

Food Assurance Schemes Guidance

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INTRODUCTION

The Agency believes that food assurance schemes have the potential to deliver a range of benefits for consumers, including contributing to the range of choice of foods produced in different ways. However, Agency research and consultation highlighted a number of concerns about assurance schemes and particularly about the involvement of consumers in schemes and the ways in which scheme standards are communicated to consumers.

The purpose of this guidance is to:

- Provide advice for schemes on best practice; and
- Help consumers by promoting best practice amongst assurance schemes.

BACKGROUND

Assurance schemes are voluntary systems¹ which verify, through regular independent inspections, that farmers and growers are meeting certain stated standards of production. The scope of assured food schemes covers both primary production and processes covering the rest of the food chain as far as retail sale. Production standards are set by the assurance scheme and vary across different schemes, generally covering food safety and traceability, animal welfare and environmental protection. Members of a particular scheme can use the scheme's logo on their produce, and/or use a specific claim, to advertise to consumers that the product has been produced to these standards.

Although they differ in one important respect – the minimum standards they work to are set out in legislation – organic schemes fulfil the same purpose as other assurance schemes, that is they offer foods linked to specific production standards; they are therefore included within the scope of this advice. The advice is not intended to apply to schemes which cover composition of foods, such as 'suitable for vegetarians' claims or claims, such as Halal or kosher, which are overseen by religious bodies.

The English Policy Commission on the Future of Farming and Food highlighted the role of assurance schemes when they reported to government in January 2002.² In June 2002, the Agency followed up earlier consumer research by publishing an independent review into assurance schemes.³ The review considered many of the main schemes which affect produce in UK shops, including schemes which aim to attract most of the producers in their sector and those which aim to meet specific consumer demands, such as for organic food. The Agency then consulted stakeholders, including consumers, enforcement authorities, assurance scheme operators, the farming industry, food manufacturers and retailers on draft conclusions on best practice based on the findings of the independent review.

The following advice is based on those draft conclusions, responses to the public consultation, open stakeholder meetings held in London and Glasgow

September 2002 and discussions of the Agency Board at its December 2002 meeting.

The two key themes of the advice are involvement of consumers and honesty and transparency in consumer information about scheme standards.

RELEVANT LEGISLATION

Misleading labelling and false description are offences under the UK legislation detailed below.

- **The Food Safety Act 1990**

This makes it an offence for anyone to:

- sell, to the purchaser's prejudice, any food which is not of the nature, substance or quality demanded; or
- give or display a label⁴ with any food sold, or publish or be party to the publication of an advertisement, which falsely describes the food or which is likely to mislead as to its nature, substance or quality.

NB – in Northern Ireland the equivalent legislation is the Food Safety (Northern Ireland) Order 1991.

- **The Trade Descriptions Act 1968**

This makes it an offence to apply a false trade description to any goods, including specific information on quality, size and composition, how they were made and by whom.

Food law is harmonised at European level and the following EU legislation underpins UK legislation:

- **Article 2 of Directive 2000/13/EC** (on food labelling)

- This requires that the labelling, advertising and presentation of food must not be such as could mislead a purchaser to a material degree, particularly
- as to the characteristics of the food and, in particular, as to its nature, identity, properties, composition, quantity, durability, origin or provenance, method of manufacture or production;
 - by attributing to the food effects or properties that it does not possess;
 - by suggesting the food possesses special characteristics when in fact all similar foods possess such characteristics.

Organic schemes are regulated by the following European legislation:

- **Council Regulation (EEC) 2092/91** (on organic farming)

This sets out the inputs and practices which may be used in organic farming and growing, and the inspection system which must be put in place to ensure this. This Regulation also applies to processing, processing aids and ingredients in organic foods. All food sold as organic therefore must originate from growers, processors and importers who are registered with an approved body and subject to regular inspection.

THE AGENCY'S ADVICE

1. SETTING AND DELIVERY OF PRODUCTION STANDARDS

a) Setting minimum standards

Assurance schemes should:

- Establish standard setting boards with a strong independent element and effective representation of consumers' interests. This will usually be achieved by appointing an independent chair and including a consumer representative, along with members representing the interests of other stakeholders, including retailers, producers, enforcement authorities and relevant experts.
- Take a hazard-based approach to health and safety standard setting both on-farm and during processing by applying Hazard Analysis and Critical Control Point (HACCP) principles. This does not apply to environmental and animal welfare standards, where a hazard-based approach is not appropriate.
- When setting standards, take proper account of consumer interests and aim to balance consumer benefits and consumer costs.
- Work together to ensure whole food chain coverage.

b) Inspection and monitoring against claims

Assurance schemes should:

- Establish an inspection regime which inspects producers at least annually on average, while taking seasonality into account, and include some unannounced or short notice inspections.
- Obtain United Kingdom Accreditation Service (UKAS) accreditation to EN 45011 to ensure consumers can have confidence in the scheme's independence and competence.
- Introduce clear procedures for dealing with non-compliance which are effectively implemented.

