

Guidance for Local Authorities and District Councils on Grey Market Goods:

Considerations of steps to take in regulating imported foods that are non-compliant with UK food law.

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1. Purpose

1.1 This document provides guidance to help local authorities in England and Wales, and district councils in Northern Ireland (hereafter, referred to as enforcement officers), should they identify grey market goods when undertaking official food controls.

1.2 This Guidance explains the rationale for authorising additives and provides a link to the current list (April 2025) of authorised additives and E numbers. Additives in this guidance includes additives, flavourings, including smoke flavourings, enzymes, extraction solvents etc.

1.3 This document sets out the Food Standards Agency (FSA) guidance in relation to steps that can be taken in respect of foods containing additives and ingredients which are not authorised in the UK.

2. Introduction

2.1 Grey Market goods are foods that are not formulated, labelled, or intended for the UK market and so are non-compliant with food law. These goods continue to appear on the UK markets and present issues for enforcing authorities.

2.2 This Guidance aims to help enforcement officers identify imported foods that do not comply with food law when undertaking official food controls, specifically with regards to:

- the inclusion of additives that have not been authorised for use in the relevant food category being placed on the UK market,
- authorised additives where they are being used in an unauthorised way e.g. exceeding the maximum residue levels as stipulated in GB and EU legislation, and
- labelling that is not in English or does not otherwise comply with UK food information labelling requirements.

2.3 The non-compliant Grey Market goods commonly identified as described above include, but are not limited to:

- confectionery,
- breakfast cereals,
- bakery products,
- soft drinks, and
- food supplements.

3. Desired outcomes

3.1 The intended outcome of this Guidance is to promote consistency in enforcement of non-compliant Grey Market goods placed on the UK market and drive-up business compliance with relevant food law. This will protect consumers and reduce the number of reported incidents that enforcement officers must address.

3.2 This will be achieved by:

- Developing a consistent approach across enforcement officers in efficiently and effectively dealing with Grey Market goods.

- Clarifying the enforcement powers available to enforcement officers to remove unsafe and non-compliant imported products from the market and, where required, take appropriate enforcement action (in line with the enforcement authority's enforcement policy) against those involved in the importation and placing on the UK market of non-compliant Grey Market goods.
- Encouraging the recording of intelligence to identify the principal importers/distributors of Grey Market goods.
- Giving enforcement officers clarity in applying UK food law in this area.
- To support enforcement authorities in engaging with principal importers and distributors to tackle the matter at source.

4. Intended audience

4.1 Enforcement officers delivering official controls on imported food at the point of import and inland enforcement of food standards by enforcement officers.

5. Legal status of guidance

5.1 Since exiting the EU, directly applicable EU legislation no longer applies in GB. EU legislation retained when the UK exited the EU became assimilated law on 1 January 2024. References to any legislation in FSA guidance with 'EU' or 'EC' in the title (e.g. Regulation (EC) 178/2002) should now be regarded as assimilated law where applicable to GB and as directly applicable EU law where applicable to Northern Ireland. References to 'Retained EU Law' or 'REUL' should now be regarded as references to assimilated law.

5.2 Enforcement Officers in Northern Ireland are asked to read references in this Guidance to UK food law or to specific assimilated legislation as referring to the corresponding EU legislation.

5.3 Guidance on the movement of goods from Great Britain to Northern Ireland and the Windsor Framework, including the [NI Retail Movement Scheme](#) (NIRMS), is available on GOV.UK.

5.4 This document does not constitute legal advice and should not be taken as an authoritative statement or interpretation of the law, as only the courts have this power. It is the responsibility of individual enforcement authorities to decide how they will enforce food law, and they should seek their own legal advice, on a case-by-case basis.

6. Review

6.1 We aim to keep all guidance up to date and undertake regular reviews to ensure guidance is still relevant. The next scheduled review date for this guidance is June 2027.

