as to whether this is representative of fish handling practice in Scotland. • To describe a foodstuff on the basis of normal handling practice, rather than an honest description of the 'actual' handling practice will mislead the consumer. The argument presented is not valid and such an interpretation would also discriminate against local fish suppliers supplying fresh fish to retailers. Such local businesses will be competing for sales next to possible frozen imports. This interpretation should therefore be reconsidered, as it is not in the interests of the consumer or Scottish fish suppliers. 	<p>For Proposal</p> <p>For Proposal</p> <p>Some Concerns</p>	
South Lanarkshire Council	<p>'Fresh':</p> <ul style="list-style-type: none"> • Does not accept that the use of the word 'fresh' is particularly useful. Believes that the consumer generally expects all foods to 	Some Concerns	



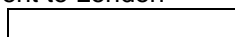
	<p>be fresh as opposed to rancid or off. The use of the term 'fresh' therefore could be deemed to be attributing desirable properties, which essentially should be there already.</p> <ul style="list-style-type: none"> • Fruit Juices - Doesn't particularly like the proposal to us the term " Juice from freshly squeezed fruit", this implies that the fruit has been squeezed immediately prior to presentation for sale. If it has been squeezed, filtered, pasteurised, packaged and stored for some time, then this becomes misleading. • Frozen foods – Again does not find the terms " frozen from fresh" or " made with fresh ingredients" helpful for the same reasons mentioned above. • If the use of the term "made from fresh ingredients" is only to be used when no processed ingredients are used then how can 'fresh' be used in other examples in the draft paper to which processing has clearly taken place. • 'Fresh Taste' is not useful, as it is very subjective. It is felt it may be problematic to describe a chilled food as 'fresh' when it contains processed ingredients. 	<p>Some Concerns</p> <p>Some Concerns</p> <p>Some Concerns</p> <p>Some Concerns</p>	
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	'farmhouse style'		
Glasgow City Council	<ul style="list-style-type: none"> Submitted observations to SFCC, therefore No Comments as yet. 	N/A	NAR
Angus Council – Environmental and Consumer Protection	<ul style="list-style-type: none"> 'Fresh': The use of the term fresh to describe raw meat, which has not been frozen, is the right approach from the consumers' perspective. The consumer would view meat, which has been frozen and is sold as fresh as a fraudulent practice. The example of fresh fish as viewed by the FAC is similar to the view of that of the consumer. Fixing periods relating to the freshness of the food may be difficult to enforce and would surely vary depending on the conditions of storage. Should the use of the word fresh be used in the situation where a bakery product is subjected to a bake-off process or to describe the word "bakery" i.e. fresh bakery? 	<p>For Proposal</p> <p>Some Concerns</p> <p>Some Concerns</p> <p>Some Concerns</p>	Consider

	<p>11/12/15</p> <ul style="list-style-type: none"> Referring specifically to meat, within the Fresh Meat Regulations frozen meat is fresh by definition. In other words there is no regulatory differentiation between fresh and frozen meat. Whilst such a position may be difficult for the general public to readily understand, the labelling proposals for the relationship between fresh and frozen are at variance with those contained in the Fresh Meat Regulations. Clearly we could not support a situation where, effectively, there were differing definitions for the same situation merely driven by the context and the audience. 	For Proposal	
Scottish Federation of Meat Traders' Association (Inc)	<ul style="list-style-type: none"> Has no difficulty with the Agency's attempts to encourage clear and transparent criteria and the proposed interpretation of the terms defined within the consultation document. 	For Proposal	Accept
Aberdeen City Council	<ul style="list-style-type: none"> 'Fresh': To describe Fish Acknowledges comments made about the term "fresh fish". However, feels that if the term "fresh fish" is to be used to reflect the unprocessed condition of this food, then previously frozen fish should be marked that it has been previously frozen to avoid 	For Proposal but have some concerns regarding the term "fresh fish"	Consider

