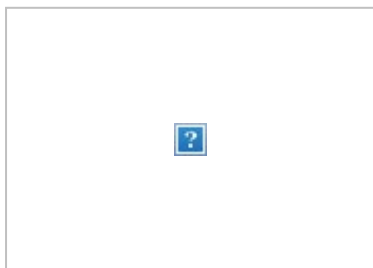


From: [Redacted]
To: [Redacted]
Cc: [Redacted] [_cornwall.gov.uk](mailto:cornwall.gov.uk)
Subject: RE: IN CONFIDENCE - Defra reply on dairy designations
Date: 29 September 2022 12:17:07
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

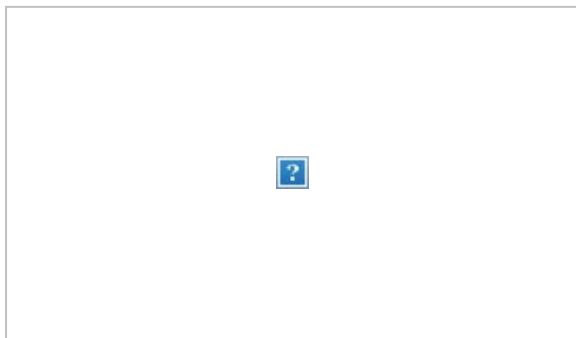
That sounds excellent, ^[Redacted] thanks. We have a FSIG meeting on 20th October that ^[Redacted] attends but I will convey the current state of affairs to the group so they know what is happening. It will be good to discuss how the situation can be resolved as at the moment officers are feeling very much “piggy in the middle” and trying to balance the existing protections with the pressure of product innovation and as a group we are concerned that the longer the position continues the more difficult it will be to ensure compliance in the future

Look forward to hearing from you



[Redacted]

**Regulation Team Manager
Trading Standards**



From: [Redacted] @defra.gov.uk>
Sent: 29 September 2022 11:15
To: [Redacted] @surreycc.gov.uk>
Cc: [Redacted] @defra.gov.uk>; [Redacted] @defra.gov.uk>

[Redacted] @defra.gov.uk>; [Redacted] @defra.gov.uk>;
[Redacted] @defra.gov.uk>; [Redacted] @defra.gov.uk>;
@defra.gov.uk>; [Redacted] @cambridgeshire.gov.uk>; [Redacted]
@cornwall.gov.uk) [Redacted] @cornwall.gov.uk>

Subject: RE: IN CONFIDENCE - Defra reply on dairy designations

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Hi [Redacted]
[Redacted]

I hope you are well. We should touch base on this. Like you we are keen to understand the range of views on the draft opinion and recently met with Dairy UK to understand its position. We will shortly also be meeting with key plant alternative sector representatives too.

We don't have anything substantial to say on the draft opinion yet, but we may need to brief our new ministers on it in due course, recognising that this sensitive policy area also engages a number of different interests. On timescales, there are other pressures on the department but we aim for further discussion with you once we have more to say.

Do let me know if you have any concerns otherwise speak in due course.

Thanks

[Redacted]
[Redacted]

[Redacted] | Senior Policy Advisor | Farming and Food Sectors and Trade | Dairy Team | Agri-Food Chain Directorate | Department for Environment, Food and Rural Affairs

Direct line: [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk) | Address: 2nd Floor, Seacole Building, 2 Marsham Street, London SW1P 4DF

[Website](#) [Twitter](#) [Facebook](#) [LinkedIn](#) [Instagram](#)

From: [Redacted] [@surreycc.gov.uk](mailto: [Redacted]@surreycc.gov.uk)>
Sent: 15 August 2022 11:13
To: [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>
Cc: [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>; [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>;
[Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>; [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>;
[Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>; [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>;
[@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>; [Redacted] [@cambridgeshire.gov.uk](mailto: [Redacted]@cambridgeshire.gov.uk)>; [Redacted]
[@cornwall.gov.uk](mailto: [Redacted]@cornwall.gov.uk)) [Redacted] [@cornwall.gov.uk](mailto: [Redacted]@cornwall.gov.uk)>

Subject: RE: IN CONFIDENCE - Defra reply on dairy designations

Thanks ^[Redacted] -no problem and will look forward to discussing further with you in the autumn!!



[Redacted]

**Regulation Team Manager
Trading Standards**



From: ^[Redacted] berstey@defra.gov.uk>
Sent: 05 August 2022 16:55
To: ^[Redacted] @surreycc.gov.uk>
Cc: ^[Redacted] @defra.gov.uk>; ^[Redacted] @defra.gov.uk>;
^[Redacted] @defra.gov.uk>; ^[Redacted] @defra.gov.uk>;
^[Redacted] @defra.gov.uk>; ^[Redacted] @defra.gov.uk>;
^[Redacted] @defra.gov.uk>
Subject: RE: IN CONFIDENCE - Defra reply on dairy designations

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Hi ^[Redacted]

I hope you are well.

Apologies for the delay. We are considering this but we will now have to get back to you now after the leadership election concludes so that we can take account of any change in ministers and potential priorities. In the meantime to make you aware that ministers have received a reply

to their response to industry an early draft of which I previously shared with you. This welcomes the confirmation that ministers provided that decisions are not imminent and that wide views are sought. While this issue will likely continue to be sensitive, hopefully this at least takes some of the immediate pressure off for the time-being.

I will be back in touch as soon as I am in a position to do so later in the year. Have a great weekend!

