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Dear Sussex Food Business,

A pack of help for running your food business

Food businesses are vital to the economy of Sussex. We have a range of vibrant local food producers who contribute to the resident and visitor experience of Sussex and many more food companies generating employment and income for many thousands of local residents.

We have produced this information pack to help you run your business. It deals with important topics that you need to know about and it should be particularly helpful for small and start up food businesses. The subjects covered are:

Food Safety
Health and Safety
Fire Safety and Risk Assessment
Civil Law and E Commerce
Food Labelling for Small Retailers
Labelling of Packaged Goods
Food Labelling for Catering Establishments
An Introduction to A Taste of Sussex
Business Link Support

There is also a useful Contacts List and a Framework to help you check what you have done and what you need to do.

A number of organisations have contributed to the pack, much of which is concerned with your legal obligations. But do remember – you can seek further advice from the local contacts listed. Nearly all of this help is FREE.

You may also be interested in the Local Approved Trader Scheme, "Buy with Confidence". This is administered by three local Trading Standards Services shown in the pack.

Finally, please let us have your comments about this pack. With your help we can make it even more useful to businesses like yours.

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Business Support

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A Taste of Sussex

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Representative

Things to think about when starting your business

Green Business (energy efficiency / travel plans etc)

Business Plans

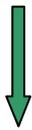
Training

Buy With Confidence

Is there a Market?
(What to produce and why)



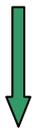
Customers/consumers



Where will the business
be carried out?



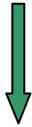
Structure of the premises,
planning permissions,
licences,
authorised process



Prepare to start the business



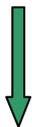
Hazard Analysis of Critical
Control Points (HACCP),
risk assessments, fire safety



Start Producing



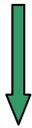
Costs/profits, Marketing,
Labelling & Descriptions



Do you have employees?



Written records, fire safety,
Health & Safety



Where Next?



Farm gate sales? Small/large
outlets (ISO or accreditation
issues) e-trading

Essential Food Safety Information

If you provide or supply food regularly, you must register the business as food premises with your Local Environmental Health Department. Registration is free and failure to register is an offence.

Registration must be renewed after each change of ownership. Environmental Health Practitioners carry out routine food hygiene inspections of food businesses to ensure compliance with Food Safety Legislation.

Food Safety

The main safety risks are food poisoning and food allergies.

Food poisoning is a much higher risk in premises offering prepared food. You can minimise the risk by implementing good hygiene practices and by properly maintaining your premises.

An approach known as Hazard Analysis of Critical Control Points (HACCP) is a useful way of maintaining control over all food safety concerns in your kitchen. A free pack called 'Safer Food, Better Business' is also available.

Food allergies are a complex issue with the potential to be life threatening. Therefore you should have a good knowledge of food allergies. Comprehensive and accurate menu information should be available to your customers. For more information on food allergies see the food-labelling leaflet.

Licences for sale or supply of alcohol are now dealt with by your local Environmental Health Department, not the Licensing Justices at the Magistrates Court. If you wish to sell alcohol and do not already have a licence, you need to contact your local Environmental Health Department.

Food Hygiene

Kitchens and food handling areas must comply with the requirements of the Food Hygiene Regulations. In essence this means that your premises must:

- be in a sound condition
- be easy to clean
- be kept clean
- have adequate provision (including drainage) for washing food, equipment and hands
- have adequate storage and preparation facilities
- be well lit and ventilated
- be proof against pests.

In January 2006, new requirements were introduced. These include changes to the types of written records you need to keep to show you are controlling food safety risks in your business. Your local Environmental Health Department will be able to advise you on the requirements for your business and the free pack 'Safer Food, Better Business' is available to help you.

The main things to remember for good food hygiene are the four 'Cs'

- Cleaning
- Cross Contamination
- Cooking
- Chilling

In practical terms this means that:

- Personal hygiene standards must be high,
- Hands must be washed frequently before and after
 - food preparation
 - handling raw meat and eggs
 - contact with animals
 - using the toilet.
- Food preparation must be avoided during and for at least 48 hours after bouts of sickness and diarrhoea.
- Smoking should be avoided and pets kept away from food handling areas.
- Passing of bacteria from raw unprepared food to cooked and ready to eat foods must be avoided by keeping hands, surfaces and equipment clean.
- Food should be prepared in accordance with its cooking and storage instructions
- Fridges must be correctly stocked with raw meat stored at the bottom and kept separate from cooked foods.
- All foods should be kept covered or in lidded containers. Date marking is useful for effective stock rotation.
- Temperature control is crucially important. Fridges which store 'high risk' and perishable foods, such as meat and dairy produce, must keep the food at a temperature of 8°C or less. To achieve this the air temperature of the fridge needs to be between 1°C and 5°C. A thermometer should be available and the temperature checked regularly. Written temperature records are recommended. The recommended operating temperature for a freezer is -18°C to -21°C.
- Food handlers must be supervised, instructed or trained in food hygiene to a level appropriate to their work.
- In the majority of establishments it is recommended that the main food handler be formally trained. Training should be to the level of the Foundation Certificate in Food Hygiene with refresher training undertaken every 3-5 years.

Further sources of information:

The Environmental Health Department of your local Council for information and advice.
The following leaflets are available from the Food Standards Agency (Tel: 0845 606 0667 or Email: foodstandards@ecgroup.co.uk
You can also visit the Food Standards Agency website at www.food.gov.uk

Food Law Inspections and your Business FSA / 1074 / 0709
Food Hygiene Guidance for businesses FSA / 1020 / 0709
Safer Food better Business Pack www.food.gov.uk/sfbbtraining

Essential Health & Safety Information

As a business proprietor you are required by law to carry out a risk assessment of your business. Simply this means that you need to look at the hazards – those things in your business that could cause harm to people.