	<p>misleading the consumer.</p> <ul style="list-style-type: none"> • ‘Freshly’: • It is the view of this authority that if the term “freshly” is to be used then it should be restricted to defined foods for which there are defined terms and agreed fixed periods of time since manufacture. • ‘Natural’: • If a food uses primary ingredients derived from GMO’s, it should not be labelled ‘natural’. It in my opinion, there is no stage at which the use of such derivatives should not be prevented from using the term “natural” • ‘Traditional’: • The FAC suggestion that the “significant period” qualifying the food products to use the word “traditional” should be of the order of two generation/50 years seems reasonable, as does the suggestion that the alternative term “original recipe” may be more appropriate in some circumstances. • Paragraph 13 – Takes issue with the suggestion of the term “juice from freshly squeezed fruit” as the definition of the term is somewhat questionable. 	<p>For Proposal but with some concerns regarding term “freshly”</p> <p>Some Concerns regarding GMO’s</p> <p>For Proposal</p> <p>Some Concerns</p> <p>Some Concerns</p>	
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	<ul style="list-style-type: none"> • Paragraph 31 – Does not accept that the term “naturally pure” can be used to describe strawberry jam containing traces of residues of lead, cadmium and pesticides. This seems to be inconsistent with the criteria for the term “pure” set out in paragraph 30. • Paragraph 45 – Objects to the use of the term “farmhouse”. The phrase “the same quality and style as that likely to be produced on a farm” could be very widely interpreted by food manufacturers and consumers. In addition, this paragraph promotes the use of the phrase “farmhouse style” which seems to be at odds with paragraph 8 of the guidance, which states the use of the word “style to qualify such terms is not helpful. 	Some Concerns	
WI Country Markets Ltd	<ul style="list-style-type: none"> • It is thought to be important that any pictures used should be subject to the same scrutiny and control, because these often influence consumers who can not or will not read packaging. • “Style” and “Type” are misleading and confusing and should not be allowed. • ‘Fresh’: • Frozen/thawed meat – such meat is not 	Some Concerns	Consider

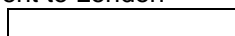
	<p>fresh, but some consumers could be easily confused, it should be labelled as “previously frozen”. Why is the UK labelling legislation not being followed?</p> <ul style="list-style-type: none"> • Frozen foods – Agree with the term “made with fresh ingredients” but feels that the phrase “frozen from fresh” could be confusing. • Fresh ingredients – Agree that the term “made from fresh ingredients” should be used only where the intended meaning is that no processed ingredients were used, but feel there should also be some time qualification. This is obviously difficult to quantify, but there is a vast difference between something made with fresh ingredients and something made with unprocessed, but stale ones. • Fresh taste – Felt that this term was too misleading and subjective and should not be used. • Freshly baked – Should only be used for items baked within a day, or hours in the case of bread, “freshly picked” should be within hours of going on sale. • ‘Natural’: 	<p>For Proposal</p> <p>For Proposal but has some concerns regarding time qualification</p> <p>Some Concerns</p> <p>Some Concerns</p> <p>For Proposal</p>	
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	<ul style="list-style-type: none"> • Natural is perceived to mean unadulterated and derivatives should not be allowed in conjunction with the term “natural” • Paragraph 21 a) First point – agree but wonder how this will be controlled. Third Point – Natural is unnecessary in this example, if it is lemon juice it must be natural, though lemon flavour may not. • Paragraph 22 is misleading and could easily be wrongly used. • Paragraph 26; felt that the word “natural” should only be allowed to feature on products that meet the criteria requirements, whether or not it forms part of a company name. • ‘Pure’: • Paragraph 30, point 3 is unnecessary, such items, while being refined should have nothing added unless stated. • Paragraph 31 point 2, Disagree with the term “naturally pure” unless any added pectin is natural, not chemical 	<p>For Proposal</p> <p>Some Concerns</p> <p>For Proposal</p> <p>Some Concerns</p> <p>Some Concerns</p>	