Thanks

[Redacted]

| Senior Policy Advisor | Farming and Food Sectors and Trade |
Dairy Team | Agri-Food Chain Directorate | Department for Environment, Food
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Direct line: [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk) | Address: 2nd
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[Website](#) [Twitter](#) [Facebook](#) [LinkedIn](#) [Instagram](#)

From: [Redacted] [@surreycc.gov.uk](mailto: [Redacted]@surreycc.gov.uk)>
Sent: 06 July 2022 17:35
To: [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>
Cc: [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>; [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>;
[Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>; [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>;
[Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>; [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>;
[@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>
Subject: RE: IN CONFIDENCE - Defra reply on dairy designations

Hi [Redacted]

Yes there is a meeting tomorrow and we will be updating the group. My understanding following our meeting was that Defra were going to consider the position and then inform/discuss with me, [Redacted] and [Redacted] what you have decided is the best way forward with this especially given the point that we made that this issue is one that probably sits more squarely in the central government remit as it has the potential to have an impact on various strands of policy across various departments.

As this process is still ongoing we are putting the opinion development on hold until we have had chance to discuss further with you how to resolve the position as best we can given the polarity of views in the market sector but acknowledging that enforcement colleagues need guidance on this issue as it could be argued the marketplace is not a level playing field.

Hope that helps, [Redacted]

[Redacted]



Regulation Team Manager
Trading Standards



From: [Redacted] @defra.gov.uk
Sent: 06 July 2022 17:25
To: [Redacted] @surreycc.gov.uk
Cc: [Redacted] @defra.gov.uk; [Redacted] clark@defra.gov.uk;
 [Redacted] @defra.gov.uk; [Redacted] @defra.gov.uk;
 [Redacted] @defra.gov.uk; [Redacted] @defra.gov.uk;
 [Redacted] @defra.gov.uk
Subject: IN CONFIDENCE - Defra reply on dairy designations

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Hi [Redacted]
 I hope you are well and thanks for arranging the recent helpful discussion on this matter.

I understand that there is also another FSIFG meeting scheduled for tomorrow where the draft opinion was originally scheduled for discussion. Anyway, I thought it would be a good idea to share with you a copy of a letter that we have received from a stakeholder on this matter, and our proposed draft reply, so you can see what we propose to say. I recall that you're largely aware of the substance of this letter already. Good to be assured of our understanding that FSIFG leads intend to communicate a

pause in this work to interested parties? Do let me know if you have any comments/concerns and I'd be happy to discuss. To be sure, I am sharing this in confidence and would be grateful if you could not share it more widely.

Also, could I put in a request to receive directly any future FSIFG agendas where the draft opinion is to be discussed? To be clear that FSIFG lead engagement in defra sits within the labelling team. But it will be important for the dairy team to also be sighted on any agendas covering this particular matter.

Thanks

[Redacted]

[Redacted] | Senior Policy Advisor | Farming and Food Sectors and Trade | Dairy Team | Agri-Food Chain Directorate | Department for Environment, Food and Rural Affairs

Direct line: [Redacted] [@defra.gov.uk](mailto:[Redacted]@defra.gov.uk) | Address: 2nd Floor, Seacole Building, 2 Marsham Street, London SW1P 4DF
[Website](#) [Twitter](#) [Facebook](#) [LinkedIn](#) [Instagram](#)

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Date: 3rd November 2022

DAIRY UK POSITION STATEMENT – USE OF DAIRY DESIGNATIONS

Background

Dairy UK is a trade body representing producer co-operatives, processors, manufacturers and distributors of dairy products within the UK.

We welcome the opportunity to provide comments to the FSIFG's opinion on dairy designations and when and how these can be used on plant-based foods and drinks (February draft).

We fully recognise that the food and drink market is changing rapidly and that more and more plant-based products intended to act as dairy substitutes are being sold across the UK. This is being driven by a rise in consumer demand for plant-based products due to a variety of reasons, and it is important that the needs and preferences of all consumers are catered for.

For this reason, we want to highlight the fact that we are not against the sale of plant-based products per se and we fully support the right of companies to create and market innovative foods which serve a wide range of consumer choices – many of our members have expanded their product portfolios to include vegan options too. We also think it is important that such companies have the ability to express the intended use of the product, in order to facilitate transparency.

However, we also recognise that the marketing of plant-based products intended to act as substitutes of dairy cannot go completely unchecked, as there is a real risk that consumers may be misled by the label as to the true nature of the product and that their expectations may not be met.

Dairy products are a unique package of nutrition and taste. They deliver many essential vitamins and minerals to our diets (protein, calcium, iodine, vitamin B2, vitamin B12, potassium and phosphorus – to name a few).

This nutrition is unmatched by plant alternatives. If we take milk as an example, no single plant-based drink on the market right now matches the nutritional value of milk – this is a conclusion we made following an extensive analysis of plant-based alternatives to milk on the market. Indeed, even plant-based products with the largest amount of fortification do not contain the quantity or quality of all the vitamins and minerals present in cow's milk.

We also recently conducted a YouGov survey on parents' perceptions of cow's milk nutrition vs plant-based drinks nutrition, which found that 79% of parents were not aware that cow's milk contained higher levels of vitamins and minerals than plant-based drinks. When asked which nutrients each plant-based drink might be a source of, the following percentages of parents indicated not knowing the answer: (1) 66% in the case of soy milk; (2) 70% in the case of almond milk; (3) 69% in the case of oat milk. Finally, when asked to indicate which drink between cow's milk and a range of different plant-based drinks had the most protein, only 37% of parents chose cow's milk.