The Importance of Risk Assessment

After looking at the hazards you then need to assess the likelihood of harm occurring, and finally decide whether more could be done to prevent harm. If you employ 5 or more people, your findings must be documented, although it is recommended that you record all risk assessments. Your assessment should be reviewed regularly. (Guidance Leaflet INDG 163).

As a start up business the main risks you need to consider include fire, electrical safety, slips, trips and falls, safe handling of chemicals, scalding and manual handling. Depending on your business, you may have additional, more specific hazards to consider: Your local Environmental Health Department will be able to offer further advice.

Fire

You'll find advice on fire safety issues in a separate leaflet in this pack.

Electrical Safety

Electrical equipment must be maintained so as to prevent danger. 95% of electrical faults or damage can be identified by a visual inspection. Staff with basic electrical knowledge and common sense should be able to carry out visual electric inspections and checks – switch off, unplug and look! You should keep records of your checks, findings and the actions you have taken. Earthed equipment such as kettles or cookers need to be tested every 1 to 2 years by a competent person. (Guidance Leaflet INDG 237)

Slips, Trips and Falls

Accidents like this are a major cause of injury. To reduce the risk, floor surfaces must be of suitable material, be in good condition and free from obstructions. Check regularly for worn carpets, lifted lino, trailing cables, loose rugs and slippery surfaces. Keep the premises tidy and the lighting adequate. Stairs and steps must be free from obstruction, handrails and banisters must be in good condition and securely fixed.

Hazardous Substances

It is your duty to minimise your employees' exposure to hazardous substances. Cleaning chemicals for example are generally safe but may be hazardous if used incorrectly. They must always be applied according to the manufacturers' instructions. Care should be taken not to mix chemicals, and chemicals should be stored in their original containers. Staff should be clearly instructed and must be provided with protective clothing (e.g. rubber gloves) as specified by the manufacturer's instructions. Hazardous chemical datasheets should be available from your supplier/manufacturer and should be made easily available to your staff in the event of an accident.

Did you know?

In the UK, slips, trips and falls in the workplace accounted for around 33,000 reported inquiries in 2008

Gas Safety

Defective gas fired appliances can emit carbon monoxide which is highly toxic. All gas fittings and flues must be maintained in a safe condition. An annual safety check must be carried out on each gas appliance (boiler, gas fires etc) and flue by a 'Gas Safe' registered fitter.

A record of each safety check in the form of a detailed inspection report must be kept for 2 years. Any other gas equipment such as gas cookers should be serviced as recommended by the manufacturer.

Manual Handling

Repeated or incorrect lifting by staff of heavy or awkward loads, such as bulk sacks or boxes of foodstuffs, can cause back injury. Manual handling should be minimised and you should ensure that staff know how to lift properly.

First Aid and Accidents

Adequate first aid provision for employees is essential. Provide a properly equipped first aid box and nominate an 'appointed person' to take charge when someone is injured and to keep the first aid box fully stocked. You should be familiar with the local medical facilities. All accidents at work must be recorded in an accident book. (Where 10 or more staff are employed, you need to use the official accident book which complies with data protection requirements). The record should include the name of the injured person, date, time and circumstance of the accident, details of the injury sustained and any treatment given.

Some accidents, whether they are to staff, visitors or members of the public, must be reported to the enforcing authority via the HSE Incident Contact Centre (Tel: 0845 3009923, e-mail: riddor@connaught.plc.uk on line at: www.hse.gov.uk/riddor/report.htm). These include accidents resulting in major injury, hospitalisation, death – or where staff are off for more than 3 days as a result of an accident at work. You should have Public Liability Insurance, which covers owner's liability to guests and others for injury, loss and damage. If you employ staff you must also have Employer's Liability Insurance.

Training

Staff training is essential for the efficient and effective running of your business. Your training programme should cover induction, fire safety, electrical safety, first aid arrangements and accident reporting, manual handling and chemical (e.g. cleaning products) safety.

Information for Employees

If you employ staff, the poster entitled 'Health and Safety Law, what you should know', must be displayed. It provides information on the basics of health and safety management. You can obtain it from HSE Books Tel: 01787 881165 and from good book sellers.

Health and Safety Policy

If you employ 5 or more people you must have a written policy document which sets out how you manage health and safety policy. It shows who does what, and when and how they do it. The policy should describe the systems and procedures you have in place to ensure employees' health and safety. It may refer to other health and safety documentation and should be reviewed regularly. The policy must be shown to all staff (Guidance Leaflet INDG 324).

Further Sources of Information:

The Environmental Health Department of your local Council – see separate list.

The following leaflets are available from the Health and Safety Executive (HSE Books, P.O. Box 1999, Sudbury, Suffolk, CO10 6FS, Tel: 01787 881165, Fax: 01787 313995. HSE website www.hse.gov.uk

An introduction to Health and Safety INDG 259
RIDDOR explained HSE 31
COSHH – a brief guide to the regulations INDG 136
Getting to grips with manual handling INDG 143
First Aid at work – your questions answered INDG 214
Maintaining portable electrical equipment in hotels and
Tourist accommodation INDG 237
Gas appliances – get them checked, keep them safe INDG 238
Preventing slips, trips and falls at work INDG 225
Five steps to risk assessment INDG 163

Fire Safety & Risk Assessment for Catering Establishments

Fire Safety law has undergone a change with the introduction of the Regulatory Reform (Fire Safety) Order 2005 that came into force on October 1st 2006. Premises such as food businesses are affected however the fundamental principles are still the same.