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	<ul style="list-style-type: none"> • ‘Traditional’: • There should be some time element specified “a significant period” is misleading and means days to some rather than years. The period of 50 years suggested should be the minimum, 2 generations could be considerably less than this. “Substantially unchanged” is also open to interpretation; it should be “unchanged”. “Original recipe” is only appropriate if original ingredients are used and not modern substitutes. • Do not believe that the term “vintage is unsuitable for use on products other than alcoholic drinks. • ‘Original’: • An original process first used in the making of food is unlikely to have remained unchanged in factory produced food, this term should only be used on craftsman made products. • ‘Authentic’: • Points made should be true, but how will this be monitored? • ‘Home Made’: • Concerned that this should be used only as defined, this is what consumers understand by the term, which at present is often 	<p>Difference of opinion/Some Concerns</p> <p>For Proposal</p> <p>For Proposal</p> <p>Some Concerns</p> <p>Some Concerns</p>	
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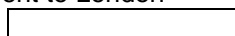
	<p>abused. Don't believe that mixes have a place in 'home made' food and their use misleads the public, also believe that this applies to pre-prepared pastry. Caterers, pubs etc should be allowed to call something they have mixed from a packet or cooked from frozen as home-made. Home made implies food made from the basic ingredients.</p> <ul style="list-style-type: none"> • 'Farmhouse': • With the exception of the loaf traditionally known by this name, the term is believed to be meaningless. "Farmhouse" style gives the impression of old fashioned home-made items while evading the use of the word because it does not fit the criteria, it should only be allowed if it has actually been made on a farm 	Some Concerns	
The Scotch Whiskey Association	<ul style="list-style-type: none"> • 'Pure': • The FSA consultation paper proposes that the word 'pure' should generally only be used to describe a single ingredient food to which nothing has been added, this could be taken to mean that, in the case of Scotch Whiskey to which only the addition of water and spirit caramel is permitted following maturation. The use of either might disentitle producers from using the word 'pure' on labels. 	Some concerns in that this does not relate to Scotch Whiskey	Consider

	<ul style="list-style-type: none"> • Some producers find it necessary to include a small amount of spirit caramel at the end of the blending process to ensure that one batch of brand x has the same colour as the other batches, i.e. standardisation of colour in the brand. The reason for this is to pre-empt consumer concerns over variations in the colour of their favourite brands. The quantities of caramel used for this purpose are minuscule. • The Association believes that the inclusion of caramel does not make a scotch whiskey impure, indeed it would seem illogical to deny a scotch whiskey the right to be called pure when it had been produced entirely in accordance with its legal definition. • ‘Original’: • Believes that their sector is unlikely to be affected by this provision, since whiskey has been subject to a legal definition that can be traced back nearly 100 years. It is hoped that the FSA will simply be able to agree that whiskies may bear the labelling description without complications. • ‘Authentic and Traditional’: • The FSA suggests ‘authentic’ and similar terms such as ‘real’ ‘genuine’ should be 	<p>Some concerns in that this does not relate to Scotch Whiskey</p> <p>Some Concerns that this does not relate to Scotch Whiskey</p> <p>Some Concerns that this does not relate to Scotch Whiskey</p> <p>For Proposal but feels Scotch Whiskey is exempt.</p>	
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	<ul style="list-style-type: none"> • While discussing theoretical uses and dictionary meanings of words there is the danger of losing sight of what they mean in everyday usage and by the ordinary citizen. "Natural" to most people would be a product of nature made by cooks not chemists and something not "tampered with". The use of the word "natural" should be used (if at all) in this context and any genetic modification should prohibit the use of the word. • Also of concern is the use of the word in company names. Means should be found, legal if necessary, to prevent such words being used in such a manner unless there is a clear association with the company's products and people's conception of the word in question. • <u>Traditional</u> • The "50 year rule" is considered acceptable, although enforcement difficulties are envisaged and it is urged that trade associations be asked to draw up guidelines for areas of industry to assist in uniform judgements being made across the UK • 'Fresh': 	<p>For Proposal but has some concerns regarding meanings</p> <p>Some Concerns</p> <p>For Proposal</p> <p>For Proposal</p>	
