

Theresa Ekong
Food Composition and Labelling
Division
Food Standards Agency
Aviation House
London
WC2B 6NH

7 July 2010

Dear Theresa,

Consultation – Food Standards Agency guidance on the application of date marks to food

This updated guidance is intended to help businesses set date marks in an appropriate and consistent way. This should give the consumer more confidence around the use of date marks and reduce the amount of food waste.

This response is on behalf of the Seafish Food Legislation Expert Group, a cross-sectoral group composed of representatives from the various trade organisations of the UK seafood industry, from catchers through to retailers.

Thank you for the opportunity to comment on this draft guidance. It gives detailed and easy to use guidance on the use of date marks, however in making each section self explanatory it has become too long and repetitive. The two page version will be very welcome to inform businesses of the basic requirements.

1. Do you agree that the amended guidance on compliance with the law is helpful and adequately and clearly reflects the requirements of the legislation? If you disagree with any of the statements please state the reasons why.

On page 13, point 8 it points out that food can be sold past its 'use by' date, but must still be of the nature, substance or quality demanded. It should also be noted that the fact the food is past its 'use by' date and may be at a reduced price, should be taken into account when deciding if a consumer has been prejudiced by a deterioration in quality. It should also be made clear that after this date the manufacturer no longer guarantees the product will be of the standard expected or meet any claims for vitamins etc. The product should still be 'fit for purpose' under consumer protection legislation but this is the responsibility of the seller.

Also in Annex 1 where it lists foods exempt from date marking. It states that food sold loose is exempt from date marking, any food supplied in bulk to the retailer should be date marked. This date mark should be available to the consumer at the point of sale.

4. Is there any additional information that should be included in the guidance?

It would be useful to include the extended meaning of 'sale' under the Food safety Act 1990 to inform the reader that these rules apply in a wider range of circumstances, such as food given away. This is briefly mentioned in the FAQ section, but it should be made clearer.

Yours Sincerely

Fiona Wright
Food Standards Officer

supporting the seafood industry for a sustainable, profitable future

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