



Food Business Support Pack

Produced by West Sussex County Council Trading Standards Service in partnership with the Environmental Health Departments of the local Borough and District Councils and West Sussex Fire & Rescue Service





Food Business Support Pack

Dear West Sussex Food Business,

Food businesses are vital to the economy of West Sussex. We have a range of vibrant local food producers who contribute to the resident and visitor experience of West 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. I encourage you to read all of subjects covered as many area of food law overlap. The subjects covered are:

- Food Safety
- Health and Safety
- Fire Safety and Risk Assessment
- Consumer Rights
- Food Labelling for Small Retailers
- Labelling of Packaged Goods
- Food Labelling for Catering Establishments

There is also a useful contacts list and information about compliance with legislation

A number of organisations have contributed to the pack, much of which is concerned with your legal obligations. Do remember you can seek further advice from the local contacts listed. Please note the advice in this pack is intended for guidance only and does not cover all areas of the law.

You may also be interested in the local Approved Business Scheme, "Buy With Confidence". This is administered by West Sussex County Council's Trading Standards Service. More details can be found at www.westsussex.gov.uk/bwc

If you would like to receive alerts from West Sussex County Council Trading Standards Service on changes to food law and related topical food issues, please click [here](#), enter your email address and select "Food Business Alerts" from the Trading Standards section.

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

Peter Aston

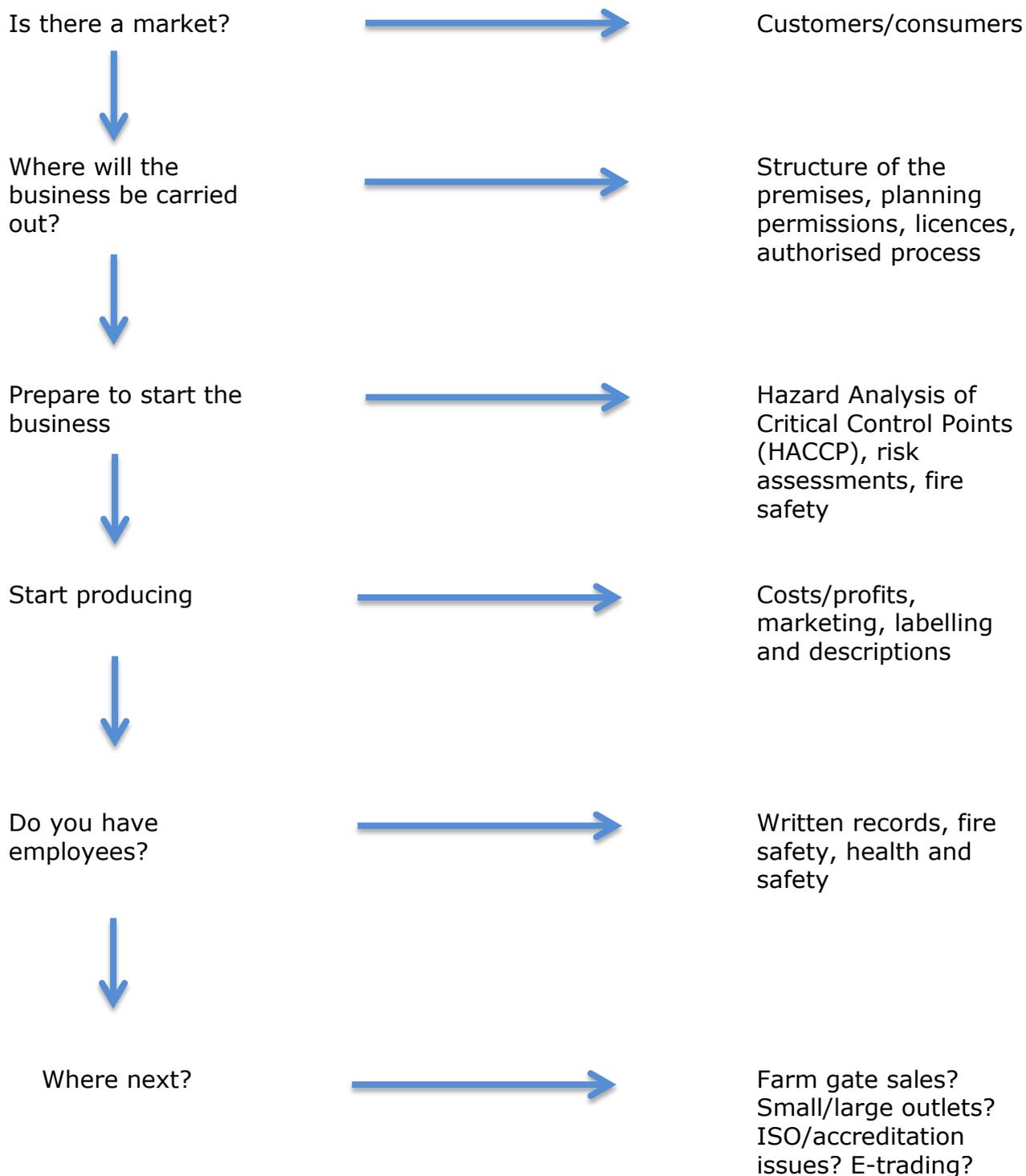
**Team Manager
Trading Standards**

Follow us on Twitter for the later information



[@WSCCTS](https://twitter.com/WSCCTS)