- Controlling fire risks, preventing fire in the first place.
- Early warning in case of fire.
- Adequate escape routes.
- Adequate training and information for staff.

This legislation does not just affect employers as was previously the case, but all premises to which the public have access.

Responsibility for complying with the Fire Safety Order rests with the 'responsible person'. In a workplace, this is the employer and any other person who may have control of any part of the premises, e.g. the occupier or owner. In all other premises the person or people in control of the premises will be responsible. If there is more than one responsible person in any type of premises, they must take all reasonable steps to work with each other.

The responsible person must carry out a fire risk assessment that must focus on the safety in case of fire of all 'relevant persons'. It should pay particular attention to those at special risk, such as the disabled and those with special needs, and must include consideration of any dangerous substance liable to be on the premises. The fire risk assessment will help identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions needed to be taken to protect people against the fire risks that remain.

If five or more people are employed, **or the premises are licensed**, the significant findings of the assessment **must** be recorded.

Fire Risk Assessment

Performing a risk assessment is easy. It must also be remembered that it must be regularly reviewed to ensure that it is current.

Here are the five steps:

1. Identify potential fire hazards.
2. Decide who might be in danger in the event of a fire.
3. Evaluate the risk arising from the hazard – identifying what could be done to control the hazard if not controlled by existing arrangements.
4. Record your findings and detail the actions you have taken or record if you consider existing arrangements to be adequate. (Not mandatory if you employ less than five employees, however recording your risk assessment regardless of the size of your premises is considered "Best Practice" and is strongly recommended by the Fire Service).
5. Keep the assessment under review and revise as and when necessary.

Expanding on the five steps above, the following needs to be taken into account with respect to food businesses:

- Fire hazards should be identified and controlled e.g. smoking materials, cooking areas, heating, electrical apparatus and wiring, gas, flammable materials, hot work.
- People need to be alerted to the outbreak of fire, so there must be a means for raising the alarm. Examples of this may range from shouting or using whistles, to very sophisticated alarm systems incorporating automatic detectors throughout the premises. Most food businesses would probably fall somewhere in the middle, where a manually operated electrical alarm system would be the most reliable. Whatever system is chosen, it is vital that it can be heard throughout the building.
- Once people are alerted, they need a good escape route that is protected from risk areas by closed doors, well lit and free from obstruction. They will need a door to escape through which is not locked from the inside.
- Should it be necessary to tackle a very small fire, to enable others to escape, then suitable fire fighting equipment should be provided. Ordinarily this would include at least one fire extinguisher at each level and a fire blanket in any kitchen area.
- Importantly, you will need a means of summoning assistance from the fire service – typically a telephone box, mobile phone or an agreement with a neighbour.
- It is imperative that the staff are aware of the fire safety measures. This requires regular staff training sessions to cover all aspects of fire safety within the premises, including their responsibility for others who may be on the premises. Training based on written instructions should be carried out on induction and at least annually thereafter.
- To ensure that fire safety management of the premises is effective it is necessary to keep records of; weekly fire alarm tests, monthly emergency lighting tests, monthly fire fighting equipment inspections and six monthly staff training sessions.
- Fire safety need not be expensive but you must think the issues through and control the hazards. If you require specific advice, please feel free to contact a fire safety officer and discuss it.

Guidance Material

Further guidance on the current law and risk assessment is available in the booklet 'A Short Guide to making Your Premises Safe from Fire' published by the Department for Communities and local Government.

You can also obtain guides suitable for your type of premises from good bookshops or downloading them from the internet at www.firesafetyguides.communities.gov.uk. A risk assessment blank form suitable for small to medium businesses can be downloaded from the County Council website www.westsussex.gov.uk (follow these links – fire and Rescue Service, Business Safety and Fire Safety Legislation for the download).

Fire Safety Checklist

Complete the tick boxes for all the questions. If you answer 'No' to any of the questions, this would indicate that you need to take further action. The answer may be provided on the guidance sheet. If you are in any doubt, then please contact the East Sussex Fire & Rescue Service on 01323 462 130 or visit their website at www.esfrs.org/ (follow link for Emergency Services)

Risk Assessment	Yes	No	n/a
Has the risk assessment been carried out?			
Are the hazards clearly identified (e.g. smoking, cooking, heating, electrics, gas, flammable materials, hot work)?			
Are the hazards adequately controlled?			
Fire alarms			
Is there a means for raising the alarm?			
Can the alarm be heard in all occupied areas?			
In the alarm tested weekly?			
In the premises fitted with an electrical alarm system incorporating manual call points?			
If not describe the alarm system:			
Escape Routes			
Are there clearly identifiable escape routes with correct signage where necessary?			
Are there doors separating the escape routes from the risk rooms (kitchen, store, process area etc)?			
Can all doors on escape routes be easily opened from the inside without the use of a key, card or digital lock?			
Emergency Lighting			
Is emergency lighting installed on the escape routes?			
If yes, is it tested on a monthly basis?			
If there is no emergency lighting, is there enough borrowed light (from street lighting or other) to safely negotiate the escape routes if they are used during the hours of darkness?			
Fire Fighting Equipment			
Is there an adequate provision of fire fighting equipment (water extinguishers; at least one per floor, other extinguishers appropriate to risk, fire blanket in the kitchen)?			
		Self assessment form	

Describe any deficiencies:

Is the fire fighting equipment inspected regularly by the occupier and annually by a qualified engineer?			
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Fire Safety Management			
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Is there a method for summoning the fire service without placing anyone at risk?			
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Do the staff receive regular fire safety training regarding all of the above items including their actions in the event of a fire?			
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Are records kept of the following:			
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Fire alarm tests?			
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Emergency Lighting tests?			
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Fire fighting equipment inspections?			
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Staff training?			
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Please provide details of any other installations present or any other positive or negative comments:

A Guide to Civil & E Commerce Law

This guide highlights some of the laws concerning how you deal with consumers. It also gives you some idea of what your rights are. For in-depth guidance on this legislation, please contact your local Trading Standards Service.