7. Contact us

7.1 We welcome your feedback on this guidance including reports of any broken links or out-of-date content and will consider all feedback for the next intended review of the guidance. Please provide any feedback to food.intelligence@food.gov.uk

8. Legal requirements

8.1 The legislation below is assessed as being the most relevant for setting out additives' requirements:

General principles and requirements of food law and procedures in matters of food safety, including traceability of food and feed, set out in:

- [Regulation \(EC\) No. 178/2002](#)

The rules on food additives used in foods, set out in:

- [Regulation \(EC\) No 1333/2008](#)

General principles, requirements, and responsibilities for the provision of food information to consumers, set out in:

- [Regulation \(EU\) No 1169/2011](#)

The rules on flavourings and certain food ingredients with flavouring properties for use in and on foods, set out in:

- [Regulation \(EC\) No 1334/2008](#)

The rules on smoke flavourings used or intended for use in or on foods, set out in:

- [Regulation \(EC\) No 2065/2003](#)

8.2 The following legislation provides officers with the domestic enforcement powers:

- [Food Safety Act 1990](#) (England and Wales)
 - Section 9, power to seize
- [Food Safety \(Northern Ireland\) Order 1991](#)
- Article 8, power to seize
- Food Additives, Flavourings, Enzymes & Extraction Solvents Regulations 2013
 - [England](#)
 - [Wales](#)
 - [Northern Ireland](#)
 Regulation 17 – offences and penalties
 Regulation 18 – condemnation of food
- [Food Safety & Hygiene \(England\) Regulations 2013](#)
 - Regulation 25, power to seize
- [Food Hygiene \(Wales\) Regulations 2006](#)
 - Regulation.27, power to seize
- [Food Hygiene Regulations \(Northern Ireland\) 2006](#)
 - Regulation 25, power to seize
- Official Food and Feed Controls Regulations 2009
 - [England](#)
 - [Wales](#)
 - Regulation 31, detention of a consignment
 - [Northern Ireland](#)
 - Regulation 30, detention of a consignment

9. Background

9.1 In the United Kingdom, food additives must be authorised for use in food before they can be placed on the UK market. Authorised food additives may be subject to conditions of use, including restricting their use to certain foods and where necessary controlling their use in food to maximum, specified limits.

9.2 Whilst additives may feature on other global lists, e.g. Codex, the requirements for the UK market are specific to the UK and must be complied with when placing products on the UK market.

9.3 The FSA maintains a full register of Authorised Regulated Food and Feed Products for Great Britain. Relevant information for the authorised food additives in England and Wales is held on the [GB register of regulated food and feed products](#) under the [food additive authorisation list](#).

9.4 In Northern Ireland, relevant information for the authorised food additives can be found in EU Regulation (EC) No. 1333/2008 on Food Additives and the European Commission's [Food and Feed Information Portal Database](#). Whilst additives and E numbers may be on the lists, restrictions may apply as to what purpose and to what degree some additives/numbers can be used in food.

10. Responsibility for ensuring that food is safe

10.1 A food additive is considered **not authorised** for use in **Great Britain** (being England and Wales for the purposes of this Guidance) if:

- no application has been submitted to the FSA for its approval;
- an application was submitted to the FSA but did not meet the necessary criteria for authorisation;
- the application is still under assessment by the FSA;
- an existing authorisation has been revoked by the FSA; or
- it does not appear as authorised in the [GB register of regulated food and feed products](#).

10.2 The FSA cannot confirm the safety of any food additive for use in GB unless it has been authorised (except where an authorisation was revoked on safety grounds). All food additives used in GB must comply with Regulation (EC) No 1333/2008.

10.3 A food additive is considered **not authorised** for use in **Northern Ireland** if:

- no application has been submitted to the European Commission for its approval;
- an application was submitted to the European Commission but did not meet the necessary criteria for authorisation;
- the application is still under assessment by the European Commission;
- an existing authorisation has been revoked by the European Commission
- it does not appear as authorised on the European Commission's [Food and Feed Information Portal Database](#); or
- the NIRMS exemption does not apply (see paragraph 10.4)

10.4 Under the Windsor Framework, businesses in Northern Ireland must continue to apply to the EU for authorisation of regulated products. Regulated products approved in GB can be placed on the Northern Ireland market, if moved via the NIRMS.

