



Summary of stakeholder responses to the consultation on local authority and district council guidance on grey market food in the United Kingdom

1. Introduction

On 21 August 2025, the Food Standards Agency (FSA) launched a consultation on proposed guidance for local authorities and district councils on the regulation of grey market foods in the United Kingdom. That consultation closed on 24 October 2025.

The consultation sought comments and feedback on draft new guidance to support enforcement authorities in identifying and taking action on food not intended for the UK market. These foods, also known as 'grey market goods', can contain unauthorised or excessive additives and/or ingredients which do not meet requirements set out in UK food safety legislation. They may also fail to identify allergens in the prescribed format.

The FSA is grateful to stakeholders who took the time to respond to the consultation.

In general, respondents supported the development of the guidance. We have reflected on the comments received (see below) and, where considered appropriate, will make relevant edits to the guidance that will be issued in due course.

The consultation specifically sought views on whether the guidance gives officers greater confidence to take enforcement action when non-compliant grey market goods are found. The majority of respondents agreed that the guidance represents a strong and valuable step toward achieving more consistent enforcement on the identified issues and would increase their confidence in taking action.

They recognised it as a significant improvement, while also highlighting areas where further refinement would be beneficial, as outlined in this response document. The FSA acknowledge that the development of learning to support the guidance, and as suggested, will further reinforce that developing confidence.

Such an elearning module will be available in the spring and details as to how and form when it can be accessed will be shared later.

The other questions on which the consultation sought views were:

- Does the guidance clearly set out how authorities can use food law to enforce instances of non-compliant grey market goods?

- Is there anything missing from the guidance or that the guidance does not adequately cover?
- Do you feel the enforcement options outlined (e.g., seizure, improvement notices, prosecution) are sufficient and proportionate? If not, what additional options should be considered?
- Is the guidance on over-stickering and labelling breaches clear?
- Are the provided specimen notices and example letters useful for your enforcement work? Would any other examples be useful?
- Are there any gaps in the guidance regarding cross-border enforcement or coordination with port health authorities?
- For future consideration, what additional training or resources would be helpful to support in connection with this guidance?
- Do you have any other feedback?

The feedback received and the FSA response are set out in tables below.

The table below includes reference to GB law and the United Kingdom, this reflects the FSA's remit across England, Wales and Northern Ireland as appropriate. Food Standards Scotland have responsibility to issue guidance in respect of food law in Scotland.

A list of stakeholders who responded can be found at the end of the document.

Does the guidance clearly set out how authorities can use food law to enforce instances of non-compliant grey market goods?

Respondent	Comment	Response
Trade Association	In section 10.5, no allowance is made for qualifying Northern Ireland (NI) goods that can enter Great Britain (GB), regardless of whether their composition is compliant under GB law. Such goods can currently enter and be marketed in GB while containing substances that are permitted under EU law but not under GB law. How should the enforcement authorities recognise and deal with such goods?	'Qualifying Northern Ireland Goods' dispatched from a registered or approved food establishment in N.I. continue to have unfettered access to GB and can move from NI to GB without SPS controls. More information on which food goods qualify for unfettered access can be found in the appropriate guidance .
DC NI	General comment on Northern Ireland aligning with GB food standards.	UK Government is committed to negotiating a sanitary phytosanitary (SPS) agreement to help boost trade and deliver benefits to businesses and consumers in the UK and the EU. This will involve alignment with EU law across areas in scope (as outlined in the UK-EU Summit Common Understanding text). The form of any agreement will depend on the outcome of negotiations.

Is there anything missing from the guidance or that the guidance does not adequately cover?

Respondent	Comment	Response
Trade Association	Guidance should be expanded to consider online sales.	It is acknowledged that online sales are a challenge for food supply regulation. However, specific guidance on online sales is outside the scope of this guidance.
Northern Ireland DC	Section 14.1a concerns the seizure of unsafe food. The Food Law Code of Practice states that if food fails to meet safety requirements for reasons other than hygiene, Article 8 of the Food Safety (Northern Ireland) Order 1991 applies. This allows a Detention of Food Notice to prevent consumption and control movement. Could clarification be given on: <ol style="list-style-type: none"> 1. Detention of food containing unauthorised ingredients? 2. Factors and limitations (including appeals period) officers should consider when choosing detention under OFFC versus the Food Safety Order? 	Provisions for detention and seizure can be found in Section 6.6 of the Food Law Practice Guidance (England); section 6.7 FLPG (Wales) and section 6.7 of FLPG (Northern Ireland) Practice Guidance (Northern Ireland): For grey market goods with unauthorised ingredients, seizure is generally expected, as it is unlikely an FBO can prove safety. However, if testing is required and resources allow, detention may be considered.
Northern Ireland DC	There is no direction regarding the timeframes for an FBO to initiate a withdrawal or provide the Local Authority with traceability details such as a customer list or provision of a 'Point of Sale Notice.' Could the FSA provide a definition of "immediate"?	The guidance has been prepared to assist LAs in addressing the most likely issues with regards to grey market goods and is not intended to provide legal opinion. It is for a court to determine how 'immediately' should be interpreted in each context or set of circumstances.
Trade Association	Add a section on unauthorised novel ingredients and the	Novel foods need to be authorised before they can be placed on the market in GB. A product should be