These results uncover a substantial lack of knowledge around the nutrition of these drinks.

POSITION STATEMENT



The reality is that most consumers are ill-equipped to understand the nutritional differences between dairy products and plant-based drinks. This is why it so important that care be exercised around any practice which may imply to a consumer that the alternative is equivalent or comparable to dairy: consumers are likely to have a general understanding that dairy products are nutritious foods which deliver many beneficial nutrients, and may expect plant-based alternatives to fulfil the same role. However, this is not the case and marketing of plant-based products must not imply the opposite.

We are happy to share full results from the YouGov survey and from our nutritional analyses of cow's milk vs plant-based drinks, should you find them of use.

FSIFG opinion

It is clear that the opinion by the FSIFG has been carefully considered and worded in order to provide an interpretation of the law which allows the plant-based sector to indicate what a product is and how it is intended to be used, but which protects consumers from misleading marketing practices. We fully support the Group's conclusions and provide some commentary in the paragraphs that follow.

- [Is the use of homophones and misspelled words clearly related to reserved terms permitted?](#)

We believe this to be a marketing malpractice which at best heavily implies that the product has an association with dairy, and at worst puts distracted consumers in danger of picking up the wrong product off the shelf.

Even in cases where the label makes it crystal clear that the product is not dairy, using play on words which are clearly understood by the consumer as referring to dairy creates the implication of equivalence or comparability. As we note before, this is unjustified and therefore does not create a transparent environment for consumers to shop in.

- [Is it permitted to designate a plant-based drink as "Not milk"?](#)

We believe that using this wording misleads the consumer. The intended message is: "although this is technically not milk, it is comparable or equivalent to milk". This is made evident by the fact that plant-based products intended to act as substitutes of milk can easily be referred to as "drink" – this solution makes it clear to the consumer what the product is and how it should be consumed. There is no reason to use the word "milk" unless the intention is exactly that of marketing the product as equivalent to milk.

- [Is it permitted to designate a plant-based product as "an alternative to X"?](#)

As we state in the opening paragraphs, companies must have the ability to express the intended use of the product, in order to facilitate transparency. However, this has to be carried out in such a way that does not mislead the consumer.

The wording "alternative to X" must be assessed in the overall context of how a product is marketed – in some cases, it may risk misleading the consumer due to the fact that it may imply equivalence with dairy. As already mentioned elsewhere in this document, there are unintended consequences associated with this.

In general, we agree with the FSIFG's conclusion that a plant-based product can refer to itself as an alternative to dairy provided it is in the context of how the product should be used. "Use instead of X" or "Use as an alternative to X" are both examples of how dairy terms may be used to assist the plant-based sector in describing the intended use of the food/drink to the consumer, to ensure maximum transparency at point of purchase.

POSITION STATEMENT



However, we do not believe that this use of dairy terms should extend to the use of specific dairy names (e.g. Mozzarella or Cheddar) – the reasons are explained in the section below.

- [May dairy terms that no longer feature in guidance or legislation such as “red Leicester” be used on non-milk products?](#)

Over the years, specific dairy names (such as Cheddar, Mozzarella and Red Leicester) have come to be associated with traditional dairy products much loved and consumed by the British population. The dairy industry works hard to ensure that these are of the highest quality and meet consumer expectations, abiding by strict compositional criteria set out either in law or through industry standards.

It therefore seems inappropriate to allow plant-based products to use these terms, even in the format “-style” or “-type”. We do not believe a plant-based substitute is comparable to the dairy original in any way, either from a taste or nutritional perspective.

We believe this practice to be misleading: the substitute is not able to deliver on the promise of a “Red Leicester”, “Cheddar” or “Mozzarella” experience, as these cheeses are associated with unique texture/taste profiles.

We do however accept that companies may want to specify on the label that the food has been produced using flavourings which aim to mimic the taste profile of a particular cheese (e.g. “with Cheddar flavour”). However, we believe it should be made very clear that the reference to the cheese is solely in relation to the use of such flavourings.

- [May descriptions used in dairy processing be used on non-dairy products?](#)

We fully agree with the FSIFG’s opinion that descriptions reflecting an actual process or treatment which the food or drink has undergone can – and should – be used, in order to provide consumers with as much information as possible on the nature of the product.

However, other practices risk misleading the consumer. In some cases, plant-based drinks are described as “semi-skimmed”. “Semi-skimmed” is a description defined in Regulation 1308/2013 which sets out the fat content of certain types of milk – these fat contents are achieved by removing or blending in different components of milk (i.e. cream and skim).

The use of these words on plant-based substitutes appears to us to be wholly unjustified: they do not undergo the same process and can easily be defined as “reduced fat” or “low fat” as per the Nutrition & Health Claims Regulation.

As with the “Not Milk” example, using terms such as “whole” or “skimmed” is a calculated move to evoke dairy.

Use of the words “semi-skimmed” is but one example, and others exist (e.g. “Mature” and “Extra Mature” for cheese substitutes). We invite these practices to be assessed on a case-by-case basis, considering the likelihood of consumers being misled and confused around the true nature of the product.

Conclusions

To summarise, we fully support the conclusions of the latest draft of the FSIFG opinion. We believe it strikes the right balance between protecting consumers from being misled and providing companies with the freedom to indicate the intended use of their product.

We believe that the legal protection of dairy terms offers much needed consumer protection, however it

POSITION STATEMENT



also allows an interpretation of the law which offers companies the chance to describe their products in a way which is helpful to consumers (in line with the FSIFG conclusions and our own). For this reason, we strongly believe that the protection of dairy terms contained in Retained EU law 1308/2013 should be maintained.