10.5 It is also important to note that some additives may be authorised for use in Northern Ireland under EU legislation, but this does not imply authorisation in England, Wales, and Scotland (GB), until GB has completed its own assessment and the authorisation decision made.

10.6 As covered in this section of this Guidance, the absence of an appropriate authorisation for the specific market in which the product is placed (England, Wales, or Northern Ireland), there is no basis to evidence that the additive is safe (as detailed in paragraph 9.2).

10.7 Enforcement officers should take the appropriate action in line with their own enforcement procedures outlined in the Food Law Code of Practice, and prioritisation of interventions assessed based on intelligence about significant importers and distributors of Grey Market goods. Enforcement authorities may choose to reprioritise interventions at importers and distributors of Grey Market goods due to intelligence recorded by other enforcement officers where traceability identifies food businesses in their area. Similarly, repeated food incidents that identify a specific business as a concern because of its links to such incidents through the supply chain should also be considered.

10.8 Article 17 of Regulation 178/2002 provides that it is the responsibility of the Food Business Operator ("FBO") to ensure the food or feed under their control complies with UK food law.

10.9 FBOs are therefore responsible for ensuring that the food they place on the market contains only UK authorised additives. This includes the importer and any other distributors, including wholesalers, involved in importing or distribution of the grey market goods and the retailer selling grey market goods to consumers.

10.10 Should inland enforcement officers identify problems with imported food they should, wherever possible, inform the authority for any identified importers and point of entry, as well as to identified distributors e.g. wholesalers, of the grey market goods within the UK.

11. Food labelling breaches

11.1 The following are common labelling breaches that enforcement officers may encounter in respect of grey market goods:

- The list of ingredients is not in English in breach of article 15 of Regulation 1169/2011, Food Information to Consumers (FIC).
- The list of ingredients does not follow FIC requirements.
- The name or business name, and address of the importer has not been included in breach of article 9(1)(h) of FIC. An e-mail address and/or phone number without a UK or EU address of the importer is not sufficient.
- The 14 substances or products causing allergies or intolerances are not emphasised through a typeset that clearly distinguishes it from the rest of the list of ingredients in breach of article 21(1)(b) of FIC.

11.2 The FSA has issued [food labelling guidance](#) in England, Wales, and Northern Ireland for FBOs which sets out labelling requirements, including details about relevant legislation, which can be referred to for further information.

11.3 Food labelling breaches (other than where the list of ingredients is not in English as this could be a safety issue detailed in paragraph 16.1) should be addressed by service of an improvement notice under section 10 of the Food Safety Act 1990 ([England and Wales](#)) or article 9 of the Food Safety ([Northern Ireland](#)) Order 1991. Please refer to [Annex 1](#) for specimen notices applicable to England, Wales, and Northern Ireland. These templates can be adapted by enforcement authorities in Wales and Northern Ireland.

11.4 A notice should set out the grounds for believing that the FBO is not complying with FIC, the measures for the FBO to take (or measures that are at least equivalent to them) to come into compliance and the timescale, not being less than 14 days from the date of the service of the notice.

11.5 If a notice provides for the products to be returned to the supplier or re-exported, the notice will need to ensure there are sufficient traceability safeguard requirements contained in the notice to ensure that enforcement officers can trace the products to their point of exit from the UK and that they cannot be placed back on the market. This could include a requirement to inform enforcement officers of the name of the importer to whom the goods are returned. Re-exporting options should be considered by the enforcement authority and the FSA has published an Inland Resource Pack for [England](#), [Wales](#) and [Northern Ireland](#) which you could consider.

