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COUNTRY OF ORIGIN LABELLING GUIDANCE

Our aims in producing this advice are to help:

- **Manufacturers, producers, retailers and caterers to comply with the law and avoid misleading labelling;**
- **Enforcement authorities to identify and act on misleading origin labelling; and**
- **Consumers through the provision of more consistent, informative and transparent labelling practices.**

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INTENDED AUDIENCE

1. Our aims in producing this advice are to help:
 - Explain legislation applicable to origin labelling and provide advice on how to comply with legislation.
 - In particular to help prevent labelling practices which may mislead consumers.
 - Additionally to provide voluntary best practice advice on how businesses can make origin labelling more informative for consumers.

LEGAL STATUS AND PURPOSE

2. These Guidance Notes have been produced to provide advice on:
 - Part 1 - the legislation that applies to origin labelling
 - Part 2 - compliance with legislation to avoid misleading labelling; and
 - Part 3 - best practice in providing origin information in Part 3.
3. These Guidance Notes should be read in conjunction with the legislation itself. The guidance on legal requirements and examples should not be taken as an authoritative statement or interpretation of the law, as only the courts have this power. The examples in this document are provided for illustration only. It is ultimately the responsibility of individual businesses to ensure their compliance with the law. Compliance with the advice on best practice is **not** required by law.
4. Businesses with specific queries may wish to seek the advice of their local enforcement agency, which will usually be the trading standards / environmental health department of the local authority.
5. The Food Standards Agency is committed to promoting informed choice for consumers through improved food labelling. Consumer research^{1 2} and the public consultation on this Guidance have shown that country of origin labelling is of interest to consumers.
6. These Guidance Notes were originally issued in 2002 and have been reissued by the Food Standards Agency to take into account the results of a public consultation and an FSA commissioned survey regarding the uptake of the recommendations in the previous Guidance.

¹ Importance and impact of Country of Origin of Food (MORI), February 2000

² Confusion Regarding Food Labelling in Britain (MORI), February 2000

INTRODUCTION

1. This Guidance should be read in conjunction with several other pieces of horizontal legislation that are listed in Annex B. Annex C covers the penalties for breaching this legislation.
2. Misleading labelling, advertising and presentation are prevented by legal provisions that are described briefly in Annex D. Part 2 of this Guidance provides advice on avoiding misleading labelling with respect to origin.
3. There is specific EU commodities legislation that requires country of origin information for beef, veal, fish and shellfish (whether pre-packed or loose), wine, most³ fresh fruit and vegetables, honey, olive oil, and poultry meat imported from outside the EC. The requirements for these foods are set out in Annex A of the Guidance and are mainly the responsibility of the Department for the Environment, Food and Rural Affairs (Defra).
4. For foods other than those listed above there are general rules in EU labelling legislation which require country of origin labelling in cases where purchasers might otherwise be misled. The Food Labelling Regulations 1996 (as amended) implement this and other important provisions which are given below.
5. Voluntary country of origin labelling may be provided on foods but legislation demands that information must not mislead the consumer.

REQUIREMENT TO LABEL WITH ORIGIN IF OTHERWISE MISLEADING

6. Regulation 5(f) of the Food Labelling Regulations 1996, read with Regulation 4, requires food that is ready for delivery to the ultimate consumer or to a catering establishment to be marked or labelled with:
 - "...particulars of the place of origin or provenance of the food if failure to give such particulars might mislead a purchaser to a material degree as to the true origin or provenance of the food".
7. Regulation 38 of the Food Labelling Regulations 1996 contains a general requirement for such particulars, as with all labelling, to be:
 - Easy to understand, clearly legible and indelible;

³ (see page 17)

- When the food is sold to the ultimate consumer, marked in a conspicuous place in such a way as to be easily visible: and
- These and other particulars required to be given by these Regulations must not be in any way hidden, obscured or interrupted by any other written or pictorial matter.

8. Regulations 23 and 26 of the Food Labelling Regulations 1996 state that certain foods⁴ are exempt from the requirement of Regulation 5 (f) described at paragraph 5 above.