Things to think about when starting your business



The Business Information Service, based at Crawley Library but accessible to all businesses in West Sussex and further afield, is available to help upcoming, new and established businesses, jobseekers and consumers. Find out more:

www.westsussex.gov.uk/bis

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 pack called 'Safer Food, Better Business' is also available [here](#).

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. The rules on declaring allergens at catering establishments changed on 13th December 2014 – a guide on the new requirements can be found [here](#).

Licences for sale or supply of alcohol are dealt with by your local Environmental Health Department. 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 Level 2 Award in Food Safety with refresher training undertaken every 3-5 years

Further sources of information:

The Environmental Health Department of your local Council
Guidance leaflets from the Food Standards Agency: www.food.gov.uk

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 five 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 part 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, needs to be tested every 1-2 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.

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 two 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: 0345 3009923 or submit a form online: 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

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 underwent a change with the introduction of the Regulatory Reform (Fire Safety) Order 2005 that came into force on 1st October 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 e.g. ignition sources and fuel
2. Identify people at risk e.g. staff, visitors etc.
3. Evaluate, remove or reduce hazards, and protect. Identify what could be done to control the hazard if not controlled by existing arrangements.
4. Record, plan, inform, instruct and train. Although this is not mandatory if you employ less than five employees, 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 <https://www.gov.uk/workplace-fire-safety-your-responsibilities>. A blank risk assessment form suitable for small to medium businesses can be downloaded from the County Council website www.westsussex.gov.uk/fire (follow the links to 'Fire safety advice for businesses', then 'Fire safety in the workplace').

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 West Sussex Fire & Rescue Service on 01243 786211 or visit their website at www.westsussex.gov.uk/fire.

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	Yes	No	N/A
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	Yes	No	N/A
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	Yes	No	N/A
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	Yes	No	N/A
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?			
Fire Safety Management	Yes	No	N/A
Is there a method for summoning the fire service without placing anyone at risk?			
Do the staff receive regular fire safety training regarding all of the above items including their actions in the event of a fire?			
Are records kept of the following:	Yes	No	N/A
Fire alarm tests?			
Emergency Lighting tests?			
Fire fighting equipment inspections?			
Staff training?			
Please provide details of any other installations present or any other positive or negative comments:			
Self-assessment form			

Consumer Rights & 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.

The Consumer Rights Act 2015

This Act replaced many pieces of legislation including the Sale of Goods Act 1979 and the Supply of Goods and Services Act 1982. The Act clarifies and enhances statutory rights, which makes it simpler for businesses to understand when consumers have rights and what rights they are.

The BusinessCompanion.info website is a useful tool for all Trading Standards law. It aims to explain the law in a plain and intelligible way. The content on Business Companion is written and verified by expert contributors, but is not designed to be a replacement for professional advice and is intended only for guidance.

Posters informing consumers of their rights can be found [here](#). These posters are a summary of rights and can be displayed at point of sale if you wish. Rights only apply during the expected lifespan of the product and therefore in some circumstances the longer timescales would not be applicable, especially when it comes to food products.

Business Companion offers further [guidance](#) on the Consumer Rights Act 2015 including checklists for businesses, an introduction to the changes and in-depth guides to the Act.

A word about damages...

Failure to honour a consumer's statutory rights is a civil breach and the consumer may seek a claim against you.

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 generally seek 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
- do not pay

On-Premises, Off-Premises and Distance Selling

The requirements for selling goods or services using the above methods changed significantly in June 2014 with the arrival of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013.

It is not possible to fully summarise the legislation in this pack, but there are a number of key changes, including:

- Extension of the cancellation period (where applicable) to 14 days
- The requirement to give additional pre-contract information in a durable medium, which for off-premises sales must be on paper unless the consumer agrees to another durable medium
- Telephone numbers for post-contract queries can only be charged at the basic rate. Therefore only 01, 02 and 03 numbers; standard mobile numbers beginning 07 and

- 0800 numbers are permitted for post-contract queries
- Businesses are not permitted to pre-tick boxes for additional charges, such as additional warranty or a subscription to a weekly food box for example, (customers must expressly agree to it e.g. by ticking a box)

More information on these regulations is available [here](#)

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 text message.

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 on 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. text message 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.org.uk>

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

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.