11.6 It is an offence to fail to comply with an improvement notice by the date specified on the notice.

11.7 Specimen notices are included in the Annex which can be adapted, as appropriate. Notices must be specific to the non-compliance identified.

12. Consignments

12.1 An option available to an enforcement authority where a grey market goods consignment has not yet been split, is to place the consignment under detention and refuse its entry into the UK and serve a notice on the importer under regulation 32 of the Official Feed and Food Controls (England) Regulations 2009, regulation 32 the Official Feed and Food Controls (Wales) Regulations 2009, or regulation 31 of the Official Feed and Food Controls Regulations (Northern Ireland) 2009.

13. Proportionate steps to achieve compliance

13.1 Enforcement officers should consider a graduated approach to enforcement in line with their enforcement procedures. The FSA sent a letter to importers in [England](#), [Wales](#) and [Northern Ireland](#), to remind them of their responsibility as FBOs to ensure imported food placed on the UK market is compliant with relevant legislation. Voluntary surrender may also be considered an option as a first step before taking formal action and follow up action where attempts to deal by way of voluntary surrender are not agreed by the FBO, ensuring enforcement officers have a structured approach to dealing with unsafe food. An intervention may focus on advice and education to ensure compliance and voluntary co-operation.

13.2 [Annex 2](#) contains letters that enforcement officers can adapt to send to FBOs reminding them of their responsibilities that they can access to ensure they are complying with the law.

14. Enforcement options in respect of Grey Market goods

14.1 Seizure and condemnation under Section 9 of the Food Safety Act 1990 or Article 8 of the Food Safety (Northern Ireland) Order 1991.

a. The FSA considers that food containing unauthorised ingredients are unsafe on the basis that unauthorised ingredients have either failed a risk assessment or that satisfactory risk assessments have not been conducted by the FSA, or the European Food Safety Authority in respect of Northern Ireland. They should not be on the market. Unsafe food can be seized under section 9 of the Food Safety Act 1990 or, in Northern Ireland, article 8 of the Food Safety (Northern Ireland) Order 1991. An application to the magistrates' court shall follow for an order for condemnation. Where Grey Market goods are unsafe enforcement officers may seize them using these powers.

b. Ingredients must be authorised for use in food and may be subject to specific quantitative limits. The FSA maintains a list of [authorised Ingredients](#) for England and Wales. In Northern Ireland, the authorised ingredients can be found in EU Legislation. Ingredients that are not listed may have either failed a safety assessment or have not undergone a safety assessment for use in that product.

c. To assist enforcement officers in determining if food is unsafe, the FSA registers as referenced at paragraph 9.2, are the primary source of information on ingredients authorised for marketing.

d. For example, if food is labelled as:

- containing any additive that is not on the list of approved additives and E numbers (England and Wales),
- containing any additive that is not approved under Regulation (EC) 1333/2008 (Northern Ireland), or
- contains an authorised additive but it is being used for an unauthorised purpose and/or not used within the specified quantity limits,

then enforcement officers should consider seizing this food.

e. Where food is seized on the grounds that it is considered unsafe to be placed on the market, and an application is made to the magistrate's court to condemn it, enforcement officers may want to direct the court to this guidance in so far as it sets out how the food is unsafe, not been demonstrated as being safe and fails to comply with food safety requirements.

14.2 Certification of food by a food analyst

a. Regulation 18 of the Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013, Regulation 18 the Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013 and the Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013 ("Food Additives etc. Regs") provides that where a food analyst certifies that it is an offence to market a food, the food is deemed unsafe for the purposes of section 9 of the Food Safety Act 1990 or, in Northern Ireland, article 8 of the Food Safety (Northern Ireland) Order

1991 and the court must order its destruction. The certificate is the evidence for the court that the food is “statutorily” unsafe.