MEANING OF PLACE OF ORIGIN

9. There is no statutory definition of “place of origin or provenance” in the Food Labelling Regulations 1996 or of “origin or provenance” in Directive 2000/13/EC. But both in Codex⁵ and the World Trade Organisation Rules, the country of origin is deemed to be the place of last substantial change. This is consistent with section 36 of the Trade Descriptions Act 1968 where the approach is that for the purposes of the Act:

- “goods shall be deemed to have been manufactured or produced in the country in which they last underwent a treatment or process resulting in a substantial change”.

10. This is considered to be a reasonable guide for the purposes of the Food Labelling Regulations 1996. It would ultimately be for a court to decide, taking

⁴ The exempt foods are as follows:

- “food (other than milk – Regulation 27) which is not prepacked, or which is prepacked for direct sale, including such foods sold at catering establishments;
- white bread and flour confectionery (in certain circumstances as set out in Regulation 23(3) (b));
- individually wrapped fancy confectionery products not enclosed in any further packaging and which are intended for sale as single items;
- carcasses and parts of carcasses that are not intended for sale in one piece;
- any prepacked food (other than milk) contained in an indelibly marked glass bottle intended for re-use which has no label, ring or collar;
- any prepacked food contained in packaging where the largest surface area of such packaging is less than 10 square centimetres; and
- any prepacked food sold or supplied as an individual portion which is intended as a minor accompaniment to another food or service.”

⁵ A FAO/WHO body responsible for setting international standards for food trade.

account of an ordinary person's perception of the circumstances surrounding the individual case, whether any particular country or place specified is indeed where the last *substantial* change took place.

PART 2 COMPLIANCE WITH LEGISLATION: AVOIDING MISLEADING ORIGIN LABELLING

11. This section of the Guidance sets out to show how best to avoid misleading origin labelling which might be considered to be a breach of legislation (The Food Labelling Regulations 1996 and other legislation set out in Annex D) and gives specific examples to help illustrate problems that can arise.

12. The **true place of origin of a food should always be given if the label as a whole would otherwise imply that the food comes from, or has been made in, a different place or area.** Consumers are, however, unlikely to expect products such as Madras curry to come from Madras in the absence of other information on the label suggesting that they come from this particular place.

13. Where the label carries other information that may **imply** origin, the actual country of origin declaration should be sufficiently **prominent, precise and compelling** to correct any potentially misleading impression.

14. The sorts of information (other than written declarations or descriptions such as "Made in the UK" or "British") that could lead consumers to attribute a particular place of origin to a food include:

- use of country or place **names** in the name of the food or in its trade name, brand name or fancy name;
- **written or illustrative information** including maps, flags, emblems (e.g. a shamrock), choice of colour (e.g. the colours of a country's national flag), references to persons associated with a particular place (e.g. "Uncle Sam") and famous landmarks (e.g. the Eiffel Tower).

15. Concerning what processes result in a **substantial change**, we suggest that for example, the transformation of pork into bacon, ham, sausages or pies should be regarded as a **treatment or process** resulting in a substantial change, while the simple slicing, cutting, mincing and/or packing of meat does not amount to such a change.

16. For some products the name of a country or place is used to describe their origin as part of the name of the food, for example "British Steak Pie" or "French Beef Bourguignon", thereby, forming an origin declaration. If the **place that is declared as the of origin of the food** (according to the principle of last substantial change) is **not the same as the place of origin of its primary ingredients**, in order not to be misleading it may be necessary to provide

information on the origin of those ingredients. It is recommended that for example:

- Pork sausages made in Britain using pork from countries outside the UK are not described as "British pork sausages". Instead they could bear the name "Pork Sausages" and if helpful, a further declaration could be made as described –
"Made in Britain from pork imported from Denmark or Belgium (i.e. more than one country)"; or
"Made in Britain from Dutch pork"
- Salmon smoked in Scotland but made from Norwegian salmon is not described as "Scottish smoked salmon" but is described as -
"Norwegian salmon smoked in Scotland", or
"imported salmon smoked in Scotland".

Other **terms** that could similarly be used are "Baked in ...", "Pressed in ...", "Packed in ...", "Sliced and packed in ..." or "Processed in ...".