Sale of Goods Act 1979 (as amended) by the Sale & Supply of Goods to Consumers Regulations 2002

This Act sets out what are known as "Implied Terms" covering contracts relating to the sale and supply of goods. If you deal business to business, you should seek specific advice from your local Trading Standards as this guidance deals principally with business to consumer contracts.

The Implied Terms are:

- Of Satisfactory Quality
- Fit for their Purpose
- As Described

The Act also covers issues to do with title (ownership) of goods, namely they must be yours to sell; performance/delivery of goods; statements made by manufacturers which could be binding on the retailer; and finally guarantees – where one is given.

A breach of the applied terms could give rise to a claim for compensation (damages). What effect this has upon your business will depend on a number of factors:

- How long the consumer has had the goods prior to realising there is a problem
- Whether the consumer has done something inconsistent with the sellers title: e.g. if a customer has begun to use the product
- Does anything else which may indicate acceptance of the goods e.g. if they have eaten an entire meal prior to complaining

Generally the above may limit a customer's right to cancel the contract and claim a refund. They may however be entitled to other remedies such as:

- Repair
- Replacement
- Damages (compensation or partial refund)

A word about damages...

When a breach of contract occurs, it is important to note that a customer can also claim for costs which have arisen from that breach of contract. The law will seek generally to put the customer or trader back in the position they would have been in had the breach of contract not occurred.

Customers can also be held in breach of contract for example if:

- They change their mind
- They do not pay

Selling goods and services on the internet

In addition to Sale of Goods legislation, the Consumer Protection (Distance Selling) Regulations 2000 and E Commerce Regulations 2002 will also be relevant to your business.

Distance Selling Regulations 2000

The above regulations cover contracts concluded by any distance selling means including the internet, by mail order, telephone and digital television. For the Regulations to apply no face to face negotiations should have been entered into prior to the contract being made.

The Regulations set out that:

- Consumers must be given clear information about the goods or services offered
- Your business name and address must be clear
- Pricing should be inclusive of all relevant taxes – unless you deal solely with business customers
- If a delivery charge applies, this must be clearly stated prior to an order being placed
- When an order is placed, a consumer must receive written confirmation
- Goods must be delivered within 30 days if no delivery time has been specified beforehand
- Consumers have a right to a seven day cooling off period once they are in receipt of the goods.
- The right to a cooling off period must be clearly communicated to the customer prior to contract. If it is not, then the cooling off period is extended by 3 months, unless it is given within that time and then it applies from the date it was given.

Certain contracts are exempted from the Regulations. These include contracts for:

- Financial services
- Sale of land or buildings
- Auctions including internet auctions
- Purchases from vending machines
- Public pay phones
- Rental agreements

Contracts for the following goods only need to comply with certain provisions of the regulations and are not cancellable under the Regulations:

- Goods made to a customers specification
- Goods that by the nature cannot be returned
- Goods or services where the price depends on financial market changes outside of the control of the supplier
- Perishable goods like fresh foods or flowers
- Audio visual goods which have had their seal broken such as Software, CD's and DVD's
- Newspapers & magazines
- Betting/lottery services

An example of goods which are not cancellable under the Distance Selling Regulations are foods which have a use by date and are therefore deemed to be perishables. Foods which have a best before date may not be deemed to be perishable and are therefore caught by the cancellation provisions.

Partial exemptions cover contracts for accommodation, catering, transport, and leisure services. For full guidance on these regulations, please contact your local Trading Standards Department

E-Commerce Regulations 2002

These regulations govern the provision of information that must be on a website where a customer can enter into contract. The intention of the regulations is to enhance the quality of information given to customers to improve customer confidence when buying over the internet. The legislation is born of an EU wide Directive to encourage cross border shopping. The regulations will apply to you if you sell goods or services to businesses or consumer

over the internet, by email or SMS.

Certain information requirements may already be satisfied by complying with the Distance Selling Regulations.

Information Requirements

You need to provide:

- Full contact details for your business
- Details of any relevant trade body you may belong to along with your registration number (if applicable)
- Your VAT number (if applicable)
- Clear pricing information, inclusive of taxes and setting out what delivery charges may apply

Commercial Communications

You need to provide:

- Clear information of any electronic communication which relates to your advertising goods or services (e.g. promotional email)
- If you are sending a promotional email, the criteria of such promotion and how to qualify must be clear
- If you are sending an unsolicited electronic communication (e.g. SMS or email), you must make it immediately clear that the message is unsolicited (e.g. in the subject line) so that the recipient can quickly identify that it is unsolicited.

For further information please visit the Information Commissioners website:

<http://www.ico.gov.uk/eventual.aspx?id=35>

Electronic Contracting

You need to provide:

- Clear technical guidance on how to complete a contract online
- Whether the contract will be held by you or accessible to the customer
- Technical guidance on how to correct errors when placing an order
- Immediate confirmation of an order if one is placed

For in depth guidance on these regulations, please visit:

- Department for Business Innovation and Skills: www.bis.gov.uk/files/file14640.pdf
- Office of Fair Trading: www.offt.gov.uk/shared_offt/business_leaflets/general/oft

Or contact your local Trading Standards Service for further advice.