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	<p>Alternatively, a time frame could be introduced, e.g. “Frozen within 24 hours of harvesting”</p> <ul style="list-style-type: none"> • Paragraph 16 – Agree • Paragraph 17 – The term “fresh taste” is entirely meaningless in descriptive terms and relates only to mode of advertising. In food descriptive terms it should not be allowed. • Paragraphs 18 & 19 – Agree • ‘Natural’: • Paragraph 20 – Agree in principle, apart from the phrase “not the work of man”. Farming, even organic, is the work of man and would in the vast majority of cases be acceptable as a natural process. Perhaps a more appropriate description is “ingredients produced by nature, not materials that would have been produced by industrial/commercial technology”. This would also clarify the position with respect to e.g. battery hens or farmed fish. • Paragraphs 21 to 29 – Agree, however, in relation to yoghurt, there is the exception of “natural yoghurt” indicating it does not 	<p>For Proposal</p> <p>Some Concerns</p> <p>For Proposal</p> <p>For Proposal but with some concerns relating to phrasing</p> <p>For Proposal</p>	
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	<p>contain fruit. In order to reduce confusion this exemption should be rescinded and descriptions for yoghurts brought into line with other foods. Similarly, the use of solvent extraction to provide ingredients is a questionable “natural activity”.</p> <ul style="list-style-type: none"> • ‘Pure’: • Paragraph 30 – Agree • Paragraph 31 – Agree in principle, however, the committee is concerned with the term “naturally pure”. In terms of consumer understanding this should not include residues of pesticides. We are aware however of the case relating to EU law and therefore sympathise with the difficulties dealing with this issue. Any steps that can be taken at EU level should be processed to amend laws, which allow this description to be used in these circumstances. • Paragraphs 32 & 33 – Agree • ‘Traditional’: • Paragraphs 34 & 35 – Agree • ‘Original’; • Paragraphs 36 to 38 – Agree. While the term “original” carries some kudos for the 	<p>For Proposal</p> <p>For Proposal but with some concerns</p> <p>For Proposal</p> <p>For Proposal</p> <p>For Proposal</p>	
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	<p>restricted to such premises as farmhouse kitchens, etc.</p> <ul style="list-style-type: none"> • Paragraph 43 - Agree • Paragraph 44 – Agree in principle, but in the case of clarity and consistency an exhaustive list of exemptions to the partly prepared ingredients which are allowable should be included, e.g. is bought in gravy, sauces, mixes, cook in sauces or instant custard to be allowed? This could become a contentious issue between the trade and enforcement unless very clear guidelines are given. • ‘Farmhouse’; • Paragraph 45 – The suggestion of “Farmhouse style” is at odds with the advice offered at paragraph 8 of the document. It is suggested that what is being described here, as a food based on a “farmhouse recipe” and this is the form of words should be used. • Paragraphs 46 & 47 – Agree • ‘Other Comments’: • Flavour and Flavoured – A very confusing distinction which goes over the head of 	<p>For Proposal</p> <p>For Proposal</p> <p>For Proposal</p> <p>For Proposal</p> <p>Some Concerns</p>	
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	<p>most consumers even when used “correctly”. Examples of particularly confusing labelling are a national manufacturer of sweets made without fruits where the very prominent brand name includes the word fruit, a national manufacturer of snacks describing one product being “real cheese flavour”.</p> <ul style="list-style-type: none"> • ‘Unfair Comparisons’; • E.g. Soya milk product which claims on the front face of the pack that it contains 20% more calcium than milk. What is not immediately clear is that this is not due to the natural properties of Soya but to the addition of Calcium Phosphate to the product. 		
