

April 2019

## Guidance on Food Traceability, Withdrawals and Recalls within the UK Food Industry

### Summary report of stakeholders responses

The consultation on newly developed Guidance on Food Traceability, Withdrawals and Recalls within the UK Food Industry was issued on 7<sup>th</sup> January 2019 and closed on 4<sup>th</sup> February 2019.

The purpose of this consultation was to provide stakeholders with the opportunity to comment and express their opinions on guidance aimed at assisting food businesses and food enforcement authorities in dealing with food safety withdrawals and recalls.

The FSA is grateful to those stakeholders who responded and sets out in the table below responses in order of the questions set out in the formal consultation package.

The key proposals on which the consultation sought views were:

- FSA's assessment regarding the costs associated with implementing the guidance and is it reflective of practice
- Other impacts or considerations (financial or otherwise) that have not been identified
- Does the guidance clearly distinguish between the legal requirements and best practice advice
- Barriers in implementing the guidance
- Changes required within businesses to implement the guidance
- The effect the guidance will have on ability to deal with food withdrawals and recalls
- Views on the best practice advice and supporting templates provided in the guidance
- Additional tools that will assist in effectively implementing the guidance

- Information to be included in a 'Quick Reference Guide' summary document, and how it should be presented
- What guidance offers in terms of assurances that UK businesses can effectively manage withdrawals and recalls

The Food Standards Agency's considered responses to stakeholders' comments are given in the last column of the table. A summary of changes to the original proposal(s) resulting from stakeholder comments is set out in the final table.

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

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

Question 1: What are your views on FSA’s assessment regarding the costs associated with implementing the guidance and is it reflective of practice?

<b>Respondent</b>	<b>Comment</b>	<b>Response</b>
Wycombe District Council	This is limited to only reading time and does not take account of any other costs that might be associated with any other changes implemented as a result of adopting this guidance.	Noted. The guidance itself does not introduce any new mandatory requirements, and the outlined regulatory requirements have been in place since 2002. FSA/FSS have determined that the only direct cost to FBOs and enforcement authorities would therefore relate to familiarisation of the new guidance. It is our expectation that learning will be cascaded.
Chilled Food Association	We do not expect the guidance requirements to add significant cost given the guidance is based on longstanding chilled prepared food sector practice.	Noted.
Coeliac UK	The costs associated with implanting this guidance may be underestimated and only account for the minimal time required.	Noted. The guidance itself does not introduce any new mandatory requirements, and the outlined regulatory requirements have been in place since 2002. FSA/FSS have determined that the only direct cost to FBOs and enforcement authorities would therefore relate to familiarisation of the new guidance. It is our expectation that learning will be cascaded.

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Food and Drink Federation	FDF believes that it would be reflective of best practice, and the intention of the guidance, that Food Business Operators (FBOs) familiarise themselves with it as part of their preparedness activities for handling any withdrawal or recall that may be necessary. We would therefore support the assumption that, as a minimum, at least one individual at every FBO should read the guidance, rather than assuming that it will only be read when a FBO has a food incident.	Noted.
Chartered Institute of Environmental Health	The costs of familiarisation for businesses and regulators have almost certainly been underestimated given the size of the Guidance. The cost of competent authority verification visits (as necessary) in respect of root cause analysis have not been included.	Noted. The guidance itself does not introduce any new mandatory requirements, and the outlined regulatory requirements have been in place since 2002. FSA/FSS have determined that the only direct cost to FBOs and enforcement authorities would therefore relate to familiarisation of the new guidance. It is our expectation that learning will be cascaded. Costs relating to the verification of root cause analysis (RCA) have not been included as these would be associated with 'Business as Usual' (BAU) or implementing best practice, rather than a mandatory requirement for regulators. More information on the newly developed RCA package will be launched in due course.
Tesco	Quantitative costs seem reasonable for SMEs but are not representative for large FBOs ie: retailers	Comment noted. It is up to FBOs to determine how many individuals within a food business need to become familiar with the new guidance. The FSA/FSS assessment has made an assumption that one manager per establishment would read the guidance (and disseminate the information) and if further staff were to read the guidance, this would be a business decision.

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<p>East of England Trading Standards Association</p>	<p>These seem remarkably under-considered with only the costs of reading the new Guidance not of advising businesses on the new best practice or of them implementing it. It also assumes (at the bottom costing) that the business only reads the Guidance when there is an incident when it is clearly advising procedures to be in place proactively not just responsively. It ignores any dissemination of the advice through the business yet goes into great detail about reading speeds.</p> <p>The guidance seems to focus only on reading rather than implementing the guidance. Although it is appreciated that businesses and local authorities should already have procedures in place there seems to be no costs attributable to the changes that would be needed for implementation.</p>	<p>Noted. The guidance itself does not introduce any new mandatory requirements, and the outlined regulatory requirements have been in place since 2002. FSA/FSS have determined that the only direct cost to FBOs and enforcement authorities would therefore relate to familiarisation of the new guidance. It is our expectation that learning will be cascaded.</p> <p>The assessment includes costs associated with one manager in every food establishment in scope of the new guidance were to read it, not just when a food incident occurs.</p>
<p>British Beer &amp; Pub Association</p>	<p>Our members have raised no concerns with regards this question. We would note however that the extent and complexity of the UK food industry, in particular given the diversity of business models and sizes, will likely make the assessment of costs associated with implementing these changes difficult to calculate.</p>	<p>Noted.</p>

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<p>UK Hospitality</p>	<p>UK Hospitality is in full support of a functional and robust system of food traceability, withdrawals and recalls. Generally, we welcome the improved guidance that will have a clear benefit for food-based operators. For all of our members the safety of consumers is essential, as is ensuring consumer confidence in the products that they sell. Reputational damage resulting from poorly planned withdrawal schemes would have an industry wide impact. However, it is essential that the costs of any scheme are managed so that they don't have a negative impact on businesses. The costs represented in the consultation document outline large increases in costs, up to £7371.00 (represented in the time that it would take staff to effectively read the legislation changes.) For SME's having a member of staff dedicate such a significant portion of their time to reading legislation documents will be extremely costly. However, the revised guidance is much easier to navigate than previous documents, and as such it will be easier for the out of home sector to find the relevant elements. It is likely that the out of home sector would not need to read all this guidance in detail as it mainly relates to retailers and business-to-business FBOs.</p> <p>We believe that a simple leaflet explaining the law as applied to the out of home sector would suffice for our members, and this would not take much time to read, digest and implement. The cost to business would also be much less. It would probably be unnecessary for the out of home sector to read the full guidance, and certainly unnecessary for SMEs to do so. UKH would be pleased to work with The Food Standards Agency to help produce such a document that would be suitable for our members.</p> <p>Generally, UKHospitality welcomes improvements to the system of traceability, withdrawals and recalls. However, costing for new schemes must take into account the needs of business, and therefore UKHospitality welcomes the provision of a simple summary document for the out of home sector.</p>	<p>Noted. FSA/FSS are producing a summary 'Quick Reference Guide' that accompanies the overall guidance. This will enable FBOs to quickly identify key legal requirements, processes identifying unsafe food and actions to take when withdrawing or recalling unsafe food.</p> <p>FSA/FSS would be happy to engage with UK Hospitality if there is a need to produce a specific guide for caterers.</p>
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Rhondda Cynon Taf/ Wales Heads of Trading Standards	From a Local Authority point, whilst it is appreciated that there is a broad range provided for TSOs and EHOs. If the assumption is that all officers involved with food enforcement will read the guidance, then the costs may actually be higher. This is based on most Lead Officers for Food Hygiene and Standards in LAs tend to be in Senior roles and therefore on a higher salary point than indicated. From a business perspective, it has been anticipated that the cost is based on one manager per establishment reading the guidance. However, the guidance indicated that for some businesses, there should be an incident team established. If this is the case, then it would be expected that all members of the team would familiarise themselves with the guidance, this will in turn increase the costs for that business.	Comment noted. Data on earnings was collated from the Office of National Statistics (2018) “Annual Survey of Hours and Earnings time series of selected estimates (Dataset ID: ASHE Table 1)”. In addition to these figures, and to allow for various salary scales, we also included a 30% increase overhead cost.  In terms of costs to food businesses, it is up to FBOs to determine how many individuals within a food business need to become familiar with the new guidance. The FSA/FSS assessment has made an assumption that one manager per establishment would read the guidance (and disseminate the information, as required) and if further staff would read the guidance, this would be a business decision.
Dairy UK	Dairy UK considers that the financial impacts may have been overestimated, considering that the guidance reflects current practice.	Noted.
Council for Responsible Nutrition	We have not received any comments from members disagreeing with the proposed costs associated with implementing the guidance.	Noted.

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British Retail Consortium	<p>We believe that there has been an underestimation of the time and number of people within a business that will be required to read and familiarise themselves with the new guidance. The actual number of people will be dependent on business size. However, we would expect that at least a second person would read the guidance in case they are required to deputise.</p> <p>The decision tree on page 18 suggests that an incidents team should be assembled to undertake the investigation so it would be reasonable to assume that members of this team would also read the guidance.</p>	<p>Comments noted. It is up to FBOs to determine how many individuals within a food business need to become familiar with the new guidance. The FSA/FSS assessment has made an assumption that one manager per establishment would read the guidance (and disseminate the information, as required) and if further staff would read the guidance, this would be a business decision. Assembling an incidents team to manage food safety incidents would be viewed as ‘best practice’ within a business.</p>
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Question 2: Are there any other impacts or considerations (financial or otherwise) that have not been identified in this consultation?

<b>Respondent</b>	<b>Comment</b>	<b>Response</b>
Wycombe District Council	<p>Yes - increased costs arising out of data storage by food businesses if they are to keep traceability information as suggested and administrative costs arising out of having to bring their administrative processes in line with those advocated.</p>	<p>Comments noted. Costs to FBOs on data storage were omitted from the impact assessment as they would be categorised as costs incurred by ‘best practise’ or ‘business as usual’.</p>
Chilled Food Association	<p>Since retail customers may apply penalties on top of product costs, administration and loss of sales, could this put some off reporting?</p>	<p>Comment noted. All FBOs are required by law to notify the enforcement authority, suppliers, business customers and consumers (where required) when they become aware of or suspect that unsafe food has left their immediate control. Financial implications must not have any influence on this notification requirement.</p>



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<p>Coeliac UK</p>	<p>Coeliac UK provides information to consumers on food incidences that may pose a risk to their health in line with information on page 26 of the Guidance of Food Traceability, Withdrawals and recalls within the UK food industry. In addition Coeliac UK runs a gluten free licensing scheme for producers and therefore has direct liaison with food businesses in the event of a recall/withdrawal of any of these gluten free licensed products. This is an additional role of Coeliac UK as a consumer organisation.</p> <p>In the Best Practice box on page 29 in the Notification procedures section that where you list “Coeliac UK (gluten and wheat)” as a consumer organisation, this should be replaced with the following “Coeliac UK (cereals containing gluten - wheat, barley, rye and oats and products thereof)” as wheat is not the only gluten containing grain.</p>	<p>Noted and amended.</p>
<p>Chartered Institute of Environmental Health</p>	<p>Reference is made throughout the Guidance to EU legislation. The merit of referencing EU legislation is questioned given the UK will shortly be leaving the EU. To ensure a consistent approach is adopted by competent authorities, further guidance on the action that should be taken by competent authorities in instances where food businesses fail to carry out a root cause analysis, identify or implement corrective actions would be useful.</p>	<p>Comment noted and guidance has been updated to reflect UK position regarding EU Exit.</p> <p>A package on root cause analysis is being developed as part of the UK Efficacy of Recalls project which will help businesses and enforcement authorities understand the theory and practice of root cause analysis (RCA), and how its use and reporting could reduce the number of recurring food safety incidents. The support package, including new e-learning tools, will be published in due course.</p> <p>Further information on RCA and the expectations of enforcement authorities will be circulated in due course.</p>

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Tesco	Cost of inclusion of guidance as part of student TSO/EHO degree course and/or on the job training.	Noted. The new guidance replaces the existing 'Guidance Notes for Food Business Operators on Food Safety, Traceability, Product Withdrawal and Recall', issued by FSA in 2007 and does not introduce any new mandatory requirements for food businesses. If the 2007 guidance is included as part of student training courses or training conducted by businesses, this may need updated, however costs associated with that would be categorised as costs incurred by 'best practice' or 'business as usual'.
UK Hospitality	As mentioned briefly above, when introducing any new guidance, it is essential that the costs for businesses in terms of lost working hours and financial burden are not prohibitive. We believe that reading the full guidance would be unnecessary to most in the out of home sector. However, it is important that we communicate this to businesses so that they do not waste time. Providing more manageable guidance in the form of an infographic as outlined above would also be a good idea.	Comments noted. The guidance itself does not introduce any new mandatory requirements, and FBOs should be aware of these as they have been in force since 2002. We welcome your support in highlighting the relevant sections of the guidance to your members. A 'Quick Reference Guide' is being produced that will act as a summary of the key aspects within the main guidance relating to managing food safety incidents and food traceability. FSA/FSS would also be happy to engage with industry organisations if they would like to develop their own sector specific guides.

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Rhondda Cynon Taf/ Wales Heads of Trading Standards	The guidance makes reference to the legislative requirements of The General Food Regulations and the Official Food and Feed Controls Regulations, as these are both European Regulations, are there any considerations required once the UK has left the European Union. Best practice guidance on dealing with an incident, indicates that training should be provided for all employees involved in dealing with the incident, again, this will be an additional cost to the business in providing this.	Comments noted. The guidance has been updated to reflect UK position regarding EU Exit.  Costs to FBOs on staff training were omitted from the consultation impact assessment as they are categorised as costs incurred by 'best practise' or 'business as usual'.
Dairy UK	No, Dairy UK does not consider that there are other impacts or considerations.	Noted.
Council for Responsible Nutrition	Our members have not raised other impacts or considerations.	Noted.
British Retail Consortium	See detailed comments provided.	Noted.

Question 3: Does the guidance clearly distinguish between the legal requirements and best practice advice?