Food Labelling for Small Retailers

There are considerable exemptions under food labelling law for food which is:

- displayed for sale in a loose or unwrapped state;
- sold from the same premises where it is pre-packed;
- pre-packed by the retailer and sold from his market stall or vehicle.

Required Labelling

A clear and conspicuous notice that states:

- the name of the food;
- if the food contains any additives that serve the function of an antioxidant, colour, flavouring, flavour enhancer, preservative or sweetener, then this category name must be labelled at the point of sale:

If you are using your own labels

Food labelling rules are complex. We would suggest you devise a label based on the above rules and speak to us if you have any doubts.

We have specific leaflets on food labelling for:

- Bakers, covering bread, cakes and savoury products, meat pies and sausage rolls.
- Greengrocers, covering fruit and vegetables.

Price Marking of Goods for Retail Sale

What does the Order require?

Where food is offered for retail sale, the selling price must be given to consumers. In shops exceeding 280 m² the unit price (e.g. 65p per kg) must also be displayed.

How should price indications be given?

When selling to the general public, all pricing information must be clearly legible, unambiguous, easily identifiable and inclusive of VAT **and any additional taxes**.

Prices can be shown:

- on goods themselves;
- on a ticket or notice near to the goods; or
- grouped together with other prices on a list or catalogue(s) in close proximity to the goods. If counter catalogues are used, there should be sufficient copies for consumers to refer to.

Descriptions

All written and verbal descriptions should be accurate, wherever they appear.

Food safety

Check that the food you buy is marked with either "use by" or "best before" and that the "use by" date has not expired.

Under Age Sales

Tobacco products should not be sold to under 18's. Do you have the required notices displayed on the wall and on any cigarette machines on the premises?

Alcohol should not be sold to under 18's. Again separate advice is available on under age sales generally.

Business Names

You will need to display a notice visible to your customers stating the particulars of ownership of your business and the address at which legal documents can be served.

Sale by Weight

Many food products have to be sold by weight. Where this is the case the law requires that the customer knows the weight before paying for or receiving the goods. This can best be done by weighing in front of the customer (not out of sight!), or by marking the weight on the wrapper, or on a separate ticket.

If you want to sell by "gross weight" but the wrapper weight exceeds the permitted limits, then you must state the "net weight".

If your customer does not take the goods "there and then" you must give the customer a written statement of the weight of the goods, either before, or at the time of delivery to him or her.

You cannot sell by price only!

For further advice please contact your local Trading Standards Service.

Labelling for Packaged Goods

This leaflet aims to summarise trading standards legislation applicable to food which is packed and supplied to other businesses to sell. It is designed to assist you in deciding what further advice you need and is not a comprehensive guide to these controls

What labelling is required?

The labelling requirements are very complex and vary from product to product. There are certain basic requirements for all food labels. They are as follows:

- A food name: this should be the one that is required by law, or a customary name. If neither of these apply, the name must be sufficiently precise to inform a purchaser of the food's true nature, and distinguish it from products with which it could be confused. (Note: a brand name or fancy name can still be used provided it is not substituted for the proper name.)
- A list of ingredients, in descending order by weight with allergenic ingredients clearly labelled and a percentage by weight indication for certain ingredients or categories of ingredients appearing in the name, or given emphasis on the label.
- A 'use by', 'best before' or 'best before end' date, and possibly a lot or batch number.
- Any special storage or use conditions.
- The name and address of manufacturer, packer or seller.
- Place of origin, if its omission could mislead.
- Any instructions that are necessary to use the food.
- All information must be in English. Foreign language labelled foods cannot be sold.
- The name of the food, the durability mark (or sign post to it) and weight marking must be in the same field of vision

The above is a brief summary of the requirements. There are specific rules about the details of each of these indications, and the manner in which they are presented. Our advice is to use the above information to devise a draft label and then discuss it with us so we can help you get it right.

We have specific leaflets on the sale of:

Certain foods have specific labelling and compositional requirements. These are too complex to summarise here so, if applicable, please contact us for one of our leaflets dealing specifically with:

- Eggs
- Beef labelling
- Honey
- Jam and similar products
- Meat products
- Wine
- Fish
- Chocolate products

Weight Marking

The food will probably have to be labelled with a quantity marking and may have to be made up in specific quantities. These must be stated in metric quantities and must be easy to understand, clearly legible, easily visible, not hidden or obscured, or interrupted by any other written or pictorial matter. A secondary imperial indication can be given if you wish

Size of fonts must be:

Nominal weight	Minimum height of figures
0-50g	2mm
>50-200g	3mm
>200g-1kg	4mm
>1kg	6mm

Nutrition labelling

There seems to be some confusion amongst packers as to whether or not this is required. Nutrition labelling is optional unless a claim is made, e.g. low fat. In this case, a nutrition statement must be on the labelling and should include, as a minimum the amount of energy, protein, carbohydrate and fat in 100g of the food. This can be calculated using analysis or using tables, but it may be simpler not to make a claim in the first place.

Lot marking

To permit recalls each batch of food must be identified by a code. This could be all the food packed in one day but if you apply the same code to a large batch you risk having to recall large amounts of food. You can use a best before date (if it indicates at least a day and month), a number, or some other code. If you do not use a date, the letter "L" should precede the code to make it clear that it is a lot mark.

Organic Foods

The use of the word "organic" is very tightly controlled and cannot be used without complying with complex rules, even to describe ingredients or in advertising associated with food.

What is Organic?

The description 'organic' can only be used to describe agricultural products, livestock and food which are produced and prepared in accordance with the detailed standards laid down. These standards also include requirements for record keeping, labelling, marketing and an inspection and certification system.