Meat and Livestock Commission	<ul style="list-style-type: none"> • Agree with the FAC’s perceptions as indicated in paragraphs 5-7, although we do not accept completely the comments made in paragraph 8, since such distinguishing terms can assist ready explanation of characteristics. We note various special circumstances in the guidance, and wonder whether that may seem incongruous to consumers although in most case we concur with the exceptions and would add more. 	<p>Agree with some concerns regarding comments made.</p> <p>For Proposal</p>	Consider

	<ul style="list-style-type: none"> • ‘Fresh(ly): • We note and agree that in general use, the word ‘fresh’ implies recentness. We note that consumers may not be aware that maturation processes are routinely applied to meats, and that meat is unlikely to be fresh in the sense of having been sold within a few hours of slaughter. • We do not perceive maturation of meat as invalidating the perception of freshness. We might challenge that ‘all carcass meat is chilled to near or just below 0°C’, as being incorrect in paragraph 9, but that does not affect the argument, which we accept. We don’t perceive a problem where it is sold loose, and probably not where it is pre-packed for direct sale. • We agree that where meat has been previously frozen, this should be indicated at retail unless it is abundantly clear from the circumstances of sale, and suggest that this is probably a legal requirement notwithstanding the removal of the specific regulatory requirement referred to in paragraph 11. • Uncertain as to what is meant by ‘processed’ in paragraph 6 and suggest that the use of fresh in this context should 	<p>Some concerns with perception of freshness with regards to meat</p> <p>Agree, For Proposal</p> <p>Some Concerns with terminology</p>	
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	<p>apply the ordinary and useful role that this should be interpreted as if the ingredient were itself being sold as a food.</p> <ul style="list-style-type: none"> • ‘Natural’: • We are not aware that freezing results in meat being considered by consumers as not natural, and would express our concern about this when considered with paragraph 21e. • We suggest that paragraph 21c is inconsistent with paragraph 20, and with paragraph 21a (5th bullet) in the case of smoke if food includes food ingredient. • We suggest (paragraph 21d) that only natural flavourings are natural. • We believe that the final sub-paragraph of paragraph 29 should be further emphasised – it is only undue and confusing claims to the effects described in the bullet points that should not be made. • ‘Pure’: • We do not believe it is reasonable to require rigid avoidance of adventitious contamination; the use of pure should be acceptable if all reasonable precautions 	<p>Some Concerns</p> <p>Some Concerns</p> <p>Suggestion because of concerns regarding para 21d</p> <p>Some Concerns</p> <p>Some Concerns</p>	
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	<p>and all due diligence have been used to avoid this.</p> <ul style="list-style-type: none"> • ‘Traditional’: • We believe that the FAC is probably being unduly cautious. There used to be a ‘40 years’ rule’ which was used to establish traditional, which could be maintained, but we suggest that there is a measure of over generalisation here. • Some consumers are likely to consider traditionalness rigidly, which would exclude the application of modern methodology to prepare essentially equivalent food on a commercial scale. In this case we suggest that FAC is being over prescriptive, and that such foods should be able to be described as traditional, but not as having being prepared traditionally or using traditional practices. On the other hand, it must be accepted that food development has accelerated, with foods of the previous generation being considered traditional by the current generation, and that therefore a 25 years’ rule is reasonable. • ‘Original’: • We are not sure that it is essential for an original product to remain on sale – it might be re-instated after a period of non- 	<p>Some concerns – unduly cautious</p> <p>Some Concerns</p> <p>Some Concerns</p>	
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	<p>availability.</p> <ul style="list-style-type: none"> • ‘Home-made’: • While we concur with the guidance in general, we suggest that it would be appropriate to distinguish ‘home produced’ in the sense of being of British origin when sold on the British Market. 	For Proposal	
Scottish Food and Drink Association	<ul style="list-style-type: none"> • ‘General Advice’: • Paragraph 5 - Consideration should be given to whether or not the use of pictures and graphics should be subject to further guidance appropriate to their use. For example, the test as regards “fresh” should be whether the picture or graphic in question is likely to provide a typical consumer with an overall impression of freshness. • Paragraph 8 – The words “these terms” could helpfully be amended to “the terms in this guidance” to make the scope of this statement clearer. “style” or “type” used in relation to other descriptors can usefully indicate, for example, that a food has a particular flavour characteristic or has been produced in a particular way (i.e. Indian, Chinese). The advice appears to conflict with the reference to farmhouse style” in paragraph 45. The FSA’s advice should therefore simply be that these case terms 	<p>Some concerns regarding the use of Pictures.</p> <p>Some concerns</p>	Consider

