



# Food and feed law:

**A review of changes in food and feed legislation  
and associated activity affecting the UK**

**October 2014 – December 2014**

**Government Chemist Programme Report**

**March 2015**



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**October 2014 – December  
2014**

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## Introduction to 'Food and feed law' review series

This is the first in a series of quarterly reports that will provide regular updates on developments in food and feed law and related scientific and regulatory issues.

They form part of the Government Chemist project 'Support for the Government Chemist statutory function', which is one of the projects in the 2014-2017 programme. The primary purpose of the report is to track changes in food and agricultural legislation, concentrating on legislative changes that relate to chemical measurement and the role of the Government Chemist. It also includes general issues in food and feed to ensure contextual awareness.

The reports in this series will group the legislation into six broad categories; although the categories may not always be populated in every report.

The categories are:

- 1. Cross-cutting issues**
- 2. Food safety**
  - Including contaminants, Transmissible Spongiform Encephalopathies (TSEs), hygiene, food contact materials, and additives.
- 3. Consumer choice and prevention of fraud**
  - Including composition, general labelling, aspects of Genetically Modified (GM) food, and food irradiation.
- 4. Health and nutrition**
  - Including nutrition labelling, nutrients and supplements.
- 5. Regulation**
  - Regulatory activities and overarching provisions.
- 6. Feeding stuffs and fertilisers**
  - Animal feed and fertilisers.

European measures are normally listed first, along with the implementing domestic legislation, followed by purely domestic legislation. English regulations are cited in the text; however for significant measures, where equivalent regulations have been made at the same time for Scotland, Wales and Northern Ireland, devolved references are given. Potentially temporary and local measures, such as prohibition legislation for shellfish harvesting areas, have not been recorded. European, domestic, and (where relevant) European Food Safety Authority (EFSA) consultations and reports are included.

**Please note – legislation in force and made prior to October 2014 will not necessarily be reiterated herein. No responsibility can be taken for the use made of any view, information or advice given. In particular, any view, information or advice given should not be taken as an authoritative statement or interpretation of the law, as this is a matter for the courts.**

For any specific legislation this document should be read with the actual measure. Readers must always come to their own view on legislation in force, with expert public analyst and/or legal assistance if appropriate.

The sources of information used have been Office of Public Sector Information ([OPSI](#)), Food Standards Agency (FSA) updates, European Food Safety Authority ([EFSA](#)) and the European legislative information database, [Eur-Lex](#). Extensive use has been made of the explanatory notes that accompany each set of domestic regulations.

## Executive summary

This report provides an update on developments in food and feed law and related scientific and regulatory issues for the period from October to December 2014.

On contaminants, activity was limited to a derogation allowing the UK and some other member states to continue to apply higher limits for polycyclic aromatic hydrocarbons to domestically produced and consumed smoked meat and fish products. The limits had been due to be reduced in the quarter.

Regulation 1169/2011 on the provision of food information to consumers, EU FIC, came into force on 13 December 2014 requiring restaurants and takeaways to tell customers if any of the main 14 food allergen ingredients are in the food they serve, and made similar changes for food sold loose or pre-packed for direct sale. The way the 14 major allergens are referenced in ingredients lists of pre-packed foods was also improved.

Regulation 1169/2011 is, of course, about much more than allergen labelling. It covers most aspects of food labelling and brings in a succession of new requirements. The key changes have been reviewed and summarised. Some, such as country of origin labelling requirements due to come into effect from 1 April 2015, will require isotope ratio mass spectrometry to assist in their enforcement. This topic was well covered at the Government Chemist conference 2014, [Beating the cheats: Quality, safety and authenticity in the food chain](#).

In December 2014, FSA consulted on the focus of future sampling and surveillance in relation to either food safety or food fraud. While the focus may change after the consultation ends, the intended priorities for chemical and molecular biological analysis were reviewed.

