

# **General food law**

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Food law in Great Britain (GB) comprises of domestic law and assimilated law (footnote 1). Food law in Northern Ireland (NI) comprises domestic law and EU law. For this overview a reference to "General Food Law" is assimilated regulation 178/2002 as it applies to England and Wales and to EU regulation (EC) No 178/2002 as it applies to NI. Where there are differences between the application of the law in England, Wales or NI, these will be highlighted.

For information on Food Law in Scotland please visit the Food Standards Scotland website.

This overview covers the main legislation on the following areas:

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

Please note the legislation referred to has been summarised in this overview, 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**

**PDF** 

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The principal aim of General Food Law is to protect human health and consumers' 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. General Food Law requires:

· traceability of food

- presentation of food and food information not to mislead the consumer
- prompt withdrawal or recall of unsafe food placed on the market
- food and feed imported into GB, and exported from GB, to comply with food law or conditions recognised by GB. Similarly, food imported into NI, and exported from NI, shall comply with food law or conditions recognised by the EU

There are helpful guidance notes on food safety, traceability, product withdrawal and recall, based on General Food Law in the following PDF document.

#### PDF

View Guidance on Food Traceability, Withdrawals and Recalls within the UK Food Industry as PDF(Open in a new window) (1.18 MB)

## **General Food Law provisions**

General Food Law includes obligations (Articles 11 and 12) and requirements (Article 14 to 21). The key provisions applicable to food business operators are set out below.

## 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

This article also indicates what factors need to be considered when determining whether food is injurious to health or unfit for human consumption.

#### **Presentation**

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

#### **Traceability**

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

- persons (including businesses) that have supplied food, food substances, or foodproducing animals to them
- businesses to which their products have been supplied

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

#### **Imports**

Article 11 requires that food which is imported into GB for placing on the market in GB shall comply with the requirements of food law or equivalent conditions recognised by GB, or if there is a specific agreement between the UK and the exporting country, then the imported foods must follow agreed requirements.

In respect of NI, food which is imported into NI for placing on the market in NI shall comply with the requirements of food law or equivalent conditions recognised by the EU, or if there is a specific agreement between the EU 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's required under the laws, regulations, standards, codes of practice 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 expressly agreed for the food to be exported or re-exported having been fully informed as to why the food could not be placed on the GB market.

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

In respect of NI, food which is exported or re-exported from NI must comply with the requirements of food law, unless the authorities of the importing country have requested otherwise, or it's required under the laws, regulations, standards, codes of practice 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 expressly agreed for the food to be exported or re-exported having been fully informed as to why the food could not be placed on the EU market.

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

#### Withdrawal, recall and notification

Article 19 requires food business operators that consider or have reasons to believe that a food it has processed does not comply with food safety requirements, and has left their control, must withdraw that food from the market. If the food has reached the consumer, food business operators must inform the consumer of the reason for withdrawal and if other measures are insufficient to provide a high level of health protection, the food must be recalled.

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 business operators must immediately notify the competent authorities (including the FSA and local authorities) if it considers or has reason to believe that a food which it has placed on the market may be injurious to human health. This includes informing the competent authorities of the action that the food business operator has taken.

Food business operators, including retailers and distributors, must help with the withdrawal of unsafe food and pass on information necessary to trace it.

There are similar provisions for animal feed.

# **National legislation**

#### **England**

In England, <u>The Food Safety and Hygiene (England) Regulations 2013 (as amended)</u> enforce certain food hygiene legislation provisions.

It also regulates in England:

- The bulk transport by sea of liquid oils or fats and raw sugar
- the direct supply by the producer to the consumer of small quantities of meat from poultry or lagomorphs slaughtered on the farm
- temperature control requirements for certain establishments
- restrictions on the sales and supply of raw drinking milk
- It provides derogations to offences and penalties for non compliance with certain hygiene legislation relating to low throughput establishments (certain slaughterhouses).

This regulation enforces certain provisions of <u>assimilated Regulation 178/2002</u> and amended <u>the Food Safety Act 1990</u> to make it compatible with assimilated Regulation 178/2002.

#### Wales

In Wales, <u>The Food Hygiene (Wales) Regulations 200</u>6 enforce certain food hygiene legislation provisions. It also regulates in Wales:

- the 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 to the consumer
- temperature control requirements for certain establishments, and
- restrictions on the sales and supply of raw drinking milk

This regulation enforces certain provisions of <u>assimilated regulation 178/2002</u> and amended the Food Safety Act 1990 to make it compatible with assimilated Regulation 178/2002.

#### Northern Ireland

In NI the <u>Food Hygiene Regulations (Northern Ireland) 2006</u> enforce certain food hygiene legislation provisions. It also regulates in NI:

- the 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 to the consumer
- temperature control requirements for certain establishments, and
- restrictions on the sales and supply of raw drinking milk

<u>The General Food Regulations (Northern Ireland) 2004</u> enforce certain provisions of <u>EU regulation (EC) No 178/2002</u>. It also amended the <u>Food Safety (Northern Ireland) Order 1991</u> to make it compatible with EU Regulation (EC) No 178/2002.

## **England and Wales**

PDF

View The Food Safety Act 1990 - A guide for food businesses as PDF(Open in a new window) (531.99 KB)

#### Offences under 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; and
- 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
- Section 20 offences due to fault of another person. If the commission of an offence is due to the act or default of another person, the other person is guilty of the offence.

# Offences under the Food Safety (Northern Ireland) Order 1991

#### Northern Ireland

**PDF** 

View NI Food Safety Order 1991 business guide as PDF(Open in a new window) (301.5 KB)

Main food safety and consumer protection offences created by the Food Safety (NI) Order 1991

Article 6 - 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; and
- subjecting the food to any process or treatment, with the intention that it shall be sold for human consumption.

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- Article 13 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.
- Article 19 offences due to fault of another person. If the commission of an offence is due
  to the act or default of another person, the other person is guilty 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 hygiene of foodstuffs.

Food hygiene 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

The Food Standards Agency has prepared guidance for businesses on food hygiene.

[1] Assimilated law comprises <u>EU-derived domestic legislation</u> and <u>assimilated direct</u> <u>legislation</u> (subject to various exceptions), together with the interpretations of it by the UK courts and any additions and modifications made to it by domestic law from time to time (

section 6(7), European Union (Withdrawal) Act 2018 (EUWA)).