General food law

Whether you work in a food business or you are a consumer interested in food law, there are general requirements which you need to be aware of.

This overview covers the main Great Britain (GB) and retained EU legislation on the following areas:

- food imports and exports
- safety
- traceability
- labelling and product withdrawals and recalls

We have summarised the wording of the legislation referred to, so please use this as a general summary of food safety law, but don't regard it as legal advice. It is important to always check the exact wording of the legislation applicable to the circumstances you are dealing with.

Northern Ireland

Food and feed products placed on the NI market need to comply with EU food law. Retained EU law (assimilated) only applies to GB. In Northern Ireland under The Windsor Framework , EU food law continues to apply.

England, Northern Ireland and Wales

England, Northern Ireland and Wales

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GB legislation

The principal aim of assimilated Regulation (EC) 178/2002, 'General Food Law' is to protect human health and consumer's interest in relation to food. It applies to all stages of production, processing and distribution of food and feed with some exceptions. Food businesses must comply with food and feed safety law.

To place safe food on the market food businesses must ensure:

- traceability of food
- appropriate presentation of food
- suitable food information is provided
- prompt withdrawal or recall of unsafe food placed on the market
- food and feed imported into, and exported from, Great Britain (GB) shall comply with food law.

We have produced guidance notes on food safety, traceability, product withdrawal and recall, based on General Food Law.

General Food Law provisions

General Food Law includes principles (Articles 5 to 10) and requirements (Article 14 to 21). We outline the key provisions for food business operators laid down in General Food Law that apply to food business operators.

Safety

Article 14 states that food shall not be placed on the market if it is unsafe. Food is deemed to be unsafe if it is:

- injurious to health
- unfit for human consumption

The article also indicates what factors need to be considered when determining whether food is injurious to health or unfit.

Presentation

Article 16 states that labelling, advertising and presentation, including the setting in which the food is displayed, of food shall not mislead consumers.

Traceability

Article 18 requires food business operators to keep records of the following:

- food
- food substances
- food-producing animals supplied to their business
- businesses to which their products have been supplied.

In each case, the information shall be made available to competent authorities on demand.

Imports

Article 11 requires that food which is imported into Great Britain (GB) for placing on the market shall comply with the requirements of food law, or if there is a specific agreement between GB and the exporting country, then the imported foods must follow agreed requirements.

Exported food

Article 12 requires that food which is exported or re-exported from GB must comply with the requirements of food law, unless the authorities of the importing country have requested otherwise, or it complies with the laws, regulations and other legal and administrative procedures of the importing country.

When exporting or re-exporting food, provided the food is not injurious to health or unsafe, the competent authorities of the destination country must have agreed for the food to be exported or re-exported. The competent authorities must confirm this after they have been fully informed as to why the food could not be placed on the market.

Where there is a bilateral agreement between GB and another country, food exported from GB needs to comply with its provisions.

Withdrawal, recall and notification

Article 19 requires food business operators to withdraw food which is not compliant with food safety requirements and has left their control. Food business operators must recall the food if it has reached the consumer.

Withdrawal is when a food is removed from the market, this includes at point of sale. Recall is when customers are asked to return or destroy the product.

Food businesses must also notify the competent authorities (to us and the local authority) Retailers and distributors must help with the withdrawal of unsafe food and pass on information necessary to trace it.

Where food business operators have placed a food on the market that is injurious to health, they must immediately notify the competent authorities. There are also similar provisions for animal feed.

National legislation

England

In England, The Food Safety and Hygiene (England) Regulations 2013 (as amended) provides for the enforcement of certain provisions of assimilated Regulation (EC) 178/2002 and for the food hygiene legislation. It also provides national law for: bulk transport by sea of liquid oils or fats and raw sugar; the direct supply by the producer of small quantities of meat from poultry or lagomorphs slaughtered on the farm; temperature control in retail establishments; restrictions on the sales and supply of raw cows' drinking milk and derogations relating to low throughput establishments (slaughterhouses).

The General Food Regulations 2004 provide the enforcement of certain provisions of assimilated Regulation (EC) 178/2002 . It also amended the Food Safety Act 1990 to bring it in line with assimilated Regulation (EC) 178/2002.

Northern Ireland

In Northern Ireland The Food Hygiene Regulations (Northern Ireland) 2006 provides for the enforcement of certain provisions of the food hygiene legislation.

The General Food Regulations (Northern Ireland) 2004 provide for the enforcement of certain provisions of Regulation (EC) No 178/2002 . It also amended the The Food Safety(Northern Ireland) Order 1991 to make it compatible with Regulation (EC) No 178/2002.

England, Northern Ireland and Wales

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(531.99 KB)

Offences by the Food Safety Act 1990

Main food safety and consumer protection offences created by the Food Safety Act 1990:

- Section 7 - rendering food injurious to health by:
  - adding an article or substance to the food
  - using an article or substance as an ingredient in the preparation of the food
  - abstracting any constituent from the food
  - subjecting the food to any process or treatment
  - with the intention that it shall be sold for human consumption
- Section 14 - selling to the purchaser's prejudice any food which is not of the nature or substance or quality demanded by the purchaser
- Section 15 - falsely describing or presenting food
- Under section 20, if the commission of an offence is due to the act or default of another person, the other person is guilty of the offence.
- Under section 21 in proceedings for an offence under the provisions of Part 2 of the Act - which includes the offences listed above - it is a defence for a food business operator to prove that he took all reasonable precautions and exercised due diligence to avoid the commission of the offence

Food hygiene legislation

Food hygiene legislation is closely related to the legislation on the general requirements and principles of food law but specifically concerns the microbiological safety of food.

The legislation lays down the food hygiene rules for all food businesses, applying effective and proportionate controls throughout the food chain, from primary production to sale or supply to the food consumer.