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## Food safety

### Contaminants

Commission Regulation 1327/2014<sup>1</sup> amended Regulation (EC) No 1881/2006 as regards maximum levels of polycyclic aromatic hydrocarbons (PAHs) in traditionally smoked meat and meat products and traditionally smoked fish and fishery products. Regulation 1881/2006 sets maxima for PAHs in food, including smoked meat and meat products and smoked fish and fishery products. The maxima aim to be as low as reasonably achievable (ALARA) based on good manufacturing and agricultural/fishery practices. Table 1 shows the maxima and their reduced levels that became applicable as from 1 September 2014.

**Table 1: Maximum limits for PAH in food**

Benzo(a)pyrene, $\mu\text{g}/\text{kg}^{-1}$	Sum of Benzo(a)pyrene, benz(a)anthracene, benzo(b)fluoranthene and chrysene, $\mu\text{g}/\text{kg}^{-1}$
5.0 until 31.8.2014	30.0 as from 1.9.2012 until 31.8.2014
2.0 as from 1.9.2014	12.0 as from 1.9.2014

Recent evidence seems to show that the lower levels for PAHs are not achievable in several Member States in certain traditionally smoked products without changing significantly the organoleptic characteristics of the food. Consequently, such traditionally smoked products would disappear from the market resulting in the closure of many small and medium size enterprises. Therefore, derogation has been granted from the application of the lower maxima for three years for local production and consumption of traditionally smoked meat and meat products and/or fish and fishery products. The current maxima continue to apply to those smoked products. The derogation applies to traditionally smoked meat and smoked meat products, smoked and intended for consumption in Spain, Croatia, Cyprus, Latvia, Poland, Portugal, Romania, Slovak Republic, Finland, Sweden and the United Kingdom. It also applies to traditionally smoked fish and smoked fishery products smoked and intended for consumption in Ireland, Latvia, Romania, Finland, Sweden and the United Kingdom.

<sup>1</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.358.01.0013.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.358.01.0013.01.ENG)

## Food additives

Annex II to Regulation (EC) No 1333/2008 lays down a European Union list of food additives approved for use in foods and their conditions of use. It was amended three times during the quarter:

Commission Regulation 1084/2014<sup>2</sup> permits the use of diphosphates (E 450) as a raising agent and acidity regulator for refrigerated, prepacked yeast-based dough used as a basis for pizzas, quiches, tarts and similar products to a maximum of 12,000 mg kg<sup>-1</sup>.

Commission Regulation 1092/2014<sup>3</sup> extends the use of the sweeteners Aspartame (E 951), Neotame (E 961) and the salt of aspartame-acesulfame (E 962) to all other energy-reduced fruit or vegetable spreads in a similar way as in energy-reduced jams, jellies and marmalades. Upper limits apply.

Commission Regulation 1093/2014<sup>4</sup> extends and corrects the Annex as regards the use of copper complexes of chlorophylls and chlorophyllins (E 141), paprika extract, capsanthin, capsorubin (E 160c) cochineal, carminic acid, carmines (E 120), annatto, bixin, norbixin (E 160b) in certain flavoured ripened cheeses (some limits apply).

Annex I to Regulation (EC) No 1334/2008 lays down a European Union list of flavourings and source materials approved for use in and on foods and their conditions of use.

Commission Regulation 1098/2014<sup>5</sup> amended the Annex as regards certain flavouring substances namely: pyrrole, 2-acetyl-5-methylpyrrole, 2-acetyl-2-thiazoline, dihydro-2,4,6-triethyl-1,3,5(4H)-dithiazine, [2S-(2a,4a,8ab)] 2,4-dimethyl(4H)pyrrolidino[1,2e]-1,3,5-dithiazine, 2-methyl-2-thiazoline, 2-propionyl-2-thiazoline and ethyl thialdine.

## Pesticides

Commission Regulation (EU) No 283/2013 that repealed Commission Regulation (EU) No 544/2011 and laid down new data requirements for active substances was amended by Commission Regulation 1136/2014<sup>6</sup>. This introduced transitional measures for submission of data for applications for the approval, renewal of approval or amendment to the approval of active substances to ensure there were no disparities in the assessment of such data.

## Veterinary residues

Commission Implementing Decision 2014/745/EU<sup>7</sup> amended the list of National Reference Laboratories (NRL) in Decision 98/536/EC, the UK amended list is shown in Table 2.