There are plenty of examples of plant-based products intended to act as substitutes of dairy foods which are successfully marketed without making use of protected dairy terms or making reference to dairy products. We are happy to share more of these with you as proof that it can be done, and that both dairy and plant-based can co-exist peacefully on the UK market without the potential for consumers being misled.

Food Standards and Information Focus Group Terms of reference and guidelines (July 2021).

1) Overview

The purpose of the focus group is to provide technical and operational policy support to local authorities (principally in England, Wales and Northern Ireland) in the area of food standards, information including labelling. This is achieved through helping to co-ordinate enforcement and good practice by providing specialist advice. The group will provide links to the regional food standards groups and competent authorities in the UK, as well as other key stakeholders. The group will also provide an enforcement perspective on relevant issues and concerns raised through the Regulatory Delivery Business Expert (Food Standards and Labelling) Group (BExG) or Primary Authority Supermarket Group where it is agreed that there is a joint significance for local authorities.

2) Membership

The focus group will consist of members of the enforcement community representing each of the regional food standards groups, CTSi, CIEH and the Primary Authority Supermarket Group.

As well as invited:

- Public analysts
- Representatives from the Advertising Standards Authority (ASA)
- Representatives from enforcement community recognised for their contributions to the Food Standards & Information group discussions on Knowledge Hub.
- Policy officials from:
 - Food Standards Agency (FSA)/FSA Wales/FSA Northern Ireland
 - Department of Health and Social Care (DHSC)
 - Defra
 - Office for Product Safety and Standards (OPSS)
 - National Food Crime Unit (NFCU)

Individual Primary Authority Officers/Home Authority officers may be invited to attend in relation to specific queries.

The chair of the BExG will also be invited to meetings.

Each region can nominate up to two representatives to allow for deputising in the event that one officer is unavailable to attend and succession planning. It is expected that under normal circumstances only one member would attend each meeting.

Focus group members are required to:

- Have a good working knowledge and experience of food standards matters
- Commit the time to participate in the group's activities
- Act as a regional contact for food standards for their region
- Be an active member of the Knowledge Hub food standards and information focus group.
- Be an active member of the wider Knowledge Hub food standards and information group

3) Role of the Food Standards and Information Focus group.

The focus group members act as specialist advisors for food standards and information in relation to enforcement issues. Discussions and liaison will be done mainly via the Knowledge Hub or via email, and two to three meetings per year.

The main role of the focus group members is to:

- Act as a point of liaison between each region/area and the focus group
- Highlight issues that require national discussion or attention to the competent authorities
- Contribute to producing opinions in relation to queries raised from regional groups
- Contribute to queries raised by competent authorities and help inform policy in the area of food standards.

Focus group members will be required to:

- Input into consultation responses
- Escalate unresolved queries from their regional groups using the referral template, co-ordinating the consultation and compiling the response.
- Provide advice on interpretational matters on existing legislation
- Attend meetings of the focus group where possible
- Assist with preparation of opinions and guidance, including responding to and producing draft material
- Identify and discuss future priorities and issues
- Respond to requests for comments/input via the focus group Knowledge Hub or email
- Carry out allocated actions from focus group meetings
- Attend meetings with competent authorities and other interested stakeholders.
- Respect the confidentiality of meetings and discussions where specific information about individuals/companies and their trading practices are shared, in order to come to a collective response.

3.1 Structure of the group

The Focus group will consist of members representing the regional groups, CTSi, CIEH and the Primary Authority Supermarket Group as well as invited members as detailed above. Secretariat support will be supplied by the Food Standards Agency. The group will meet two to three times a year with the assistance of FSA and the other competent authorities. The Focus Group will elect a chair and vice chair (with an option to have two vice chairs) on an annual basis.

3.2 Links with other groups and stakeholders

Representatives from other groups or stakeholders are invited to attend meetings as observers. This includes policy officials from the competent authorities and Regulatory Delivery, public analysts and representatives from the ASA.

The group will provide an enforcement perspective on relevant issues and concerns raised through the Regulatory Delivery Business Expert Group or Primary Authority Supermarket Group where it is agreed that there is a joint significance for local authorities.

When developing opinions/guidance this will be shared in draft with the Regulatory Delivery Business Expert Group & the Primary Authority Supermarkets group for information and for them to register any significant concerns. However, the final wording will be decided by the focus group.

Minutes/Summaries of the meetings will be published without reference to specific individuals or companies on the wider KHub when appropriate for general consumption.

The focus group aims to promote links with the Food Hygiene Focus Group.

4) The Knowledge Hub

The Knowledge Hub: food standards and information focus group is only open to members of the focus group. Membership is automatic for members of the focus group but temporary membership may be given to officers for specific issues at the discretion of the Chair or Vice Chair. This will be the primary method of interaction/communication between members in relation to queries, debate, advice and guidance issued.

Issues will be debated and points of view offered in good faith with a view to providing clarity and best practice to enforcement issues in relation food standards. Issues under debate and points of view must not be disclosed to third parties, although assistance may be sought from other non-commercial sources.

Focus group members will:

- Post queries escalated from their regional groups
- Collate responses to those queries posted and provide a synthesised opinion for circulation and agreement of the group.
- Provide responses and feedback on queries posted from regional groups, competent authorities, Regulatory Delivery, ASA and any other legitimate source.

The wider Knowledge Hub: food standards and information group is open to all members of the local government food standards and labelling enforcement community and colleagues from the competent authorities. Focus group members are expected to be active members of this group, contributing to debates and offering views and assistance to colleagues in good faith.