The methods of production, processing etc of organic products have to be inspected and certified by an authorised body to ensure that they meet the specified standards (please contact us for a list of these authorised bodies).

Organic foods from countries outside the European Community may only be imported if the country is on the approved list drawn up by the European Community Commission. The consignment of food must be accompanied by a certificate of inspection from the competent authority or body in the country of origin, stating that it was produced within a system of production and inspection which are equivalent to those required in the Community.

Company and Business Names

The Act allows the Secretary of State control over the name you choose for your business and regulates disclosure of business ownership - in other words, what and how you must tell others about the ownership of the business.

The controls apply to:

- a company which trades under a name which is not its corporate name;
- a partnership which does not trade under the names of all the partners;
- an individual who trades under a name other than that person's surname, with or without his or her first names or initials.

If you trade under your own name, e.g. John Smith trading as J Smith, you are not covered by the provisions, but if you add any words other than your initials or forenames, e.g. John

Smith trading as Smith's Autos, you are covered.

If the controls apply to you, (see above), you must comply with all the disclosure requirements. You will need to disclose (as appropriate):

- the corporate name;
- the name of each partner, or
- the individual's name, and
- in relation to each person named, an address in Great Britain at which documents can be served.

You must display the information in a prominent position so that it can be read easily, in all the places where you carry out your business and where you deal with customers or suppliers.

You will need to show the information clearly on all:

- business letters;
- written orders for the supply of goods or services;
- invoices and receipts; and
- written demands for the payment of business debts.

For further advice please contact your local Trading Standards Service.

Food Labelling for Catering & Licensed Establishments

This leaflet covers foods sold in catering establishments such as restaurants, cafés, canteens, clubs, public houses, schools and hospitals, which are ready for consumption on the premises or to take-away.

Required labelling

Little information is required to be labelled at catering establishments but what information is given must be accurate.

What descriptions should I use?

- Drink descriptions

Have you checked your drinks are accurately described?

If you advertise the brand name of a drink then you must supply that brand of drink. Brand names can appear on bottles, optic stands, beer pump clips, price lists, menus etc.

If a customer asks for a drink by the brand name, (for instance "Pernod" or "Coca-cola") and you do not have that brand, tell the customer if you offer an alternative.

Ensure that any promotional material around the bar is consistent with the brands you are currently selling.

- **Food descriptions**

Have you checked that your descriptions of food are accurate?

In addition to written descriptions in menus, blackboards, adverts etc. any illustration and verbal statement must also be accurate.

Check carefully the labels or specifications for both ready prepared foods and ingredients you buy to prepare meals yourself.

Do you use any of the following descriptions?

homemade - should only be used for food made on the premises

suitable for vegetarians - must not contain any animal products

fresh - must not have been frozen, canned etc.

meat products including sausages, burgers and pies, must contain a certain amount of meat
- please see our leaflet on meat products (compositional standards)

scampi - must be whole tail scampi. Reformed scampi must be described as "reformed"

steak/burger weights - these should be stated as the approximate uncooked weight. Check the weights and ensure you have a written order or invoice from your supplier showing the weight.

If you make other claims such as "beef from BSE free herds," it is advisable to obtain written confirmation of this from your supplier. If you claim food is "organic" you should contact Trading Standards for advice.

If you are in any doubt as to what description to use check with your supplier. If required, the Trading Standards Service will advise you before you print your menus and price lists.

Allergies

A minority of people are unfortunate enough to suffer from a very acute allergy to nuts. This mostly seems to be an allergy to peanuts and peanut products. A minute quantity of the nut can have rapid and fatal effects unless medical aid is obtained very quickly - in fact a matter of minutes.

Most deaths occur where people have eaten out at catering establishments. It is those premises where lists of ingredients are not required to be displayed where anaphylaxis sufferers are at most risk. Non-prepacked food is also a major risk area.

There are steps you can take as an owner or manager of your food business: -

- Make sure your staff are aware of the significance of the use of nuts and nut products - through training sessions, notices, house journals, etc.
- If you use nut or nut oils in a recipe where it is not clear from the name of the food or the list of ingredients that nuts are present, find other ways of passing the information down the distribution chain to the point of sale customer. Why not label it "contains peanuts".
- If you cook food in nut oil or use oil in which nuts have been coated, again, pass the information down the food chain.
- If you use nuts or nut oils in replacement of, or substitution for, more general ingredients, it is vital that this is known down the food chain.
- If you supply caterers, make sure that your customers know which of your products contain nuts and remind them to retain packaging that may contain important information.
- If you are a restaurateur or caterer, check the complete recipes of all your products so that you can answer questions if asked.
- If customers ask if there are nuts in a food and you don't know, suggest that they try something else that you know does not contain nuts.

Colours in Restaurant and Take-Away Foods

Excess artificial colours in food pose a potential long term health hazard to consumers who may, as a result, suffer a skin rash, gastric problems, vomiting or a worsening of asthma, etc.

Foods sold from restaurants and takeaways are not required to be marked with lists of ingredients or to declare the presence of additives.

Rules for commonly sold food include the following:

- Meat, Fish and Shellfish may not be directly coloured. However, accompanying sauces and seasonings may contain colour.
- Chicken Tandoori is not permitted to contain colour - except by virtue of the Tandoori/curry spice mixes used which themselves may contain no more than 500mg/kg of artificial colours.
- Rice is only able to contain colour introduced by ingredients added to it, such as seasonings.
- Raita may contain colour no more than 500mg/kg of which may be artificial colours.

Trading Standards Officers routinely take samples of restaurant and take-away food. A recent survey showed many samples from catering establishments contained non-permitted colours or colours in amounts considerably in excess of legal limits.