Respondent	Comment	Response
	enforcement actions that can be taken against products containing them.	removed from the market if it is considered an unauthorised novel food. The FSA has an advisory role to enforcement authorities. The decision to take enforcement action on the basis that a product is an unauthorised novel food, ultimately lies with the enforcement authority.
Trade Association	There is reference in the document to ingredients that are not authorised in the UK, but the document focusses only on unauthorised food additives. There is no mention of novel foods. Food supplements are highlighted in the introduction as being commonly identified grey market goods. In addition to non-compliant labelling and claims, a key concern with these 'grey market' food supplements is the presence of unauthorised novel foods. Unauthorised food additives are far less of an issue in these products.	We have noted the comments raised on novel foods. Although not directly in scope of this consultation, these points will be considered as part of our ongoing work on novel foods, including any future work on guidance on novel foods.
Trade Association	Recommendation to insert the following at the end of the list of Food Information for Consumers (FIC) requirements at section 11.1: "And specifically for food supplements: The name is 'Dietary Supplement' instead of 'Food Supplement.' The quantity of vitamins A, D or E is given solely or principally as 'IU.'	The guidance will be updated accordingly.
Trade Association	Within foods and food supplements, and the addition of nutrients, the upper level for each added nutrient and mineral provided in a food product is based on guidance rather than legislation; therefore, this can be subject to change. It is considered that the UK will	At present there is no intention to introduce MPLs for food supplements. The EU do not have maximum permitted levels either, though they have explored this issue. The guidance will not be amended at this time Section 12 of the initial guidance – "Consignments"- summarises the use of Regulation 31 of the Official

Respondent	Comment	Response
	align with the EU's legislative setting of Maximum Permitted Levels ("MPLs") for nutrients.	<p>Feed and Food Controls Regulations, for the detention of goods either inland or at ports. Will be changed in the guidance to 'Detention of consignments either inland or at ports,' to hopefully make it clearer. The section will guide officers of the dual use of these regulations.</p> <p>During the development of the e-learning module, consideration will be given to the enforcement options commented on.</p>
LA – England	At section 16.6, the sentence "Where an FBO refuses to fulfil their food safety obligations enforcement partners should undertake appropriate enforcement action." is vague as to how this is to be done as it does not explain what appropriate action could be.	The guidance will be updated at section 10.11(a) to provide more clarity.
LA - England	Some of the guidance references outdated regulations and omits key legislative updates, leading to confusion and potential enforcement issues and there are missing references and formatting inconsistencies. Examples include the omission of articles numbers and the reference to the additive legislation and list of authorized additives.	The references will be checked prior to the publication of the guidance.
LA - Wales	A reference and hyperlink to the General Food Regulations 2004 would be beneficial for domestic enforcement legislation in section 8.2.	The guidance will be updated accordingly.
DC NI	Section 14.1b of the guidance has provided a link to a list of authorised ingredients for England and	A link is provided in section 9 "Background", specifically 9.3 and 9.4. This will also be replicated at section 14.1

Respondent	Comment	Response
	Wales. It would be useful to add a link to the EU list for NI local authorities.	
Trade Association	<p>Section 1.2 is confusing in terms of its definition of additives.</p> <p>Clear distinction should be made between “authorised food additives” and other ingredients with a technological function such as flavourings, smoke flavourings, enzymes, and extraction solvents.</p>	The guidance will be amended to state: “Food additives are ingredients that are added to foods to carry out particular functions. Food additives can be used for a variety of reasons, such as preservation, colouring, or sweetening. Flavourings are not considered food additives and do not have E numbers and are regulated by separate legislation.”
Trade Association	The guidance focuses on unauthorised food additives. References to the other ingredients with a technological function should not be mentioned at all, or otherwise only very briefly in a separate section.	The guidance will be amended to provide clarity in line with the points made.
Trade Association	<p>The food additives regulation specifically excludes flavourings and enzymes from its scope.</p> <p>Extraction solvents are not used as additives; they are substances used to produce additives and other food ingredients.</p> <p>It would make more sense to have a separate section for flavourings these other substances.</p>	A paragraph will be added to the opening “Purpose” section setting out different food/substance types, their definition and specifying exactly which ingredients to which the guidance relates.
Trade Association	<p>Section 8.1 states that: “The legislation below is assessed as being the most relevant for setting out additives’ requirements:”</p> <p>Proposed recommended revisions:</p> <ul style="list-style-type: none"> o Revise first line to “The legislation below is assessed as being the most relevant for setting out food additive and labelling requirements:” 	The suggested revision to the text of section 8.1 will be incorporated into the guidance.