	<p>should not be used where they are likely to give rise to consumer confusion.</p> <ul style="list-style-type: none"> • ‘Fresh’: • Paragraph 16 – Fresh Ingredients: SFDF supports the recommendation that the general term “made from fresh ingredients” should only be used where no processed ingredients are used. This should not however prevent reference to the use of specific fresh ingredients in making a product. It might also be necessary to point out the use of e.g. fresh cream, by the way of storage advice for a consequently short shelf life product. • As with criteria for the use of the term natural, a list of acceptable ingredient processing may also be appropriate here. For example, cleaning, washing with water, sieving, peeling. • Paragraph 17 – Fresh Taste: Clearly the expression “fresh taste” should not be used where it could mislead consumers. Provided the reason for their use is clear from the context, however the terms “fresh taste” or “refreshing” should be permitted where the taste arises from the use of a processing technique which results, objectively, in a taste which is comparable 	<p>For Proposal</p> <p>For Proposal</p> <p>For Proposal but with Some Concerns</p>	
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	<p>to a fresh product or form the use of cooling flavours.</p> <ul style="list-style-type: none"> • Paragraphs 18 & 19 – Chilled Foods: SFDF supports the use of the term “fresh” to indicate a moderate life under refrigerated conditions and highlight the difference from conventional long life products. Consideration needs to be given to the status of this and other forms of non-intrusive preservation which may maintain the freshness of a product and extend its shelf life whilst not changing its essential properties. • Many chilled products i.e. deserts are, for food safety reasons, frozen in transit and sold by retailers in a thawed but chilled state. It should be permissible to apply the term “fresh” to such products. Implied claims to freshness by sale through chilled cabinets when not necessary for the preservation of the product should not be allowed. • ‘Fresh’ / ‘Freshly’: • Use of the term “freshly” in connection with “baked” (currant bread) or “prepared” (sandwiches) should be permitted even if some processed ingredients are used. It is the preparation/process to which the term 	<p>For Proposal</p> <p>Considerations – some concerns</p> <p>For Proposal</p>	
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	<p>refers and it should be ensured that this is apparent to consumers.</p> <ul style="list-style-type: none"> • “Freshly” should also be permitted in combination with a process wherever the product has not undergone any treatment (other than cool storage) between harvest and roasting. For example “freshly roasted garlic”. • ‘Natural’: • Paragraph 20 – The meaning of the expression “the products of new technologies” should be clarified for the sake of consistent future interpretation. Whilst ‘novel’ ingredients, resulting from new technologies, are presumably excluded here, a conventional ingredient which might have been subjected to a novel, physical process, such as high pressure sterilisation, which might not be considered materially to have altered its ‘natural’ status. • Paragraph 21 – The approach of the FSA to the use of processes such as freezing and pasteurisation is welcome. It should be clarified, however, whether the processes to which it is permissible to refer in conjunction with the term “natural”, should be limited to those used to enhance the 	<p>For Proposal</p> <p>Some concerns</p> <p>For Proposal</p>	
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	<p>safety of the product.</p> <ul style="list-style-type: none"> • Paragraph 22 – It should be possible to claim for a compound food “made with natural “x” where “x” is an ingredient(s) shown in the ingredient list and quantified in accordance with emphasis and requirements. • Paragraph 29, second bullet – Food producers have in recent times, made enormous efforts to avoid the use of certain non-natural additives, but from a practical point of view it may not be possible to eliminate all such additives in a given product. Manufacturers should be permitted to use these kinds of claims to make consumers aware of the progress they have made in avoiding these additives. • ‘Pure: • The sugar industry has for many years used the descriptions “pure” and “natural”, without qualification, to describe white sugar. This usage is in accordance with the current regulations and has been repeatedly confirmed as acceptable by the companies’ home authorities. This established practice is well accepted by consumers and leads to no discernible misunderstanding. A prohibition on use of 	<p>For Proposal</p> <p>For Proposal</p> <p>Some Concerns</p>	