Respondent	Comment	Response
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<p>UK Hospitality</p>	<p>Under Article 18 (178/2002) the legal requirement is for catering businesses to identify their suppliers of food and produce this information to the enforcement officer.</p> <p>The latest wording of the guidance makes it sound as though they need to do more than this, and reference to Annex C is not helpful as this is for business to business retailers not caterers.</p> <p>If it is to be suggested that more information is to be kept, this should be in the “good practice” box.</p> <p>As it stands, it appears as though caterers have to record much more information than legally required which could be deemed to be “gold plating.” I think it needs to be clearer that there is a different requirement for caterers than for B to B situations.</p>	<p>Comments noted and wording of the guidance amended to clarify legislative requirements for caterers and options for best practice, which is clearly outlined in a Best Practice box.</p>
<p>Martson’s PLC</p>	<p>On page 16 it says ‘Caterers, such as restaurants, must keep traceability records of food supplied to them’. In my experience having worked in several different catering/hospitality business it is not current practice to keep written records of batch codes of all food products delivered to catering establishments.</p> <p>I would suggest a review of the wording would be useful if this was not your intention or further consultation with catering businesses on what records are intended, what length of time they should be kept and a full impact assessment.</p>	<p>Comments noted and wording of the guidance amended to clarify legislative requirements for caterers and options for best practice, which is clearly outlined in a Best Practice box.</p>

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<p>BKUK Group Ltd</p>	<p>‘Caterers, such as restaurants, must keep traceability records of food supplied to them’.</p> <p>I’ve worked in various food service companies over the last 20 years, and am not aware of any that have processes to record the batch codes of food delivered to them and if it did become a requirement it would involve considerable resource implications.</p> <p>I’m not certain if it is the intention of the draft guidance to change existing processes in this area, but if so, it would be advisable to consult with trade bodies representing the food service sector in your stakeholder list, to fully understand the impact this would have.</p>	<p>Comments noted and wording of the guidance amended to clarify legislative requirements for caterers and options for best practice, which is clearly outlined in a Best Practice box.</p>
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<p>M&amp;S</p>	<p>Would like to highlight an issue whereby a FSA definition contradicts the legal definition (and may therefore trigger an inappropriate course of action, decision tree etc.). In particular:</p> <ul style="list-style-type: none"> <li>• <b>‘withdrawal’</b> is the process by which a food is removed from the supply chain, where the food has not reached the consumer (draft FSA guidance) – clearly defines where food has <u>not</u> reached consumers.</li> <li>• Yet 178/2001 says: “Where the product may have reached the consumer, the operator shall effectively and accurately inform the consumers of the reason for its withdrawal...”, thereby indicating where food has already reached consumers.</li> </ul>	<p>Comment noted. Regulation (EC) No. 178/2002 provides no legal definition of the terms ‘withdrawal’ or ‘recall’; nor is there found in general food law any legal definition ascribed to these terms.</p> <p>EC Guidance on the Implementation of Articles 11, 12, 14, 17, 18, 19 and 20 of Regulation (EC) No 178/2002 on General Food Law (<a href="https://ec.europa.eu/food/sites/food/files/safety/docs/gfl_req_guidance_rev_8_en.pdf">https://ec.europa.eu/food/sites/food/files/safety/docs/gfl_req_guidance_rev_8_en.pdf</a>) notes that ‘withdrawal is commonly understood to be the process by which a product is removed from the supply chain, with the exception of a product that is in the possession of consumers’ and ‘when a withdrawal is necessary <b>and</b> the product may have reached the consumer, Article 19(1) requires the food business operators, if necessary, to recall from consumers products already supplied to them’.</p> <p>The FSA/FSS interpret that there is a distinction between what an FBO is required to do regarding unsafe food that has, or has not, reached consumers, and the definitions of withdrawal and recall as proposed in the draft FSA guidance are based on that interpretation.</p>
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<p>Nandos</p>	<p>The section on Traceability information (PP13-15) suggests that businesses will be expected to keep detailed records of the traceability information of ingredients which have been supplied to them. This is not common practice in Food Service businesses supplying the general public (eg restaurants in our case). By retaining the products supplied in its original packaging, it is assumed restaurants can discharge the requirements of article 18 without maintaining supplementary records. Once the product has been eaten, the possibility of recalling it does not arise. In 20 years working in the Industry I have never been asked for batch details of an ingredient which has been consumed in the past. Text amendments proposed.</p>	<p>Comments noted and wording of the guidance amended to clarify legislative requirements for caterers and options for best practice, which is clearly outlined in a Best Practice box.</p>
<p>Wycombe District Council</p>	<p>Good differentiation throughout the documentation makes it clear as to what is legally required and what is suggested as good practice.</p>	<p>Noted. The guidance has been amended to further clarify the different designations.</p>

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Pret a Manger	<p>On page 16 it says ‘Caterers, such as restaurants, must keep traceability records of food supplied to them’.</p> <p>I can confirm that it is current practice to collate date codes which are used for traceability. Documents are kept for the shelf life of the product + 12 months. This information would be supplied by our UK central Support Centre to any inspecting officer.</p> <p>In order to facilitate a withdrawal should it be necessary, we require our shops to keep food products in its original packaging or if the product is decanted from its original packaging, to transfer the manufacturers UBD on to our in-house food label. In my experience having worked in a consultancy capacity to several different catering/hospitality businesses, this is industry standard practice.</p> <p>I would suggest a review of the wording would be useful if this was not your intention or further consultation with businesses on what records are intended, what length of time they should be kept and a full impact assessment.</p>	Comments noted and wording of the guidance amended to clarify legislative requirements for caterers and options for best practice, which is clearly outlined in a Best Practice box.
Chilled Food Association	Yes	Noted.
Coeliac UK	Yes, the guidance does clearly distinguish between legal requirements and best practice advice. It is clear that the legal requirements are in bold and the best practice advice is in a shaded box.	Noted.
Food and Drink Federation	The Guidance generally distinguishes clearly between the legal requirements and best practice advice.	Noted.



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<p>Tesco</p>	<p>No – legal requirements are not described consistently and in some places have been wrongly paraphrased. This could lead to confusion and misinterpretation of the legal requirements.</p> <p>Best practice – The wording is not consistent, in places it is repetitive of the legal requirements, does not always provide the necessary detail to understand what the best practice is and no examples have been provided.</p> <p>For more specific details please refer to the comments included within the guidance document.</p>	<p>Comments noted and guidance amended to ensure legal requirements are clear and consistent with the wording detailed in the legislation.</p> <p>The layout of the guidance has also been updated to provide clarification of the legal requirements, how to comply with the law and guidance on best practice.</p>
<p>East of England Trading Standards Association</p>	<p>In general the guidance clearly distinguishes between the two and clearly explains the differences in presentation.</p>	<p>Noted.</p>

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British Peer & Pub Association	The guidance differentiates well between the regulatory requirements of the UK food industry and relevant best practice advice. However, some of our members have raised a concern over the lack of specific examples of best practice implementation across different FBOs in particular based on size and where such businesses operate in relation to the final consumer. As a specific example, for those towards the retail end of the sector, some of our members have questioned whether as small businesses for pubs the recording of product information for traceability may be achieved by retaining original product packaging rather than physically recording batch codes which would typically only be done if preserving the original packaging was not possible i.e. where foods or ingredients are decanted. In order to enhance the clarity of the guidance we would prefer to see the inclusion of examples from FBO's of different sizes which would illustrate how best practice may be implemented.	Comments noted and wording of the guidance amended to clarify legislative requirements for caterers and options for best practice, which is clearly outlined in a Best Practice box.  As the guidance applies to a large number of varied business operations, it is difficult to include examples of different scenarios, however we have added in examples of ways in which all businesses can achieve compliance with the law, which should enhance clarity.
Rhondda Cynon Taf/ Wales Heads of Trading Standards	Yes, the guidance is clear in the displaying of legal requirements and best practice.	Noted.
Dairy UK	Yes, Dairy UK considers that the guidance clearly distinguishes between legal requirements and best practice. This makes the document particularly useful for new FBOs.	Noted.
Council for Responsible Nutrition	The two forms of information are very clearly distinguishable, owing to the use of the different types of boxes and font formats.	Noted.

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<p>Instinctif Partners</p>	<p>As a starting point, it could be worth emphasising the ‘Legal Status of Guidance’ information in pars 9/10 on page 8. Within the main body of the document, while legal guidance is clearly segregated from best practice advice, unfortunate page breaks sometimes separate one from the other, increasing the risk that something may be missed. It’s also unclear how the longer-form best practice guidance text (i.e. the numbered paragraphs) relates to the ‘best practice’ advice in shaded box-outs. Does the box-out summarise the best practice to implement the legal requirement, which is then spelled out below? Intelligent use of typography and layout in the final version could play a very valuable role in helping to signpost the different elements. Consider a design approach that ensures legal requirements and best practice can appear together on the same page. Also consider how additional information in Annexes (and other sources) could be flagged up more clearly, again using graphic design elements. The final design route should also account for the fact that some readers may print the document in greyscale, meaning there should not be a heavy reliance on colour as part of the graphical signposting approach. Various comments made on the document itself relate to this overall observation.</p>	<p>Comments noted and amendments made to the layout of guidance to reflect the points raised. The guidance now clearly distinguishes between legal requirements, how to comply with the law and best practice advice.</p> <p>The guidance has been designed in accordance with FSA/FSS branding and government accessibility requirements.</p>
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<p>British Retail Consortium</p>	<p>The legal requirements are made clear however, we do believe that there is some distortion of legal and non-legal definitions. For example, withdrawal vs recall, the FSA definition for withdrawal highlights that product has not reached the consumer. However, there are instances when product is withdrawn from sale but not recalled from consumers. The definition in the guidance contradicts the premise written in law.</p>	<p>Comment noted.  Regulation (EC) No. 178/2002 provides no legal definition of the terms ‘withdrawal’ or ‘recall’; nor is there found in general food law any legal definition ascribed to these terms.</p> <p>EC Guidance on the Implementation of Articles 11, 12, 14, 17, 18, 19 and 20 of Regulation (EC) No 178/2002 on General Food Law  (<a href="https://ec.europa.eu/food/sites/food/files/safety/docs/gfl_req_guidance_rev_8_en.pdf">https://ec.europa.eu/food/sites/food/files/safety/docs/gfl_req_guidance_rev_8_en.pdf</a>) notes that ‘withdrawal is commonly understood to be the process by which a product is removed from the supply chain, with the exception of a product that is in the possession of consumers’ and ‘when a withdrawal is necessary <b>and</b> the product may have reached the consumer, Article 19(1) requires the food business operators, if necessary, to recall from consumers products already supplied to them’.</p> <p>The FSA/FSS interpret that there is a distinction between what an FBO is required to do regarding unsafe food that has, or has not, reached consumers, and the definitions of withdrawal and recall as proposed in the draft FSA guidance are based on that interpretation.</p>
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## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY

Question 4: What, if any, barriers do you foresee in implementing the guidance?

Respondent	Comment	Response
Wycombe District Council	<p>Potential increased costs on business might deter some from following all of the best practice suggested.</p> <p>To encourage adherence to the suggested best practice and avoid issues, the guidance once formally released will be brought to the attention of our Primary Authority Partners and our Approved Premises who will be expected to comply with all of the legal requirements within the guidance and encouraged to adopt the best practice advice (if not operating to these already).</p>	Comments noted. FSA/FSS welcome support from local authorities in promoting the guidance and associated tools amongst food businesses and enforcement partners.
Chilled Food Association	There are no obvious barriers to implementation in our sector given the systems already in place.	Noted.
Coeliac UK	<p>Potential barriers include guaranteeing that the necessary communication to ensure the new guidance is understood and implemented across businesses. Producing a quick reference guide could be critical in highlighting key processes that FBO's must follow under the new guidance. Further to this, there is likely to be administration involved in reviewing an FBO's existing procedures to make any necessary changes.</p>	<p>Comments noted. Within FSA/FSS, work will be taken forward over the next 12 months to publicise and embed the guidance and supporting tools with food businesses and enforcement authorities, and to raise consumer awareness of food recalls and the actions they should take.</p> <p>A 'Quick Reference Guide' is being produced to assist FBOs in quickly identifying the key aspects of food safety withdrawals/recalls and food traceability.</p>
Food and Drink Federation	FDF will publicise the best practice guidance to its members to assist in disseminating and embedding the guidance.	Noted. FSA/FSS welcome support from trade organisations in promoting the guidance and associated tools amongst their members.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Tesco</p>	<p>Concerns about FSA/FSS publishing information on food safety withdrawals where food has not reached the consumers.</p> <p>Inconsistencies between enforcement authorities on how they prioritise implementing and using this guidance.</p> <p>Regulators needing robust advice about how best to implement the guidance for it to be effective and to avoid unnecessary confusion from FBO's</p> <p>Apathy from enforcement authorities as the guidance is not introducing anything new just clarifying information that already exists.</p> <p>Explaining the value and benefits of using the guidance to FBO's.</p>	<p>Comments noted. In the interest of public health FSA/FSS may be required to publish information regarding a food withdrawal, however this only occurs in exceptional cases and the decision is made on a case-by-case basis.</p> <p>There is a programme of work planned over the next 12 months to promote and embed the guidance amongst food businesses and enforcement authorities to encourage its implementation.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

British Beer & Pub Association	Barriers to the implementation of this guidance may be dependent on where the FBO sits within the wider food chain including their knowledge or resource capabilities for monitoring and controlling food safety. Whilst establishing guidance on the principle of farm-to-fork offers a broader representation of the food supply chain, it is likely that larger, better resourced companies will already have both the knowledge and resource to effectively monitor food safety. However, smaller companies and in particular those at the consumer end of the chain may find implementation more of a challenge. In particular where food safety expertise or the resource and/or capabilities to monitor food safety is limited. It should also be considered that an awareness of or the extent to which an FBO would follow best practice may be dependent on individual circumstances i.e. multinational producer, National franchisee or independent retailer/producer.	Comments noted. In addition to the guidance, FSA/FSS will be promoting the supporting tools that have been developed to assist all food businesses, in particular small FBOs, in managing food safety incidents. These tools include editable templates that FBOs can use as part of their operations.  FSA/FSS are also producing a 'Quick Reference Guide' to accompany the main guidance which is a summary document, highlighting the key aspects of food safety withdrawals/recalls and traceability. Food businesses can refer to this to quickly to identify the requirements and processes that they must adhere to.
UK Hospitality	If out of home businesses are entitled to use simple records of delivery and do not have to put down batch codes of deliveries, there should be no barrier as practice will continue as before.	Noted.
Rhondda Cynon Taf/ Wales Heads of Trading Standards	FBOs could face increased costs in implementing an Incidents Team. Also the availability of suitable incidents training for employees involved.	Comments noted. Establishing a team to deal with incidents and providing training for those individuals would be deemed 'good practice' and therefore costs associated with this are not included in the impact assessment.
Dairy UK	Dairy UK does not consider there are barriers to implementing the guidance, although non-GFSI businesses will be the most challenged to have a robust system which is tested.	Noted.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Instinctif Partners</p>	<p>One challenge will be in persuading already time-pressed potential users (and, in, turn, senior management) that an investment of additional reading time will pay off—by being better equipped to handle recalls, or, indeed, being better prepared to avoid adverse regulatory action (thanks to an enhanced understanding of the relevant legislation and how to comply with it in practice). Accordingly, providing a ‘Quick Reference Guide summary document’, as mentioned in Q9, will help to offset perceptions that this is a long and complicated document that will be difficult to implement. As per the answer to Q3, an attractive and accessible design will help to boost acceptance and implementation. May it also be worth considering provision of the guidance in an interactive electronic form (e.g. web/handset app)? Finally, given that there is still a significant number of people working in the food industry who are not native speakers, should there be various translations of the guidance and/or an accompanying quick reference guide?</p>	<p>Comments noted. A programme of work will take place over the next 12 months to launch and embed the guidance and supporting tools amongst food businesses and enforcement authorities. A ‘Quick Reference Guide’ is being developed for food businesses, which summarises the key aspects of food traceability and food safety withdrawals/recalls. This will be designed to encourage usability.</p> <p>Approval is required from Cabinet Office before government bodies can develop interactive apps, however the benefits of developing and maintaining apps for government services very rarely justify their costs. Instead, The Government Digital Service encourages departments to focus on improving the quality of core web services, something that FSA/FSS have been working on.</p> <p>FSA produces content in Welsh, as well as English, as this is part of our Welsh Language Scheme commitment and it is a statutory requirement. Before producing material in another language we would have to assess the demand for this alongside the cost efficiencies of producing this material in different languages.</p>
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Question 5: What changes to your business will implementation of this guidance require you to make, if any?