<sup>2</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.298.01.0008.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.298.01.0008.01.ENG)

<sup>3</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.299.01.0019.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.299.01.0019.01.ENG)

<sup>4</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.299.01.0022.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.299.01.0022.01.ENG)

<sup>5</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.300.01.0041.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.300.01.0041.01.ENG)

<sup>6</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.307.01.0026.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.307.01.0026.01.ENG)

<sup>7</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.308.01.0104.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.308.01.0104.01.ENG)

**Table 2: UK NRLs for Veterinary Residues**

NRL	Groups of residues
Agri-Food & Biosciences Institute Northern Ireland	A1, A2, A3, A4, A5, A6 (nitrofurans except in honey, nitromidazoles), B2b, (nicarbazin), B2f
Food and Environment Research Agency (FERA)	A6 (chloramphenicol, nitrofurans in honey, dapsone). B1, B2a, B2b (ionophores)
LGC	A6 (chlorpromazine), B2c, B2d, B2e, B3a, B3b, B3c, B3d, B3e'

## Allergens

In this quarter (on 13 December 2014), Regulation 1169/2011 came into force requiring restaurants and takeaways to tell customers if any of the main 14 food allergen ingredients are in the food they serve, and made similar changes for food sold loose or pre-packed for direct sale. The way the 14 major allergens are referenced in ingredients lists of pre-packed foods was also improved.

On 4 November 2014, the FSA published<sup>8</sup> a nationwide snap-shot survey on a cross-section of pre-packed processed foods both with and without allergen advisory labelling. The survey examined the level of milk, gluten, peanut and hazelnut in products that were labelled with phrases including 'may contain X' or 'not suitable for someone with X allergy.' It also sampled products without this type of advisory labelling. In total, the survey sampled 1,016 products across 12 different product categories. A wide variety of different statements were used across the product categories. The most frequently used advisory label was 'may contain traces', found on 38 % of products. While the survey found a wide variety of allergen advisory labelling, only 28 % of products followed FSA advice in the use of specific phraseology that advises using 'may contain X' or 'not suitable for someone with an X allergy.' These two statements were found on 20.6 % and 7.2 % of products, respectively. Undeclared allergen cross-contamination in the UK is lower than previously found in studies in other countries, notably Ireland and the USA. The number of samples with advisory labelling but no detectable hazelnut or peanut was just below 50 %. Only gluten and milk were present as cross-contamination without advisory labelling. However, the levels found in the products were low so the FSA did not consider it to be a risk for people with allergies.<sup>9</sup>

In the quarter the Food Standards Agency started a sampling and testing programme at milling plants in the UK to test for the presence of soya in wheat flour. This followed reports that wheat flour may contain traces of soya. Thresholds of elicitation for soya can be quite high and FSA believes soya in flour is unlikely to pose a risk to people with a soya allergy and does not need precautionary labelling. The testing programme is to gather further data

<sup>8</sup> <http://www.food.gov.uk/news-updates/news/2014/13190/survey-on-may-contain-labelling>

<sup>9</sup> <http://www.food.gov.uk/science/research/allergy-research/fs241038>



on the presence and concentrations of soya in wheat and other flours to check that risk assessment and to ensure that consumers are being given accurate information about flour, and flour based products. Samples were taken from 13 milling plants across the UK.<sup>10</sup>

## Consumer choice

### Food labelling

Regulation 1169/2011<sup>11</sup> on the provision of food information to consumers, EU FIC, is of course about much more than allergen labelling. It covers most aspects of food labelling and brings in a succession of new requirements. The key changes (other than for allergens) include:

- Minimum font size for mandatory information (including where this is repeated voluntarily, such as 'front of pack' nutritional information).
- Nutrition information becomes mandatory from December 2016 for the majority of prepacked food and must be presented in a consistent format.
- New rules for date-of-first-freezing labelling have been introduced for certain frozen foods.
- All meat products and preparations that have the appearance of a cut, joint, slice, portion or carcase of meat that have more than 5 % added water need to indicate this as part of the name of the food. The same rules apply to fishery products which have the appearance of a cut, joint, slice, portion or fillet, or of a whole fishery product. These rules will be familiar to the UK but are now Europe wide.
- Minced meat has to meet certain requirements on fat and/or collagen levels. A derogation, which is subject to a review after three years, allows minced meat carrying the national mark to contain higher levels of fat and collagen.
- Existing national measures on the composition of ice-cream will be revoked.
- Changes to chocolate labelling have been made.
- Changes to additives labelling on prepacked food for direct sale have been made.
- Fresh and frozen pork, poultry, lamb and goat meat will have to be labelled with its origin from 1 April 2015.
- There are other changes with regard to nutrition, health claims and addition of essential nutrients to food.

The regulations are implemented separately in each country of the UK with minor differences (e.g. use of improvement notices). The 1996 domestic regulations are largely, although not wholly, revoked and central government responsibilities are split between Defra (the main departmental policy lead) and FSA.

A useful summary of links to the legislation and guidance has been provided by Dr David Jukes of the University of Reading.<sup>12</sup>

Domestic implementation is effected in England by the Food Information Regulations (SI 2014 No 1855)<sup>13</sup>, in Northern Ireland by the Food Information Regulations (Northern Ireland)

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<sup>10</sup> <http://www.food.gov.uk/news-updateFSAs/news/2014/13116/fsa-checks-for-presence-of-soya-in-wheat-flour>

<sup>11</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0018:0063:EN:PDF>

<sup>12</sup> <http://www.reading.ac.uk/foodlaw/label/links.htm>

2014 (SR 2014 No 223)<sup>14</sup> and in the present quarter Wales brought out the Food Information Regulations (Wales) 2014 (SI 2014 No 2303, W227)<sup>15</sup>.

### **Meat products**

The Products Containing Meat etc. (England) Regulations 2014 (SI 3001/2014)<sup>16</sup> were made and revoke the Meat Products (England) Regulations 2003 (SI 2075/2003), the Meat Products (England) (Amendment) Regulations 2008 (SI 517/2008), regulation 18(4) of the Food Additives (England) Regulations 2009 (SI 3238/2009) and the entry relating to the Meat Products (England) Regulations 2003 in the table in Part 2 of the Schedule to the Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012 (SI 1809/2012).

Similar Regulations have been enacted in Scotland with the Products Containing Meat etc. (Scotland) Regulations 2014 (SSI 289/2014)<sup>17</sup> which revokes the Meat Products (Scotland) Regulations 2004 (SSI 6/2004), the Meat Products (Scotland) Amendment Regulations 2008 (SSI 97/2008) and regulation 18(4) of the Food Additives (Scotland) Regulations 2009 (SSI 436/2009), and in Northern Ireland with the Products Containing Meat etc. Regulations (Northern Ireland) 2014<sup>18</sup> (SR 285/2014). These regulations lay down definitions and minimum meat content standards for certain meat products presented for sale directly to the consumer.

### **Fish labelling**

The Fish Labelling (Amendment) Regulations 2014<sup>19</sup> amended the Fish Labelling Regulations 2013 (S.I. 2013/1768) to provide for the enforcement of the consumer information requirements in Chapter IV of Regulation (EC) No. 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products. This is implemented in Northern Ireland by the Fish Labelling (Amendment) (Northern Ireland) Regulations 2014<sup>20</sup>. The information to be provided identifies species of fish on sale, and explains how the fish was produced and where it was caught. In addition, it ensures that information voluntarily provided is clear and unambiguous and can be verified. Amendments were required largely owing to administrative changes in the basis of the underpinning European legislation.

### **Novel foods**

Two novel foods were authorised during the quarter.