14.3 Improvement and Compliance Notices

- a. Where labelling non-compliance can be remedied by over stickering, enforcement officers may want to consider bringing the FBO into compliance with an improvement notice served under section 10 of the Food Safety Act 1990 (England and Wales), or a compliance notice served under regulation 7 of the Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013, or in Wales, an improvement notice under regulation 7 of the Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013.
- b. In Northern Ireland, officers may want to consider bringing the FBO into compliance with an improvement notice served under article 9 of the Food Safety (Northern Ireland) Order 1991 or regulation 7 of the Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013.
- c. Over stickering must not be used to conceal the presence of an unauthorised ingredient or additive. It is permitted where over stickering brings the product into compliance with UK food law, such as listing the ingredients in English and in the correct format.
- d. If the over stickering is inaccurate this results in misleading information to consumers under the Food Information Regulations 2014, the Food Information (Wales) Regulations 2014 or the Food Information Regulations (Northern Ireland) 2014. Over stickering may also amount to an offence under non –food legislation as may be applicable. E.g.: Digital Markets, Competition and Consumers Act 2024 or under the Fraud Act 2006.

14.4 Powers at the border

- a. Any consignment identified at a port of entry that does not comply with UK food law, or EU food law where relevant in Northern Ireland, may be placed under detention by a port health authority and refused entry into the UK and the enforcement officers may serve a notice on the importer under regulation 32 of the Official Feed and Food Controls (England) Regulations 2009 or the Official Feed and Food Controls (Wales) Regulations 2009 or regulation 31 of the Official Feed and Food Controls Regulations (Northern Ireland) 2009.

14.5 Prosecution options

- a. Where offences have been committed, enforcement officers may also want to consider whether to prosecute FBOs. Regulations 3, 4, 5 and 6 of the Food Additives etc. Regs make it an offence to place any food on the market in contravention of Regulation 1333/2008 on food additives, Regulation 1334/2008 on flavourings and Regulation 2065/2003 on smoke flavourings. Offences may also be committed under consumer protection legislation.

15. The importance of recording intelligence

15.1 Recording intelligence is a vital part of effective food standards enforcement. It enables local authorities to contribute to the development and understanding of a shared national picture of food-related risks and non-compliance. The recording of intelligence and sharing of intelligence enables us to identify recurring issues, emerging trends, and anomalies that may not be immediately visible at the local level. This collective insight supports the FSA in shaping national priorities and identifying emerging food standards threats.

15.2 Intelligence supports cross-boundary enforcement.

A report recorded in one local authority could support regulation or investigation in another. This is particularly valuable in cases involving mobile businesses, imported goods, or supply chain fraud.

When intelligence is not recorded or shared, opportunities for better informed regulation, enforcement and disruption are lost.

15.3 Enforcement officers are encouraged to record any information on IDB that falls into the following areas:

- New and emerging trends/products/businesses
- Chronic issues that do not go away
- Volume issues that come up repeatedly
- Sampling results, satisfactory and unsatisfactory

16. Common anticipated issues

16.1 Defining food as unsafe

a. Article 14 of Regulation 178/2002 (“General Food Law”) provides that food shall not be placed on the market if it is unsafe and food shall be deemed to be unsafe if it is injurious to health.

In determining if food is injurious to health, regard shall be had:

- To the probable immediate and/or short and/or long-term effects of consuming the food on the health of the person consuming it and on subsequent generations. This will include the probable cumulative toxic effects of consumption.
- To the particular health sensitivities of a specified category of consumers where food is intended for that category of consumers. This includes the risk from any ingredient that might trigger an allergic reaction in a consumer. It is not limited to the 14 allergens that must be declared in a different typeface.

Similar requirements apply in respect of Northern Ireland under Regulation (EC) No.178/2002.

b. Unauthorised additives have either not been subject to FSA safety assessment or have failed to be authorised based on the outcome of the FSA safety assessment. The unauthorised additives cannot therefore be defined as safe to place on the UK market, unless it has been authorised by the EU and placed on the market in Northern Ireland.