Respondent	Comment	Response
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

Coeliac UK	Coeliac UK will continue to provide information on food recalls on our website and social media in order to keep the coeliac community informed. We would be interested in developments which streamline communication directly to the platforms (e.g. website) run by consumer organisations, in order to optimise communication to the end users.	Comments noted. Information has been provided separately to Coeliac UK on future communication options.
Chilled Food Association	Given the long-established traceability and records systems in use in the chilled prepared food sector, only minor alignment is believed to be required.	Noted.
Tesco	No major changes just an awareness of the guidance and how it may be used by both enforcement authorities and other FBO's.	Noted.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

British Beer & Pub Association	In seeking to represent the broader extent of the UK food industry in a single guidance document it is likely that the greatest changes would be necessary for those who have less expertise or capabilities to manage food safety and where the impact of such changes are then likely to be costlier. For the majority of larger or well-resourced businesses it is unlikely that the implementation of the guidance will result in any significant changes to current practices. Whilst the inclusion of industry best practice is helpful to aid compliance with legislative requirements, the lack of examples which illustrate how best practice may be implemented across different sizes of FBOs may present situations that are more onerous or difficult to implement by such businesses and which also carries the risk that changes as a result of implementation of the guidance may be unsustainable in the longer term. Such a situation carries as great a risk to food safety compliance as not undertaking sufficient food safety management and related controls in the first place.	<p>Comments noted. The guidance itself does not introduce any new mandatory requirements for food businesses, and the outlined regulatory requirements have been in place since 2002, therefore food businesses should already be aware of these. It is recognised that the type of systems in place to ensure compliance with the law may vary depending on the size and complexity of the operations.</p> <p>The guidance and ‘Quick Reference Guide’, which is being developed applies to all food businesses. If there was a demand for sector specific guides to provide further clarity, FSA/FSS would be happy to engage with trade organisations in the development of these.</p>
Dairy UK	Dairy UK does not foresee any changes.	Noted.
Council for Responsible Nutrition	CRN UK members are mostly medium to large food business operators (FBOs) who already operate to best practices. Therefore, no major changes are expected to be implemented by our members based on this guidance.	Noted.
British Retail Consortium	There are various references to engagement with enforcement authorities which go beyond the usual steps for most businesses. If followed explicitly this will increase the amount of notification steps. It is important that additional steps do not unnecessarily burden authorities or FBOs. It is also important to recognise within all areas of the guidance including this, that some businesses will have established measures in place while others will not.	Comments noted and guidance reviewed to ensure there is clarity around notification of a food safety incident.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

Question 6: What effect will this guidance have on your ability to deal with food withdrawals and recalls?

Respondent	Comment	Response
Wycombe District Council	We will be managing all future incidents in line with this guidance which we will be sharing with the businesses at the outset of any incident so as to ensure transparency and consistency of approach.	Noted and welcomed.
Coeliac UK	Coeliac UK will continue to provide information on food recalls on our website and social media in order to keep the coeliac community informed. We would be interested in developments which streamline communication directly to the platforms (e.g. website) run by consumer organisations, in order to optimise communication to the end users.	Comments noted. Information has been provided separately to Coeliac UK on future communication options.
Food and Drink Federation	FDF welcomes the inclusion in the guidance of advice for Food Business Operators on the points to consider when establishing a food withdrawal / recall plan as part of their Food Safety Management System. We believe that this will be helpful in facilitating business preparedness for handling any withdrawal or recall that may be necessary.	Noted.
Chilled Food Association	Very little given the guidance is already longstanding standard practice in our sector.	Noted.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

British Beer & Pub Association	For larger producers we would not anticipate any significant changes and in this instance, members have noted that the update to the guidance introduces some welcome clarification. As above however, it is unclear what the impact will be on those FBOs who operate independently or who are less experienced at product recall/ withdrawal processes. Again, the lack of examples of implementation of best practice across different sizes of FBO is likely to influence this. Some further clarification may also be useful to illustrate the extent and approach to recall/withdrawal processes with reference to examples of specific food safety failures.	Comments noted. The guidance applies to a wide range of food business operations and is therefore difficult to include specific examples for industry sectors.
UK Hospitality	Provided that the details of Q3 are resolved for the out of home sector we are hopeful that there will be no changes to the details.	Noted.
Rhondda Cynon Taf/ Wales Heads of Trading Standards	As enforcement bodies, we currently deal with food incidents and withdrawals, so the effect should be minimal after initial familiarisation with the new guidance. There are some resource concerns though, depending on the amount of time that may be required by LAs in working with FBOs during an incident. (Overseeing re-work/labelling etc)	Noted.
Dairy UK	Dairy UK considers that the guidance could be useful for SMEs without the appropriate expertise and for staff generally (who are not necessarily involved in food incidents on a day to day basis).	Noted.
Council for Responsible Nutrition	From our members' points of view, the guidance is unlikely to change their current ability to deal with food withdrawals and recalls. However, the guidance is a very clear and well laid out document that should prove extremely helpful to those FBOs that do not already have such systems in place, or who require more support to ensure their systems are appropriate.	Noted.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

British Retail Consortium	Further to our response at Q.5 it will slow down withdrawals and recalls if FBOs have to seek approval/guidance from the local authority	Comment noted and guidance amended to ensure clarity around notification, in that it is a legal requirement for a food business to notify their enforcement authority if it considers or has reason to believe that a food which it has imported, produced, processed, manufactured or distributed is not in compliance with the food safety requirements.
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Question 7: What are your views on the best practice advice and supporting templates provided in the guidance?

Respondent	Comment	Response
Blue Spark consultancy	<p>Flow diagram pg 18 - Often good to have the boxes / questions numbered to encourage ease of use by businesses.</p> <p>‘Carry Out Risk Assessment’ route: The first question asks if the food is unsafe. If no (ie. It’s safe), then it asks if the food is non-compliant. If no, it then says that the food is safe (this has already been determined). However if you answer yes, does this by default mean that the food is now unsafe (on the basis that the other option means the food is safe)? If this is the case then should the final box ‘may wish to consult...’ automatically direct the user to the food unsafe box on the left hand side? Some further clarity on the flow chart would be beneficial.</p>	Comments noted and flow chart amended to ensure better clarity of decision making process.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Private individual</p>	<p>A recall notice should be clear on action to take. Often font size is too small on FBO notices with colours being the same, making it difficult to pick out information. Recommends that POSN are displayed where consumers pick up baskets/trolleys. The respondent included a drawing offering an example of a POSN in the response.</p>	<p>Comments noted. Encouraging food businesses to clearly and effectively inform consumers about food recalls and what action they should take is of key importance to FSA/FSS. This is why we have created editable point of sale notice templates which have been informed by research conducted with consumers and businesses, to understand what would work best from a consumer's perspective and what is achievable by businesses. We hope that businesses will be encouraged to follow the guidance and, where they don't currently have clear and accessible templates, that they will be encouraged to use the templates provided.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Wycombe District Council</p>	<p>These will prove to be very beneficial as they will lead to a standardisation of the information sought from and supplied by businesses.</p> <p><b>Is it reasonable for FBOs to keep traceability records of pre-packed foods for the shelf life of the product plus 12 months?</b>          Yes but I can perceive this could lead to data storage issues as not all manufacturing records are electronic.</p> <p><b>Is the risk assessment advice and points to consider helpful for businesses?</b>          Only partly as restricted to microbiological risk assessment, consideration should be given to the inclusion of physical risk assessments (size of foreign object, solubility of foreign object, choking risk posed, risk posed of abrasion to mouth and throat) and chemical risk assessment (toxicity of chemical, short term and long term exposure risk)</p> <p><b>Is the food business recall notice template helpful and easy to complete and will it accurately and effectively inform consumers?</b> Yes</p> <p><b>Will you use the consumer recall notice template?</b>          Will encourage our Primary Authority Partners and businesses to use these and adopt them.</p> <p><b>Are the key principles for consumer recall notifications achievable?</b> Yes.</p> <p><b>Are there any other factors that should be considered when communicating food recalls with consumers?</b>          Use of social media to ensure consistency of approach and messaging.</p>	<p>Comments noted and guidance amended to better clarify traceability and record keeping requirements.</p> <p>FSA/FSS welcome your support in encouraging implementation of the guidance and the supporting tools.</p> <p>Responses to this consultation indicate that that there is merit in considering ways to differentiate between allergy alerts and other types of food alert. This cannot be completed as part of the Efficacy of Recalls and Withdrawals project, as it requires further work and research which is not within the project scope. The project team has however requested that this issue is considered in the ongoing work across Government on communication of allergen information to consumers.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

	<p><b>Would you like to see two different consumer recall notice templates – one for food recalls and one for allergy alerts? Yes.</b> <b>If so, how would you like these distinguished?</b> Consider use of different colours or iconography to create some differentiation as otherwise they could all merge in the consumer's view.</p>	
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Chilled Food Association</p>	<p><b>Is it reasonable for FBOs to keep traceability records of pre-packed foods for the shelf life of the product plus 12 months?</b>          Yes. Some members currently retain records for much longer periods (e.g. 6 years)</p> <p><b>Is the risk assessment advice and points to consider helpful for businesses?</b>          Yes, it is.</p> <p><b>Is the food business recall notice template helpful and easy to complete and will it accurately and effectively inform consumers? If not, please provide details and recommendations for improvement.</b>          Our members are primarily retailer own label suppliers. The retail customer (brand owner) would in those cases be the party expected to complete the template in practice. However one member with their own brands has commented that it does not entirely meet the stated objectives from their perspective. Their ideal scenario would be to have a chart format or spreadsheet to show relationships better, which would be easier to navigate and see overall impact and reach. Particular additional comments:</p> <ul style="list-style-type: none"> <li>• Easier to navigate and filter and highlight links: able to cover different Use By dates, retailers, etc rather than just as a list/Word Document.</li> <li>• Agree headings for spreadsheet: use questions from Word document?</li> </ul> <p><b>Will you use the consumer recall notice template?</b>          Our members are primarily retailer own label suppliers. The retail customer (brand owner) would in those cases be the party expected to complete the template in practice. However, some members have their own branded ranges, one of which has commented that it would be better to have a picture of the product and where to find the batch and date codes on this notice to help consumers.</p>	<p>Comments noted. The editable point of sale notice template recommends the inclusion of a product image. We have also made reference to where consumers can locate batch codes/durability dates on the product in the editable templates.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Chilled Food Association</p>	<p><b>Are the key principles for consumer recall notifications achievable?</b>          Yes</p> <p><b>Are there any other factors that should be considered when communicating food recalls with consumers?</b>          Give consideration of what they should do if they have already consumed product – helpline number?          How effective are recall notices are to partially sighted or blind individuals?          An example given was that ‘the blind society’ (RNIB) distribute information through their network. Has this been referred to/taken into account?</p> <p><b>Would you like to see two different consumer recall notice templates – one for food recalls and one for allergy alerts? If so, how would you like these distinguished?</b>          A member has commented that a different heading colour should be used for allergy alerts, and potentially another for food fraud /integrity issues.</p>	<p>The editable point of sale notice templates include a ‘want more information’ section, where consumers can contact the food business.</p> <p>Responses to this consultation indicate that that there is merit in considering ways to differentiate between allergy alerts and other types of food alert. This cannot be completed as part of the Efficacy of Recalls and Withdrawals project, as it requires further work and research which is not within the project scope. The project team has however requested that this issue is considered in the ongoing work across Government on communication of allergen information to consumers.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Coeliac UK</p>	<p>We would like to see the FSA branding on the template as this provides further reassurance to the consumer that the FSA are involved in the process of recalling and withdrawing food.</p> <p>If the reason for a recall is due to cereals containing gluten then we would like to see included in the recall notice template a reference to “coeliac disease”. Coeliac disease is an autoimmune condition and differs from a food allergy in this respect, therefore it is important to highlight this on the recall notice.</p> <p>In the new guidance you advise the following:          “X product” is being recalled because it contains “allergen ingredient” which is not mentioned on the label. This means the product is a possible health risk for anyone with “an allergy to / an intolerance to / a sensitivity to” “allergen”</p> <p>If the recall involves cereals containing gluten we would like to see the following statement:          “X product” is being recalled because it contains “allergen ingredient” which is not mentioned on the label. This means the product is a possible health risk for anyone with “coeliac disease or an allergy to / an intolerance to / a sensitivity to” “allergen”</p>	<p>Comments noted. When a food business makes the decision to recall unsafe food they are required to produce a point of sale notice as a method to communicate the recall with consumers. As it is a business notice, FSA/FSS would not add their respective logos to it.</p> <p>The guidance has been updated to include the reference to coeliac disease within the revised Annexe H.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