5) Facilitators

The role of the Knowledge Hub group facilitators is to

- Encourage participation in discussions in both groups
- Process membership requests
- Identify key or recurrent issues that could be escalated to the focus group from the wider food standards and labelling Knowledge Hub group.
- Post completed opinions from the focus group to the wider group.

6) Escalating queries

The process and route for escalating queries from local authorities to the focus group is outlined in the referral form entitled 'Food standards and information focus group enquiry' and supported by a flow diagram, both produced by ACTSO. These documents are available on the Knowledge Hub food standards group within the 'Library' section.

7) Focus group opinions/guidance

ACTSO is happy to support and endorse the work of the food standards and information focus group. The opinions will be badged with the ACTSO logo and released on the template containing agreed disclaimer wording.

ACTSO is clear that the opinions are produced for members of the local government community to assist with enforcement and are published on the general food standards and labelling Knowledge Hub for local government use.

The group may also decide, if appropriate, to issue non ACTSO endorsed guidance to provide support to officers.

Where a formal opinion is required a vote shall take place, usually this will be in a meeting to enable open discussion and debate; but could take place on

knowledge hub or other virtual means such as email voting buttons if appropriate.

1. Only members of the LA enforcement community are able to vote on the final formal opinion of the group, though of course the input from other invited guests in the group will be invaluable in forming that opinion.
2. Any person may propose in a meeting that the group adopts a formal opinion. This would usually be a matter about the application or interpretation of food standards legislation to a particular scenario which has been fully documented on a Focus group referral form and is likely to have been previously informally discussed by the group either in a meeting or on the Knowledge Hub.
3. Once seconded by another group member, the Local Authority representatives must vote whether they are for or against the formal opinion. A representative may abstain if they declare a conflict of interest.
4. Number of votes will be counted and recorded on meeting notes (Khub or email as appropriate). A minimum of 8 votes is required to be quorate.
5. The outcome is based on a simple majority vote. In the event of a tie between for and against, the Chair may have the casting vote or if appropriate defer for further action to take place such as to achieve greater consensus.

Focus group opinions are given on the basis that:

- The guidance is technical advice produced specifically to support local authorities in England and Wales.
- The guidance is **not** intended for direct use by individuals or businesses.
- The underpinning legislation may change over time and the advice given is based on the information available at the time the guidance was produced. It is not necessarily comprehensive and is subject to revision in the light of further information.
- Only the courts can interpret statutory legislation with any authority. The advice is not intended to be a definitive guide to, nor substitute for, the relevant law. Independent legal advice should be sought where appropriate.

8) Review of the terms of reference

The terms of reference will be considered for review every two years, or sooner if the focus group feels it is necessary.

From: [Redacted]
To: [Redacted]
Cc: [Redacted]
Subject: RE: FSIG dairy designations opinion
Date: 09 June 2022 17:08:00
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Hi again [Redacted]

Just a couple of additional questions.

- Is it possible to know very high level feedback on today's engagement, particularly whether industry is in your view likely to be somewhat more comforted on timescales/consultation? Only because it would help to reassure people on the receiving end of industry questions in Defra.
- Also presumably the [Redacted] might have attended one of these events alongside [Redacted] ?
- For the meeting on 21st, would it be OK for one of our Defra legal advisers to attend the call, purely in an observatory capacity and not and not for the purpose of offering a legal view? I feel that this might be helpful/ potentially the easiest way to bring them up to speed on the issues that are under consideration around interpretation of the law which would potentially be helpful for Defra.

Thanks

[Redacted]

| Senior Policy Advisor | Farming and Food Sectors and Trade |
Dairy Team | Agri-Food Chain Directorate | Department for Environment, Food
and Rural Affairs

Direct line: [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk) | Address: 2nd
Floor, Seacole Building, 2 Marsham Street, London SW1P 4DF

[Website](#) [Twitter](#) [Facebook](#) [LinkedIn](#) [Instagram](#)

From: [Redacted]
Sent: 09 June 2022 11:56
To: [Redacted] <[Redacted]@cambridgeshire.gov.uk>; [Redacted]
<[Redacted]@surreycc.gov.uk>
Cc: [Redacted] <[Redacted]@defra.gov.uk>; [Redacted]
<[Redacted]@defra.gov.uk>; [Redacted] <[Redacted]@cornwall.gov.uk>; [Redacted]
<[Redacted]@defra.gov.uk>
Subject: RE: FSIG dairy designations opinion

Thanks [Redacted], for the reassurance.

We are seeking to reassure our industry contacts that have approached us that decisions are not final. We are now also receiving multiple correspondence at both ministerial and official level indicating a high level of concern, suggesting that decisions are imminent. Hopefully you can take the opportunity today to reassure industry that this remains a work in progress and that industry views are still being taken into account, which would really help management here. We would really appreciate efforts to try and calm nerves in this respect!

Please could you maybe also send over a copy of the Terms or Reference and Membership of the FSIFG?

Look forward to meeting you on 21 June.