Respondent	Comment	Response
	o Delete the legislation relating to flavourings and smoke flavourings.	
Trade Association	In section 10.1 that: “A food additive is considered not authorised for use in Great Britain (being England and Wales for the purposes of this Guidance)” suggests that GB comprises only England and Wales.	The guidance will be amended to make the wording clearer.
Trade Association	Paragraph 14.1b states 'authorised ingredients' which may be misleading and confusing.	The guidance will be updated to refer to additives rather than ingredients when specifically relating to additives.
Professional Body	If a product contains a banned additive, excess additives, or non-permitted additive, this may not be a safety issue but could be one of non-compliant composition and/or labelling matter.	There are no 'banned additives' under Regulation 1333/2008. Under this regulation the use of an additive at levels in excess of its conditions for use and/or the unauthorised use of an additive, are non-compliance issues. However, it does also depend on the additives in question. For example, if the use of additives is linked to hyperactivity (i.e. Southampton colours), then this could be considered a safety issue). Or the unlawful the use of Erythrosine (E 127) which is only permitted in one food type - this would be considered a major non-compliance.
Trade Association	Section 16.3a is incorrect because Article 12(1) of Regulation 178/2002 allows food exported or re-exported from Great Britain to comply with the importing country's requirements rather than UK food law, unless otherwise specified. Contrary to this, section 16.3a states that food held in warehouses solely for export must comply with UK food law and not contain unauthorised ingredients, even when	The guidance relates exclusively to grey market goods. Intrinsically, grey market goods are imported foods. Article 11 of General Food law requires imported foods to comply with GB food law. Therefore, grey market goods held in warehouses must comply with GB food law (or the EU equivalent in NI). This is opposed to food produced in the UK intended for a foreign market that does not comply with UK food law but does comply with the laws, regulations, standards, codes of practice and

Respondent	Comment	Response
	intended for sale outside the UK.	other legal and administrative procedures as may be in force in the importing country.
Professional Body	<p>In the list of legislation, in section 8.1, the guidance mentions Regulation (EC) No.1333/2008 for rules on food additives.</p> <p>There is no mention of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Assimilated Regulation (EC) 1129/2011 – contains the revised Annex from EC1333/2008 <input type="checkbox"/> Assimilated Regulation (EC) 1130/2011 – deals with food enzymes/nutrient preparations <input type="checkbox"/> Assimilated Regulation (EC) 232/2012 - removes E104, E110, E124 from Group III colours. 	We have limited the list provided to those regulations that contain provisions the contravention of which are enforceable. We have not listed all regulations that amended Regulation 1333/2008 such as those that are referred to.
Professional Body	There is also no mention of the UK Bread & Flour Regulations 1998 (as amended in 2022) to ban flour bleaching agents.	These regulations may be relevant for bread products but not considered to be the main regulatory challenges for grey markets.
Trade Association	<p>Section 14.1.d, third bullet point suggests that an enforcement officer can act, based on information from the product label if it “contains an authorised additive but it is being used for an unauthorised purpose and/or not used within the specified quantity limits.” This third bullet point should be deleted for the following reasons:</p> <ul style="list-style-type: none"> o Purpose would be difficult for an enforcement officer to assess compliance, 	The guidance will be updated accordingly.