Food and Drink Federation	We believe that the risk assessment advice and points to consider set out in the body of the guidance will be a useful framework for businesses. We support the inclusion in Annexe F of an example, accompanied by the caveat that points to be included in a risk assessment will vary depending on the type of food safety incident. It might be helpful to give more emphasis to this caveat, by including in the title of this Annexe a reference to this being an example of risk assessment considerations, given that the information here is set in the context of a microbiological risk assessment.	Noted and guidance amended to provide better clarity around the risk assessment.
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>East of England Trading Standards Association</p>	<p><b>Is it reasonable for FBOs to keep traceability records of pre-packed foods for the shelf life of the product plus 12 months?</b>          Although this is a question that is often asked by FBOs it is thought that all situations should be considered on a case by case basis. 12 months for some short life products initially seems a long time and it would be interesting to know where this timescale has come from. It may be that food businesses are best placed to determine whether this is achievable.</p> <p><b>Is the risk assessment advice and points to consider helpful for businesses?</b>          In general the risk assessment advice would be helpful especially to smaller businesses. Although some of the language used could be seen to be technical (not sure how many will be familiar with the principles of root cause analysis) the principal of risk assessment in association with food should be something that businesses are familiar with. Are there any RCA tools which could be included?</p> <p><b>Is the food business recall notice template helpful and easy to complete and will it accurately and effectively inform consumers?</b>          Yes – particularly once in colour.</p> <p><b>Will you use the consumer recall notice template?</b>          Yes would suggest it to businesses.</p> <p><b>Would you like to see two different consumer recall notice templates – one for food recalls and one for allergy alerts? If so, how would you like these distinguished?</b>          As long as the notice clearly distinguished the nature of the problem we don't necessarily think there is any benefit having two separate notices. Allergen experts / support groups should be consulted on the manner / benefits of highlighting allergen issues.</p>	<p>Comments noted. The best practice advice around record keeping is in line with requirements laid down in current industry guides. FSA/FSS recognise that this may not be appropriate for all pre-packed foods and also that legislation may dictate alternative timeframes.</p> <p>Supporting tools on root cause analysis is being developed and will be launched in due course.</p> <p>FSA/FSS welcome your support in encouraging food businesses to use the recommended templates.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>The National Dried Fruit Trade Association</p>	<p>We fully support the suggested best practices raised by FSA and FSS for traceability and product recall/withdrawal. Although voluntary, the use of the recall templates will enable FBO's to provide prescribed information and give consumers improved clarity with a standard format. Within the food industry colour coding is often used to denote high risk or allergenic products and perhaps the allergen recall notice could be printed in a different colour to highlight this category of recall.</p>	<p>Comments noted. Responses to this consultation indicate that there is merit in considering ways to differentiate between allergy alerts and other types of food alert. This cannot be completed as part of the Efficacy of Recalls and Withdrawals project, as it requires further work and research which is not within the project scope. The project team has however requested that this issue is considered in the ongoing work across Government on communication of allergen information to consumers.</p>
<p>Association of Convenience Stores</p>	<p><b>Is it reasonable for FBOs to keep traceability records of pre-packed foods for the shelf life of the product plus 12 months?</b></p> <p>While the guidance clarifies that food retailers are not required to keep records of sales to the consumer it does not initially specify in the section that record keeping only refers to business-to-business records. The guidance should clarify that food retailers are required to keep records of their purchases of food for traceability purposes.</p> <p><b>Is the risk assessment advice and points to consider helpful for businesses?</b></p> <p>The guidance should be clear regarding food retailers' responsibility to carrying out risk assessments. Specifying food business operators means that this requirement also applies to food retailers, including independent convenience retailers who may not be required to the comply at the same level for risk assessments as their counterparts further up the supply chain.</p>	<p>Comments noted and guidance amended to ensure clarity regarding traceability requirements.</p> <p>The guidance explains that any food business could be required to initiate a food withdrawal/recall as a result of a food safety incident. An incident can occur at any point in the supply chain, therefore we have not excluded any FBO from the risk assessment requirements.</p>

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Rhondda Cynon Taf/ Wales Heads of Trading Standards</p>	<p><b>Is it reasonable for FBOs to keep traceability records of pre-packed foods for the shelf life of the product plus 12 months?</b></p> <p>This shouldn't prove too problematic for most FBOs involved in the manufacture of foods. However, it may be more of a burden on smaller retailers and OOH caterers.</p> <p><b>Is the risk assessment advice and points to consider helpful for businesses?</b></p> <p>Yes, it helps focus FBOs attention to potential risks with products.</p> <p><b>Is the food business recall notice template helpful and easy to complete and will it accurately and effectively inform consumers? If not, please provide details and recommendations for improvement.</b></p> <p>The templates look striking which should enable other FBOs and consumers to understand that a recall/withdrawal is in place. The only concern would be where the incident involves a number of products, the templates allow for images of the affected products to be added, however, it is felt that they may lose some focus if there are a large number of product labels attached.</p>	<p>Noted.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Instinctif Partners</p>	<p><b>Is the risk assessment advice and points to consider helpful for businesses?</b>          It is useful to clarify the importance of undertaking a formal risk assessment. The guidance on page 19 provides a high-level methodology, but the additional information in Annexe F doesn't provide the kind of practical guidance that a reader might expect (e.g. a worked example).          Please see our more detailed comments on paragraph 23 of the document (page 19).</p> <p><b>Is the food business recall notice template helpful and easy to complete and will it accurately and effectively inform consumers? If not, please provide details and recommendations for improvement.</b>          The template uses an impactful, eye-catching layout with effective use of colours. It's a good idea to suggest consumers photograph the recall notice for future reference. Possibly it is a bit too 'wordy', particularly in the instructions to consumers, which should be as condensed as possible. Also, there are two separate references to checking the batch codes (see our comment on page 61 of the document).          It's valuable that downloadable templates are available for FBOs to use themselves. Consider highlighting and emphasising through design—and suggesting that the templates are included in FBOs own procedure documents.</p>	<p>Comments noted. FSA/FSS have provided a number of considerations for food businesses to take account of when conducting a risk assessment rather than an example as there can often be a wide range of issues that need to be considered and this should help provide guidance on issues to address.</p> <p>The recall notice template has been condensed and amended in light of comments.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

**Are the key principles for consumer recall notifications achievable?**

**Style and appearance:** This can be achieved by using the provided template. As per note on PDF, it could be worth cross-referring to the provided templates that are shown a few pages later in the guidance document (and are available to download).

**Necessary content:** Again, can be achieved by using the provided templates. However, FBOs may need to prepare beforehand information such as what to do if consumers have purchased the product, and provision of ‘careline’ contact numbers, to avoid delay after establishing the need to recall.

**Effective channels of communication:** Consider adding the use of newspaper advertising to boost awareness among certain consumer populations who may not be reached effectively by digital channels or store notices (e.g. elderly); and/or or to boost wide awareness during an urgent and wide-ranging recall.

**Are there any other factors that should be considered when communicating food recalls with consumers?**

FBOs may benefit from understanding the need to anticipate and understand the dynamics and volatility of social media reaction to a recall, which in turn can affect ‘traditional’ media coverage. This could help or hinder recall efforts—it’s important to understand how. Effective monitoring of social media during a recall can help FBOs fine-tune their communications responses, e.g. in terms of clarity, consistency, risk management messages and ‘common-sense’ advice.

**Would you like to see two different consumer recall notice templates – one for food recalls and one for allergy alerts? If so, how would you like these distinguished?**

Yes—the two templates provided on pp 62-63 indicate how this could be achieved.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>British Retail Consortium</p>	<p><b>Use of Templates</b> Please ensure that all suggestions in relation to the use of templates meet the government’s legibility standards. Not all stores will have colour printing capabilities so in this instance the emphasis should be to ensure that notices are clear and prominent.</p> <p><b>Annex K: Necessary information: How to identify the product:</b> Location of information signposting is more likely when recall notice refers to a batch code. It is worth remembering that location of durability information is already signposted on product in most circumstances. It may be unnecessary to mandate this especially where space is already limited.</p> <p><b>Product image:</b> This will not always be helpful for example in the absence of colour printers or when multiple products are being recalled. A clear description with the key information is paramount in these instances. Key information would be product name, product, pack size, durability code, batch code (if relevant), issue, action, contact details and date.</p> <p>We note the suggested wording for precautionary recalls. During the consumer insight feedback session, it became apparent that this was not something that was queried by consumers. The suggested wording in the guidance may be misinterpreted and we would argue that the inclusion of “precautionary” is clear.</p> <p>You will note that in the event of a multi product/retailer recall, one notice would be issued by the manufacturer. Given that the intention is to ensure consistency and minimise consumer confusion it would be helpful to see this approach recognised within the guidance.<sup>42</sup></p>	<p>Comments noted and the guidance at Annexe H amended to ensure clarity around ‘precautionary’ wording.</p> <p>FSA/FSS are carrying out a review of their alerts and will be looking to bring our notifications in line with the best practice principles.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>British Retail Consortium</p>	<p>For consistency it is important that the FSA consider how its own communications convey recall messaging. It has been noted that some of the additional text in FSA alerts are unhelpful especially “no other products are known to be affected”. This raises unnecessary concern for consumers and implies a lack of control of the product. It is important that all messaging from both the FBO and FSA is consistent in conveying the key messaging about the issue.</p> <p><b>Consumer Awareness</b> One of the critical steps to achieving greater awareness and consumer action in response to recalls is an accompanying consumer awareness exercise to facilitate understanding about the process and reasons for notifications. We welcome further dialogue on the communication plan being developed to raise awareness about the recalls process.</p> <p><b>Communication Channels</b> There is currently no reference to the use of loyalty card information. You will be aware that many retailers already use this to alert customers to a recall. This would be a welcome best practice inclusion and assists businesses in reaching target audiences.</p> <p><b>Is it reasonable for FBOs to keep traceability records of pre-packed foods for the shelf life of the product plus 12 months?</b></p> <p>This will be dependent on the shelf-life of the product.</p>	<p>The guidance at Annexe H has been updated to omit the wording ‘no other products are known to be affected’ and to include reference to loyalty card schemes.</p> <p>Work will be taken forward over the next 12 months to publicise and embed the guidance and supporting tools amongst food businesses and enforcement authorities, and to raise consumer awareness of food recalls and the actions they should take.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

	<p><b>Is the risk assessment advice and points to consider helpful for businesses?</b></p> <p>The need to consult with local authority will be dependent on the expertise and ability of the company to undertake its own risk assessment. As currently set out this could result in a slower internal investigation process, and excessive workload to local authority. It is important that the guidance does not inadvertently suggest that all issue management is reported to local authorities.</p> <p>Businesses that do not have the expertise and/or established methods in place will benefit from local authority support</p> <p>We would suggest the risk assessment flow is amended to be made clearer in the document.</p> <p><b>Is the food business recall notice template helpful and easy to complete and will it accurately and effectively inform consumers? If not, please provide details and recommendations for improvement.</b></p> <p>The templates will not be suitable for most businesses due to availability of space for essential text and lack of colour printing facilities in stores. It is important that the key information for notices is made clear accompanied by the need to position clearly.</p> <p><b>Will you use the consumer recall notice template? If not, please explain why.</b></p> <p>It is likely that members will ensure that the key information is included in notices and make individual decisions on other elements to ensure that legibility is not compromised.</p> <p><b>Are the key principles for consumer recall notifications achievable?</b></p> <p>Please see above and our general response 44.</p>	<p>The guidance has been amended to provide clarity around risk assessment requirements.</p> <p>The supporting templates that accompany the guidance are best practice. We have produced these to aid food businesses. The key principles on consumer communication are clearly outlined in the guidance.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Chartered Institute of Environmental Health</p>	<p><b>Is it reasonable for FBOs to keep traceability records of pre-packed foods for the shelf life of the product plus 12 months?</b> Yes</p> <p><b>Is the food business recall notice template helpful and easy to complete and will it accurately and effectively inform consumers? If not, please provide details and recommendations for improvement.</b> Yes</p> <p><b>Are there any other factors that should be considered when communicating food recalls with consumers?</b> No</p>	<p>Noted.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Tesco</p>	<p><b>Is it reasonable for FBOs to keep traceability records of pre-packed foods for the shelf life of the product plus 12 months?</b>          Yes</p> <p><b>Is the risk assessment advice and points to consider helpful for businesses?</b>          The advice is useful however, the use of language is not consistent and is too technical in places. The micro example used is too prescriptive, addressed to experts not SMEs, and would benefit from including other hazards.</p> <p><b>Is the food business recall notice template helpful and easy to complete and will it accurately and effectively inform consumers? If not, please provide details and recommendations for improvement.</b>          Yes.</p> <p><b>Will you use the consumer recall notice template? If not, please explain why.</b>          No as we have our own branded and formatted recall notices that our customers recognise but we will have regard to the information requirements of the template.</p> <p><b>Are the key principles for consumer recall notifications achievable?</b>          Yes</p> <p><b>Are there any other factors that should be considered when communicating food recalls with consumers?</b>          No</p> <p><b>Would you like to see two different consumer recall notice templates – one for food recalls and one for allergy alerts? If so, how would you like these distinguished?</b>          Preference is for one template for both types of notice.</p>	<p>Comments noted.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>British Beer &amp; Pub Association</p>	<p>In relation to the inclusion of best practice it would be useful to include specific examples as to how such practice may be implemented across the different levels of FBO and in particular to assist smaller operators to select methods to satisfy compliance that are most appropriate to their business model.</p> <p>We have noted above that recording product information could be undertaken through retention of original product packaging rather than physically copying and recording batch codes. Further to this however we question whether keeping traceability records for shelf life plus 12 months might be excessive. In particular here if a product shelf life is dictated by a ‘Use By’ date and which by definition indicates that consuming the product after this date would potentially be harmful. If however, the product shelf life is dictated by a ‘Best Before’ date then 12 months past this date will be excessive and in the vast majority of instances, anything that is likely to be harmful would be identified during the time the product is on the shelf.</p> <p>Whilst the inclusion of a template notice for recalls is helpful as a guide, it is likely that some form of personalisation is inevitable. In particular for larger producers who may wish to include their own elements on recall notices. The question in the consultation could imply that producers are expected to use the recall notice template included in the Annex however this seems at odds with the purpose of the guidance. In this way, whilst we would support a minimum level of information that should be included on such notices, we would not support a single template form that is used as a default for all product recalls/withdrawals.</p>	<p>Comments noted. The guidance applies to a wide range of food business operations and is therefore difficult to include specific examples for industry sectors.</p> <p>The guidance has been amended to ensure clarity around traceability requirements.</p> <p>The recall notice template which has been developed is the outcome of consumer research. It is not a mandatory requirement for food businesses to use in the event of a food recall. However, if a business chooses to use it and/or follow the best practice as found in Annexe H, they can be assured that they are following the key principles as identified by the research, which will help achieve effective consumer communication.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

	<p>Some members have pointed out that whilst Annex F on Risk Characterisation is helpful, some further detail on the approach needed to characterise the level of an identified risk would be helpful i.e. through case study or example. Again, in particular for those with less experience in the monitoring and control of food safety, characterising the extent or level of risk is a more complicated exercise than collecting the data needed to identify such a risk.</p>	
<p>UK Hospitality</p>	<p>We believe that it is a reasonable course of action to expect FBO's to keep traceability records of pre-packed foods that have a shelf life of the product plus 12 months. The food business recall notice is an effective way of informing consumers however, many of our catering partners would not be required to use a food business recall notice.</p>	<p>Noted.</p>



**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Dairy UK</p>	<p><b>Is it reasonable for FBOs to keep traceability records of pre-packed foods for the shelf life of the product plus 12 months?</b>          Yes, Dairy UK considers that this is reasonable.</p> <p><b>Is the risk assessment advice and points to consider helpful for businesses?</b>          Yes, especially for small businesses with no formal trade accreditation.</p> <p><b>Is the food business recall notice template helpful and easy to complete and will it accurately and effectively inform consumers? If not, please provide details and recommendations for improvement.</b>          Yes, Dairy UK considers that it is.</p> <p><b>Will you use the consumer recall notice template? If not, please explain why.</b>          Some of our members will use them, others will not (as some are mainly involved in B2B activities).</p> <p><b>Are the key principles for consumer recall notifications achievable?</b>          Yes, Dairy UK considers that they are.</p> <p><b>Are there any other factors that should be considered when communicating food recalls with consumers?</b>          No, Dairy UK considers that the list of factors included in the guidance is comprehensive.</p> <p><b>Would you like to see two different consumer recall notice templates – one for food recalls and one for allergy alerts? If so, how would you like these distinguished?</b>          No, Dairy UK considers this to be unnecessary.</p>	<p>Noted.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Council for Responsible Nutrition</p>	<p>The best practice advice and supporting templates provide additional clarity to the document and will be of great benefit to many FBOs. It may need to be clarified, however, that the ‘best practice’ sections are not mandatory, and acknowledged that there may be alternative ways of achieving the same result.</p> <p><b>Is it reasonable for FBOs to keep traceability records of pre-packed foods for the shelf life of the product plus 12 months?</b></p> <p>That is the practice recommended in all the guidance CRN UK has been involved in producing for the food supplement sector.</p> <p><b>Is the risk assessment advice and points to consider helpful for businesses?</b></p> <p>Yes, we would expect this to be of benefit to many FBOs.</p> <p><b>Is the food business recall notice template helpful and easy to complete and will it accurately and effectively inform consumers?</b></p> <p>The template appears to be comprehensive and clear. The example provided in the guidance will assist FBOs with completing the template.</p> <p><b>Will you use the consumer recall notice template? If not, please explain why.</b></p> <p>This is unlikely, as where this might be applicable, our members have their own prepared templates for such eventualities.</p>	<p>Comments noted.</p> <p>The layout and wording of the guidance has been amended to ensure clarity regarding mandatory requirements and best practice guidance.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

	<p><b>Are the key principles for consumer recall notifications achievable?</b> None of our members raised any concerns in relation to these principles.</p> <p><b>Are there any other factors that should be considered when communicating food recalls with consumers?</b> None were suggested by our members.</p> <p><b>Would you like to see two different consumer recall notice templates – one for food recalls and one for allergy alerts? If so, how would you like these distinguished?</b> The two templates in the guidance appear to provide sufficient clarity for consumers.</p>	
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Question 8: What additional tools will assist you in effectively implementing the guidance?

