

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 European Commission (EC) and domestic 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.

[Food and feed law guide](#) (1.16 MB)

EU legislation

[Regulation 178/2002](#) is directly applicable EU legislation and provides the general principles of food safety and food law which food businesses must comply with:

to place safe food on the market

- for traceability of food
- for presentation of food
- provision of suitable food information
- for the withdrawal or recall of unsafe food placed on the market
- to ensure food and feed imported into, and exported from, the EU shall comply with food law.

We have produced guidance notes on food safety, traceability, product withdrawal and recall, based on [Regulation 178/2002](#).

[Guidance for food businesses on food safety, traceability, product withdrawal and recall](#) (84.42 KB)

Regulation 178/2002 provisions

We outline the key provisions for food business operators laid down in Regulation 178/2002 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 states that food which is imported into the EU for placing on the market shall comply with the requirements of food law 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.

Exports

Article 12 states that food which is exported or re-exported from the EU 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 the EU or one of its member states and a third country, food exported from the EU 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](#) provides for the enforcement of certain provisions of Regulation 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 Regulation 178/2002. It also amended the Food Safety Act 1990 to bring it in line with Regulation 178/2002.

[The Food Safety Act 1990 – A guide for food businesses](#) (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.