

## Trading Standards Food Incident Information For Businesses

This information sheet is intended to give advice to small to medium Food Business Operators (FBOs) on the steps that they must take regarding a food incident.

“Food Business Operator” means the natural or legal person responsible for ensuring that the requirements of food law are met within the food business under their control.

All manufacturers, be they multi nationals or sole traders, do their best through their due diligence defence to ensure that their products are legally compliant and safe to eat. However, mistakes do happen and so it is vital that all FBOs have the confidence to deal with the situation effectively. Food production is a complex business with many other parties involved so it is important that everyone is aware of their responsibilities. FBOs are therefore **legally required** to do the following:

- Have traceability systems in place which allow them to match ingredients to suppliers and finished product to the next organisation in the retail chain.
- Have a system in place which will allow them to fulfil their part of any food product recall or withdrawal. This includes a legal responsibility to notify the competent food authorities, i.e. your local Environmental Health Department, Trading Standards Department and the Food Standards Agency (FSA).
- Make these systems and records available to authorised Local Authority food officers for inspection upon request.

It is an offence under UK and EU law to place unsafe food on the market. This means that if the food is injurious to health or unfit for human consumption then it will be deemed unsafe. If a particular group is at risk (i.e. people with a peanut allergy) then the definition still applies despite the number of people affected being reduced.

### What is a Food Incident?

The FSA define it as “any event where, based on the information available, there are concerns about or suspected threats to the safety, quality of food that could require intervention to protect consumer’s interests”.

## **What do I need to do if a problem is brought to my attention?**

Problems can emerge in a number of ways – a customer complaint, an employee raising an issue or a supplier contacting you regarding a problem with ingredients that they have supplied to you or critical information missing from a label.

It is important that certain steps are taken:

- Identify the product(s), batch size and number, durability date code and weight.
- The quantity and distribution details including your customer's details. This is very relevant when wholesalers are used.
- Nature of the problem.
- Contact your local Environmental Health Department and Trading Standards Department.
- Contact the Food Incident Branch at the Food Standards Agency (FSA). They will request further information and allocate a case number. They will then make a decision as to what action is required, i.e. product withdrawal from the retail and distribution chain or a food recall where consumers are requested to destroy or return the products or indeed no further action. Every case is judged on its individual circumstances. If a withdrawal/recall is required the FSA will notify all Local Authorities in the UK and any other countries that are relevant. It will be your responsibility to carry out the recall within the UK for your part of the supply chain.

## **What records and systems am I required to maintain?**

### **1. Traceability Records**

The key point here is that you must be able to identify the links in the supply chain that are either side of you so that they can be contacted, advised and the appropriate action can be taken. You are required to keep records which show who your suppliers are, what they have supplied you with and what products you have made with these ingredients. You must be able to identify your customers and be able to contact them with the details of any products that need action taking about them. If you have supplied product directly to the final customers via the internet then they should be contacted as well. Batch numbers, date marks and invoices will assist in both aspects of your traceability records.

You are not required to have internal traceability although it may be advantageous. It is recommended that recalls and withdrawals are targeted so that only the affected stock is actioned. Effective traceability records will facilitate accurate and timely recalls and will assist in identifying the root cause of the problem. Unless decided otherwise it will be assumed that a whole batch is affected.

## 2. Product Recall Systems

It is advisable that the written recall procedure identifies the key personnel, contact details and actions to be taken in the event of a recall. Your supplier and customer details should be listed so that they can be easily contacted. Staff should be trained and confident in using the system. It is recommended that a mock recall exercise is carried out to test the system and amend it if necessary. This would be considered a reasonable thing to do under your statutory defence under the Food Safety Act.

If you are a small scale producer that buys ingredients from retailers including supermarkets, you may wish to sign up to the Food Alert e-mail notification system that the FSA operate so that you are aware of any problems that may occur with your ingredients.

### Offences

Offences under The Food Safety and Hygiene (England) Regulations 2013 carry penalties of up to two years imprisonment and or an unlimited fine.

The FSA Food Incident Branch online form can be found at;  
<http://www.food.gov.uk/foodindustry/incidents/report/>

*This leaflet is a brief summary of the law regarding food incidents. It is not an authoritative document on the law and is only intended for guidance. For further details or clarification contact the Trading Standards Service.*

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Updated July 2015