17. In the case of a product (particularly a recipe dish) that reflects a **culinary dish** of a particular country, an origin declaration may be necessary to clarify where the product was made. This may apply in the cases of product ranges such as "British Classics", "Indian", "Thai" or "Chinese", or when the name of the food is in a foreign language. For example:

- For a lasagne that is produced in Germany and marketed in an "Italian" range, or with indications of origin such as Italian flag colours, a declaration such as "Produced in Germany" should be provided. If the product contains pasta from Italy, then this could also be declared.
- For onion bhajis that are described as "Indian snacks made with spiced fresh onions", if they are produced in the UK then a declaration of UK origin should be made.

18 **Identification marks** on food products indicating the country of processing and a code number that relates to the approved establishment in order to meet the requirements of European hygiene legislation⁶ are not in themselves intended to give an indication of place of origin. **Care should be taken to ensure** that identification marks, in general do not, by reason of their size, prominence or position, contribute to a misleading impression of the origin of the food.⁷

19. **Assurance and organic scheme logos** are used to indicate that food has been produced to specified standards, though some, like the Assured Food Standards "Red Tractor" logo, may be thought by consumers to incorporate

⁶ Regulation (EC) No. 853/2004

⁷ This paragraph does not apply to Lot Marks

indications of origin. Where the logo may be **interpreted** to imply origin, it is important that it is accompanied by a clear and equally prominent origin declaration. The Agency also produces Guidance on assurance schemes.⁸

20. The **name and address of the manufacturer or packer or seller** in the EC is a mandatory labelling requirement under EU rules. This information should not be provided in a way that incorrectly **implies** origin.

21. Where food is presented with **tickets, shelf markers or promotional displays that indicate origin**, care should be taken to ensure that the origin claims are clearly worded, and that only those products to which the claim applies are presented or associated with the origin indications.

22. To declare the place of origin of a food from Northern Ireland the declaration “Northern Irish” or “UK” could be used.

AVOIDING MISLEADING INFORMATION IN CATERING ESTABLISHMENTS

23. In catering establishments, care should be taken to ensure that the wording of any origin information on menus etc. is **clear and unambiguous**.

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www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/foodassureguidance

PART 3 ADVICE ON BEST PRACTICE

INTRODUCTION TO ADVICE

24. This best practice advice is not mandatory. We have made some suggestions below that businesses may wish to consider in order to provide information that is clear to consumers.

PROXIMITY OF FOOD OF DIFFERENT NATIONAL ORIGIN

25. Display and presentation of products in store that are prepacked and labelled may create confusion if products that are similar in appearance but are of different national origin are arranged in certain ways or with shelf or promotional information, or other off-label information. Retailers may wish to avoid this type of confusion by ensuring that food packs are clearly labelled and that there is no misleading labelling on the display of the food as a whole or on promotional material.

Retailers may wish to ensure that the different origins of foods are apparent if confusion from proximity of similar foods of different origins could arise. Care should also be taken with accompanying signage or marketing material.

PRODUCT ORIGIN

26. Many consumers see the place of origin as an important contributor to a product's identity, particularly for meat. In many cases, especially for primary products, this information is readily available to manufacturers and could be provided if required by consumers.

We suggest that manufacturers consider providing this information for primary products, particularly meat.

27. We suggest that to describe a rabbit pie that is made in the UK from imported rabbit as "Produced in the UK" would not be best practice. We recommend that as a way of ensuring compliance with both the substantial change and the misleading labelling legislation it be described:
"Made in Britain from *imported* rabbit", or
"Made in Britain from *French* rabbit", or
"Made in Britain from rabbit *sourced from the EU*" (i.e. from a number of different countries from throughout the European Union).

We suggest that in cases where manufacturers describe a product as “Produced in the UK” then the origin of any imported ingredients that characterise the product should be given.

28. For many consumers, terms like “Produce of...”, “Product of...”, “Origin...”, “British”, “Scottish” and “Welsh” etc. imply that the place of processing and the origin of ingredients are the same.

Similarly, foods that are marketed for example as “Great British Classics” should contain predominantly ingredients from the UK.