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	<p>these terms would give a competitive advantage to imports not governed by such guidance.</p> <ul style="list-style-type: none"> • Paragraph 30 – The second bullet point should require that a product be “ free, within the limits of detection from adventitious contamination etc.” recognising that every test method has a practical detection limit. • Paragraph 31 – It should be possible to claim that a compound food is “ made with pure “x” where “x” us an ingredient shown in the ingredients list and quantified in accordance with emphasis requirements. • ‘Traditional’: • Paragraph 34 – “Significant period” SFDF accepts this principle and a general period of 30 years has been suggested. • In support of this, SFDS would draw attention to the following provision in the now superceded Labelling of Food Regulations 1970 (SI 1970:400): “ Where a name has been used throughout a period of no less than 30 years to describe any food and where that name does not falsely describe that food and is not calculated to mislead as to its nature, substance or 	<p>Some Concerns</p> <p>For Proposal with some concerns</p> <p>For Proposal</p> <p>For Proposal</p>	
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	<p>quality, that name shall be deemed to be an appropriate designation of that food.</p> <ul style="list-style-type: none"> • Particularly where products have been introduced more recently onto the ever changing food market, consideration needs to be given to applying the test whether or not a product has existed for a significant time on a category basis, for example 20 years would seem to be a reasonably long period in today's markets. • Paragraph 35 – There will be instances in which a “traditional” product is presented which cannot claim “original recipe”. For example Christmas Puddings and Mince Pies were originally made with animal fats and are now made with vegetable fats. The basic recipe and presentation are, however, “traditional” and can be meaningfully marketed as such. • SFDF concurs with the need to take account of the use of ingredients/additives/processes but careful attention will also have to given to interpretation of this. • SFDF would emphasise to the FSA that it should be permissible to use this term in relation not only to a particular product, but 	<p>Consideration should be given to “significant period”</p> <p>Some Concerns</p> <p>For Proposal</p> <p>For Proposal</p>	
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	<p>also to recipes or processes which may be traditional, but only recently adopted by a particular manufacturer (e.g. “traditional Indian recipe”)</p> <ul style="list-style-type: none"> • ‘Original’: • The possibility for a brand to claim to be the original brand in a category should not be precluded by these criteria provided the nature of the claim is clear. • Paragraph 37 – SFDF understands that this provision would allow for the continued use of “original” to distinguish between a well known and long standing product and subsequent variants, even though there may have been some minor changes over the years to the recipe for that product. Minor changes, such as a reduction in salt content or the removal of certain additives, might also be made to meet consumer requirements. • ‘Authentic’: • Paragraph 39 – The circumstances, as described by FSA, in which the terms “authentic”, “real” and “genuine” would be permissible are more restrictive than is necessary. 	<p>Some Concerns</p> <p>Some Concerns</p> <p>Some Concerns</p>	
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	<ul style="list-style-type: none"> • ‘Home Made’: • Paragraph 44 – Presumably additives can be used in home made dishes to the extent that they are available to the average household caterer? • Paragraph 47 – Given the same criteria as those proposed for “farmhouse” why could “country style” not also be used if accompanied by a picture or in association with an explanatory product or ingredient description? • If should be noted that “country style” is an established brand name. As such, however, it is not the actual name of a food, products in the range having their own full product descriptions, as required by the Food Labelling Regulations. 	<p>Some Concerns</p> <p>Some Concerns</p> <p>Some Concerns</p>	
<p>The Association of Public Analysts of Scotland</p>	<ul style="list-style-type: none"> • ‘General’: • The Association considers that terms such as “fresh”, “pure” etc have been used in food labelling in a potentially misleading manner and welcomes and supports the decision of FSA to publish criteria to regulate the use of such terms. • The Association agrees that the use of such terms cannot be easily controlled by specific legislation, but that advice in the 	<p>For Proposal</p> <p>For Proposal</p>	<p>Consider</p>

	<p>form of a guidance note or code of practice would assist both industry and enforcement authorities.</p> <ul style="list-style-type: none"> • Supports the recommendation in Paragraph 20 of the FAC report that the controls on use of such terms should apply to all foods, regardless of whether or not pre-packed. • We endorse the views expressed in Paragraph 23 of the FAC Report. However, the presence of animal feed additives such as colours, which are intended to remain in the final product should be indicated in the labelling of foods. • Support the general labelling principles identified in paragraph 26 of the FAC Report, and stated in paragraphs 6 to 8 of the FSA guidance. • Supports the comments and recommendation regarding pictorial representations and packaging and advertising material. We support the advice in paragraph 5 of the FSA Guidance on pictorial and other visual material. • ‘Fresh’; • We consider that the proposed description “juice from freshly squeezed fruit” to 	<p>For Proposal</p> <p>For Proposal</p> <p>For Proposal</p> <p>For Proposal</p> <p>For Proposal but with some concerns</p>	