Labelling requirements for the above food categories

You are required to show the following:

- the name of the food
- if any ingredients have been irradiated
- if any ingredients have come from GM sources
- certain warnings
- allergen information – see www.food.gov.uk/allergy for guidance and further links to “[Guidance for businesses](#)”

There are some product-specific requirements, including the below:

- the percentage of meat in meat products, including meat pies
- the country of origin of beef and veal – see [guidance](#)
- the country of origin of poultry and other ‘popular meats’ – see [guidance](#)

The Business Companion website also produces sector-specific guidance notes:

- [Bakers](#)
- [Butchers](#)
- [Caterers](#)
- [Egg producers](#) selling directly to consumers
- [Fishmongers](#)
- [Greengrocers](#)

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.

Further advice on the requirements of the Food Information Regulations 2014 is available [here](#).

Inspections and Sampling by a Trading Standards Officer

You may be visited by a Trading Standards Officer, either by appointment or not. An in-depth guide of what you can expect during an inspection and the powers available to officers is available [here](#).

During an inspection of a food premises, Officers may procure a sample. This may be the result of something the Officer sees during the visit; a complaint; or for a local or national project focussing on a specific area of food law. The way in which a sample is procured is explained [here](#).

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 280m², 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 sell is marked with either "use by" or "best before" and that the "use by" date has not expired. Food exposed for sale which is past its use by date is deemed unsafe and constitutes a criminal offence.

Under-Age Sales

Tobacco products should not be sold to anyone under the age of 18 years old.

Do you have the required notices displayed at point of sale? Contact West Sussex Trading Standards for more information.

Alcohol must also not be sold to anyone under the age of 18 years old.

Advice on these and other age restricted sales can be found [here](#).

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. Limited companies are required to display the limited company name. Full guidance is available [here](#).

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.

For most food products, you cannot sell by price only!

Only specific types of weighing equipment are suitable for trade use, please see the [in-depth guide](#) produced by Business Companion.

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:

- Food name: this should be the one that is required by law, or a customary name. If neither of these applies, 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.)
- List of ingredients, in descending order by weight with allergenic ingredients clearly emphasised within the ingredients list (not in an allergen box) and a percentage by weight indication for certain ingredients or categories of ingredients appearing in the name, or given emphasis on the label.
- A durability indication, which will be a "use by", "best before" or "best before end" date, and possibly a lot or batch number.
- Any special storage or use conditions – these follow the reference to the durability indication.
- The name and address of manufacturer, packer or seller or importer into the EU.
- Place of origin, if its omission could mislead.
- All information must be in English. Foods that only have foreign language labels cannot be sold.
- An indication of the net weight or volume of the food, for most foods. Some foods can be sold by number – this must be in the same field of vision as the name of the food
- This information cannot be hidden, obscured, detracted from or interrupted by other material. Minimum font size rules apply.

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.

Further advice on the requirements of the Food Information Regulations 2014 is available [here](#).

Product-specific labelling requirements:

Certain foods have specific labelling and compositional requirements. These are too complex to summarise here so please see the following guides or contact us for further information:

- [Beef / Poultry and other popular meats](#)
- [Chocolate products](#)¹ / [Sweets](#)
- [Eggs](#)
- [Fish](#)
- [Honey](#)
- [Jam and similar products](#)
- [Meat products](#)

¹ Please note this guidance note has not been updated to reflect recent changes to general food law, however the subject-specific requirements remain the same

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.

Nutrition labelling and Nutrition & Health Claims

This is a complex area of law. Guidance can be found on [here](#).

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. Click [here](#) for more information.

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.

Full guidance is available [here](#).

Company and Business Names

Common types of businesses are sole traders, partnerships and limited companies. The requirements for registered companies differ from the requirements for sole traders and partnerships. Full details are available [here](#).

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.
- *Scampi* - must be whole tail scampi. If not whole tail, it must be described as 'formed'
- *Steak/burger weights* 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.
- *Local* – this should either be produced/reared within County OR the greater of either a neighbouring county or 30miles/50km from the West Sussex border.

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 or see the advice in the previous section.

If you are in any doubt as to what description to use, check with your supplier. The Trading Standards Service can 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.

In total, there are 14 allergens recognised by the EU which businesses are legally required to be aware of. People can be allergic to anything and you must not mislead them should they request food without a specific ingredient.

It is equally important to note that you are not required to provide something allergy-free upon request; however it makes good businesses sense to make allowances for dishes to be made 'wheat-free' (for example), in order to be able to sell a product to your customer.

Resources are available from www.food.gov.uk/allergy. See related page "[Guidance for businesses](#)".

If you would like to discuss ways in which you can manage allergens within your kitchen, you should contact Trading Standards or Environmental Health.