Respondent	Comment	Response
Wycombe District Council	The proposed Quick Reference Guide that we could share with SME's. Inclusion of the principles or referencing this guidance in the next version of Safer Food Better Business (in particular the Retail version) and MyHACCP.	Noted.
Chilled Food Association	Sufficient available resource from FSA would be of assistance.	Noted.
Coeliac UK	Coeliac UK will continue to provide information on food recalls on our website and social media in order to keep the coeliac community informed. We would be interested in developments which streamline communication directly to the platforms (e.g. website) run by consumer organisations, in order to optimise communication to the end users.	Noted.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

Food and Drink Federation	FDF welcomes the intention of the FSA / FSS to provide additional guidance for Food Business Operators on the use of Root Cause Analysis.	Noted.
British Beer & Pub Association	Additional tools to support smaller FBOs would be useful and in particular where such businesses have less resource or expertise with food safety management. Such tools may include how traceability is monitored where ingredients are purchased privately and outside of a regular supply contract i.e. through supermarkets, management of traceability for open products and advice on expectations and managing relationships with small, local food suppliers and which would also include supply of foods made from compound ingredients.	Noted. FSA/FSS would be happy to engage with industry stakeholders should they wish to develop sector specific guidance.
UK Hospitality	As mentioned previously ensuring clarity for businesses is essential. We would recommend providing a detailed infographic explaining the whole system. UKHospitality would be happy to assist in the writing and production of this document.	Noted. FSA/FSS are producing a ‘Quick Reference Guide’ with infographics which summarise the key aspects of food safety withdrawals/recalls and food traceability. FSA/FSS would be happy to engage with with industry stakeholders should they wish to develop sector specific guidance.
Rhondda Cynon Taf/ Wales Heads of Trading Standards	Online availability of the various documents in the annexes to the guidance, regarding recall, traceability records etc. This would enable LAs to signpost FBOs to the necessary documents quickly.	Noted and editable templates are available on FSA’s website at: <a href="https://www.food.gov.uk/business-guidance/food-incidents-product-recalls-and-withdrawals">https://www.food.gov.uk/business-guidance/food-incidents-product-recalls-and-withdrawals</a>
Dairy UK	Dairy UK believes that a gap analysis comparison with the previous version would be helpful, or outlining the main changes from one version to another. Additionally, examples of completed templates could be useful to FBOs.	Noted. Example templates have been included within Annexe H of the guidance.
Council for Responsible Nutrition	The guidance itself appears to be extremely comprehensive and easy to understand. We do not have suggestions for additional tools.	Noted.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

British Retail Consortium	The slimmed down, quick reference guide would be helpful.	Noted.
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Question 9: What information would you like to see in a ‘Quick Reference Guide’ summary document, which accompanies the guidance, and how would you like it presented?

<b>Respondent</b>	<b>Comment</b>	<b>Response</b>
Wycombe District Council	The decision making flowcharts, Annexe I and all of the legal requirement boxes as this would ensure that enforcement authorities and the business are immediately reminded of what must be done.	Noted.
Chilled Food Association	A process flow and decision tree would be very helpful.	Noted.
Coeliac UK	An adapted process flowchart on page 18 plus a summary regarding the roles and responsibilities of key players.	Noted.
The National Dried Fruit Trade Association	We agree that a Quick Reference Guide would be beneficial giving key points that require consideration such as documentation required for traceability, the risk assessment flow chart and key contacts.	Noted.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

Association of Convenience Stores	<p>We support the Food Standards Agency’s plans to develop a quick reference guide for food business operators. We believe that the purpose of the quick reference guide should be to support smaller food business operators, including independent convenience retailers which make up the majority (74%) of the convenience sector<sup>1</sup>, to support them carrying out their responsibilities when a food recall is issued. We would welcome further engagement with the Food Standards Agency as they develop the quick reference guide to accompany the recalls guidance.</p> <p>Rather than a quick reference guide to summarise the document, we believe the focus of the guide should be to support smaller food business operators to understand their obligations under the food recall regulations as it may be unclear which information applies to them in the current version of the guidance. This could include information such as how small food retailers would be notified when a recall has been issued and their responsibilities to participating in the recall.</p>	<p>Noted. Our aim is for the ‘Quick Reference Guide’ to assist smaller food businesses by outlining the key aspects of food withdrawals/recalls and traceability.</p> <p>FSA/FSS would be happy to engage with industry organisations if they are keen to develop sector specific guides.</p>
Tesco	A simple flow chart diagram of the recall/withdrawal process referencing legal requirements only.	Noted.
East of England Trading Standards Association	The quick reference guide should concentrate on the legal requirements and definitions making it clear that full advice including good practice is available.	Noted.
British Beer & Pub Association	Our members have not indicated a specific response to this question, however for smaller businesses in particular examples or case studies may be useful to illustrate the	Noted.

<sup>1</sup> ACS Local Shop Report 2018

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

	<p>process and approach to recall/withdrawal. Whilst we would acknowledge that maintaining the accuracy of such a list is difficult, there is an absence of key contacts within the revised guidance and which in the case of a food safety incident would be helpful as a quick reference rather than trying to find the relevant details from websites or other means. It may also be helpful if such a guide was formatted in such a way that it may be posted noticeboard where it can be easily accessed i.e. via a noticeboard or hung in a relevant location(s) within the business.</p>	
UK Hospitality	<p>It would be helpful to have a ‘quick reference guide’ specifically for the out of home sector which may be just a few bullet points and an example of a delivery receipt form (a simplified version of Annex C) that may be used, or else the business could use existing forms in their own Food Safety Management System. Some businesses may simply keep all delivery notes rather than have a form.</p>	<p>Comments noted. FSA/FSS would be happy to engage with industry organisations if they are keen to develop sector specific guides.</p>
Rhondda Cynon Taf/ Wales Heads of Trading Standards	<p>Until the guidance is being used in a practical sense, it is difficult to comment on what could be useful as a quick guide.</p>	<p>Noted.</p>
Dairy UK	<p>Dairy UK considers that a compliance checklist could be of use, as well as key “must do” messages and flows.</p>	<p>Noted.</p>
Council of Responsible Nutrition	<p>Any ‘Quick Reference Guide’ must ensure that it is not summarised to the point of excluding essential parts of the process. Is such a document actually necessary?</p>	<p>Noted.</p>

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

Instinctif Partners	<p>It could be useful to make the Quick Reference Guide (QRG) a very concise checklist and/or flowchart of ‘essential actions’, both those to be followed in ‘peacetime’ and those to be followed on suspicion of a product that may need to be recalled. It should focus on the practical steps to be taken in order to be legally compliant and adhere to best practice—in addition, it would be helpful to indicate the typical or mandatory timeframes within which the practical steps should be undertaken.</p> <p>There should be clear cross-references from the QRG to the relevant sections of the main guidance document, but no replication of the main document (since that would defeat the objective).</p> <p>Another success factor would be tailoring the QRG to a specific audience, e.g. FBOs (rather than other cohorts such as ‘business customers’ that are mentioned in the main guidance document).</p> <p>Finally, consider providing downloadable versions of the QRG for direct inclusion into FBOs’ recall manuals.</p>	Noted.
British Retail Consortium	<p>In addition to the suggestions made in our detailed response we would like to see a clear guide to contact FSA directly particularly out of hours.</p>	Noted.

Question 10: Will implementing this guidance provide greater assurances that UK businesses can effectively manage withdrawals and recalls?

Respondent	Comment	Response
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

Wycombe District Council	Yes as everyone should be clear as to their legal obligations resulting in improved communication and transparent decision-making in what are often challenging time-critical incidents.	Noted.
Chilled Food Association	Standardisation across industry, especially if across multiple retailers, would be welcome.	Noted.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Coeliac UK</p>	<p>In order for this guidance to be successful it must reach the end customer, therefore there is a responsibility to FBO's to ensure they use an effective communication method to relay the withdrawal/recall information to the consumer. We look forward to hearing the discussions from Workstream 5 which focuses on raising consumer awareness and would like to be part of this if possible.</p> <p>Coeliac UK would like to raise concerns over how FBO's will have access to food safety information following exit from the EU when the UK will cease to be part of European Food Safety Authority (EFSA) and other EU food safety bodies. You identify the following principle of an effective recall system as information to consumers that is consistent and accessible, based on proven best practice underpinned by cross-sharing of approaches. One such cross-shared approach the UK currently uses along with other EU members is the Rapid Alert System for Food and Feed (RASFF). The RASFF is a key tool that enables the sharing of information around food safety between its members. This service has been vital in successfully averting many food safety risks that could have been harmful to European consumers. Coeliac UK has concerns around UK FBO's being able to access these databases as well as losing vital intelligence that ensures traceability of products and rapid access to information. How will UK FBO's be supported to ensure they are alerted to food safety information from the EU in sufficient time?</p>	<p>Comments noted. FSA's/FSS's priority, to ensure that UK food remains safe and what it says it is, will not change when the UK leaves the EU. We are working hard to ensure that our expertise in managing food incidents is maintained when we exit the EU and are committed to having in place a robust system for detecting and responding to problems in the food chain.</p> <p>The UK will develop an alternative to some of the functions currently provided by EFSA, building on existing scientific advisory structures. Subject to negotiations, we will redefine and formalise a close working relationship with EFSA based on exchange of information and expertise, contribution to scientific networks, and cross-European collaboration.</p> <p>The UK is an active contributor to EU incidents systems including RASFF, regularly providing essential updates to member states and the EU Commission. We recognise the importance of this continued relationship, and the Government continues to negotiate full access to the Rapid Alert System for Food and Feed (RASFF).</p> <p>As part of preparations for UK's exit of the EU, FSA/FSS are engaging and collaborating with key stakeholders, domestically and world-wide. There is also work underway to improve our detection capability for potential incidents, which will enable us to monitor data sources to identify signals indicative of potential food safety risks to the UK which may require mitigation.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

Food and Drink Federation	FDF welcomes the clarity and consistency which this guidance sets out to provide to support Food Business Operators in establishing and implementing effective food withdrawal and recall systems to respond to any food safety incidents.	Noted.
Chartered Institute of Environmental Health	Almost certainly yes but the CIEH view is that there should be a formal evaluation of the impact of this Guidance in approximately 12 months. This could be the subject of a focused FSA audit.	Noted. The next phase of the Efficacy of Recalls and Withdrawals project is the evaluation stage, which will involve a formal review of the project and the deliverables. The evaluation will be a phased approach and will commence in 2019/20 and continue into 2020/21.
Tesco	It may improve consistency of the approach across the food sector pending further text improvements	Noted.
British Beer & Pub Association	The guidance as it currently stands presents some welcome clarity to existing issues however whilst much of the guidance will be familiar to larger companies, it remains less helpful for smaller FBOs such as pubs and who would welcome more tailored information on the management and control of food safety.	Noted. It is the aim of the 'Quick Reference Guide' to assist smaller food businesses in quickly identifying their legal requirements and how to manage food safety incidents. FSA/FSS would be happy to engage with industry organisations if they wish to develop sector specific guides.
UK Hospitality	The guidance clarifies best practice being carried out in the out of home sector already. Much of the guidance that is outlined is more relevant to the manufacturing and the retail sectors, but it is useful to have this clear document available for catering companies in the event that they are impacted by a recall.	Noted.
Rhondda Cynon Taf/ Wales Heads of Trading Standards	In theory yes, although until the new guidance is actually put into place, it is difficult to assess its effectiveness.	Noted.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

Dairy UK	Yes, Dairy UK believes that this is the case, especially if adopted and tested at non-GFSI FBOs and if adopted and adopted by certification bodies such as BRC. This also depends on how well it's communicated to the businesses which would really benefit from using it (perhaps via local and primary authorities).	Noted. Work will be undertaken over the next 12 months to promote and embed the guidance and associated tools amongst food businesses and enforcement authorities to encourage its implementation.
Council of Responsible Nutrition	If they implement the guidance, it should certainly help with assuring UK FBOs' ability to effectively manage withdrawals and recalls	Noted.
Instinctif Partners	<p>Yes, but only if they are able to effectively assimilate the guidance within the processes and procedures they have in place already, and then ensure they are well understood throughout each FBO.</p> <p>This may require an emphasis on internal document revision, briefing and training which will exceed the FSA's estimated reading (familiarisation) costs, and burden on industry, presented in the recall consultation letter.</p> <p>Hence it could be valuable to extol the benefits of following this best practice, not only to remain compliant with the law but also to improve efficiencies.</p> <p>Finally, it could be useful to assess where aspects of the proposed best practice overlap with existing food safety management certification programmes such as those available from the British Retail Consortium.</p>	Noted.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

British Retail Consortium	We welcome the opportunity to discuss any of the points we have raised in our response and hope that incorporation of our suggestions will enhance the guidance. A large number of businesses already manage withdrawals and recalls effectively and we hope that the guide will provide these businesses with helpful information to tweak their existing systems if necessary or for those where systems are not in place, the foundation to introduce company policy. It is important that the guidance and awareness campaign do not suggest that this has not been effectively managed in the past but highlight that established practices have always existed and the guidance is intended to improve these.	Noted.
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**OTHER COMMENTS:**

