

Introduction of Compliance Notice

7th June 2022 Raymond Pang

REHIS UPDATE





Non compliance of Food Standards

What do we mean by food **standards**?

Food **safety** is about handling, storing and preparing food

Food standards has a broad list of specifications which can include;

- the presentation of food which includes the description
- the composition of the food
- Allergen information

Food Labelling Requirements



Regulation (EC) No 1169/2011, Article 9

The following details require to be included on a product label if you are pre-packing foods for sale. This applies to foods that are produced and packaged by a business, but not sold by that business to the final consumer.

1. The name of the food
2. The list of ingredients
3. Any allergenic ingredient or processing aid
4. The quantity of certain ingredients or categories of ingredients
5. The net quantity of the food
6. The date of minimum durability or the 'use by' date
7. Any special storage conditions and/or conditions of use
8. The name or business name and address of the food business operator
9. The country of origin or place of provenance
10. Instructions for use if necessary
11. With respect to beverages containing more than 1.2% volume, the actual alcoholic strength
12. A nutrition declaration.



Introduction of the Compliance Notice

- Where do these powers come from?
- S. 42 Food (Scotland) Act 2015

42 Compliance notices

- (1) An authorised officer of the appropriate enforcement authority may issue to a person a compliance notice in relation to a relevant offence.**
 - (2) A “compliance notice” is a notice requiring the person to whom it is issued to take steps to ensure that the person ceases to commit a relevant offence.**
 - (3) An authorised officer may issue a compliance notice to a person in relation to a relevant offence only if the officer is satisfied to the specified standard that the person has committed the offence.**
- How do we enable these powers?

Project Outputs

- Drafting of Scottish Statutory Instrument (SSI)
- Consultation of SSI (Citizenspace)
- Review of Food Law Code of Practice
- Developments and modifications on Scottish National Database
- Officer Training
- Coming into force by late 2022





Compliance Notice Consultation

- **Option 1** – Do nothing (Keep everything as it is)
- **Option 2** – Introduce Compliance Notice to address non-compliance of (food information, composition standards & foods for specific groups)
- **Option 3** - Introduce Compliance Notice to address non-compliance of (food information, composition standards & foods for specific groups) and adding Food Hygiene Sanctions at a later date.

Plugging the Gap

- **Current Food Standards enforcement options**
 - **Seizure & Detention Powers**
 - **Submit a report to Procurator Fiscal**
- **Pre packed for direct sale (PPDS)**
- **Enhanced food allergen information following the introduction of Natasha's Law**



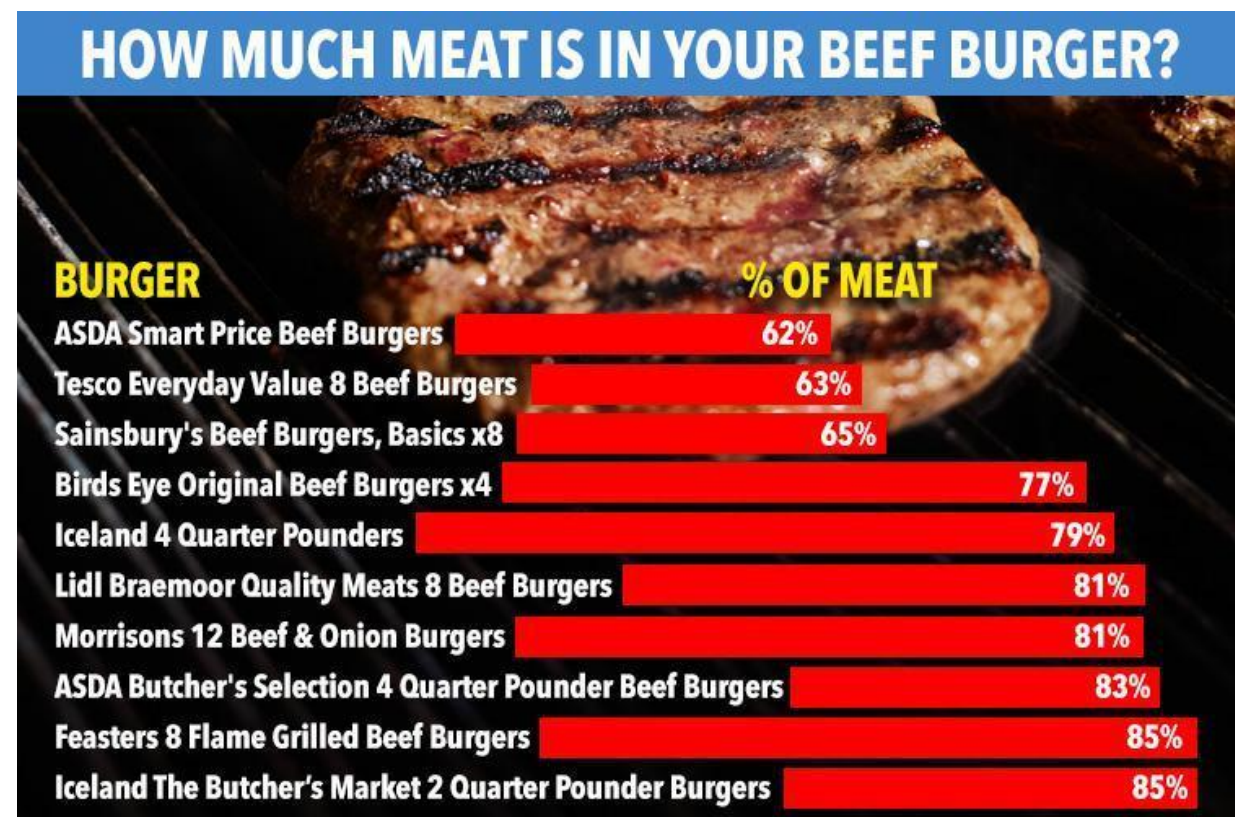
- **Address issues relating to Food Information**
- **Labelling requirements (Name of food, shelf life, storage, allergens...etc)**
- **Product claims**





Composition Standards

- Address issues with Composition Standards
- Minimum meat contents
- What is an iced dessert?



Serving a Compliance Notice

- Identify the breach of legislation
- Highlight what action has to be taken
- What the timescale to comply by?
- Compliance Notice – Minimum of 2 weeks must be given



Scenario

- A 'Burger' made from beef requires a minimum beef content of 62%.
- An 'Economy Burger' made from beef requires a minimum meat content of 47%.
- A 'Burger' made from pork requires a minimum meat content of 67%.
- Sample results: 52% meat in the beef burger





Enforcement Options

Option 1:

Reformulation of the burger till it meets the minimum requirements of 62% beef.

Option 2:

Relabelling so that it states the product is an 'economy burger'

Option 3:

If the food business can't/refuses do either previous options, then the product must be removed from sale



Questions?

Thank you!

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