[Redacted]

[Redacted] | Senior Policy Advisor | Farming and Food Sectors and Trade | Dairy Team | Agri-Food Chain Directorate | Department for Environment, Food and Rural Affairs

Direct line: [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk) | Address: 2nd Floor, Seacole Building, 2 Marsham Street, London SW1P 4DF

[Website](#) [Twitter](#) [Facebook](#) [LinkedIn](#) [Instagram](#)

From: [Redacted] [@cambridgeshire.gov.uk](mailto: [Redacted]@cambridgeshire.gov.uk)>
Sent: 08 June 2022 13:05
To: [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>; [Redacted] [@surreycc.gov.uk](mailto: [Redacted]@surreycc.gov.uk)>
Cc: [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>; [Redacted] [@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>; [Redacted] [@cornwall.gov.uk](mailto: [Redacted]@cornwall.gov.uk)>
Subject: RE: FSIG dairy designations opinion

Hi [Redacted]

The opinion will not be finalised on Thursday; these are as you say, meetings with trade groups because we are engaging with them and listening to the different views. The next meeting of the Focus Group is in July and all the assistance Defra can provide on this will be very much appreciated.

The Food Standards and Information Focus Group operates on its own terms of reference as a local authority officers group to support the work of officers trying to regulate problem areas, and FSA simply provide a support role to the group kindly providing minuting and co-ordination.

If there is FSA expertise on the legislation that will be good. Any published opinion is for local authority officers to help consistent application and correct interpretation of the law. Of course businesses will be affected, although it is not the same as Guidance Notes that used to be available from the FSA, and it is intended to fill that gap for officers.

I attach a copy of the current working draft of the opinion. Forgive me for also providing documents you are already aware of but it is to show some of what we have been referencing. If you have questions or want any other information to prepare for the meeting please let us know.

The archived guidance relates to older legislation 2010. I think for guidance it had to be notified to the Commission to ensure acceptability so there may be some documented discussion, hopefully not lost in the transfer of responsibilities. Names are at the end of the document if that helps.

The document was not written at a time when the dairy alternative products had such a volume in the market, and before Tofutown. But if there is relevant discussion about this or amendment 171 that explains the Commission's position that will be helpful.

Amendment 171 was proposed and not accepted, so in itself does not assist in interpretation. However pronouncements by the Commission that you may have might be of relevance. Codex I know has no legal status but it has relevance. As you may be aware there is much discussion and opinion but we are trying to get to the legal meaning of the currently applicable law on the understanding there are no moves to review it.

On the 21st the meeting unfortunately overlaps with a meeting of the Primary Authority Supermarkets Group, whose retailers are also very interested in the development of this advice for their own brands. I will dip out of that for this meeting since I don't want to lose the chance to discuss this with you.

Regards,
[Redacted]

Senior Trading Standards Officer
Cambridgeshire & Peterborough Trading Standards Service
[Redacted]

From: [Redacted] <[\[Redacted\]@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>
Sent: 08 June 2022 11:56
To: [Redacted] <[\[Redacted\]@surreycc.gov.uk](mailto: [Redacted]@surreycc.gov.uk)>
Cc: [Redacted] <[\[Redacted\]@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>; [Redacted] <[\[Redacted\]@defra.gov.uk](mailto: [Redacted]@defra.gov.uk)>; [Redacted] <[\[Redacted\]@cambridgeshire.gov.uk](mailto: [Redacted]@cambridgeshire.gov.uk)>; [Redacted] <[\[Redacted\]@cornwall.gov.uk](mailto: [Redacted]@cornwall.gov.uk)>
Subject: RE: FSIG dairy designations opinion

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<https://cccandpcc.sharepoint.com/sites/CCCItranet>

[Redacted]

Also can you please confirm if anyone from FSA will be on the call on 21st? Must admit that I am not fully clear on the framework of responsibilities, FSA's role v. FSIG etc., local TSOs etc., how roles may have changed if at all and so on , noting that FSA used to maintain enforcement guidance in this area (now archived).

[Redacted] may be closer to this.

[Redacted]

From: [Redacted]
Sent: 08 June 2022 11:50
To: [Redacted] @surreycc.gov.uk>
Cc: [Redacted] @defra.gov.uk>; [Redacted] @defra.gov.uk>; [Redacted] @cambridgeshire.gov.uk>; [Redacted] @cornwall.gov.uk>
Subject: RE: FSIG dairy designations opinion

Hi [Redacted]

You'll see I have put a meeting in for 21 June. In the meantime we are now getting feedback/pressure that decisions are to be taken as soon as this Thursday which I suspect is probably just a reference to your next meetings with [Redacted] and [Redacted], and possible overstatement? Anything you can do to calm nerves would be appreciated.

We are broadly responding "understand draft opinion still under discussion following feedback and that LA leads plan further discussion with industry before progressing further."

[Redacted]

[Redacted] | Senior Policy Advisor | Farming and Food Sectors and Trade | Dairy Team | Agri-Food Chain Directorate | Department for Environment, Food and Rural Affairs

Direct line: [Redacted] @defra.gov.uk | Address: 2nd Floor, Seacole Building, 2 Marsham Street, London SW1P 4DF
[Website](#) [Twitter](#) [Facebook](#) [LinkedIn](#) [Instagram](#)

From: [Redacted] @surreycc.gov.uk>
Sent: 07 June 2022 12:25
To: [Redacted] @defra.gov.uk>
Cc: [Redacted] @defra.gov.uk>; [Redacted] @defra.gov.uk>; [Redacted] @cambridgeshire.gov.uk>; [Redacted] @cornwall.gov.uk>

Subject: RE: FSIG dairy designations opinion

Hi [Redacted]

Thanks for getting back to me. The opinion is currently being reviewed following lots of feedback. The FSIG is conscious that we don't want to produce an opinion that could be out of step with government policy so we would like to discuss what the opinion is saying with you before we progress. In recognition of this the timescale is flexible especially given the amount of time spent on it so far!! We would want to discuss with you first before finalising it. I am not sure where the writer of the letter to the Minister is obtaining information about the timescales but we are aware of the sensitivities around the area and I recollect having a conversation with you about the potential impact any future regulatory action could have on the situation. I would also make the point that any action would be a decision for LAs and the group have no influences on those decisions

Just fyi I am talking to the [Redacted] food law and labelling committee and [Redacted] is talking to the [Redacted] technical and legislation group both on Thursday and part of that will be about the opinion so we can take the opportunity to clarify where we are with it and what the status is-I suspect there will be other questions about it as well!!