- Ensure that inspections are carried out by a certification body which is independent from the standard-setting body.
- Regularly review arrangements for training and assessing expertise of inspectors.
- Establish a system of effective controls to assure traceability so as to limit the use of logos to fully compliant produce.
- Impose sanctions for non-compliance which include, for serious breaches, withdrawal of membership and/or reporting to the relevant official enforcement body.
- Improve liaison with official enforcers to facilitate the exchange of information on membership and labelling claims.
- Where appropriate, monitor scheme outputs to substantiate claims, for example if a claim is made about decreased pesticide residues, the scheme should undertake analyses of scheme produce.

2. TRANSPARENCY FOR CONSUMERS

a) What information should assurance schemes provide for consumers?

Assurance schemes should ensure the following information is easily accessible and clearly communicated to consumers:

- What the scheme seeks to achieve and what advantages it offers consumers, for example through clearly stated objectives which address customer needs.
- In what ways, if any, the scheme standards exceed the legal minimum.
- How the scheme ensures that its standards are being met by member producers. This should include a simple explanation of the scheme's inspection regime, including the frequency, the amount of notice usually given and the policy on random and unannounced inspections.
- The scheme's arrangements for monitoring delivery of standards, for example through analysis of scheme produce. Results from such monitoring exercises should be published.
- How instances of non-compliance are dealt with.
- The evidence base for any specific claim, for example on food safety or quality. There should be a cross-reference to supporting scientific evidence with independent expert evaluation. For example, schemes

claiming to deliver improvements in farm practices should publish data on the food safety, animal welfare and/or environmental improvements they have brought about.

b) How should information be provided?

On the label

- Where a logo is used, it should carry a clear consumer message. Where one logo covers several different schemes, schemes should aim to ensure standards across them are comparable.
- Schemes should consider including information about where consumers can find further details on the scheme, such as a website address.

In store

- Schemes should work with retailers to provide scheme information at point of sale.

Websites

- Schemes should provide consumers with detailed information about their scheme on a user-friendly website. The address of a scheme's website should be publicised, either on the product packaging or in store.

Other

- Schemes should consider providing additional information as appropriate, for example through a consumer help-line.

c) What else can schemes do to improve consumer transparency?

- Encourage consumers to make comments about the scheme.
- Co-operate to provide comparable information to consumers across schemes. Definitions and interpretations of words should be clear and consistent.

CONTACT DETAILS FOR FURTHER INFORMATION

For more information please contact:

Food Labelling and Standards Division – Room 115b
Food Standards Agency
125 Kingsway
London
WC2B 6NH

Tel: 020 7276 8147
Fax: 0207 7276 8193
Email: labelling@foodstandards.gsi.gov.uk

Jayne Griffiths
Food Labelling and Nutrition Branch
Food Standards Agency Wales
1st Floor
Southgate House
Wood Street
Cardiff
CF10 1EW

Tel 029 2067 8910
Fax 029 2067 8919
Email jayne.griffiths@foodstandards.gsi.gov.uk

Tracy McKen
Food Standards Agency Scotland
6th Floor
St Magnus House
25 Guild Street
Aberdeen
AB11 6NJ

Tel: 01224 285 5146
Fax: 01224 285 168
E.mail Tracy.McKen@foodstandards.gsi.gov.uk

Anne-Marie Chambers
Food Standards Agency Northern Ireland
10C Clarendon Road
Belfast
BT1 3BG

Tel: 028 9041 7708
Fax: 028 9041 7726
E mail: anne-marie.chambers@foodstandards.gsi.gov.uk

¹ With the exception of organic schemes, which are regulated by EU legislation, EC/2092/91. Organic claims must comply with this legislation and schemes must be registered and inspected by one of the certified inspection bodies.

² Farming and Food: a Sustainable Future – Report of the Policy Commission on the Future of Farming and Food (January 2002)

³ Review of Food Assurance Schemes – report to the Food Standards Agency by Ruth Kirk-Wilson
www.food.gov.uk/multimedia/pdfs/FAS_Report.PDF

⁴ Whether or not attached to or printed on the wrapper or container.