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	<p>distinguish products not made from concentrate is only marginally different from “freshly squeezed juice”. Both these descriptions are likely to mislead a consumer into believing that the juice has been produced in the recent past. Less misleading descriptions would be “juice from fresh fruit” or “juice squeezed from fresh fruit”.</p> <ul style="list-style-type: none"> • Support FSA Guidance for the use of the term “fresh” in the context of frozen/thawed meat, frozen foods, fresh ingredients, fresh taste and chilled foods. • LACOTS advice is not a joint agreement between LACOTS and the trade, but represents the opinion of enforcement bodies. Inclusion of these recommendations in the FSA Guidance would give further weight to the LACOTS recommendations, and we recommend accordingly. It should be recognised that the description of “fresh” is commonly and misleadingly used for in-store bakery products. • Considers that use of the description “fresh fish” applied to frozen/thawed fish could mislead a purchaser. The display of fish on ice will not necessarily prevent this 	<p>For Proposal</p> <p>For Proposal with some suggestions given</p> <p>Some Concerns</p>	
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	<p>misunderstanding. We believe that a notice to indicate the frozen/thawed nature would avoid any misunderstanding. Does support further market research to establish purchasers understanding of the current usage.</p> <ul style="list-style-type: none"> • The FSA Guidance should also include the general principle stated at the beginning of Paragraph 9 of the FAC Report (appendix 1). • Believe that it would be very difficult to define fixed time periods, since manufacture, within which it would be acceptable to use the term freshly. The examples given in the FAC demonstrate the complexity of doing this on a product by product basis. It would be preferable to specify the general principles for the use of the term (as indicated in the FAC Report) The application to individual products could then be assessed by industry and enforcement authorities against these principles. • 'Natural': • Supports advice in paragraphs 20 to 29 of the FSA Guidance. • Current consumer understanding is that 	<p>Some Concerns</p> <p>Some Concerns</p> <p>For Proposal</p> <p>Concern over novel foods and GMO's</p>	
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	<p>novel foods such as GMO's are not 'natural'. If the primary food is not "natural" then it or a derivative cannot become "natural" solely by refining or any other treatment.</p> <ul style="list-style-type: none"> • A parallel can be drawn with "nature identical" flavourings, which are categorised by the FAC as artificial. Therefore, the association does not consider that there is a stage at which a derivative of a GMO food could be described as "natural". • 'Pure': • Support the advice in paragraphs 30 to 33. However, the reference to "trace residues of lead and cadmium" should be modified to "trace residues of metallic contaminants". It should also be stated that "trace residues," means not exceeding a statutory maximum level, or outside the normal range found for the metallic elements in the food. • 'Traditional': • We recognise the difficulties of providing guidance on the use of this term. We agree that ingredients and processes must have been available for a significant period. However, it is inappropriate to give specific guidance on the length of such a time 	<p>Some Concerns</p> <p>For Proposal with some suggestions re: trace residues</p> <p>For Proposal</p>	
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	<p>period, as it will vary with the type of product. Thus a period of 2 generations/50 years may be short for some products but excessive for products introduced more recently into the UK market.</p> <ul style="list-style-type: none"> • The Guidelines should specify the general principles against which use of the term should be assessed, as reviewed in the FAC Report. These principles can then be applied on a product by product basis. • Similar time considerations apply to the use of the description “vintage”. • ‘Original’: • Support advice given in paragraphs 36 – 38 of the FSA Guidance. • ‘Authentic; • In some contexts the meaning of the term “authentic” can be taken by a consumer to imply “traditional”, i.e. “authentic Cornish Ice-cream” to describe a product made in a traditional manner (or recipe) originating from Cornwall. • Applying the advice given in the first bullet point, in paragraph 39 would allow non traditional products to be described as “authentic”, provided they were produced in 	<p>Suggestions made</p> <p>Suggestion</p> <p>For Proposal</p> <p>Some Concerns</p> <p>Suggestion</p>	
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	<p>the geographic area.</p> <ul style="list-style-type: none"> • 'Home Made'; • Support advice given in paragraphs 41 to 44 of the FSA Guidance <ul style="list-style-type: none"> • 'Farmhouse'; • Support advice given in paragraphs 45 to 47 of the FSA Guidance. 	<p>For Proposal</p> <p>For Proposal</p>	
	<ul style="list-style-type: none"> • 		