It is the responsibility of the caterer to ensure that he makes and sells foods that comply with the legal limits. The best advice that we can give to assist you in staying within the legal limits is to follow the colouring manufacturer's instructions precisely. Do not put too much colour in, or you risk breaking the law.

FOOD SAFETY

Have you checked that the 'use by' date on food you have in stock has not expired?

Check that the food you buy is marked with either a 'best before' or 'use by' date.

PRICES

Price indications should not mislead customers.

Is the display easy to read and visible from the customer's side of the bar?

Ensure other material does not obscure any price list.

Are the prices up to date and correct?

If a particular meal or type of drink runs out, you must remove the price of it from the list as soon as is reasonably practicable.

Are any additional charges, such as service charge and minimum charge, clearly indicated?

Do the prices include VAT?

Do your staff know that it is an offence for them to charge more than the indicated prices?

WEIGHTS AND MEASURES

If you sell wine by the glass, are you displaying the quantity?

The quantities permitted are 125ml, 175ml or multiples of these. You can have a separate sign or table card, or else show this on the menu, wine list or price list.

Are the glasses you use for measuring wine, crown stamped and 125ml, 175ml or multiples of these sizes?

Make sure there are no 4 fluid ounce glasses still in use in the bar as they are illegal.

Are your stamped wine glasses stored separately from any unstamped ones used for bottles of wine and other drinks?

It is best to keep them separate so that staff do not use the wrong ones by mistake.

If you sell wine by the carafe are your carafes crown stamped and in 250ml, 500ml, 750ml, 1litre sizes or multiples of 1 litre?

Are your gin, whisky, vodka & rum sold only in 25ml or 35ml measures or multiples of 25ml or 35ml?

Do you use spirit-measuring instruments or do you measure using a "thimble" capacity measure?

Make sure there are no 1/6 or 1/3 gill measures still in use in the bar as they are illegal.

Do you have a notice stating that the spirit measure is 25ml, 35ml or their multiples?

Are your spirit measuring instruments and capacity measures crown stamped?

This applies to the sale of gin, whisky, vodka & rum only, but if you declare the measure of brandy, liqueurs, sherry etc., you must use a crown stamped measure to sell these items.

If you mix three or more liquids these do not have to be in a measured amount; for instance in cocktails.

Are your pint and half-pint beer glasses crown stamped?

If they are not stamped you must use crown stamped beer-measuring instruments (beer meters). You must use one or the other for selling draught beer and cider.

If you use beer meters, do you have them regularly tested? Are your stamped beer glasses stored separately from the unstamped ones used for bottled beer and soft drinks?

It is best to keep them separate so staff do not use the wrong ones by mistake.

If your beer glasses are brim-measure rather than line-measure, do you ensure that you and your staff fill up the glasses as full as possible?

If the customer asks for a " top-up", is one always given?

Under a Code of Practice agreed between the Brewing Industry and the Government 5% head, only, is allowed on a pint and you should not make the beer available to the customer until you are satisfied the measure is correct. If the customer asks for a top-up this must be given with good grace. The use of line measure glasses overcomes this problem without the need for top-ups. Many licensees have found it useful to display a notice reminding customers of their right to ask for a top-up. **Do your staff know it is an offence to serve short measure?**

UNDER 18s AND TOBACCO PRODUCTS

Have you trained your staff not to sell to under 18s?

Do you have the required notices displayed on the wall and on any cigarette machines on the premises?

Under a Code of Practice issued by the National Association of Cigarette Machine Operators a machine should be sited in a monitored, supervised area so that staff can be sure of preventing its use by young people.

BUSINESS NAMES

Do you have a notice or sign visible from stating the particulars of ownership of the business and an address at which legal documents can be served on the business?

The information can be on the price list or menu displayed on the wall if you wish. (This is a separate requirement from that in the Licensing Act requiring your name to be displayed over the door.)

OUTSIDE CATERING

The requirements in this guide apply to any outside bar you may run as well as in your licensed premises.

ONE DAY SALES

Do you have a room that is used for one day sales?

These can give rise to consumer problems. Ensure anybody taking bookings for sales has read our special guidance note and knows what questions to ask. Check you know the identity and address of the sellers. Ensure they agree to honour consumers' rights on goods purchased from them. Ask for the Trading Standards guidance note "Booking one day sales a guide for venues" - it will help you to tell whether it is a bona fide sale or a "scam".

If you require any more information or advice about any of the legal requirements listed here, or have any comments on this guide, please do not hesitate to contact the Service.

FURTHER GUIDANCE NOTES ARE AVAILABLE ON THE FOLLOWING SUBJECTS: -

- The Food Safety Act and you
- Food law inspections and your business
- Labelling of foods containing genetically modified soya and maize
- Be allergy aware - a guide for catering establishments
- Displaying prices in hotels and guest houses
- Tobacco and children
- Cigarette machines
- A guide to Business Names
- Booking one day sales

Please Note: This leaflet has been prepared for the assistance of businesses. It is not an authoritative interpretation of the law and is intended only for guidance.

For further advice please contact your local Trading Standards Service.

A Taste of Sussex

The Food & Drink Network from Sussex Enterprise

A Taste of Sussex is your local food group and has been formed to provide a comprehensive support service to ALL Sussex based organisations involved in the food chain, including local producers and processors, to expand their markets and make their produce more accessible to the public.