The only exception would be for products, like chocolate, where it is obvious to the consumer that certain ingredients (in this case, cocoa beans) cannot come from the country in question.

We suggest that such national terms only be used where ingredients that characterise the product come from the identified country and all of the main production/manufacturing processes associated with the food occur within that place or country.

29. Origin labelling of meat introduces an additional complication because livestock may be born, reared and slaughtered in different countries. Beef and veal are already subject to detailed rules (which are described in Annex A). Consumers expect other meat labelled “Produce of...”, “Product of...”, “Produced in ...”, “Origin:...”, “British”, “Scottish”, “Danish” etc. to come from animals that have been **born, reared and slaughtered** in those countries and we consider this to be good practice to label accordingly.

Whether or not the food benefits from a geographical name registered under Regulation (EC) No 2081/92, origin labels for meat other than beef and veal (which are already subject to detailed rules): could use the following criteria:

- **single country origin declarations should only be given where animals have been born, reared and slaughtered in the same country;**
- **otherwise, information on each of the countries of birth, rearing and slaughter could be given.**

ORIGIN OF INGREDIENTS

30. It is clear that many consumers want more information on the origin of meat ingredients in meat products, and in the Agency's consumer research the ingredients in dairy produce also score highly in this respect. The law requires an origin declaration on fresh beef but not on the same product when it has been seasoned. Providing information on the origin of all ingredients in all products would be disproportionately burdensome for industry, and would risk overloading the label with information that is not seen as important by consumers.

We suggest declaring country of origin information for principal meat ingredients in meat products and for principal dairy ingredients in dairy products.

FORM OF THE DECLARATION

For products:

31. For most purposes, the origin declaration will take the form of a reference to a country ("United Kingdom", "UK", "England", "Scotland", "Wales", "Northern Ireland" etc.). Manufacturers may want to refer to a geographical area that is smaller than a country ("Somerset"). This can give additional valuable information.

We suggest that where consumers may not recognise the name of the geographical area being used, there could be an additional country of origin declaration.

32. Under Regulation 5 of the Food Labelling Regulations 1996 there is a requirement to indicate the name of the manufacturer, packer or seller established within the EU. This has the consequence that the indication "Packed in X" when used alone without any other indication of origin, can imply origin and so risk being misleading. It may usefully be accompanied by the voluntary statement "Produced in Y" if it is the case that it is produced in a different country to that in which it is packed. If the product is produced in the same country as it is packed, then the "Packed in X" indication would not be misleading when used alone.

We suggest that if a product carries the indication "Packed in X", it should be accompanied by the statement "Produced in Y" if it is the case that it is produced in a different country to that in which it is packed.

For ingredients:

33. Declarations referring to a single country will be most helpful to consumers

but this may not always be possible due to the mixing of raw materials and flexible sourcing policies.

We suggest that where it is not possible to refer to a single country, the information given should be as specific as possible. For example, lists of alternative supplier countries or groups of countries recognisable to consumers (such as “the EU”) are more helpful than terms like “product of more than one country” or “origin will vary” etc. However, even phrases like “origin will vary” are more helpful than no information at all. Where they are used, however, we would encourage industry to provide additional information on web-sites or in-store.

LOCATION OF THE LABEL DECLARATION

34. It is most helpful to consumers if product origin and ingredient origin information, when both are given, appear in close proximity to one another on the label.

We suggest placing this information in the same field of vision e.g. “English Steak and Ale Pie” “Made with British beef”.

CONTACT DETAILS FOR FURTHER INFORMATION

35. The address for all correspondence relating to the issues set out in this guidance is:

Food Labelling and Marketing Terms Branch
Food Labelling, Standards and Allergy Division –
Room 6C
Food Standards Agency
Aviation House
125 Kingsway
London
WC2B 6NH

Tel: 020 7276 8147
Fax: 020 7276 8193
E-mail: labelling@foodstandards.gsi.gov.uk

36. For further information on the legislation in the devolved administrations, please contact:

In Wales:

Food Standards Agency Wales
10th Floor, Southgate House
Wood Street
Cardiff
CF10 1EW