16.2 Using powers of entry

a. The list below is non-exhaustive, the facts of the situation at local authority level should be considered and the most appropriate legislation used. However, powers to consider are detailed below:

- Section 32 of the Food Safety Act 1990 (or article 33 of the Food Safety (Northern Ireland) Order 1991)
- Regulation 13 of the Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019
- Regulation 13 of the Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020
- Regulation 10 of The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2019
- Regulation 16 of the Food Safety and Hygiene (England) Regulations 2013
- Regulation 14 of the Food Hygiene (Wales) Regulations 2006
- Regulation 14 of the Food Hygiene Regulations (Northern Ireland) 2006

16.3 Food held in warehouses for export must comply with UK food law

a. Food held in a warehouse which is not intended to be placed on the UK market will need to comply with UK food law, as well as that which is to be supplied in the UK. This means that it must not contain any ingredients that are unauthorised in GB (or NI, where held in NI) as they are considered to be unsafe in the UK, even though it is intended for sale elsewhere - Article 3(8) of assimilated Regulation 178/2002.

16.4 Responsibility for over stickering food that is imported

a. The responsibility for over stickering imported foods lies with whoever is placing the food on the market. This will include the importer, who is also responsible for putting their contact details onto food manufactured abroad and imported into the UK. Any wholesaler and the retailer selling food to the consumer are also responsible for ensuring that the food complies with UK food labelling requirements.

16.5 Non-compliance notices for multiple products

a. A notice can include multiple different non-compliant products marketed by the FBO; in which event the products and relevant non-compliance can be set out in a schedule to the notice.

16.6 Initiating withdrawals or recalls

a. Enforcement officers cannot mandate a FBO to withdraw or recall food products. It is the responsibility of the FBO to initiate withdrawal or recall procedures if they suspect or have evidence that the food they have imported or distributed does not meet food safety standards. Enforcement officers are encouraged to adopt the perspective that any food without authorisation has not been demonstrated to be safe, and therefore, should be regarded as unsafe in accordance with paragraph 10. Where enforcement officers believe a product is unsafe and have advised a withdrawal or recall then normal incident handling procedures apply, and the issue should be reported to the relevant incident team in England, Wales, or Northern Ireland. Where an FBO refuses to fulfil their food safety obligations enforcement partners should undertake appropriate enforcement action.

16.7 Ingredients list that contains an unauthorised ingredient should not be over stickered.

a. If an unauthorised ingredient is listed on the product's original label, over stickering should not be allowed unless the food business can provide evidence that the product does not actually contain the unauthorised ingredient.

17. Annex 1 – Specimen Notices

This annex provides specimen improvement notices designed to address breaches in food labelling regulations and food additives legislation. These notices are intended to be used as a guide for enforcement officers.

[Food Additives, Flavourings, Enzymes and Extraction Solvents \(England\) Regulations 2013 Compliance Notice](#)

[Food Information Regulations 2014 Improvement Notice England](#)

[Food Information \(Wales\) Regulations 2014 Improvement Notice](#)

[Food Information Regulations 2014 Improvement Notice Northern Ireland](#)

18. Annex 2 – Example letter

This letter is shared as an example of how to highlight the relevant issues. Please note that there will be foods imported from countries that are not UK compliant. If using this template, then it should be drafted and amended with specific references to the products and countries of origin, as necessary and how they relate to the business you are addressing.

Food Safety Act 1990

Food Safety and Hygiene (England) Regulations 2013 / Food Hygiene (Wales)

Regulations 2006 / Food Hygiene Regulations (Northern Ireland) 2006

Assimilated Regulation 178/2002

Assimilated Regulation 1169/2011

Food Information Regulations 2014 / Food Information (Wales) Regulations 2014 / Food Information Regulations (Northern Ireland) 2014

Company, Limited Liability Partnership and Business (Names and Trading Disclosures) Regulations 2015

Companies Act 2006

Consumer Rights Act 2015

Digital Markets, Competition and Consumers Act 2024

[Delete legislation that does not apply to the circumstances].