As part of Sussex Enterprise, A Taste of Sussex aims to:

- Encourage the development of sustainable food businesses that contributes to the rural economy
- Increase awareness, amongst the public and trade, of the diversity and quality of the produce available from Sussex
- Foster good business practice and assist producers to compete as viable enterprises
- Organise marketing and promotional activities
- Encourage high standards of training, production, presentation and quality assurance of local produce

A Taste of Sussex provides a range of:

Key Support Services

- The Sussex Food Finder website –www.sussexfoodfinder.co.uk
- Website linked to individual sites and regional sites
- Business planning
- Data utilisation
- Business Intelligence service
- Producer marketing and promotion
- A sustained media presence with regular press releases on activities from A Taste of Sussex and its producers
- Training – We run sector specific training courses at very competitive rates. The programme is designed for food producers and processors.
- Advice on issues affecting the food and drink industry

We also offer Representation at:

- Consumer events, food fairs and festivals
- Trade events to the food industry, locally, regionally and nationally
- Meet the buyer events
- Meet the supplier events

Many of these services are free of charge to both members and non-members, others are offered at very competitive rates however some events are open to members only.

Sussex Enterprise/A Taste of Sussex Membership

Become a member of Sussex Enterprise and enjoy many services and benefits of membership. To find out what Sussex Enterprise membership has to offer please visit www.sussexenterprise.co.uk

By becoming a member of Sussex Enterprise, as a food producer or processor, you will automatically become part of our food and drink network, A Taste of Sussex. There are numerous additional benefits of this membership.

Membership benefits of the 'A Taste of Sussex' network

- Discounted rate for Consumer Events/ Food Fairs
- Discounted rates for Trade Events
- Monthly newsletter - giving news of forthcoming shows, events, training opportunities, Industry news etc
- Exclusive 'Meet the Buyer Events'
- Use of A Taste of Sussex logo on marketing material
- Exclusive 'Meet the Supplier Events'
- Networking and social events
- Membership to the Regional Food Group – South East Food Group Partnership.

This is a partnership of the five food groups in the South East Region and offers the following:

- Discounted event rates at Regional, National and International consumer and trade shows
- Subsidised training opportunities
- Help with accreditation and assurance schemes
- 'Buy Local' website listing - Food From Britain
- E-bulletins giving updates on industry news
- Networking opportunities

For further information please see the contact information in this pack.

Business Link

Business Link provides the information, advice and support needed to start a new business or maintain and grow an existing one.

Rather than providing all the advice and help directly, Business Link can put you in touch with a range of expertise from across the private, public and voluntary business support sectors. The Business Link Service is free of charge.

How Business Link can help:

Support to help you start a business from initial idea to early months of trading.

Practical guidance on how to grow your business, to set goals and priorities and create an action plan to move you forward.

Over the phone – a team of experienced Customer Services Advisers are ready to answer your business questions.

On the web – an extensive website offering a wealth of practical information, interactive tools and free advice on all aspects of starting and running a business, whenever you need it.

For more information on how Business Link can help you call **0845 600 9 006** or visit www.businesslink.gov.uk/southeast.

Useful Contacts

Brighton and Hove City Council – Food Safety Team

Bartholomew House
Bartholomew Square
Brighton
BN1 1JP
Tel: 01273 292161
Fax: 01273 292410
Email: Ehl.food@brighton-hove.gov.uk
www.brighton-hove.gov.uk/foodsafety

A Taste of Sussex

Greenacre Court, Station Road, Burgess Hill,
West Sussex, RH15 9DS
Tel: 01444 482207
Mob: 07803 753597
Email: Hilary.Knight@sussexenterprise.co.uk
www.atasteofsussex.co.uk

Brighton & Hove City Council – Trading Standards

Bartholomew House
Bartholomew Square
Brighton
BN1 1JP
Tel: 01273 292523
Email: trading_standards@brighton-hove.gov.uk
www.brighton-hove.gov.uk/tradingstandards

Business Link

Tel: 0845 600 9 006
www.businesslink.gov.uk/southeast

East Sussex Fire Rescue Service

Brighton and Hove City Fire Safety Office

Fire Station
English Close
Hove
BN3 7EE
Tel: 01323 462130
Fax: 01273 746952
Email: BrightonandHove.FireSafety@esfrs.org

Adur District Council Environmental Health

Civic Centre, Ham Road, Shoreham-by-Sea
West Sussex, BN43 6PR
Tel 01273 263000
Email: envsupport@adur.cov.uk
www.adur.gov.uk

Arun District Council Environmental Health

Arun Civic Centre, Maltravers Road,
Littlehampton, BN17 5LF
Tel 01903 737555
Email: environmental.health@arun.gov.uk
www.arun.gov.uk

Chichester District Council Environmental Health

East Pallant House, East Pallant
Chichester, West Sussex, PO19 1TY
Tel 01243 785166
Email: environmentalhealth@chichester.gov.uk

Crawley Borough Council Environmental Health

Tel 01293 438218
Email: environmentalservices@crawley.gov.uk
www.crawley.gov.uk

Horsham District Council Environmental Health

Park House, North Street,
Horsham, West Sussex, RH12 1RL
Tel 01403 215641
Email: publichealth.licensing@horsham.gov.uk
www.horsham.gov.uk

Lewes District Council – Environmental Health

Southover House
Southover Road
Lewes
East Sussex
BN7 1AB
Tel: 01273 484354
Minicom 01273 484488
ehealth@lewes.gov.uk
www.lewes.gov.uk/environment/index.asp

Mid Sussex District Council Environmental Health

Oaklands, Oaklands Road,
Haywards Heath, West Sussex, RH16 1SS
Tel 01444 458166
Email@ envhealth@midsussex.gov.uk
www.midsussex.gov.uk

Worthing Borough Council Environmental Health

Portland House, Richmond Road
Worthing, West Sussex, BN11 1HS
Tel 01903 221064
Email: FOH@worthing.gov.uk
www.worthing.gov.uk