Tel: 029 2067 8911
Fax: 029 2067 8918/8919
E-mail: wales@foodstandards.gsi.gov.uk

In Scotland:

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

Tel: 01224 285165
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ANNEX A

A BRIEF SUMMARY OF THE COUNTRY OF ORIGIN LABELLING RULES FOR CERTAIN SPECIFIED FOODS

Beef

NB: With effect from 30 April 2008 the Rural Payments Agency (RPA) has taken over responsibility for the day-to-day running of the voluntary Beef Labelling Scheme and the compulsory system for England, and it became the overall UK lead on policy management of the system in place of the Department for Environment, Food and Rural Affairs (Defra). Defra retains overall policy responsibility for the Beef Labelling Regulations and any action taken in respect of them by the EU Commission. Implementation of new rules will be carried out by the RPA.

1. Origin labelling for fresh, chilled and frozen beef and veal is governed by Regulations (EC) No 1760/2000 and (EC) No 1825/2000. Processed beef (e.g. roast beef and corned beef) and products containing beef (e.g. pies, sausages and burgers) are not covered by these rules.
2. Compulsory labelling rules apply to all fresh, chilled and frozen beef and veal, including mince. These rules require all of the following indications to be shown on the label. (Where beef is sold loose at retail level, the approval numbers of the slaughterhouse and cutting plant(s) do not need to be shown):
 - A reference number or code linking the meat to the animal or group of animals it came from;
 - The member state or non EC country of birth;
 - The member state or non EC country of rearing;
 - The member state or non EC country of slaughter;
 - The member state or non EC country of cutting; and
 - The approval numbers of the slaughterhouse and cutting plant(s).

Where beef is sold loose at retail level, the approval numbers of the slaughterhouse and cutting plant(s) do not need to be shown.

3. Where meat is derived from animals born, reared and slaughtered in the same

country, the separate labelling indications on birth, rearing and slaughter may instead be shown as “Origin: [name of country]”.

4. Where all the compulsory information is not available for non EC country meat, the minimum indications “Origin: Non-EC” and “Slaughtered in: [non EC country]” must be shown on the label, along with a reference number or code when the beef is cut or repackaged after import.
5. The arrangements for mince are slightly different because it is generally derived from meat coming from a number of sources. Mince must be labelled with:
 - A reference number or code linking the mince to the animal or group of animals it came from, or to batches of meat used for mincing;
 - The country where the mincing took place;
 - All the countries where the animal or group of animals lived from birth to slaughter (if different from the country of mincing) or, if all those countries are outside the EC, “Origin: Non-EC”;
 - The country of slaughter.
6. Additionally, compulsory labelling for meat of bovine animals aged 12 months or less requires the age of the animal at slaughter and also the relevant sales description for the UK, ‘veal’ or ‘beef’ to be shown depending on the animal’s age.
7. Operators are required to obtain prior approval for any additional labelling information they may wish to give about the origin, method of production or characteristics of the beef or animal.

Eggs

8. Council Regulation 1028/2006 (implemented by EC/557/07) requires egg packs to give an indication of country of origin only when the eggs have been imported from a third country. Eggs sold to or through retail and catering outlets must bear a producer code.

Fish

9. Specific origin labelling requirements for fish sold at retail in certain presentations (i.e. live, fresh, chilled or frozen fish, fresh, chilled or frozen fish fillets and other fish meat; smoked, dried, salted or brined fish; crustaceans

and molluscs) are set out in Regulations (EC) 104/2000 and 2065/2001. Processed fish products are excluded. Detailed guidance on the application of these rules is available on the Agency's web-site (www.food.gov.uk).

10. Briefly, for products caught at sea, the origin must be indicated by reference to one of twelve catch areas:
- North-West Atlantic
 - North-East Atlantic
 - Central-Western Atlantic
 - Central Eastern Atlantic
 - South-West Atlantic
 - South-East Atlantic
 - Baltic Sea
 - Mediterranean Sea
 - Black Sea
 - Indian Ocean
 - Pacific Ocean
 - Antarctic
11. For products caught in freshwater, the origin must be indicated by reference to the member state or third country of origin.
12. For farmed products, the origin must be indicated by reference to the member state or third country in which the product undergoes final development.
13. A more precise catch area may be indicated.
14. These requirements do not apply to small quantities of fish sold directly to consumers either by fishermen or by aquaculture producers; the term "small quantity" is taken to mean sales not exceeding 20 Euros.

