

Nottinghamshire  
County Council

# Business Information

## Formal Sample Explanatory Notice

### Food Safety Act 1990

Local Authorities are required to enforce the provisions of the Food Safety Act 1990 and Regulations made under the Act. Food composition is controlled by the legislation, the most serious offence being to sell to the purchaser's prejudice food which is not of the nature, substance or quality demanded.

### **Enforcement Action**

Enforcement action for incorrect descriptions can only result from formal samples of foodstuffs, (which includes drink). Formal samples may be taken for various reasons as outlined below:

- Investigation of consumer complaints
- Conducting a trade audit
- During a routine inspection
- As part of a project

### **Sampling procedures**

Procedures for sampling are strictly controlled by specific Regulations and Codes of Practice. The legislation gives officers the power to purchase or take food samples at all reasonable hours. Failure to allow an authorised officer to take a sample could lead to commission of an offence for obstruction.

Formal food samples will generally consist of three identical parts that are distributed as follows:

1. Selected and retained by the person in charge where the sample is taken
2. Submitted by the officer to a Public Analyst for analysis
3. Stored safely by the Trading Standards Service as a reference sample in case of a dispute.

***Please turn over...***

## Sampling Procedures (continued)...

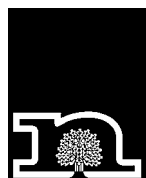
The reason for the division of samples as indicated is to allow potential defendants the opportunity to have their own sample portion analysed if the results from the Public Analyst reveal a misdescription or compositional problem. If you have manufactured or altered the food, or applied the description to the food, you may be responsible for any offence. If you are only retailing food supplied to you in the same state your manufacturer may also be the responsible person.

## Your Sample Portion

The sample portion kept by you is very important and should be stored safely until you receive notification of the analytical results. If the analyst reports that the sample is satisfactory you will be sent a letter indicating the results and advising you to dispose of your portion. This can take up to eight weeks. Should the results indicate an offence you may wish to have your own independent analysis. Alternatively your supplier or the manufacturer may wish to collect the sample portion from you. If there is a dispute over the analysis the sample retained by Trading Standards Service may be sent to the Laboratory of the Government Chemist.

## Unsatisfactory Samples

If the Public Analyst reports that a sample is unsatisfactory we will follow our published Enforcement Policy to determine the most appropriate course of action. You may obtain a copy of this policy from the Trading Standards Service – please ask for a copy of our Information for Business Sheet Number 66.



### Contacting us

email	<a href="mailto:mansfield.tss@nottssc.gov.uk">mansfield.tss@nottssc.gov.uk</a>
phone	01623 452005
fax	01623 452059
post	Trading Standards Service, 100 Chesterfield Road South, Mansfield, Nottinghamshire NG19 7AQ
internet	<a href="http://www.nottinghamshire.gov.uk">www.nottinghamshire.gov.uk</a>

This information can be made available  
in other languages and formats.

For further information please contact  
0115 977 2021.