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Dear Redacted

REQUEST FOR INFORMATION: UK list of organic farms and shops

Thank you for your request for information of 26 April 2022 about UK list of organic farms and shops. We have handled some of your request under the Freedom of Information Act 2000 (FOIA).

Your information request and our response under the FOIA are set out below.

Can you provide an updated list of registered organic farms and shops within the UK.

We enclose a copy of the list of organic producers. This data is collected by the organic control bodies and is a full list of all licenced organic producers in the UK as at 31 December 2020, the latest available.

We can confirm that Defra do not record information on the number of farm shops within the UK.

Requests made under the FOIA are requests for recorded information only therefore the remaining part of your enquiry is being handled as general correspondence.

Your remaining enquiry and our response under general correspondence are set out below.

Can you also clarify the law with regard to food product labelling as a lot of firms are saying things as "Produced in XXX Country" however it turns out that the actual produce is grown elsewhere and just packed or processed in the XXX country which is very misleading when trying to avoid products grown/from Russia and China etc. There should be honest and true information on all food products and legislation needs to be changed to reflect this.

A range of legislation is already in place and which have been fairly recently strengthened, to providing a high level of consumer protection. Regulations to deal specifically with the misrepresentation of origin labelling on food already exist and are available to Local Authority enforcement officers (typically trading standards) to take corrective action where required. These existing regulations are summarised below.

As background, we have the provisions of the Consumer Protection from Unfair



Commercial Practices legislation, which prohibit information that is false and cause 'or is likely to cause the average consumer to take a transactional decision he would not have taken otherwise, taking account of its factual context and of all its features and circumstances'

However, for food, legislation goes much further. In the 1169/2011 Regulation on the provision of food information to consumers (FIC) Article 7, the provision of misleading information on food is prohibited, particularly 'as to the characteristics of the food and, in particular, as to its nature, identity, properties, composition, quantity, durability, country of origin or place of provenance, method of manufacture or production.'

In addition, Article 26.2 of this (FIC) Regulation states that 'Indication of the country of origin or place of provenance shall be mandatory;

- a) Where failure to indicate this might mislead the consumer as to the true country of origin or place of provenance of the food, in particular if information accompanying the food or the label as a whole would otherwise imply that the food has a different country of origin or place of provenance ;...'

The presence of a union flag on the package would, of course, imply that the food is of UK origin so if this is not the case, Article 7 would prohibit it, and article 26(a) would be an additional safeguard in the unusual event that it is allowed. 'Packed in the UK' as a factual statement is not misleading, so long as it is not accompanied by other misleading indications of the origin of the food. But simply repackaging food will not allow a processor to change the declared origin of the food.

Further to this, FIC Article 26.3, brought into effect by the 2018/775 Implementing Regulation (IR) on the origin of the primary ingredients of a food closes a final loophole that we and many of our primary producers were concerned about. Whilst it remains that UK food processing businesses can label the food they make in the UK as British, article 26.3 and the IR requires that where the primary ingredient of a food is of a different origin to the declared origin of the food itself, (including where that declared origin is by words, symbols, flags etc) it must be clearly stated what the origin of the primary ingredient is, or at the very least that it is different. This statement must be in the same field of view as the origin indication (for example the union flag) and in text to a certain minimum text size.

You may also find the following links useful:

A link to the FIC regulations: <https://www.legislation.gov.uk/eur/2011/1169/contents>
Commission Implementing Regulation (EU) 2018/775: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R0775&rid=1>

Information disclosed in response to this FOIA request is releasable to the public. In keeping with the spirit and effect of the FOIA and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](https://www.gov.uk), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

We attach Annex A, explaining the copyright that applies to the information being released to you, and Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact me.

Yours sincerely

Redacted

Information Rights Team

InformationRequests@defra.gov.uk

Annex A

Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Andrew Mobsby, Head of Information Rights via email at InformationRequests@defra.gov.uk and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our website.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure.

The ICO can be contacted using the following link:

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>