Fresh fruit and vegetables⁹

15. Most fresh fruit and vegetables are covered by Community Marketing rules which require the labelling of the Country of origin at all points in the distribution chain. (Council Regulation (EC) 2200/96 and Commission regulation (EC) 1580/2007.)
16. The ten products have their own Specific Marketing Standards: apples, table grapes, kiwifruit, lemons, mandarins (and hybrids), oranges, peaches and nectarines, strawberries, Sweet peppers, tomatoes and lettuce, (including endives and Batavia)
Most other fruit and vegetables are covered by a General Marketing Standard. (For the exceptions, see Council Regulation (EC) No. 1234/2007 Part IX or contact the Horticultural Marketing Inspectorate.)
17. There are certain exemptions to the application of the Specific Marketing Standards, including:

⁹ Paragraphs 15-18 revised August 2009

- products sold or delivered or transported by the grower to preparation and packaging stations or storage facilities,
- products sold direct to the consumer by the grower at the farm gate (i.e. in farm shops) or at farmers markets;
- produce destined for industrial processing and labelled accordingly.

18. Further information on Community Marketing Rules is available via the Rural Payments Agency website:

<http://www.rpa.gov.uk/hmi/marketingstandards>

Honey

19. The Honey Regulations 2003 require labelling of the country or countries of origin. This will be the country or countries in which the honey was harvested. Where the honey is a blend of honeys from more than one country, then as an alternative to listing the various countries of origin (e.g. "A blend of German and French honeys"), one of the following statements may be used, as appropriate:

- "A blend of EC honeys";
- "A blend of non-EC honeys";
- "A blend of EC and non-EC honeys".

20. The Regulations (and the Directive) do not define "country". The Agency takes "country" to mean the UK (i.e. the Member State) or the individual country (e.g. "England", "Scotland", or "Wales" etc.) where the honey was harvested. Similarly, the Regulations do not lay down a precise form of words that must be used for declaring the individual country (or countries) of origin of honey. So, statements such as "Produce of England", "UK honey" or "Made from honey harvested in the UK", or similar forms of words provided they are not misleading, would all be acceptable.

21. It is not enough to simply provide a manufacturers address on the label as this is not sufficient as a declaration of country of origin.

Olive oil

22. Optional provisions for designating the origin of Olive Oil can be found in Regulation (EC) No 1019/2002, as amended by (EC) No 632/2008. Only "extra virgin" and "virgin olive oil" may bear a designation of origin on the labelling under certain conditions.

23. Designations of origin for "extra virgin olive oil" and "virgin olive oil" relate to a geographical area which is either

- A PDO or PGI (see paragraphs 28 to 29 below);
- A member state;
- The European Community; or
- A third country.

24. If the designation of origin indicates the EC or a member state (and a PDO or PGI is not indicated), this must correspond to the area in which the “extra virgin olive oil” or “virgin olive oil” was obtained. An “extra virgin olive oil” or “virgin olive oil” is deemed to have been “obtained” in a geographical area in which the olives were harvested or the location of the mill where the oil was extracted from the olives.

25. In the case of blends of these oils, if more than 75% of the oil originates in the same member state, or in the EC, the main origin may be designated provided that it is followed by the indication “A selection of [extra virgin][virgin] olive oils more than 75% of which was obtained in [designation of origin]”.

26. In the case of “extra virgin olive oil” or “virgin olive oil” imported from a third country, the designation of origin will relate either to the country where the olives and the oil was obtained, or, where these are different, to the country where the product was last processed.

Poultrymeat

27. Regulation (EC) 1906/90 requires fresh and frozen poultrymeat to give an indication of country of origin only when it has been imported from outside the Community.