Commission Implementing Decision 2014/890/EU<sup>21</sup> authorised the placing on the market of chia oil (*Salvia hispanica*) as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council. "Chia" (*Salvia hispanica* L.) is a summer annual

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<sup>13</sup> [http://www.legislation.gov.uk/ukxi/2014/1855/pdfs/ukxi\\_20141855\\_en.pdf](http://www.legislation.gov.uk/ukxi/2014/1855/pdfs/ukxi_20141855_en.pdf)

<sup>14</sup> [http://www.legislation.gov.uk/nisr/2014/223/pdfs/nisr\\_20140223\\_en.pdf](http://www.legislation.gov.uk/nisr/2014/223/pdfs/nisr_20140223_en.pdf)

<sup>15</sup> [http://www.legislation.gov.uk/wsi/2014/2303/pdfs/wsi\\_20142303\\_mi.pdf](http://www.legislation.gov.uk/wsi/2014/2303/pdfs/wsi_20142303_mi.pdf)

<sup>16</sup> [http://www.legislation.gov.uk/ukxi/2014/3001/pdfs/ukxi\\_20143001\\_en.pdf](http://www.legislation.gov.uk/ukxi/2014/3001/pdfs/ukxi_20143001_en.pdf)

<sup>17</sup> [http://www.legislation.gov.uk/ssi/2014/289/pdfs/ssi\\_20140289\\_en.pdf](http://www.legislation.gov.uk/ssi/2014/289/pdfs/ssi_20140289_en.pdf)

<sup>18</sup> [http://www.legislation.gov.uk/nisr/2014/285/pdfs/nisr\\_20140285\\_en.pdf](http://www.legislation.gov.uk/nisr/2014/285/pdfs/nisr_20140285_en.pdf)

<sup>19</sup> [http://www.legislation.gov.uk/ukxi/2014/3104/pdfs/ukxi\\_20143104\\_en.pdf](http://www.legislation.gov.uk/ukxi/2014/3104/pdfs/ukxi_20143104_en.pdf)

<sup>20</sup> [http://www.legislation.gov.uk/nisr/2014/287/pdfs/nisr\\_20140287\\_en.pdf](http://www.legislation.gov.uk/nisr/2014/287/pdfs/nisr_20140287_en.pdf)

<sup>21</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.353.01.0015.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.353.01.0015.01.ENG)

herbaceous plant belonging to the Labiatae family. In the EFSA opinion<sup>22</sup> on the matter it was noted that according to the literature, Chia is *Salvia potus Epling*, while *Salvia hispanica* L. is “Chia blanco” (literally: “white Chia”). Therefore, care should be taken to ensure that the name under which *Salvia hispanica* L. is sold describes the novel food/novel food ingredient unambiguously. Decision 2014/890/EU requires the name of the novel food to be ‘Chia oil (*Salvia hispanica*)’ and lays down compositional characteristics including not less than 60 % α-linolenic acid.

Commission Implementing Decision 2014/907<sup>23</sup> authorised the placing on the market of *Clostridium butyricum* (CBM 588) as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council. *Clostridium butyricum* (CBM 588) is a Gram-positive, spore-forming, obligate anaerobic, non-pathogenic, non-genetically modified bacterium. It appears the intention is to market CBM 588 as viable spores in tablet form intended for use as a probiotic food supplement claimed to support, maintain or restore healthy gut flora physiology and/or function. The applicant intends to make a parallel application for assessment under the EU Nutrition and Health Claims Regulation.<sup>24</sup>

## Consumer attitudes

The FSA's ‘Food and You’ survey published once every two years provides information on reported behaviours, attitudes and knowledge relating to food issues. This year’s survey was published in this quarter. For example there was an insight into the number of people with a food allergy. In total, 4 % reported having an allergy. Of that 4 %, nearly two thirds (66 %) said they had seen a doctor about their allergy with 40% saying that it had been clinically diagnosed. Overall, 11 % of respondents reported living in a household in which someone had a food allergy (not necessarily clinically diagnosed). There was also information on consumer salience of the FSA’s Food Hygiene Rating Scheme, and the Food Hygiene Information Scheme in Scotland, and on food purchasing, storage, preparation, consumption and eating habits.<sup>25</sup>

## Regulation

### Import controls

Commission Regulation (EC) No 669/2009 lays down rules concerning increased levels of official controls on imports of feed and food of non-animal origin when warranted by evidence of increasing threats to the food chain. The regulation is therefore periodically updated as new threats emerge or others are brought under control. In this quarter, two sets of changes were made. Commission Implementing Regulation 1295/2014<sup>26</sup> amended Annex I to Regulation 669/2009 as regards the increased level of official controls on dried spices from India (for aflatoxins), betel leaves from India and Thailand (for salmonella) and