Dear Food Business Operator,

We are writing to you to inform and educate you about some problems we have identified with the imported food products you may sell and what you need to do about it. We expect you to read this letter which contains information critical to your business. Failure to act on this information may result in enforcement action, including criminal proceedings, being taken against you and your business.

DO NOT IGNORE THIS LETTER.

If you require any further information or do not fully understand what you need to do after reading this letter, please contact us using the details above.

We are currently aware of several issues with the imported food products (Insert specific details) you may sell. Some of the products you sell do not currently comply with the food safety and consumer food information law of Great Britain (GB). We therefore want to make clear what the issues are and what you must do to put things right.

Additionally, we have also noted that some shops in [insert location] that sell non-compliant foods (specify as appropriate) from unregistered establishments (“premises”), so we have included information on how to register your premises. It is a legal requirement for food businesses to notify local authorities of its food premises for the purposes of registration. Please take time to read and understand the information below. This information will help ensure the products you sell are correctly labelled for the UK market and your premises is registered. We will be visiting your premises shortly to check your compliance with the issues raised in this letter. If you do not fully understand what you must do or require any help and assistance, please contact the officer named above.

Yours sincerely,

Name

Job title

The following text is an example of guidance a local authority may wish to include or otherwise add to any such letter.

“Important Information for your food business – DO NOT IGNORE THIS ADVICE

- **FOOD BUSINESS REGISTRATION:**

Legal Requirement – Article 6(2) of assimilated Regulation 852/2004 - You are legally required to notify [local authority name] of all food premises that you control for the purposes of registration of those premises.

Registration is free. If you have not already registered or if you are unsure if you have registered, please register online here without delay: <https://register.food.gov.uk/new> or here – LA to insert specific alternative local requirements
You must keep us up to date with any changes such as any change of Food Business Operator or Trading Name.

Failure to register constitutes an offence under The Food Safety and Hygiene (England) Regulations 2013 / Food Hygiene (Wales) Regulations 2006 / Food Hygiene Regulations (Northern Ireland) 2006 for which you may be prosecuted.

We shall be checking your registration details are correct during our visit.

- **TRACEABILITY – Who supplied you with the food you sell?**

Legal Requirement – Article 18 of assimilated Regulation 178/2002

Food law requires that all food business operators must cooperate and provide information to the competent authority – [insert authority].

You may be asked to provide information relating to the origin of the food you sell. This is most likely to be the details of who supplied you with the food you sell. This would include invoices and delivery notes showing the products supplied, the name, address and contact details of the supplier.

It is a legal requirement for you to keep this information about your suppliers and the food they supply you. You must be able to provide this information on demand.

Failure to provide information within a reasonable time of asking may constitute an offence under the above legislation for which you may be prosecuted.

We shall be asking you to provide evidence to us of who supplied the food you are selling when we visit.

- **YOUR RESPONSIBILITIES AS A SELLER**

Third country branded food products labelled for the appropriate countries market, and any products that do not have mandatory food information given in the English language, will not comply with applicable food law.

If you buy stock from a GB or EU based supplier (wholesaler / distributor), you will need to ensure that your supplier provides you with the necessary information to accompany any products not labelled for the GB market. Candy and other foods originating directly from the other third countries will be labelled for the appropriate market and not the GB market. These products will not have a GB address on the label only unless they have a sticker applied with a GB compliant food information label. You must therefore ensure all the products you sell have the correct food information applied to them before they are offered for sale. Importers and suppliers are both responsible for the correct labelling. Importers should either attach the stickers themselves or supply you with GB compliant over stickers for each product. Where they have not, it is your responsibility to ensure that the products are correctly labelled.

If you import the products directly into GB yourself from overseas, you will be responsible for ensuring the food information labels are compliant. In this case you will need to have accurate, GB compliant, food information over-stickers produced and applied to each product before they are placed on sale. In this situation you, as the importer, would be solely responsible for them meeting food labelling requirements.

If you are the importer or require further help after reading this letter, we strongly suggest you contact us for advice immediately. We can help you ensure that your business is compliant. Important Information for your food business.