I would also make the point that in our view the opinion is clarifying what the law says and arguments about the impact on innovation etc are not within scope of the group and those discussions sit firmly within the Defra remit.

It would help to have a conversation with you so you are fully aware of the contents of the opinion and we can discuss what the future implications might be.

I have copied [Redacted] in as chair of the group and [Redacted] as vice chair as they will need to be involved on the meeting.

Can we look for a date to discuss please?

Thanks, [Redacted]



[Redacted]

**Regulation Team Manager
Trading Standards**



From: [Redacted] <[\[Redacted\]@defra.gov.uk](mailto:[Redacted]@defra.gov.uk)>
Sent: 07 June 2022 11:01
To: [Redacted] <[\[Redacted\]@surreycc.gov.uk](mailto:[Redacted]@surreycc.gov.uk)>
Cc: [Redacted] <[\[Redacted\]@defra.gov.uk](mailto:[Redacted]@defra.gov.uk)>; [Redacted] <[\[Redacted\]@defra.gov.uk](mailto:[Redacted]@defra.gov.uk)>
Subject: RE: FSIG dairy designations opinion

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Hi [Redacted]

I hope you are well

It is still my lead and yes I was similarly about to contact you about this. I have seen some correspondence at official level which I suspect is the same thing. Might I suggest a quick TC with you mean and [Redacted] when [Redacted] returns from leave in a few weeks? It would be helpful just to understand timescales for FSIG opinion and so that we know what to expect when the FSIG opinion is fully developed/all on the same page etc.

[Redacted]

| Senior Policy Advisor | Farming and Food Sectors and Trade |
Dairy Team | Agri-Food Chain Directorate | Department for Environment, Food
and Rural Affairs

Direct line: [Redacted] <[\[Redacted\]@defra.gov.uk](mailto:[Redacted]@defra.gov.uk)> | Address: 2nd
Floor, Seacole Building, 2 Marsham Street, London SW1P 4DF

From: [Redacted] @surreycc.gov.uk
Sent: 06 June 2022 11:00
To: [Redacted] @defra.gov.uk
Cc: [Redacted] @defra.gov.uk
Subject: FSIG dairy designations opinion

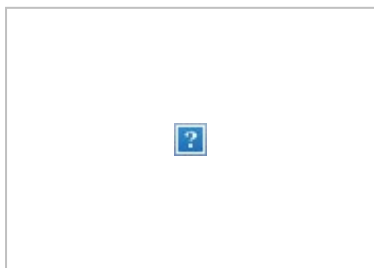
Hi [Redacted]

A business has written to Victoria Prentice about the developing FSIG opinion on dairy designations so I suspect you will be hearing about it fairly soon! The letter makes various points about what the opinion might say and I was thinking it would be a good idea to discuss the contents with you as we would welcome input from Defra about the issue as the letter does query what the central government policy is.

If this policy area is no longer your responsibility could you let me know who it is now please?

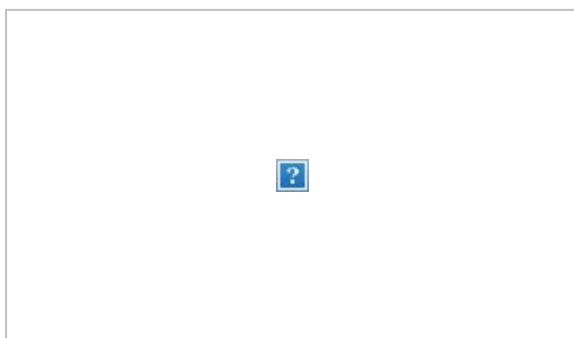
[Redacted] copied in so you are aware as part of the FSIG.

Thanks, [Redacted]



[Redacted]

**Regulation Team Manager
Trading Standards**



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From: [Redacted]
To: [Redacted]
Cc: [Redacted]
Subject: RE: FSIG dairy designations opinion
Date: 08 June 2022 13:50:45
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

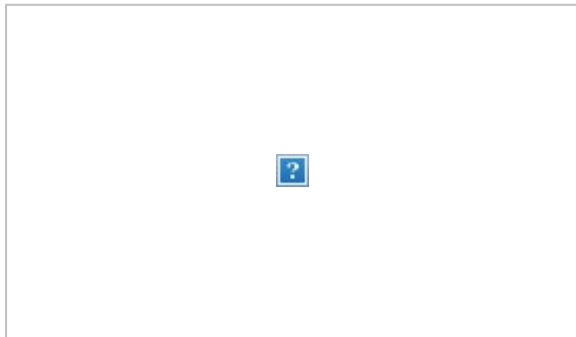
Thanks ^[Redacted]_[Redacted]

AS ^[Redacted]_[Redacted] says I am not sure who the appropriate person from the FSA would be-if you know of anyone please let me know but otherwise as this is a Defra policy area we would be looking to you for input on the policy front. My understanding is that the FSA lead on enforcement issues but at the moment this is really more of a policy issue I think?