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<sup>22</sup> <http://www.efsa.europa.eu/en/scdocs/doc/996.pdf>

<sup>23</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.359.01.0153.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.359.01.0153.01.ENG)

<sup>24</sup> [http://acnfp.food.gov.uk/sites/default/files/mnt/drupal\\_data/sources/files/multimedia/pdfs/clostbutop.pdf](http://acnfp.food.gov.uk/sites/default/files/mnt/drupal_data/sources/files/multimedia/pdfs/clostbutop.pdf)

<sup>25</sup> <http://www.food.gov.uk/news-updates/news/2014/13159/new-food-and-you-survey-findings-published>

<sup>26</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.349.01.0033.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.349.01.0033.01.ENG)

vine leaves from Turkey (for pesticides). Commission Implementing Regulation 1021/2014<sup>27</sup> amended the Annex to increase sampling and analysis of aubergines, Chinese celery and yardlong beans originating from Cambodia (for pesticides), sesamum seeds originating from India (for salmonella) and dragon fruit originating from Vietnam (for pesticides). Controls on various other commodity/analyte combinations were reduced by both implementing regulations.

The Official Feed and Food Controls (England) Regulations 2009 and the Food Safety and Hygiene (England) Regulations 2013 have been amended by the Official Feed and Food Controls (England) and the Food Safety and Hygiene (England) (Amendment) Regulations 2014<sup>28</sup> (SI 2014 No 2748). The major changes conferred by these amendments include implementation of Commission Regulation (EU) No. 211/2013 on certification requirements for imports into the European Union of sprouts, and seeds intended for the production of sprouts. This was as a consequence of the outbreaks of Shiga toxin-producing *E.coli* (STEC) in Germany and France in 2011 and the identification of sprouts, and seeds for sprouting as the most likely source of contamination.<sup>29</sup> The regulations also implement Commission Regulation (EU) No. 579/2014 granting derogation from certain provisions of Annex II to Regulation (EC) No. 852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea. Similar amendments have been enacted in Northern Ireland with the Food Hygiene and Official Feed and Food Controls (Amendment) Regulations (Northern Ireland) 2014<sup>30</sup> (SR 286/2014), which amend the Food Hygiene Regulations (Northern Ireland) 2006 and the Official Feed and Food Controls Regulations (Northern Ireland) 2009. The Official Feed and Food Controls (Wales) Regulations 2009 have been similarly amended by the Official Feed and Food Controls (Wales) (Amendment) Regulations 2014<sup>31</sup> (SI 2714/2014, W271), which is concerned solely with certification requirements for imports into the European Union of sprouts, and seeds intended for the production of sprouts.

### **Local Authority enforcement activity**

In October, the FSA published official statistics on food law enforcement by local authorities across the UK for the year 2013/14. The figures appeared to show an increase in a number of areas of Local Authority enforcement activity, and levels of hygiene compliance in food business, in spite of reported staffing reductions. There was also an increase in food sampling by local authorities to check food authenticity and labelling.<sup>32</sup>

In December 2014, FSA published its annual report on progress towards implementation of the UK Multi-Annual National Control Plan. The report, which is based on data collected for 2013, shows that overall level of compliance in all sectors in the UK was satisfactory when assessed against expectations.<sup>33</sup>

In December 2014, Northern Ireland Strategic Committee on Food Surveillance published a review of food sampling activity in Northern Ireland in 2013. Overall, a high percentage of the

<sup>27</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.283.01.0032.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.283.01.0032.01.ENG)

<sup>28</sup> [http://www.legislation.gov.uk/ukxi/2014/2748/pdfs/ukxi\\_20142748\\_en.pdf](http://www.legislation.gov.uk/ukxi/2014/2748/pdfs/ukxi_20142748_en.pdf)

<sup>29</sup> <http://www.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/sprouts-seeds-2013ia.pdf>