The food information on the label is the responsibility of the business under whose name or business name the food is marketed. If that business is not located in GB but outside the EU, it will be the importer of the food. The importer of the food may be your supplier or someone further down the food chain. This is why you must ensure that you only use reputable suppliers who supply correct food information labels that meet the requirements in GB either already attached to the food or for you to attach yourself.

Whilst you are not directly responsible for the content of the food information on the label of the prepacked food you sell (unless you are a direct importer), you do have important responsibilities under food law as follows:

- You must not supply food which you know or presume, based on the information in your possession as professionals, to be non-compliant with applicable food information law and the requirements of relevant national provisions; Article 8(3) of the assimilated Regulation 1169/2011

And

- You must ensure compliance with the requirements of food information law and relevant national provisions which are relevant to your activities and shall verify such requirements are met; Article 8(5) of the assimilated Regulation 1169/2011

This means that having been provided with the necessary information contained in this letter, you have a responsibility to check the food you sell is labelled correctly, and if not, you must not sell it.

• HOW TO EASILY IDENTIFY THE INCORRECTLY LABELLED FOOD PRODUCTS

Name & Address of Importer (must be an address in UK)

Legal Requirement – Articles 8(1) and 9(1)(h) of assimilated Regulation 1169/2011

All food products sold must include the name and address of the food business operator responsible for the food information on the label. This can either be the business under

whose name the food is marketed or if the product is manufactured outside UK, the importer of the food.

In the case of a product that was manufactured by a company overseas the product will need to have the full name and address of the GB or EU based (when importing direct into Northern Ireland) importer on the over sticker label. This cannot be just an e-mail address or phone number.

Importantly, the address provided on the label must be a recognised and genuine address at which the responsible business can receive mail, legal documents, etc. to enable them to respond or act as necessary. The business name and address must be traceable and linked to a registered food business.

If you have any food products on sale which only have a name and address of the overseas manufacturer on them, they will not be compliant. You will need to contact your supplier to obtain the food information compliant labels / stickers to put on the products before placing on sale.

We shall check products on display when we visit your shop. If we identify that you continue to sell products that do not have the compliant GB food information sticker on them after receiving this letter, we will take enforcement action. To be compliant the name and address on the over sticker food information label must be traceable. We will not accept over stickers which have an address which we cannot trace to a registered food business.

- Food Not Labelled in the English Language

Legal Requirement – Article 15 of assimilated Regulation 1169/2011

If any of the food products you sell do not have the mandatory food information which includes the ingredients list in English, it will be non-compliant and must not be offered for sale. Products should be either returned to your supplier, or all products must be over stickered with the corresponding information in the English Language. The food information on the sticker must be presented and comply with the requirements of food information law in GB.

The ingredients list will include details of any common allergens present in the product. These **MUST** be emphasised, such as highlighted in **bold** type or CAPITALS. It is critical that consumers can read and understand the full ingredients list on the label, particularly if they have a food allergy.

If the information is not in English, this becomes a serious food safety issue because a person with a food allergy may not understand the information on the label and will be placed at serious risk of injury.

SUMMARY

The information provided to you in this letter is based on the common problems we encounter with third country products and other food commonly sold in third country food product shops. It is not a comprehensive guide to all labelling / food standards issues associated with imported food.

Importers and FBOs must be aware of what and what is not permitted.

Some ingredients / additives are banned in GB.

In GB, some consumer warnings are required if certain colours are present in food. Food colourings are also named differently to those in GB and nutritional information may be presented differently to how it should be in GB.

You must therefore ensure you source your stock from a reputable supplier.

Your supplier should ensure the products supplied to you already meet GB labelling requirements or provide you with the GB compliant food information over sticker labels for you to attach to the products yourself.

You must ensure the correct GB compliant food information label is applied to each and every product you sell. That label must bear a genuine and traceable name and address of the importer / distributor in GB responsible for compliance with GB food law.