Regional products

The EU Protected Food Name Scheme (PFN)

28. In 1993, EU legislation came into force which provides for a system for the protection of food names on a geographical or traditional recipe basis (similar to the “appellation contrôlée” system used for wines). Under this system, a named food or drink (separate arrangements exist for wines and spirits) registered at a European level will be given legal protection against imitation throughout the EU. Producers who register their products for protection benefit from having a raised awareness of their product throughout Europe. This may in turn help them take advantage of the wider markets that are

arising from consumers' increasing awareness of the importance of regional and speciality foods.

29. The original regulations (Council Regulation (EC) 2081/92 and 2082/92) were replaced in March 2006 by Council Regulations (EC) 509/2006 for TSG products and Council Regulations (EC) 510/2006 for PDO/PGI products. Most of the original provisions have been retained in the new regulations but amendments were necessary to take account of a WTO Panel ruling in 2005 in order to bring elements of the EU protected food name schemes into line with WTO rules.

30. The designations under the EU Protected Food Name Scheme are:



PDO



PGI



TSG

Protected Designation of Origin (PDO) - open to products which are produced, processed and prepared within a particular geographical area, and with features and characteristics which must be due to the geographical area.

Protected Geographical Indication (PGI) - open to products which must be produced or processed or prepared within the geographical area and have a reputation, features or certain qualities attributable to that area.

Traditional Speciality Guaranteed (TSG) - open to products which are traditional or have customary names and have a set of features which distinguish them from other similar products. These features must not be due to the geographical area the product is produced in nor entirely based on technical advances in the method of production.

31. The UK currently has 37 products registered under the scheme, including Stilton Cheese, Cornish Clotted Cream and Arbroath Smokies. Overall, there are in excess of 700 registered products across the EU.

32. Regulation (EC) No 1493/99 covers the organisation of the market in wine. All wine sold in the Community must be labelled with country of origin information.

33. This may be summarised as follows:

- **Table wines:**
 - In the case of despatch to another member state or exporting state, the name of the member state if the grapes are produced and made into wine in that state;
 - The words “mixture of wines from different countries of the European Community” in cases of wines resulting from a mixture of products originating in a number of member states;
 - The words “wine obtained in ... from grapes harvested in ...”;
 - Supplemented by the names of the member states concerned in the case of wines produced in a member state from grapes harvested in another member state.
- **Table wines with geographical indication:**
 - The name of the geographical unit.
- **Quality wines produced in specified regions:**
 - The name of the production area.
- **Imported wines:**
 - The name of the country of origin and, when designated with a geographical indication, the name of the geographical area in question.

1. This guidance refers to, and should be read in conjunction with –
 - **Directive 2000/13/EC** (Food Labelling), in particular, Article 2;
 - the **Food Safety Act 1990 (as amended)** which applies to Great Britain, in particular Sections 14 and 15; and parallel legislation in Northern Ireland (**Food Safety (NI) Order 1991**);
 - **Regulation (EC) No 178/2002** (“the General Food Law Regulation”);
 - the **General Food Regulations 2004 (as amended)** (UK Statutory Instrument), which create offences in respect of certain provisions of the General Food Law Regulation; and parallel legislation in Northern Ireland (General Food Regulations (NI) 2004 SR. 505);
 - **Section 36 of the Trade Descriptions Act 1968; (as amended)**;
 - the **Consumer Protection from Unfair Trading Regulations 2008**, which apply to the UK; and
 - the **Food Labelling Regulations 1996 (as amended)** (UK Statutory Instrument), in particular regulations 2, 4, 5(f), 23, 26, 27 and 38, which apply to Great Britain with parallel legislation in Northern Ireland (**Food Labelling Regulations (NI) 1996 SR. 383** (as amended)).
2. Country of origin labelling for the purposes of consumer information should not be confused with Rules of Origin for the purposes of Customs Classification which is subject to a completely separate regime.

1. Penalties are currently set at the following levels:

For breaching the **Food Safety Act 1990 (as amended)**

- On summary conviction:
 - a fine of up to £20,000 for an offence under Section 14;
 - a fine of up to £5,000 for an offence under Section 15; and/or
 - imprisonment for up to six months.
- On conviction on indictment :
 - an unlimited fine and/or imprisonment for up to two years.