[Redacted]

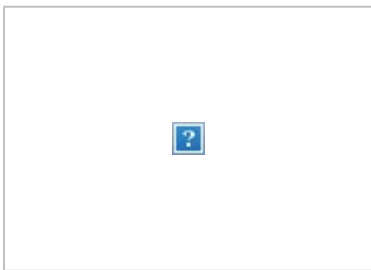
**Regulation Team Manager
Trading Standards**



From: [Redacted]
To: [Redacted]
Cc: [Redacted]
Subject: RE: FSIG dairy designations opinion
Date: 08 June 2022 13:57:40
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

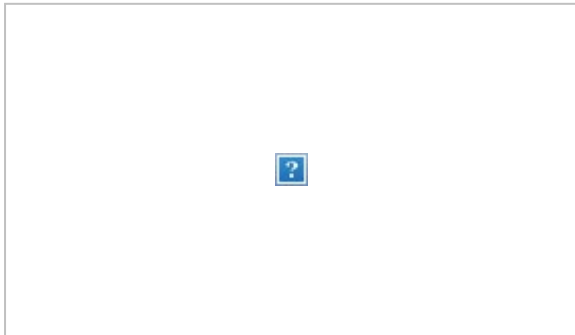
Hi [Redacted]

Yes I think your message reflects what [Redacted] and myself will be relaying to the meetings-I think there may be an element of over reaction and lack of understanding of what the situation is!



[Redacted]

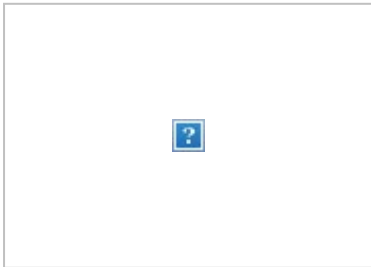
Regulation Team Manager Trading Standards



From: [Redacted]
To: [Redacted]
Cc: [Redacted]
Subject: RE: FSIG dairy designations opinion
Date: 09 June 2022 17:27:51
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

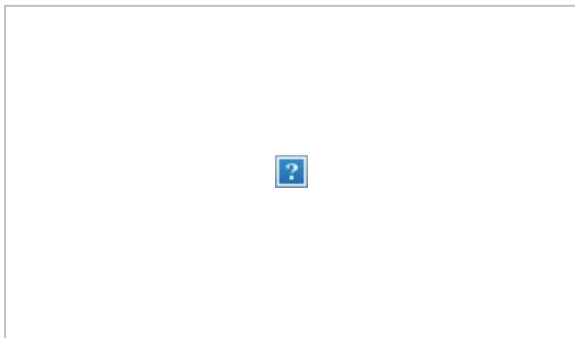
Hi

The [Redacted] meeting was ok-I mentioned the meeting with Defra on the 21st and that we would progress the opinion after that. I didn't give a timescale and I think if we stay in contact with the [Redacted], which we will, they will be content with that. We will also stay in touch with the BExG so they are aware of what is happening.



[Redacted]

**Regulation Team Manager
Trading Standards**



From: [Redacted]
To: [Redacted]
Cc: [Redacted]
Subject: RE: FSIG dairy designations opinion
Date: 10 June 2022 09:41:58
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Hi [Redacted]

The [Redacted] included a mixture of businesses including those with both dairy and plant product ranges. Yes the situation was explained and that the feedback was acknowledged, the draft is not to be finalised yet. I did say we have a meeting with yourselves to discuss.

We had a discussion. I am not aware that either of the authors of the letters, nor the [Redacted] were present but hopefully the meetings will feedback to them.

I am pleased happy for the legal adviser to attend: the Focus Group has to grapple with legal interpretation regularly and there should be no gap in understanding or communication.

Regards,
[Redacted]

Senior Trading Standards Officer
Cambridgeshire & Peterborough Trading Standards Service
[Redacted]

From: [Redacted]
To: [Redacted]
Cc: [Redacted]
Subject: RE: FSIG dairy designations opinion
Date: 10 June 2022 09:54:45
Attachments: [image001.jpg](#)
[image002.png](#)
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[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[Food Standards & Information Focus group Terms of Reference July 2021.docx](#)

[Redacted]

Terms of Reference attached, which also explains membership. Any questions please ask.

[Redacted]

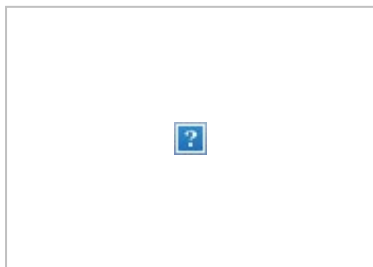
From: [Redacted]
To: [Redacted]
Cc: [Redacted]
Subject: RE: IN CONFIDENCE - Defra reply on dairy designations
Date: 06 July 2022 17:35:21
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Hi [Redacted]

Yes there is a meeting tomorrow and we will be updating the group. My understanding following our meeting was that Defra were going to consider the position and then inform/discuss with me, [Redacted] and [Redacted] what you have decided is the best way forward with this especially given the point that we made that this issue is one that probably sits more squarely in the central government remit as it has the potential to have an impact on various strands of policy across various departments.

As this process is still ongoing we are putting the opinion development on hold until we have had chance to discuss further with you how to resolve the position as best we can given the polarity of views in the market sector but acknowledging that enforcement colleagues need guidance on this issue as it could be argued the marketplace is not a level playing field.

Hope that helps, [Redacted]



[Redacted]

**Regulation Team Manager
Trading Standards**