Respondent	Comment	Response
Private individual	General Support	Noted.
Private individual	General Support	Noted.
H.V. Gaves (SME)	General Support	Noted.
Private individual (consumer)	General Support	Noted.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Wycombe District Council</p>	<p>For the guidance to work and for an effective system to operate there needs to be the full and transparent exchange of information and communication between the business and enforcement authorities. Enforcement authorities must in turn be equally open and transparent with Primary and Home Authorities and similarly, the Central Competent Authorities must also communicate openly with Primary Authorities whenever they become aware of or are investigating an incident in a business with a Primary Authority Partnership. Without this Primary Authorities are not able to undertake their role efficiently and effectively as they will not be in a position to challenge their businesses as to the efficacy of their controls and systems to ensure that only safe food enters the market.</p> <p>The following suggestions/comments are also made:</p> <ul style="list-style-type: none"> <li>• Para 47 – include primary authority along with enforcement authorities</li> <li>• Para 51 – include sharing of any initial risk assessment already carried out by the business (this will assist in verifying if the actions proposed are appropriate)</li> <li>• Para 55 – suggest this should be a key decision log in which businesses should record the rationale behind their decisions at the time these are being taken</li> <li>• Annexe F – include some guidance on what physical and chemical contamination risk assessments should consider (see response to Q7)</li> <li>• Annexe I – include a box that allows the business to record and share details of its risk assessment with the enforcement authority</li> </ul>	<p>Noted and amendments accepted, where appropriate.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Wales Food Safety Expert Panel</p>	<p>The document is user friendly and will be helpful for larger businesses however it does not appear to offer much practicable information to the independent smaller, medium sized enterprises. Given that the Safer Food Better Business pack is currently under review this could be an opportunity to address this issue.</p> <p>The document references EU legislation is it appropriate to be publishing this guidance with these references prior to EU exit? References to EU legislation should be removed. The last guidance was issued in 2007. This guidance had examples of injurious to health (Page 9 para 19) which were helpful.</p> <p>Page 7 Paras 4 and 54 refer to “seeking advice from your third party consultant for assurance that a system is compliant” “and using a third party agency to communicate”. We feel this should be in conjunction with the competent authority.</p> <p>Page 11 - <b>‘food retailers’</b> means businesses that sell food to consumers, such as supermarkets, but covers any other business that sells or gives food to consumers whether for profit or not (e.g. newsagents, pharmacies, gyms, online stores); and The definition <b>“out of home”</b> should be removed. We don’t think this is required and is confusing and unhelpful. Home caterers could also produce products which may be required to be recalled/withdrawn.</p>	<p>Comments noted. Guidance updated to provide more clarity around EU Exit and amendments accepted, where appropriate.</p>
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## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY

<p>Page 18 Flow Chart. if a food is non-compliant then the text in the last box should read “should” consult with the Enforcement Authority not “may wish” to consult as this contradicts the advice in para 20.</p> <p>Page 24 para 35 Enforcement Authorities Considering including: Where appropriate, share FSA communications to the public via social media / local press / Council website.</p> <p>Page 32 para 57. Once a decision has been made to initiate a food withdrawal/recall there are a number of key aspects that need to be considered to manage this process, including:</p> <ul style="list-style-type: none"><li>• information management;</li><li>• monitoring progress of a food withdrawal/recall;</li><li>• closing a food withdrawal/recall;</li><li>• media management;</li><li>• handling of the unsafe food;</li><li>• reviewing the food withdrawal/recall; and</li><li>• RCA Route cause analysis.</li></ul> <p>Page 29 para 49 Using terms like in a ‘timely manner’ is not very helpful. Perhaps “as soon as possible” would be more.</p> <p>Page 34 para 67 Should change to “shall” seek agreement with EA before any food that has been previously recalled or withdrawn is re-worked or re-labelled.</p> <p>Annex E It would be helpful if the flow chart continued to give advice on how to proceed after food is identified as non-compliant with food law.</p>	
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>NI Food Managers Group/Newry, Mourne &amp; Down District Council, Causeway Coast &amp; Glens Borough Council</p>	<p>This document is comprehensive and gives good detail on businesses responsibilities in the event of a withdrawal or recall. This should help all types of businesses to meet their legal responsibilities and ensure that food is withdrawn or recalled from the market efficiently and effectively.</p> <p>The new version is easier to read and much more practical and user friendly than the 2007 document. It is laid out in the same manner as the Industry Guides which business should already be familiar with.</p> <p>A short guidance document was available for businesses with the 2007 version entitled “Principles for preventing and responding to Food Incidents”. NIFMG would welcome the production of something similar for business as a quick guide to refer too.</p>	<p>Noted.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Chilled Food Association</p>	<p>Overall, the guidance should reflect FSA’s current approach to incident handling. We would suggest that the incidents team make comment on the documentation to verify alignment.</p> <p><u>pp14-15:</u> Does this really need to cover all food packaging that goes to the consumer? Labelling etc issues? The BRCGS 8 requirement is that all packaging that ends up with the consumer must be traceable.</p> <p><u>p25, Point 37:</u> Why is Primary and Home Authority not applicable in NI?</p> <p><u>p26, Points 39 &amp; 40:</u> Consumer organisations must communicate exactly the same way as the FBO/FSA.</p> <p><u>p28, 49 onwards:</u> It needs to be made clear in the guidance that e.g. an ingredient supplier should not notify the authorities without also advising the brand owner/own label manufacturer so they can deal with/minimise impacts.</p> <p>It is not clear that brand owners are the party responsible for notifying and engaging with FSA, having placed the product on the market. They give the brand name and other product details. For retailer own label foods the brand owner is the food retailer. Since the name of the manufacturer of such products is not indicated on the pack, giving the name of the manufacturer is therefore of no assistance to the consumer trying to identify the product in their fridge. The guidance should include that suppliers need to advise their customers of issues <u>as they arise</u>, so they can deal with/minimise impacts. Note that this may well be <u>before</u> a potential incident is identified, e.g. by trending data.</p> <p>“FBOs are required to notify.....suppliers” – this should also state “where implicated”.</p> <p>There is no real reference to timescales for communication and action to occur both by FBOs and We appreciate that they can’t be absolute but there should be some targets.</p>	<p>Comments noted and amendments accepted, where appropriate.</p> <p>Currently the Primary Authority principle does not apply in NI as there is no legislation in place to enable it.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

	<p>We would suggest communication and initial action by FBOs and Authorities say within 24h of discovery of an issue.</p> <p><u>p35, Point 72</u> Needs to be more robust and clearer around having a discussion with Enforcement Authority.</p> <p><u>P33-34, Point 66:</u> Mass Balance requirements need better defined – what about waste, factory shops?</p> <p><u>Annex F</u> The list of uncertainties would benefit from more guidance/detail/examples</p> <p><u>Annex I, Q5</u> Suggest amending more to justification/recommendation for a course of action if the action is based on <u>risk assessment</u>. This would complement FSA’s incidents triage etc approach.</p>	
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>The Nut Associaton Ltd</p>	<p>TNA believes that the guidance offers nut industry companies and UK food enforcement authorities’ sufficient information and supporting tools to aid compliance with food law and advice on best practice in the event that a food safety issue involving nuts is identified, and a product withdrawal or recall is required.</p> <p>We welcome the commitment of FSA and FSS to develop tools to aid FBOs to implement the guidance and to produce a quick reference guide summarising steps to take in withdrawals and recalls, which we will believe will particularly benefit small and medium size operators.</p> <p>We also note and approve that the new guidance was developed with the involvement of Allergy UK and the Anaphylaxis Campaign as food allergy consumer led bodies.</p> <p>Overall, we agree with the suggested best practice on traceability and the model documentation intended for FBO use.</p> <p>Overall, we agree with the suggested best practice on product recall/withdrawal and the model documentation intended for FBO use.</p> <p>We agree with the suggestion that FBOs should liaise directly with relevant consumer led allergy bodies, in the case of nuts this is Allergy UK and the Anaphylaxis Campaign, where a recall is indicated for food allergy risk reasons. These allergy bodies have extensive and effective communications networks to alert at risk consumers and should be part of a collaborative approach to food safety. This would supplement what can be done through the FSA/FSS alert systems and those of local authorities.</p> <p>We agree with the use of root cause analysis as an appropriate tool kit for FBOs to use following a food safety incident to determine the reason(s) why the food withdrawal or recall occurred. Keeping allergy alerts separate from food recalls/withdrawals for non-allergy risk reasons is also desirable.</p>	<p>Noted. Responses to this consultation indicate that that there is merit in considering ways to differentiate between allergy alerts and other types of food alert. This cannot be completed as part of the Efficacy of Recalls and Withdrawals project, as it requires further work and research which is not within the project scope. The project team has however requested that this issue is considered in the ongoing work across Government on communication of allergen information to consumers.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

	<p>On related food safety points, from a nut industry standpoint TNA supports the investigation of the viability of adopting food allergen thresholds and reference amounts. There is sufficient data for this to be done for peanut products initially, and then for tree nuts when more data is available. This would reduce the need for wasteful, expensive and often largely ineffective recalls and the overuse of precautionary “may contain” labelling. Research indicates that precautionary labelling is often of limited benefit to either food operators or allergic consumers and is often widely ignored in practice by those it is meant to protect. TNA believes that in the UK, the FSA should take a lead body role on this, working closely with the nut industry and food allergy consumer bodies. A successful model using thresholds and reference amounts, VITAL 2.0, which could be studied for UK use exists in Australia and New Zealand.</p>	
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Private individual (consumer)</p>	<p>Overall the draft Guidance on Food Traceability, Withdrawals and Recalls shows a number of improved areas. As an allergy suffer (Coeliac) I have noticed the FSA have already started to use the proposed format, including photo of the product which is excellent for a quicker/easier way to check the store cupboard in the home. Consistency of the information provided to the public is a good idea and it would be great to see this in a consistent format throughout to familiarise everyone of the notices. Hence the same notice for all products:</p> <ul style="list-style-type: none"> <li>-In Store</li> <li>-On official websites</li> <li>-Via social media sites</li> <li>-Sent to relevant companies</li> </ul> <p>Consumer confidence is of main importance and a statement to reflect what has actually been done would certainly help in this. However, I would question consumer confidence if the same statement was used for in-store notices, to FSA websites, to company websites, etc of: 'Affected product has already been removed from the shelves'. This statement in itself is a human activity and with that human error is always possible. If product has been removed and accounted for before the notices are displayed to the public, it may be more re-assuring to indicate that for full transparency.</p> <p>Having the two alert formats 'Allergy Alert' and 'Food Recall Alert' is a good idea for the consumer, as those people who do not need to worry about allergens can ignore 'Allergy Alerts' if they so wish and just concentrate on 'Food Recall Alerts' only. I would only question if colour and/or symbol differentiation would be preferred by the consumer for further ease as to the necessity to read the notice at all. Certainly, RED (Triangle with exclamation mark) should be used for 'Food Recall Alerts' as this will need to be noticed by all groups of people. The different colour and/or symbol for allergy alert notices could be widely spread to the public via Coeliac UK, Allergy UK, etc.</p>	<p>Noted. The template point of sale notices have been amended, taking account of the comment concerning affected product having already been removed from the shelves.</p> <p>Responses to this consultation indicate that there is merit in considering ways to differentiate between allergy alerts and other types of food alert. This cannot be completed as part of the Efficacy of Recalls and Withdrawals project, as it requires further work and research which is not within the project scope. The project team has however requested that this issue is considered in the ongoing work across Government on communication of allergen information to consumers.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Specialist Cheesemakers Association</p>	<p>In Annex D, for clarity, it might be useful to add “The following information should be made available to the FBO to whom the food is supplied and upon request to the enforcement officer”.</p> <p>There are two lists of definitions: pp10-11 and pp37-40. There appears to be some duplication. Are two lists necessary?</p> <p>Annexe A, p36, please would you replace Lynher Dairies and Stichelton with the Specialist Cheese Makers Association in the list of contributors. Any alternative wording for 'key players' (p20)</p> <p>On Annexe I (pp48-51), do the contact details replace these details?          FSA Incidents Branch:          tel: 020 7276 8448 (office hours)          tel: 0345 051 8486 (out of hours)          fax: 020 7276 8446  <a href="https://incidents.foodapps.co.uk/IncidentReportForm/login.aspx">https://incidents.foodapps.co.uk/IncidentReportForm/login.aspx</a>          When do you anticipate that the document will go live? How will it be introduced to food businesses and EHOs?</p>	<p>Comments noted and amendments accepted, where appropriate.</p> <p>The guidance and associated tools were published on 12 March 2019 and work will be ongoing over the next 12 months to promote and embed these amongst food businesses and enforcement authorities.</p> <p>The guidance, as published, clarifies reporting procedures and contact details.</p>
<p>British Soft Drinks Association</p>	<p>Overall the guidance is welcomed, it is far more comprehensive than the 2007 Guidance. It is useful to have flow diagrams of the processes and to have lists of actions to be taken along with various templates for recording information. It is also helpful to see example recall notices.</p> <p>The guidance clearly distinguishes between legal requirements and best practice guidelines. BSDA members have suitable recall/withdrawal systems in place currently, however this guidance should help ensure that there is a consistency of approach across all sizes of business. The guidance is an aid to effectively manage withdrawals and recalls and in itself won't give greater assurance that UK businesses can effectively manage the process.</p> <p>BSDA are pleased to see mention of the role of primary authority and that there could be a role for co-ordinated partnerships in the process.</p>	<p>Noted.</p>

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Hull City Council</p>	<p>Page 9          Is it worthy of mention other key pieces of legislation which relate to the traceability of certain food? EC Reg 931/2011 for products of animal origin, EC Regs 853 and 854 for ID and Health Marking, Fish Labelling Regulations, Beef Labelling Regulations, EC Reg 1169/2011 for Name of business and origin or place of provenance, EU Reg 1337/2013 for the place of provenance for the meat of pigs, sheep, goat and poultry. Page 11 definition of “unsafe food” doesn’t really match the detailed definition of what Article 14 of 178/2002 expands into. The definition on PG 11 appears more akin to the dictionary definition of “harm”, rather than what Article 14 covers.          Is this an opportunity to tighten up the definitions relating to Home Authority, Originating Authority, Primary Authority, Enforcing Authority and Central Competent Authority? Some of those terms are not defined.          Page 14          Although a template is provided to allow food businesses to record the relevant information to show traceability, it would seem that this information is additional to any other normal records which exist. Shouldn’t best practice guidance suggest that wholesalers produce sales data/ invoices etc. to a format which, would lend itself to traceability requirements, it would be a saving to both the businesses in terms of time and effort.          Page 34 Para 67 –          It is worth mentioning perhaps that a re-labelling to apply a health mark or ID mark can only be done in an approved re-wrapping establishment or the establishment to which the ID or Health Mark pertains. At a re-wrapping centre the new label would bear the ID mark of that establishment, not the original establishment.          Given past experiences is it worth a detailed look at how Food Brokers would fit into this? Possibly a good opportunity to add to the definitions and do so in the same breath as the definition of “Food Business Operators”?          Possibly include a reminder that all Food Business Operators should be registered or approved with a competent authority, and link to new registration process being introduced.</p>	<p>Noted and suggestions accepted, where appropriate.          Further tools, including e-learning courses for both food businesses and enforcement authorities on root cause analysis, are being developed and will be published in due course.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