For breaching the **General Food Regulations 2004 (as amended)**

- On summary conviction:
 - a fine not exceeding the statutory maximum of £5,000 (or up to £20,000 under regulation 4(b)).
- On conviction on indictment:
 - an unlimited fine; and/or
 - imprisonment for up to two years.

For breaching the **Consumer Protection from Unfair Trading Regulations 2008**

- On summary conviction:
 - a fine of up to the statutory maximum of £5,000.
- On conviction on indictment:
 - a fine; and/or
 - imprisonment for up to two years.

For breaching the **Food Labelling Regulations 1996 (as amended)**

- On summary conviction:
 - a fine of up to £5,000.

ANNEX D

RULES TO PREVENT MISLEADING LABELLING, ADVERTISING AND PRESENTATION

Food Labelling Directive (2000/13/EC)

1. Article 2 of Directive 2000/13/EC on food labelling states that the labelling and methods used must not be such as could mislead a purchaser to a material degree, particularly as to:

- The characteristics of a food and, in particular, as to its nature, identity, properties, composition, quantity, durability, origin or provenance, method of manufacture or production.

2. This prohibition extends to the presentation of food (in particular, its shape, appearance or packaging, the packaging materials used, the way in which it is arranged and the setting in which it is displayed) and to advertising.

3. These provisions are currently implemented by the general requirements of the Food Safety Act 1990 and the Consumer Protection from Unfair Trading Regulations (described respectively in paragraphs 4 to 6 and 9 below).

Food Safety Act 1990

4. The Food Safety Act 1990 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 (section 14), (Article 13 of Food Safety (NI) Order 1991);
- Give or display a label with any food offered or exposed for sale, or have in their possession, or publish or be party to the publication of an advertisement, which falsely describes the food or which is likely to mislead as to the nature, substance or quality of the food (section 15), (Article 14 Food Safety (NI) Order 1991);
- Sell, offer or expose for sale, or have in their possession for the purpose of sale any food the presentation of which, whether or not attached to or printed on the wrapper or container, falsely describes the food or is likely to mislead as to its nature, substance or quality (section 15),(Article 14 Food Safety (NI) Order 1991)”.

5. The terms “nature”, “substance” and “quality” are not defined in the Food

Safety Act 1990. It is considered that the origin of a food could, in certain circumstances, be relevant to its nature, substance or quality and will therefore be relevant to the offences described in paragraph 8 below.

6. These provisions apply throughout the chain of supply.

The General Food Law Regulation (EC) 178/2002 and the General Food Regulations 2004 (as amended)

7. Regulation (EC) 178/2002 lays down general principles and requirements of food law and is enforced in Great Britain by means of The General Food Regulations 2004, with equivalent statutory rules in Northern Ireland (General Food Regulations (NI) 2004 SR. 505).

8. Under the domestic General Food Regulations 2004 (as amended) it is an offence to contravene Article 16 of Regulation (EC) 178/2002. Article 16 of the EC Regulation states that the “labelling, advertising and presentation of food”, and “the information which is made available about [food] through whatever medium shall not mislead consumers.” This requirement is additional to the requirements of the Food Safety Act 1990 (as amended) and the Consumer Protection from Unfair Trading Regulations 2008 (see respectively paragraphs 4 to 6 above and paragraph 9 below).

Examples may include:

- Internet information;
- Other off-label information; and
- Information provided on a notice or sign next to food sold loose (non-pre-packed) in a delicatessen, or notices, signs or labels if provided for foods pre-packed for direct sale;

The Consumer Protection from Unfair Trading Regulations 2008

9. These domestic Regulations, which repeal much (although not all) of the Trade Descriptions Act 1968, prohibit unfair commercial practices. Such practices include misleading actions whereby false information or overall presentation is likely to deceive the average consumer into entering into a transaction when they would not otherwise have done so. Such information and presentation includes the geographical or commercial origin of the product. Additionally, an unfair commercial practice also extends to a misleading omission, whereby material information is omitted, hidden or otherwise made unclear so that, again, the average consumer enters into a transaction when they would not have done so otherwise. It may therefore be helpful to become familiar with the detail of these Regulations (Statutory Instrument No. 2008/1277).