Respondent	Comment	Response
	<p>unless the purpose is specifically mentioned in the legislation; most are not.</p> <ul style="list-style-type: none"> o Food additive quantities are not declared on labels. 	
LA – England	<p>Whilst the Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013 at Reg 18 state that “ Where any food is certified by a food analyst as being food which it is an offence to place on the market, that food shall be treated for the purposes of section 9 of the Act (under which food may be seized and destroyed under an order of a justice of the peace) as failing to comply with food safety requirements.”, it does not necessarily require that you must have analysis and there is case law to support this view with Sunderland v Dawson. If you want to avoid hurdles in enforcement, this needs to be clarified.</p>	<p>The guidance reflects the text of Regulation 18 of the Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013. Other than where the law is well established, it does not express a legal opinion on the effect (or not) of case law on the application of relevant legislation.</p>
LA - Wales	<p>The guidance should clarify whether enforcement officers can assume that an ingredient listed on a product label is present in the food without requiring analytical testing. For example, if an unauthorised additive is declared in the ingredients list, can this be taken as sufficient grounds for seizure under Section 9.</p>	<p>Please refer to the section on “Enforcement options.” and specifically sections 14.1d and e, and 14.2.</p> <p>It is not a requirement to have food analytically tested under Regulation 18 in order for food to be condemned. Particularly where the FBO cannot provide any evidence that the unauthorised ingredient is not in fact present. As the guidance states at section 14.1d and e, enforcement officers should consider seizing the food and making an application to the magistrate's court to condemn it.</p>

Do you feel the enforcement options outlined (e.g., seizure, improvement notices, prosecution) are sufficient and proportionate? If not, what additional options should be considered?

Respondent	Comment	Response
District Councils Northern Ireland (DCNI)	Section 14.1(e) refers to an application to the magistrate's court for condemnation of food. This is not applicable in NI. Food seized must be presented to a JP for condemnation as detailed in Schedule 4 of the Justice (Northern Ireland) Act 2002. The guidance should be amended to reflect this.	The guidance will be updated accordingly.
DCNI	Section 14.3(d) refers to non-food legislation. Clarification is sought as to which body enforces this legislation in NI. Similarly, in section 14.5 it refers to consumer protection legislation. Is this the same legislation listed in section 14.3(d)?	Various pieces of legislation referenced in the Enforcement options section and particularly at sections 14.3(d) and 14.5 are enforced by different bodies depending on the specific authorisations and local policies in place. Enforcement responsibilities can vary, so it is important to check the relevant legislation and refer to the appropriate department in each instance. This should be done in line with the applicable enforcement policy and the principles set out in the Regulators' Code .
LA - England	Section 13.1 - the second to last sentence is difficult to understand in its entirety: "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."	The guidance will be updated accordingly
LA - Wales	Further clarity could be provided in section 16.5	Officers should retain flexibility to decide which

Respondent	Comment	Response
	specifying which notice should be given and in what circumstances.	notice is most appropriate for the circumstances. The purpose of section 16.5, "Non-compliance notices for multiple products" is to highlight that multiple products can be listed in a schedule attached to a notice. Guidance on the use of notices is provided at sections 11 (Food labelling breaches) and 14 (Enforcement options).
LA – England LA - Wales	The links contained within the document are not working when clicked.	The links will be updated in the guidance document before publishing.
LA - England	<p>The example letter is overly wordy and repetitive. It also contains some grammatical errors.</p> <p>The last sentence of the third paragraph on p17 appears to be a heading for the section below.</p> <p>The last sentence on p18 "Importers and FBOs must be aware of what and what is not permitted." Should probably be "Importers and FBOs must be aware of what is and what is not permitted."</p>	The guidance will be updated accordingly.

Is the guidance on over-stickering and labelling breaches clear?

Respondent	Comment	Response
Local Authority (LA) - Wales	It would be beneficial to include actual visual examples of both compliant and non-compliant over-labels. This would help businesses better understand what a 'compliant over-label' looks like in practice.	Visual examples will not be included in the guidance, however, as detailed below, the FSA will provide e-learning training to support the guidance in due course. Consideration will be given to include examples of non-compliant "over stickers," subject to agreement from other government departments that also have responsibility for food labelling.
NI DC	Guidance is needed from the FSA on actions when a product containing allergens is not labelled in English. Should it be seized as a breach of Article 14(b) of Regulation 178/2002? Clear advice should also state that missing English information poses a serious food safety risk, as allergy sufferers may not understand the label.	The guidance will clarify that seizure is an option where an improvement notice for over-stickering is not appropriate—for example, when accurate over-stickering cannot be assured. Section 11, "Food labelling breaches" and the example letter will be revised accordingly.
Professional Body	Section 16.4 places responsibility for over-stickering on importers, but this rarely happens as they usually supply distributors, not consumers. Importers are only required to provide accompanying documentation, sometimes as adhesive labels for retailers to apply—but not always. Placing the burden solely on local retailers, who often lack time and resources, is unfair. Guidance should clarify responsibilities to ensure a level playing field.	The FBO under whose name the product is marketed to ensure compliance with food information requirements. If that operator is not established in the British Islands (or the EU when goods are imported into NI from the EU) then it is the responsibility of the importer (the importer into the EU for imports into NI). However, all other operators must ensure that the food they supply or sell complies with food information requirements. The guidance will be revised accordingly.
LA - England	The guidance on over stickering is clear, however	In most cases it is the name or business name and