	<p>Page 35 -Root cause analysis Should there not be an element of wider learning involved in the best practice for root cause analysis. At least to relevant industry organisations. Also maybe include links to further reading.</p> <p>Page 24-26 Roles of competent authority and central competent authority The roles as described lack a little clarity. A role of the enforcement authority is described to check that affected FBO s have removed affected food but in practice this currently only takes place if specific correspondence is received from the FSA ( i.e. Alert for Action or an individual communication) or if the authority identifies unsafe food themselves. Maybe mention this? The FSA, (other than their public health responsibilities) are described as 'having a role in', whereas the enforcement authorities are described as 'responsible for'. This appears to be intentional but it would be better and fairer if processes such as those for international recall and follow up investigation were more specifically articulated for the FSA and clarity provided over the bullet points listed in terms of responsibilities. Presumably one responsibility is deciding on whether a food alert is for action or not, but this is not specifically mentioned. A bit more detail on the processes for a competent authority raising a food incident with the FSA would be helpful.</p> <p>Annexes All the Annexes would be clearer if they were supplemented with illustrated examples rather than just blank templates or populated with prompts.</p>	
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>East of England Trading Standards Association</p>	<p>Overall an update of the Guidance is welcomed and the provision of template documents such as Logs, contact lists and flowcharts is a great improvement as these help to put the requirements principles into practice.</p> <p>Page 10 – the definition of FBO on page 10 ‘<a href="#">food business operator (FBO)</a> means a food processor, manufacturer, distributor, wholesaler, broker, agent, importer, exporter, retailer (including caterer/out of home business) or any charity organisation providing food’ is not consistent with the legal definition of FB and FBO found on page 38. In addition it might be useful to refer to other FSA Guidance notes which may help readers to determine whether their food activities are caught by the requirements of 178/2002 ie a certain continuity of activities’ and ‘a certain degree of organisation’ within the Guidance titled ‘Community and charity food provision - guidance on the application of EU food hygiene law’, dated 31 July 2013.</p> <p>Page 11 – Not sure why the terminology refers to ‘<a href="#">Out of home</a>’, rather than just use the term caterer, which I think is better understood.</p> <p>Page 11 - the definition ‘<a href="#">unsafe food</a>’ means food that may cause illness or physical harm if consumed, e.g. food contaminated with pathogenic (food poisoning) bacteria or food that has inadequate allergen information’.</p> <p>You need to be much clearer about whether this relates only to immediate risk to human health or includes long term risks such as contaminants, excessive use of additives etc which whilst not a risk to consumers immediately has a long term risk to health through exposure such as acrylamide (which itself is called a ‘food safety hazard’ in FSA guidelines). 178/2002 provides at Article 14 (4): In determining whether any food is <b>injurious to health</b>, regard shall be had:</p> <ul style="list-style-type: none"> <li>(a) not only to the probable immediate and/or short-term and/or long-term effects of that food on the health of a person consuming it, but also on subsequent generations;</li> <li>(b) to the probable cumulative toxic effects;</li> </ul> <p>But none of this is reflected in the guidance document.</p>	<p>Comments noted and amendments accepted, where appropriate.</p>
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## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY

The **Flowchart** in Annex E requires much further thought with regard to the immediacy of the risk as above but also conflicts with **legal presumptions**. For example certain legislation provides that a food is deemed unsafe, such as food on sale beyond its Use by date. If you follow the flowchart using an example of raw meat beyond its Use by, you could get to the box 'the food is not unsafe but is non-compliant with food law' because meat is cooked and any micro risks removed. You cannot have Guidance which conflicts with a legal presumption and without further careful clarification here could undermine future prosecutions or detention/seizure of food enforcement. The flowchart should not conclude whether a food is safe or unsafe, but rather direct the user to whether a recall or only a withdrawal is required in the circumstances and thereby **avoiding the conflict with legal presumption**. At the very least there should be a withdrawal as there should be no reason why FBO should place food on the market they know does not comply with legal requirements.

Page 12 - **NOTE: FBOs are not required to keep records of sales to the final consumer**. Add example that a retailer does not need to keep records of each of their individual customers only their business customers, though retailers may be able to contact consumers through their loyalty card schemes.

Page 13 – 'In defining the scope of a food withdrawal/recall, FBOs must be able to demonstrate the reasons for limiting the withdrawal/recall to certain batches and that other batches are not unsafe.' Where is the legal source of this requirement? In the past the assumption has been any recall is strictly limited to the batch known to be unsafe.

Page 15- 'saleable product size' – strange terminology to use, just use term 'Product size' in annex C eg 500g, 1 litre etc

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Page 16 – use of 'n/a' as shorthand rather than Not applicable.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

	<p>Annex B includes more definitions (which conflict with earlier definitions as per point 2) and need to make clear which are defined in law, to differentiate from those that are more illustrative or instructive. The * and footnotes are not compelling enough to do this.</p> <p>Why are the contact details for the FSA incident team buried in foot notes on page 25 rather than highlighted in the main body of the text. I would think you would want to encourage notification using the online portal but this is not emphasised here.</p> <p>Annex H – add a Notes column on the right hand side to record when contact has been made during an incident and notes etc to supplement the Log form.</p> <p>The Guidance has missed an opportunity to provide clarity to FBO’s on when to notify EH and when to notify TSO in two tier authorities despite one of the stated aims being to clarify roles of key players.</p> <p>Annex M – not much info here on Root Cause Analysis – please provide links to more information or training?</p> <p>Is there a Best practice benchmark for when a recall is regarded as ‘successful’ enough to be closed – ie getting back 75% of a batch or 50% or 25%?</p>	
Dairy UK	<p>With regards to the notifications procedures on page 29, these should include accreditation bodies such as the BRC.</p>	<p>Noted. There is no mandatory requirement for food businesses to notify accreditation bodies in the event of a food safety incident. They can however do so as a matter of good practice.</p>

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>The National Dried Fruit Trade Association</p>	<p>We fully support the suggested best practices raised by FSA and FSS for traceability and product recall/withdrawal. Although voluntary the use of the recall templates will enable FBO's to provide prescribed information and give consumers improved clarity with a standard format. Within the food industry colour coding is often used to denote high risk or allergenic products and perhaps the allergen recall notice could be printed in a different colour to highlight this category of recall.</p> <p>The NDFTA understand that in the event of a recall for food presenting an allergy risk, reaching the consumer is of paramount concern. The use of Allergy UK, Anaphylaxis Campaign or other recognised consumer led bodies has the potential to spread the message to a wider audience than FSA/FSS alert systems could reach alone and this collaborative approach is agreed by NDFTA.</p> <p>We agree that a Quick Reference Guide would be beneficial giving key points that require consideration such as documentation required for traceability, the risk assessment flow chart and key contacts.</p> <p>NDFTA have worked with the FSA on previous consultations and appreciate the opportunity to represent the dried fruit industry. We hope that the views above are helpful to this consultation and look forward to receiving the published guidance in due course.</p>	<p>Noted. Responses to this consultation indicate that there is merit in considering ways to differentiate between allergy alerts and other types of food alert. This cannot be completed as part of the Efficacy of Recalls and Withdrawals project, as it requires further work and research which is not within the project scope. The project team has however requested that this issue is considered in the ongoing work across Government on communication of allergen information to consumers.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Seafood Regulation Expert Group</p>	<p>There are concerns that the guide currently advocates standards that are below the legal minimum requirements for seafood businesses. Article 58 of Council Regulation (EC) No 1224/2009 and Article 35 of Regulation (EU) No 1379/2013 require specific product information to be traceable at all stages of the supply chain, beyond that prescribed in Annex D of the guidance document. For unprocessed fisheries products this includes the commercial designation of the species and its scientific name, the production method, the area where the fisheries product was caught or farmed, the category of fishing gear used and whether the product has been defrosted.</p> <p>Consistency between the guide’s record keeping requirements and the record keeping requirements set out in The Fish Labelling Regulations 2013 should also be highlighted as an area to address. Page 15 of the ‘Guidance on Food Traceability, Withdrawals and Recalls within the UK Food Industry’ advises that as a minimum, FBOs should keep traceability records for pre-packed foods for the shelf life of the food, plus 12 months. Conversely, Regulation 10 of The Fish Labelling Regulations 2013 makes it an offence to keep records of traceability information (required by Article 58 of Council Regulation (EC) No 1224/2009) for less than three years.</p> <p>Whilst having regard to paragraph 10 of the guide, it is acknowledged that the document is written in the context of the General Food Law. The SREG therefore wishes to ensure that the guide provides a greater distinction in areas where requirements for fisheries products go beyond that set out in General Food Law. The SREG proposes this may be best addressed with additional fisheries product sections in Annexes C and D and clarification in the body of the guide when different rules apply to fisheries products. This would ensure seafood businesses are appropriately advised.</p> <p>Lastly, the SREG wishes to draw your attention to companies who are selling food on a market place and how their business operations vary to the norm. This sector sells food products to the final consumer but are unlikely to know who they have sold their products to. Given the mobility of market stalls, unless there is a major incident that receives national coverage, it will be difficult for these food businesses to inform their customers of a recall.</p>	<p>Comments noted and guidance updated to take account of sector specific legislation that may require additional traceability requirements.</p> <p>The best practice guidance in relation to business to business communications is a tool that can help improve trade communications with business customers when issuing a notification of a withdrawal/recall.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

	<p>Whilst a guidance document is not expected to close this loophole, the FSA may wish to consider providing advice for this sector, in addition to that prescribed for retailers on page 23.</p> <p>The Seafood Regulation Expert Group remains fully engaged with the guide and welcomes your on-going cooperation as it continues to evolve.</p>	
<p>Association of Convenience Stores</p>	<p>The Food Standards Agency should be aware that there is no set definition of the ‘out of home sector’ and as such its definition may set a precedent for other government departments. We would welcome consistency regarding definition and as such would welcome clarity regarding ‘catering’ currently stipulated in the FSA’s definition.</p>	<p>Noted and guidance amended to ensure clarity of meaning.</p>

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Chartered Institute of Environmental Health</p>	<p>To inform its response, the CIEH has drawn on the expertise of its Food Advisory Panel.</p> <p>Whilst the Guidance is clear and easy to read, the estimated familiarisation costs for food businesses and regulators, as set out in the impact assessment have almost certainly been underestimated given the size of the document.</p> <p>The Guidance states that competent authorities should verify that food businesses have carried out a review to determine the cause of the food safety incident and have implemented corrective actions that are shared with FSA/FSS. It would be useful if the Guidance could more clearly set out the expectations of competent authorities. For example, can this verification take place during the next programmed official control visit or should it be within a specified timescale? Also, to ensure consistency, it would be helpful to set out the expectations of competent authorities where corrective actions are either not identified by a food business or are not implemented.</p> <p>The Guidance would benefit from the inclusion of more detailed information for food businesses on root cause analysis. Some worked examples or case studies would be useful.</p> <ul style="list-style-type: none"> <li>• In several places the Guidance advises businesses to seek advice from their third party consultant for assurance that a system is compliant. Many small/medium businesses do not have a third party consultant. It is recommended that businesses are advised, as an alternative, to seek advice from their competent authority.</li> <li>• The term ‘out of home’ is used throughout the Guidance. This is potentially confusing as home caterers could produce products which need to be subsequently withdrawn/ recalled.</li> <li>• Wording on the flow chart on page 18 should be consistent with wording in paragraph 20 i.e. if a food is non-compliant then the text in the last box should read ‘should’ consult with the Enforcement Authority not ‘may wish’ to consult...</li> </ul>	<p>Comments noted. Further supporting tools on root cause analysis are being developed and will be published in due course. Targeted communications on this will be issued in the near future.</p> <p>Amendments accepted, where appropriate.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

	<ul style="list-style-type: none"><li>• On page 34, paragraph 67, it is suggested that ‘FBOs <b>should</b> seek agreement from their enforcement authority before any food that has been previously recalled or withdrawn is re-worked or re-labelled’ is replaced with ‘FBOs <b>must</b> seek agreement from their enforcement authority before any food that has been previously recalled or withdrawn is re-worked or re-labelled’.</li></ul>	
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Tesco/Booker</p>	<p>Tesco takes food safety very seriously and has welcomed the efforts to develop UK wide guidance on traceability and food recalls and withdrawals.</p> <p>As such, we have actively participated in development of this work.</p> <p>We have well developed and tested systems in place to respond to food safety incidents, (that exceed the requirements of EC Regulation 178/2002), which are reviewed and revised on a regular basis</p> <p>The clarity of the consultation document will require further revision otherwise, the opportunity to achieve the desired outcomes across the food sector may be missed.</p> <p><b>Comments from our Booker Colleagues</b>          From the viewpoint of Booker (being a business to business operator) we were pleased to see that the relevant guidance reflects the procedures we already have in place across the group.</p> <p>Booker occasionally issue POS to our customers (for use in their own shops) and the templates that are provided here would be simple enough to adopt.</p> <p>Question 7 <i>"Is it reasonable for FBOs to keep traceability records of pre-packed foods for the shelf life of the product plus 12 months?"</i> - a key factor affecting this would depend on just how detailed the retained data needs to be.</p> <p>In the guidance, paragraph 14 clearly shows what is legally required and Booker in common with other wholesalers has such traceability in place. Please note that this traceability is at sku level, not batch.</p> <p>The 'Best Practice' box in step 3 of paragraph 15 includes batch data - <u>this must not become an expectation</u> in a 'shop' environment (such as cash and carry) where the customer can purchase any batch that is on shelf from one hour to the next.</p>	<p>Noted.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>British Beer &amp; Pub Association</p>	<p>Given the diversity of the sector, BBPA members are sympathetic to the challenge faced by FSA to find a way to communicate concise and relevant information to FBO's across the UK food industry, irrespective of size and their relationship with respect to the end consumers, in such a way that enables compliance with all relevant legislation to ensure that food served to consumers is safe and fit for consumption.</p> <p>Managing recalls and withdrawals on the basis of food safety failure is complex and our members largely felt that the revised guidance does not differentiate clearly between those legislative requirements for FBO's and industry best practice in this regard. They also noted some areas where the revised guidance has introduced some helpful clarification. However, members were concerned that the guidance currently appears not to fully recognise the extent and diversity of business models within the food industry and is typically more biased towards larger companies with existing expertise and resource capability to manage food safety incidents.</p> <p>In order to ensure that the guidance is of equal value across the broader sector, in particular to small or independent FBO's such as pubs, our members have indicated that it would be helpful for the guidance to include working examples of the different means of implementing best practice to support compliance with the legislative requirements as well as of the requirements themselves i.e. risk characterisation. Members felt that that the inclusion of worked examples of best practice would be useful to help those with less experience or capability, such as licensees. It was noted that smaller businesses/operators often require greater support and flexibility based on circumstance or capability and therefore may employ different approaches to achieve compliance e.g. methods of recording product information. This is important to reflect but overall, members did not feel is adequately represented within the guidance in its current format.</p>	<p>Comments noted. It is the intention that the 'Quick Reference Guide', which is being developed, will be an aid to smaller businesses and will act as a summary document highlighting the key aspects of food safety withdrawals/recalls and traceability.</p> <p>If there is a demand to produce a sector specific guide for smaller food businesses, FSA/FSS would be happy to engage with trade organisations should they wish to develop this.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Institute of Food Science Technology</p>	<p>IFST welcomes the production of this comprehensive and useful document and finds the mix of guidance, regulatory requirements and the templates etc provided in the annexes to be well laid out and clear.</p> <p>The document would be enhanced by a couple of real examples where a set of paperwork was filled in and best practice followed</p> <p>The document is however too long for FBOs to be familiar with it all in an urgent situation; IFST therefore supports the intent to produce a more concise ‘Quick Reference Guide”. This guide should include the key decision making and action steps required in the face of a potential incident (including a flow chart/diagram).</p> <p>Regardless of a separate guide the document could be reduced in places, to remove basic management/manufacturing/retail advice that would be well known to FBOs (e.g. Annex J: a description of how to write a communication!), and to remove duplication (e.g. FBO Guidance p.53, effectively previously covered).</p> <p>FSA could consider if covering the needs of two target audiences (FBO and enforcement authorities) has contributed to the length of the document.</p> <p>Determining whether a food is safe or unsafe is easier where a legal limit for a contaminant is exceeded or a product is incorrectly labelled e.g. no allergen warning); however in many situations this is more complex. Particularly for these cases IFST would like to see local authorities being provided with sufficient resources to be able to provide consistent and robust advice to FBOs “to assist in risk assessment and control measures regarding the food safety incident”. Our members have reported that in some instances advice can deviate from that given by experienced independent food safety experts.</p> <p>Guidelines should emphasise the need for all FBOs to have access to appropriate testing programmes for the common chemical or microbiological contaminants in their products i.e. show due diligence. FBOs should also know who to consult in the advent of unexpected findings.</p>	<p>Comments noted and suggested amendments considered in the revised version of the guidance and tools.</p>
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## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY

The legal reasons to recall/withdraw are good and clear but obviously based on EU Law; what would be the situation when the UK leaves the EU?

It should be acknowledged that many FBO, even the smaller ones will have independent QMS inspections (e.g. BRC/SALSA) to standards that will include challenging the ability to recall/withdraw.

Page 8 - The point made in para 8 that the withdrawal process may also be applied to non-food safety withdrawals should be given greater prominence, e.g. through the use of examples.

Page 10 – Definitions - Definition of "food business operator" (FBO) contains all possible sectors except primary producer, unless there is scope under the "retail" or "wholesaler" groups.

Page 11 – Definitions - "Unsafe Food" definition is limited; physical contamination is not included.

Page 12 – Traceability - Many retail businesses and caterers purchase food products from supermarkets that they then use in their own businesses and some bulk products may be aimed at these customers. Records are not made by supermarkets and by law they should. This is explained on page 15, but does any supermarket ever ask? How will the FSA address this?

Page 13 - Best Practice - This now includes packing materials, which are not mentioned before. Page 13 - "Quickly" is undefined in Best Practice, and therefore not useful.

Page 14 - Best Practice - A very useful section which is split between two pages; it would be much better as a single table.

Page 15 and elsewhere - There is the assumption that "the enforcement authority" will assist; in many two tier authorities there will be several "enforcement authorities" involved and many small businesses are confused by local arrangements. It would be more useful to state "appropriate Environmental Health or Trading Standards Departments" although in many areas the business would be expected to pay for the assistance.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

	<p>Page 17 - Making a decision to withdraw - Para 17 is under-emphasised</p> <p>Page 34 - Some abbreviations used in text, e.g. “POAO” on p.34, before definition on p.42.</p> <p>Page 40.- A contradiction that “Traceability; means through all stages” (Definitions), as opposed to one step back and one forward (Definitions 14; Legal).</p> <p>Page 43 44- The section on identifying unsafe food does raise difficult questions regarding the evidence needed to make judgements. Annex F Risk assessment considers only microbiological risk assessments. Surely there needs to be also risk assessments for chemical and physical hazards and particularly allergens as that is the area that seems to initiate most withdrawals and recalls</p>	
<p>Council of Responsible Nutrition</p>	<p>References to EU legislation throughout guidance – will these be replaced before the guidance is published? If not, there is a risk of confusion for FBOs trying to comply with UK legislation in the future.</p>	<p>Noted and guidance updated to reflect the legislative position around EU Exit.</p>

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>Food and Drink Federation</p>	<p><b>Page 17: Legal requirements box</b>  The text of Articles 14 and 19 of Regulation (EC) No. 178/2002 included in this box is not a full version of the legal text. If there are editorial reasons for only including extracts of the legal text, it should be made clear that this is not the full legal text and a link included to that text. There also appear to be some differences between the text which is included in the box and the legal text - for clarity, the wording used should be aligned with the legal text.</p> <p><b>Page 18: Flow diagram</b>  It would be helpful to include an arrow in the stepped line which runs from the right to the left side of the flow diagram.</p> <p><b>Notification of Enforcement Authority</b>  While there are references to the legal text of Regulation (EC) No. 178/2002 in the boxes preceding sections 17 and 51, the following sections of the guidance do not differentiate between product which has been “placed on the market” and product which has not “left the immediate control” of the initial food business operator:</p> <ul style="list-style-type: none"> <li>• <b>Section 17</b></li> <li>• <b>Page 21, second box</b></li> </ul> <p><b>Section 23</b>  It would be helpful to reference here that Annexe F contains an example of how a “microbiological” risk assessment could be conducted.</p> <p><b>Section 38, final bullet</b>  The use of the term “withdrawal” here may reflect the terminology used in Regulation 178/2002 but it is confusing in the context of the definition used within the guidance, ie that “‘withdrawal’ is the process by which a food is removed from the supply chain, where the food has <b>not</b> reached the consumer.” For clarity, we would therefore suggest that the text in the bullet be changed to “recall”.</p> <p><b>Section 53 &amp; page 53 (foot of page)</b>  It would be helpful, for consistency throughout the guidance, if the word “destroy” were replaced with “disposed of”.</p> <p><b>Annexe K, page 62</b>  Under “What you should do”, the template currently says “do not eat <b>it them</b>”. We presume that this should either just say “them”, as per the following template, or that both templates should say “<b>it / them</b>”.</p>	<p>Comments noted and amendments accepted, where appropriate.</p>
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**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>British Retail Consortium</p>	<p><b>Length and Applicability of Guide</b>  The FSA has already indicated the intention to produce a summary document to accompany the guidance which should be used as a quick reference guide. We reiterate our support for this as a helpful addition to assist businesses in quickly accessing the necessary information. The document should clearly set out roles, responsibilities and identify the process steps to assist in identifying actions to take. It should also include cross referencing of the relevant points in the guidance to facilitate finding out more information. The length of the draft guidance as a stand-alone document has the potential to overwhelm the intended audience especially during an incident.</p> <p><b>Legal Requirements vs Best Practice</b>  The separation and highlighting of legal requirements and best practice is helpful. However, in some areas, definitions specifically, there is a crossover between what is laid out in legislation and best practice. To avoid confusion, it would be helpful to clearly differentiate between legal definitions and others.</p> <p>There are various references throughout the guidance to competent authorities, enforcement authority/authorities, FSA and FSS with some being used interchangeably. For clarity it would be helpful to limit the amount of terms or explicitly state the authority. For the majority of BRC members it is most likely that the FSA would be the first point of contact for notification once an issue is confirmed. Some may choose to also inform their primary authority.</p>	<p>Comments noted and considered in the development of the revised version of the guidance and tools.</p>
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## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY

### **Roles and Responsibilities**

The relationship between manufacturers of retailer own brands does not appear to have been covered. If a manufacturer has identified an issue with a retailer own label product, the brand owner would make the decision on notification and would instigate this themselves. It is important to recognise the difference in retailer involvement in a branded recall compared to an own label recall.

A divergence from this would be when multiple products are being recalled on behalf of various retailers. In this scenario each retailer would give permission for a joint notification by the manufacturer. This is an important route to ensuring consistent messaging.

### **Withdrawal of Product for non-safety issues**

It is important that the guidance does not inadvertently extend the legal requirements or put businesses in a situation where non-safety issues would need to be notified. When reviewing the guidance, at times it is possible to confuse the actions undertaken by manufacturers compared to retailers. This could be resolved by making it explicitly clear that the scope of the guidance only covers food safety issues, references to product quality issues should be removed to avoid confusion. One of the specific inclusions that may cause confusion is as follows:

*FBOs who initiate a food withdrawal/recall should legally notify their enforcement authority immediately with the details of the food safety incident (nature of the problem, product affected, quantity etc) and of the action proposed to prevent the risk*

We suggest that this is amended to link the action to food safety earlier in the instruction. This will immediately give context. Please see below for our suggested amendment:

*FBOs who initiate a food recall for food safety purposes should legally notify their enforcement authority immediately with the details of the incident (nature of the problem, product affected, quantity etc) and of the action proposed to prevent the risk*

Retailers may have reason to undertake withdrawals for quality or precautionary food safety issues based on robust risk assessments, these are competently managed with no risk to consumers. Where a public recall is necessary, this would always be notified.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

	<p><i>FBOs will benefit from formally closing the withdrawal/recall and advising the enforcement authority that the incident has ended and the reason for closure.</i></p> <p>We recommend that the instruction above is removed. This is not routine practice and adds an unnecessary step to the engagement process. Retailers inform the enforcement authority (Primary Authority PA) of their action in line with their incident management procedures. If further information is required, this can always be requested by the authority.</p> <p>P18: Decision Tree. We do not believe that a question beyond “is the food unsafe” is necessary. If the answer is no, then the issue is outside the scope of the guidance. We suggest that the additional questions are replaced by a statement to highlight that if there is concern about the legality of the product then this should be discussed with the relevant body.</p> <p>P22: Best practice text. This is not a step that routinely happens and is an area that should be flagged to raise awareness.</p> <p>P23: The action to accept returned food from consumers should not be mandated. If the recall is being undertaken by a brand (that is not the retailer) then action will depend on their POS communications.</p>	
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## SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY

### **Notification procedures**

Pg 29: Should it be highlighted that this is explicitly for food safety issues. This is to avoid any confusion that product being withdrawn from store must be notified.

Best practice – engagement with consumer organisations:  
Although best practice there are various ways in which a business can interact with these organisations. This could be a basic notification or paying for alerts. The consumer organisation would also have its own policy on actions taken in repose to an alert. It is important that the guidance acknowledges that this is one of many routes to reaching target consumers. We would also encourage acknowledgement within the guidance of the role of these organisations in undertaking their own monitoring and highlighting of alerts.

### **Monitoring Progress of a Food Withdrawal/Recall**

We have previously expressed concerns about the suggestion for food businesses to include quantities of food returned as a measure of success of a recall. The FSA's own pilot to track this data proved this to be difficult. Although the text has been modified from previous drafts we still do not accept that the inclusion below is practically achievable. Other KPIs should be considered to monitor success.

Pg 33: Para 61 *In order to monitor the progress of the withdrawal/recall, FBOs should attempt to reconcile food removed from the market against known quantities of affected food distributed. By monitoring the quantity of product removed from the market this will give information about any additional actions that may be required to reiterate the messages or to indicate when the withdrawal/recall has been completed.*

Para 66: This is very prescriptive and may be better set out as best practice. Stock disposed of from store will not always be recorded. The key objective during removal is to ensure that unsafe food is removed and does not return to sale. BRC members<sup>91</sup> will have documented procedures to deal with removal and disposal.

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

	<p>Annexe E: We refer to our earlier comment about the food law compliance question in decision trees. It is our view that the questions should stick to the food safety elements of the assessment but there is opportunity to provide an information statement to advise that further action may be necessary to understand whether there are any general compliance issues.</p>	
<p>AIMS</p>	<p>AIMS considers it to be a very useful document. We have just two suggestions. Firstly it is confusing to have two sets of definitions that are different. Perhaps the abbreviated set could be removed. Secondly, could mention be made in the body of the text under “performing a risk assessment” of the need to consider whether a hazard would be removed by cooking. Annexes E and F both cover the point, but you will appreciate that for fresh meat this is very important consideration and a reference around paragraph 22 could provide further clarity.</p>	<p>Comments noted and amendments accepted.</p>

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – GUIDANCE ON FOOD TRACEABILITY, WITHDRAWALS AND RECALLS WITHIN THE UK FOOD INDUSTRY**

<p>National Food Hygiene Focus Group</p>	<p>I have read through the draft guidance and would offer the following (mostly pretty minor) comments:</p> <p>Page 15 - "... in the event of a food safety issue..." - Do you mean "incident" here?</p> <p>Page 19, para 24. Is this not a legal requirement ("record the outcomes")? Would suggest commas after "need for".</p> <p>Page 22 "Send POS recall notification" – I can't see where POS is defined as "point of sale", can this go into the glossary?</p> <p>Page 23 – "out of home business" is a subset of 'retail' in the glossary but I believe it should be an entry in it's own right. Do you include here home-based businesses operating from a domestic premises?</p> <p>Page 24, para. 35 – "primary authority" should be in capitals so that its consistent with paragraph 37</p> <p>Page 29, para 50 – should the word "required" be in bold as a legal requirement?</p>	<p>Noted and amendments accepted, where appropriate.</p>
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## List of Respondents

1. Private individuals
2. Coeliac UK
3. Burger King
4. Marks & Spencers
5. Chartered Institute of Environmental Health
6. National Food Hygiene Focus Group
7. AIMS
8. British Retail Consortium
9. Food & Drink Federation
10. Council of Responsible Nutrition
11. Institute of Food Science Technology
12. British Beer & Pub Association
13. Tesco/Booker
14. Marston's PLC
15. Seafood Regulation Expert Group
16. Association of Convenience Stores
17. The National Dried Fruit Trade Association
18. Dairy UK
19. East of England Trading Standards Association
20. Hull City Council
21. British Soft Drinks Association
22. Specialist Cheesemakers Association
23. The Nut Association Ltd
24. Chilled Food Association
25. NI Food Managers Group
26. Newry, Mourne & Down District Council
27. Causeway Coast & Glens Borough Council
28. Wales Food Safety Expert Panel
29. Wycombe District Council
30. H.V.Graves
31. Instinctif Partners
32. Rhondda Cynon Taf/ Wales Heads of Trading Standards
33. UK Hospitality
34. Blue Spark Consultancy
35. Pret a Manger
36. Nandos
37. UK Hospitality