<sup>30</sup> [http://www.legislation.gov.uk/nisr/2014/286/pdfs/nisr\\_20140286\\_en.pdf](http://www.legislation.gov.uk/nisr/2014/286/pdfs/nisr_20140286_en.pdf)

<sup>31</sup> [http://www.legislation.gov.uk/wsi/2014/2714/pdfs/wsi\\_20142714\\_mi.pdf](http://www.legislation.gov.uk/wsi/2014/2714/pdfs/wsi_20142714_mi.pdf)

<sup>32</sup> <http://www.food.gov.uk/news-updates/news/2014/13169/local-authority-food-law-enforcement>

<sup>33</sup> <http://www.food.gov.uk/news-updates/news/2014/13240/annual-report-uk-manpc-published>

wide range of foodstuffs sampled in Northern Ireland was found to comply with food safety and standards legislation. The main issues continued to be incorrect labelling and description of food.<sup>34</sup>

### **Food Law Code of Practice**

In November, FSA consulted on the Food Law Code of Practice (England), inviting comments on its proposals to amend the Code of Practice.<sup>35</sup> The proposed amendments will:

1. Revise and clarify arrangements for food establishment registration and inspections of mobile food establishments, ships and aircrafts to remove unnecessary regulatory activity.
2. Revise competency and qualification requirements for Local Authority officers engaged in official controls and other regulatory activities to better target enforcement resources and ensure greater consistency.

### **2015/16 National sampling priorities for food**

In December 2014, FSA consulted on the focus of future sampling and surveillance in relation to either food safety or food fraud. While it may change after the consultation ends, the intended priorities for chemical and molecular biological analysis are shown below. It was not thought appropriate, as it is primarily an enforcement matter, for the Government Chemist to respond to the consultation.

Implications of FSA national sampling priorities:

- Aflatoxins, Ochratoxin A (OTA)
- Zearalenone
- Ergot alkaloids
- Opium alkaloids
- Food Contact materials – primary aromatic amines and formaldehyde
- Heavy metals
- Shellfish biotoxins
- Food Irradiation
- 3-monochloropropane-1,2-diol (3-MCPD)
- Composition and labelling of meat, fish and meat and fish products, added water, hydrolysed proteins
- Basmati rice
- Manuka honey, peroxide and non-peroxide activity
- Allergens
- Sulphites
- Colours
- Food supplements containing dangerous substances, e.g. 2,4-dinitrophenol (DNP) or borderline medicinal substances
- Unauthorised health claims.

<sup>34</sup> <http://www.food.gov.uk/northern-ireland/news-updates/news/2014/13273/northern-ireland-seventh-food-surveillance-sampling-report-published>

<sup>35</sup> <http://www.food.gov.uk/news-updates/consultations/2014/food-law-cop-england-review>

## Health & nutrition

There was no new legislative activity in the quarter.

## Fertilisers & feeding stuffs

A consultation on the proposed revised amendments to the Feed Law Enforcement Guidance Document (for Northern Ireland) was published.<sup>36</sup>

These include:

- Competence based criteria for the authorisation of officials
- Earned recognition for feed businesses.

Commission Regulation 1257/2014<sup>37</sup> amended Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers for the purposes of adapting Annexes I and IV. Specifically, these changes limit values for crude potassium salts obtained through mining, where the quality of ores is declining, with respect to minimum nutrient content. Also, 3,4-dimethyl-1H-pyrazole phosphate (DMPP), a nitrification inhibitor that is suitable for use with common nitrogen fertilisers and the reaction mixture between N-butyl-thiophosphoric-triamide and N-propyl-thiophosphoric-triamide (NBPT/NPPT), a urease inhibitor, were added to the lists of authorised nitrification and urease inhibitors in Annex I to Regulation (EC) No 2003/2003 in accordance with Article 31(1) of Regulation (EC) No 2003/2003.

## Acknowledgements

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<sup>36</sup> <http://www.food.gov.uk/news-updates/consultations/2014/feed-law-enforcement-guidance-ni>

<sup>37</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.337.01.0053.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.337.01.0053.01.ENG)