Respondent	Comment	Response
	the principle of over stickering was questioned in relation to retailers who over sticker product. Should their address be added to the label?	address of the operators responsible for food information as described in the response provided in the box directly above.
Professional Body LA – England Trade Association	Include the use of 'geographical address' when discussing addresses. In section 14.3d, it is not clear why inaccurate over stickering could also amount to an offence under non –food legislation as may be applicable. E.g.: Digital Markets, Competition and Consumers Act (DMCCA) 2024 or under the Fraud Act 2006.	Please see section 11.1 on common labelling breaches in respect of addresses. In respect of Para 14.3d on food information offences in non-food legislation, this has been highlighted to raise awareness. Whilst we have not provided any substantive details in this guidance, food information breaches may amount to an offence under other legislation such as DMCCA. Such information should be considered on a case-by-case basis.
Trade Association	Labelling is mentioned in Section 2 Introduction as one of the specifics on which the guidance will focus, yet labelling is not mentioned in the Purpose section. It would make sense to include a sentence about it in this section	The guidance will be updated accordingly
Trade Association	Regarding section 11.2, the official labelling guidance for England is that put up by Defra. Should both the FSA and Defra links perhaps be stated?	Section 11.2 contains a link to policy owned by Defra for food labelling. It is accurate at time of publishing. The FSA has also produced packaging and labelling guidance. Officers should look to ensure they can access updates as published and shared by Defra.
LA – England Trade Association	The guidance on over-stickering and labelling breaches is clear; however, it could be emphasised that over-stickering must not	The guidance will be updated accordingly.

Respondent	Comment	Response
	obscure the mandatory particulars. Equally, a labelling breach should include the obstruction or omission of the mandatory particulars at the point of sale.	
LA - England	Not clear on business-to-business dealings. Can the stickers be sent with the product?	The example letter at Annex 2 says that where food information in the form of stickers accompany a food product, importers should either attach the stickers themselves or supply the onward business with compliant over stickers for each product. This will be added to the main body of the guidance.
LA - England	For clarity and ease of reading, section 16.7 on over-stickering is moved to the relevant sections that cover over-stickering in section 14.3.	The guidance will be updated accordingly.
LA - Wales	The guidance should clarify whether there is an expectation for Local Authorities to translate non-English labels in order to determine if a product may contain unauthorised additives, ingredients, or allergens.	The guidance will be updated to indicate that food may be treated as unsafe if the food information is not in English. See earlier response around the grounds to seize food for being unsafe where labelling is not in English.

Respondent	Comment	Response
NI DC Trade Association	<p>Clarification is sought on section 16.7 concerning the over stickering of unauthorised ingredients, as it was felt this section was unclear. Would the offence in this case be placing unsafe food on the market (EU Reg 178/2002) or misleading information under the Food Information Regulations (NI) 2014?</p> <p>Section 14c states: “Over stickering must not be used to conceal the presence of an unauthorised ingredient or additive.” We suggest this be revised to: “Over stickering must not be used to conceal the presence of any unauthorised ingredients” as this can apply to both unauthorised food additives and any other unauthorised ingredient, such as an unauthorised novel food.</p>	<p>The guidance sets out the various offences/non-compliances that may arise should an FBO over sticker to mislead or conceal an unauthorised ingredient (sections 14.3c and d). It is also the case that grey market goods containing an unauthorised ingredient may be treated as unsafe and seized (section 14.1a).</p> <p>The guidance will be updated accordingly.</p>

Are the provided specimen notices and example letters useful for your enforcement work? Would any other examples be useful?

Respondent	Comment	Response
Trade Association	Regarding the example of guidance that “a local authority may wish to include or otherwise add to any such letter,” it would be better to include links to existing guidance, rather than trying to go into detail in the letter. Some of the information given lacks clarity, and there are some confusing sentences within the text	The example letter is intended as a template and local authority officers are encouraged to amend and adapt it to make it appropriate for different types of businesses. This flexibility ensures that communication is proportionate and relevant to the recipient. While we note your suggestion to include links to existing guidance, local authorities have specifically asked for detailed template letters to support enforcement activity. We will therefore retain this approach but will review the text to improve clarity and remove any confusing sentences.
Professional Body LA - Wales	Section 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	The guidance will be updated accordingly.