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 apply to 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.
- Ponceau 4R (E124) - is not permitted in sauces
- Quinoline Yellow (E104) - is not permitted in tomato-based sauces
- Sunset Yellow (E110) - is allowed in pickles and piccalilli only

Trading Standards Officers routinely take samples of restaurant and take-away food. Surveys show many samples from catering establishments contain 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 complies 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 counter?

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 could be 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 or CE marked, 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 or CE marked, 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 or CE Marked?

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 or CE marked measure.

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 or CE Marked?

If they are not stamped you must use crown stamped or CE marked 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?

SALES TO UNDER 18'S

Have you trained your staff not to sell alcohol or tobacco to under anyone under 18?

Please Note: The sale of tobacco from automatic vending machines is prohibited.

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. Further guidance is available [here](#). (This is a separate requirement from that in the Licensing Act requiring Part B of your licence to be displayed)

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 West Sussex County Council's Trading Standards Service.

Compliance with Legislation

This leaflet covers information about access to the Trading Standards Enforcement Policy as well as possible outcomes for non-compliance with legislation and the punishments which can be considered.

Trading Standards Enforcement Policy

The purpose of our enforcement policy is to protect consumers and legitimate businesses in West Sussex. It outlines how we deal with infringements of legislation and how these are dealt with by Trading Standards. You can view more information [here](#).

Enforcement Options

The Trading Standards Service aims to support and encourage businesses to comply with the Law, but there will be circumstances where it may be necessary to consider formal action in order to deal with non-compliance, for example, where we identify unfair or unsafe trading practices. Each case will be carefully considered on its merits and appropriate action taken from a wide range of options available to resolve the matter. You can read more about these options [here](#).

Penalties for Offences

Penalties for offences vary between each piece of legislation. For example, the *maximum* penalty for offences under Section 14 of the Food Safety Act 1990 is an unlimited fine and five years' imprisonment.

Tips to ensure compliance

The best advice we can give to you is to ensure you have a robust due diligence procedure, as this will help with your defence should we investigate non-compliance.

We understand that sometimes things go wrong, and therefore you should:

- ✓ Keep evidence to prove your food is what you have described it as
- ✓ If the label does not say it, request written confirmation from your supplier e.g. on the invoice descriptor or in a letter
- ✓ Review your labels / menus regularly
- ✓ Review your supplier specifications regularly
- ✓ Keep a written record of your decision process
- ✓ Contact Trading Standards or other qualified persons for advice on matters should you have any doubts

Keep up to date!
Sign up to our newsletters [here](#) and follow us on
Twitter:

www.twitter.com/WSCCTS

**FURTHER GUIDANCE NOTES ARE AVAILABLE.
PLEASE CONTACT THE RELEVANT OFFICE USING THE DETAILS SHOWN
BELOW**

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.

West Sussex Contacts

West Sussex Trading Standards Service

1st Floor, County Hall North (Parkside), Chart Way, Horsham, West Sussex, RH12 1XH

Tel: 01243 642124

Email: trading.standards@westsussex.gov.uk

Website: www.westsussex.gov.uk/TradingStandardsForBusiness

Adur & Worthing Councils Environmental Health

Food Team (Adur) or Food Team (Worthing)

Portland House, 44 Richmond Road

Worthing, West Sussex

BN11 1HS

Tel:(Adur) 01273 263331 (Worthing) 01903 221064

Email: environmental.support@adur-worthing.gov.uk

Website: www.adur-worthing.gov.uk

Arun District Council Environmental Health

Arun Civic Centre

Maltravers Road

Littlehampton, West Sussex

BN17 5LF

Tel: 01903 737555

Email: environmental.health@arun.gov.uk

Website: www.arun.gov.uk

Crawley Borough Council Environmental Health

Town Hall, The Boulevard

Crawley, West Sussex

RH10 1UZ

Tel: 01293 438247

Email: environmentalservices@crawley.gov.uk

Website: www.crawley.gov.uk

Chichester District Council Environmental Health

East Pallant House, East Pallant

Chichester, West Sussex

PO19 1TY

Tel: 01243 534602

Email: environmentalhealth@chichester.gov.uk

Website: www.chichester.gov.uk

Horsham District Council Environmental Health

Parkside, Chart Way

Horsham, West Sussex

RH12 1RL

Tel: 01403 215641

Email: publichealth.licensing@horsham.gov.uk

Website: www.horsham.gov.uk

Mid Sussex District Council Environmental Health

Oaklands, Oaklands Road

Haywards Heath, West Sussex

RH16 1SS

Tel: 01444 458166

Email: food.safety@midsussex.gov.uk

Website: www.midsussex.gov.uk

West Sussex Fire & Rescue Service

Business Fire Safety

Centenary House

Durrington Lane

Worthing

BN13 2QB

Tel: 0330 222 3333

www.westsussex.gov.uk/fire

Click [here](#) for details of how to get in touch with your local Fire Safety Officer