Respondent	Comment	Response
	<p>equivalent to them) to come into compliance and the timescale. This section incorrectly states that the timescale for compliance must be “not less than 14 days”.</p>	
LA – Wales	<p>The following paragraph, currently included in the example letter to businesses, would also be valuable in the main Local Authority guidance section: “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</p>	<p>This sentence will be included in the main body of the guidance.</p>

Respondent	Comment	Response
	serious risk of injury.”	
Individual	Distinguish between steps to take at small retailers versus bigger suppliers / balance the practicable to the could/should etc. Include voluntarily surrender in the guidance.	This is referenced in section 13 “Proportionate steps to achieve compliance” specifically, section 13.1. The guidance has been prepared to assist LAs to address the most likely issues with regards to grey market goods.
LA - Wales	The guidance should clarify whether it is appropriate to include multiple different non-compliant products within a single notice as a schedule.	Local authorities should act in line with their own enforcement policies, applying the risk assessment and decision-making matrix to each business, and considering any relevant intelligence related to those businesses. We see no reason why a reference in a notice to a schedule of breaches shouldn't be used so long as the notice contains all statutory requirements and is carefully prepared. For example, if applicable, notices should be clear that a failure to comply with regulations in respect of any breach in the schedule is a failure to comply with the notice .
LA - England	There is still a nervousness about using improvement notices. Whether training is available for our legal teams? Or a known successful	The comment will be considered when developing the e-Learning to complement this guidance. We also encourage officers to share good practice within appropriate forums.

Respondent	Comment	Response
	<p>notice is given out as guidance. This draft guidance goes some way to helping authorities and to provide a bit more consistency, but there is still a way to go in terms of using notices successfully.</p>	
<p>NI DC</p>	<p>Section 16.6 should be expanded to detail actions that are available to the FSA, such as the issue of a FAFA.</p>	<p>The issuing of a Food Alert for Action Notice is a matter for consideration and determination by Incidents teams within the FSA as they manage those across the three nations. Whilst there will be circumstances where grey market goods safety issue results in a FAFA the processes around that are outside the scope of the guidance.</p>

Are there any gaps in the guidance regarding cross-border enforcement or coordination with port health authorities?

Respondent	Comment	Response
LA - Wales	Adding additional reporting mechanisms between LAs and other agencies would enhance cross-border enforcement.	IDB (the Intelligence Database) does support cross border enforcement as intelligence is shared with everyone - it also enables FSA to analyse trends and emerging risks. An intelligence driven approach, in line with the Food Law Codes of Practice (England, Wales and Northern Ireland) and sharing of data across enforcement agencies is advantageous. Any additional reporting between authorities should be determined at a local level.
Professional Body	Many retailers buy from wholesalers or distributors, in good faith, believing the products to be legally compliant. To take enforcement action at individual retailer is unlikely to be the most effective and long-term solution to use the enforcement options available and does not tackle the issue(s) at source level. There needs to be more emphasis on and support with the traceability of products back to those bringing them into the UK to ensure the right legal person(s) is held to account.	Section 10 of the guidance, "Responsibility for ensuring that food is safe", will be updated to include a link to the current FSA Guidance on Food Traceability, Withdrawals and Recalls within the UK Food Industry.
NI DC	Sections 12.1 and 14.4 allow detention of non-compliant or risky food at the border under relevant regulations—can mislabelled third-country products at the port be considered under this definition and detained?	Only high-risk imported food and feed products that are subject to mandatory import controls are routinely inspected on entry to the UK. Most foods of non-animal origin are free to enter the UK without

Respondent	Comment	Response
		additional import requirements. However, where other third country products are identified at the point of entry and found to be non-compliant for placing on the UK market, as referenced at Section 12.1 and 14.4 of the guidance, appropriate enforcement action may be taken.
NI DC	Inclusion of a link to the FSA Guidance on Food Traceability, Withdrawals and Recalls within the UK Food Industry in section 16.6.	The link will be added to the guidance.
Professional Body	There is a need to educate those in port health work on what to look out for.	The FSA's imported food teams routinely provide intelligence to PHAs and LAs on a range of issues associated with imported food and feed. Additionally, the Imports Delivery Team have a team of dedicated Area Delivery Officers (ADOs) that act as single points of contact for all air and seaports in England. The ADOs regularly engage with their respective port health authorities, also providing advice on emerging issues relating to imported food. More generally, the FSA provides imported food training to LAs and PHAs, such as the Introduction to GB Imported Food and Official Controls E-Learning. This aims to support officials that work in imported food control, whether based at an inland local authority or at a point of entry designated as a Border Control Post (BCP). The training, which is regularly reviewed and updated, can be accessed on this link:

Respondent	Comment	Response
		Introduction to GB Imported Food and Official Controls
Professional Body	Greater monitoring of products at ports by government-supported authorities would ease the burden on inland checks, protect consumers, ensure fair competition, and drive economic growth.	A key role of the Imports Delivery Team within the FSA, is to support PHAs in their enforcement of imported food and feed into the UK. This is achieved in a number of ways, including financial support for grant funded surveillance sampling, and the provision of guidance, training, and expert advice particularly through the Team's six Area Delivery Officers which act as single points of contact for all PHAs in England.
LA - England	There is insufficient guidance on how to readily, reliably, and quickly, check whether foods are approved for use in the UK. The Food Standards Agency websites are not easy to navigate. Information on imported food control is stored all over the place and is not readily findable.	Whilst information on which food and feed products are subject to additional import requirements can easily be found under the 'Imports and Exports' pages on the FSA website (https://www.food.gov.uk) due consideration will be given to the proposals for where improvements may be made.
LA - England	Guidance on what waste category Grey Market goods would be classified as, and how seized or surrendered food should be disposed of, would be helpful. A database of commonly found Grey Market good would be useful including photographs uploaded by LAs to assist with identification and scale of the problem.	Due consideration will be given to the suggestions proposed with future amendments to guidance for LAs and PHAs being incorporated into the Inland Enforcement of Imported Food Controls Resource Pack on FSA Link
Professional Body LA - England	It was felt that inconsistent checks across UK ports lead to "port shopping" by importers. High-risk goods may be stopped at some ports but pass through others	The FSA's Imports Delivery Team works very closely with the port health community and seeks to encourage a standard approach to enforcement through regular

Respondent	Comment	Response
	unchecked, undermining enforcement efforts.	engagement, especially via its Area Delivery Officers, and from the routine sharing of intelligence, including instances where port shopping to evade import checks may be identified.

For future consideration, what additional training or resources would be helpful to support in connection with this guidance?

Respondent	Comment	Response
DC NI LA - England LA - Wales	Training request for model wording for enforcement notices as well as enforcement of non-compliant goods.	The FSA will develop an e-Learning module for local authority officers once the final guidance has been updated and made available on FSA LINK.
LA - England	Clarity around enforcement, should it be Trading Standards or Environmental Health Officers?	Guidance will be edited at section 4.1. "Intended audience." The guidance is for food officers from either profession delivering food controls or dealing with grey market foods.
LA - Wales	Identification of when Grey Market goods should be submitted to FSA incidents in line with F Food Law Codes of Practice.	The reporting of incidents to the FSA is set out in the Food Law Code of Practice and outside the scope of this guidance.
LA – Wales	The guidance currently lacks detail on traceability issues, which are frequently encountered with Grey Market goods. It would be helpful to include the expected enforcement approach where a business fails to demonstrate compliance with Article 18(2) of Regulation (EC) 178/2002, particularly in cases where traceability cannot be established.	Traceability is addressed in the example letter (section 18). This will also be included in the main body of the guidance.
Professional Body	The word 'should' at section 14.3 concerning the use of Improvement Notices should be changed to 'can,' as Improvement Notices are one enforcement option available to the enforcement officer and not a 'must.' There are various ways of achieving compliance before getting to the stage of serving an Improvement Notice. This is reflected in section 13.1, which	The guidance will be edited at sections 14.3a and b which cover Improvement and Compliance Notices.

Respondent	Comment	Response
	refers to a 'graduated approach to enforcement.'	
LA - England	Guidance should clearly distinguish between the importer and brand owner as the legal responsibility lies with the importer.	The guidance clarifies this at section 10 "Responsibility for ensuring that food is safe", specifically, 10.9. The central issue with grey market goods is that many brand owners do not intend to market their product in the UK. For this reason, the guidance focuses on those that are importing, distributing, and supplying to the UK and especially where each or all those businesses do so independently of the brand owner.
Trade Association Professional Body LA - England	Request for the guidance document to be produced in other languages.	The intended audience for the guidance is local authority officers. The guidance will be published in English and Welsh only.
Professional Body	Request for pictographs in the guidance to assist with understanding amongst food business operators.	The intended audience for the guidance is local authority officers. Similarly to flowcharts, the FSA does not use pictograms in guidance due to accessibility issues.
Professional Body Trade Association	Social media campaign to highlight the issues to consumers?	There have been previous high-profile social media campaigns in relation to specific grey market goods including Dubai Chocolate, American sweets, and American snacks. We continue to be alert to the needs to, and benefits of, using social media.
LA - Wales	For section 12 on consignments, consideration could be given to include links to the Imported Food Controls Resource Pack Wales for Inland Authorities Verification and Borders Control Posts Designated for Import Controls.	Guidance will be amended at section 12 "Detention of consignments at either inland or ports" and specifically 12.2 to direct officers to the Imported Food guidance for issues regarding Product of Animal Origin and High-Risk Foods

Respondent	Comment	Response
		not of Animal Origin for England, Wales, and Northern Ireland
LA - Wales	Provide a template notice in Annex I for the Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013.	The guidance will be amended to include a link to a template notice for the Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013.

Do you have any other feedback?

Respondent	Comment	Response
LA - Wales	It is noted that section 6 of the guidance indicates that regular reviews will be undertaken to ensure relevance, we would also advocate that if there are significant changes that would impact the existing relevance and interpretation of the guidance that these would be undertaken at the time and not at the next programmed review date.	The guidance will be updated accordingly
LA - Wales	It is also hoped that where hyperlinks exist in the guidance that these will result in the most up to date information being accessed. As an example, section 1.2 of the guidance provides a link to the current list (April 2025) of authorised additives and E numbers, if the list were to be updated outside of a review, it is expected that the link would access the updated list.	Any links in the document will be to the relevant and current information at the time of publishing the guidance Thereafter, please search for the relevant topic on FSA.gov.uk for subsequent information.
LA - Wales	It has been identified by some LAs that issues have also been identified with products that have been supplied/retailed by unregistered food businesses, consideration for inclusion of guidance where this occurs could be of benefit in addition to the suggested text in the template letter in Annex II.	Local authorities should act in accordance with their own enforcement policies based on the risk and traceability information available.
LA - Wales	The inclusion of an enforcement flow chart would also be helpful for officers to navigate the options available.	The FSA looks to avoid using flowcharts, or similar, in guidance documents due to accessibility issues. We will look to set out visual

Respondent	Comment	Response
		approaches to use in the training module that will be developed.
DC NI	Lack of Novel Foods Guidance	<p>We have noted the comments raised by local authorities on novel foods. Although not directly in scope of this consultation, these points will be considered as part of our ongoing work on novel foods, including any future work on guidance on novel foods</p> <p>The FSA has published guidance on the authorisation of novel foods for FBOs which may be helpful as reference: - Novel foods authorisation guidance Food Standards Agency</p>

Outside scope

The following comments relate to legislative changes or areas beyond the purpose of this guidance. While we note these suggestions, they fall outside the scope of this consultation. They may, however, be considered in the context of wider regulatory or policy development.

Respondent	Comment
NI DC LA - England	Introduction of fixed penalty notices.
Professional Body	Change legislative obligations of importers to require them to over sticker products.
Individual	Add stronger enforcement mechanisms for dealing with Grey Market goods.
LA - England	Amend legislation for seizure under S9 of Food Safety Act 1990 to allow for circumstances where the court has no option but to make a finding that the food is unsafe and issue a condemnation order. It is better if the law allowed seizure, destruction, and cost recovery in these circumstances without a condemnation hearing at the Magistrates Court.
LA - England	Legislate that items labelled as containing an unauthorised additive do contain an unauthorised additive and are therefore unsafe and can be seized and destroyed without having to attend a condemnation hearing.
LA - England	Implementation of stop notices.
Individual	Introduce a mandatory reporting system for non-UK compliant food.
Individual	Introduce confirmation from exporters that all goods comply with UK labelling regulations before entry into the market.
LA - England	Mandatory UK food labelling training should be introduced for both importers and exporters to ensure consistent compliance.
LA - England	Issues that LAs face have not been fully considered with regards to registration, mail forwarding addresses, virtual offices, online sales, and traceability.

Actions to be implemented

- Edited guidance to be published
- E-Learning module to be developed and promoted by the FSA

List of respondents

1. Agricultural Industries Confederation
2. Antrim and Newtownabbey Borough Council
3. Armagh City, Banbridge and Craigavon Borough Council
4. Belfast City Council

5. British Soft Drinks Association
6. Chartered Trading Standards Institute
7. Conway Council
8. Council for Responsible Nutrition UK
9. Derry City and Strabane District Council
10. East of England Trading Standards Association
11. East Suffolk Council
12. Fermanagh and Omagh District Council
13. Health Food Manufacturers
14. Lisburn and Castlereagh City Council
15. London Borough of Islington
16. MARS
17. Mid Ulster District Council
18. MIFST, IFST food safety manager
19. Newry Mourne and Down District Council
20. Nottingham City Council
21. Staffordshire County Council
22. Swindon Borough Council
23. Trading Standards Southeast
24. Trading Standards Wales