

Seafood Labelling Guidance – Overview

Labelling is any information that is supplied with a food. What is considered to be part of the label will depend on the applicable legislation. It can range from the label attached to the food, or to advertising such as radio or digital media. This guide has been written to provide an introduction to the different types of labelling requirements for seafood products. Where general guidance on labelling is available, links have been provided. Many of the questions answered in the guide relate specifically to seafood and are those commonly asked by seafood companies.

This document is not a definitive interpretation of the law, which only the courts can provide. It is the responsibility of the individual business to ensure compliance with the law.

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General Food Labelling

At the time of writing the responsibility for food labelling where it does not affect food safety is transferring to Defra www.defra.gov.uk, where it relates to nutrition it is

transferring to the Department of Health www.dh.gov.uk, and where it relates to food safety it remains with the Food Standards Agency www.food.gov.uk

Currently most of the guidance has been written by the FSA and can be obtained from their website. This situation may be subject to change as the handover progresses.

1. What are the Food Labelling Regulations 1996 (FLR96)?

The Food Labelling Regulations 1996 were introduced to implement Council Directive 79/112/EEC (and later amending Directive 2000/13/EC). They are intended to make it a legal requirement to label packaged foods with certain consumer information. This information is deemed necessary to protect the consumer and allow them to make informed choices about their purchases. This information is known as statutory information or labelling. Additional information may also be provided voluntarily, but there may be rules laid down to cover the way in which you do this.

2. What products require labelling under FLR96?

All foods that are considered to be pre-packed for sale to the ultimate consumer or to a catering establishment must be labelled with at least the statutory information. Non-pre-packed foods are required to be accompanied by some basic information.

3. What Food is considered to be pre-packed?

Pre-packed food is that which is fully enclosed within sealed packaging, and the food cannot be altered without opening the package.

This would include products such as fish fillets placed in lidded polystyrene boxes for the wholesale market. (However, if packed on the seller's premises, where the seller is selling to the ultimate consumer, these would be considered 'pre-packed for direct sale' and would be excluded from the regulations)

Food that is packed on the premises from which it will be sold to the ultimate consumer is treated as if it were sold loose and is therefore excluded. Only food that is packed for sale to the consumer at another premise is considered to be pre-packed.

4. Does any information need to be provided with food sold loose?

Yes - the general requirements for the name of the food, a durability indication and storage instructions, if necessary, should be provided. In addition, the presence of irradiated, genetically modified ingredients or specific allergens will also need to be declared. This would also be the case for foods that are pre-packed for direct sale.

5. What information must be provided?

5.1 The Name of the Food

There are three types of name that can be used.

This can be a name prescribed by law. This means that this name must always be used for the specific food. The Fish Labelling Regulations contains a list of common names that must be used for named species of fish and shellfish (See Q 7–13).

Where there is no legal name, a customary name may be used. This is a name that the average consumer would understand, such as ‘fish finger’. Use of a customary name may require that product to contain certain ingredients or amount of certain ingredients, as this is what the consumer has come to expect. For example, the fish content of fish cakes was controlled by The Fish Cakes Order 1950 to require a minimum fish content of 20%. After this law was revoked the standards have been maintained as this is what the consumer would expect of a ‘fish cake’.

Where there is no legal or customary name, then a true name, which describes the product, must be used. The true name must be sufficiently precise to inform the purchaser of the true nature of the food and to enable it to be distinguished from products with which it could be confused.

However, as this may require the ‘true name’ to be quite long in complex products, a ‘product name’ can be used to sell the product as long as the ‘true name’ is given elsewhere on the pack. This is typically above the ingredients panel.

Any treatments must also be included in the name of the food. This would include mincing, freezing (and defrosting) and smoking. Particular care must be taken in describing the processing of fish. Fish that has been deboned, frozen into blocks and then portioned and compressed to make fillets would need to be distinguished from fish that has been filleted in the traditional way. The Code of Practice on the Declaration of Fish Content in Fish Products can give further guidance on this. See <http://www.seafish.org/upload/b2b/file/read/Fish%20Content%20CoP.pdf>

5.2 A list of ingredients

Unless a food contains only one ingredient e.g. cod, then it must carry a list of ingredients. This list must be preceded by the word ‘ingredients’ and the ingredients listed in descending order of weight as added to the product mix.

5.3 The quantity of certain ingredients

If an ingredient is included in the name of the food or given a greater emphasis by pictorial representation or would be likely to effect consumer choice, then its quantity should be indicated. This is known as QUID labelling. (QUID stands for Quantitative Ingredient Declaration.) This information should be placed next to the name of the ingredient in the ingredient list or next to the name of the food. The amounts of these 'characterising' ingredients must be given as a percentage of the weight of the mix, although the calculation can allow for the cooking process if the product is sold cooked eg water losses and fat pick up (see Q 33). For further information see <http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/quidguid>

5.4 Durability indication

This can be a use-by date or a best-before date. Foods are given a use-by date if they are highly perishable and may be a danger to health if consumed after this date. It is illegal to sell or display for sale a food past its use-by date. Foods are given a best-before date if they are not likely to become harmful to health. This date is the date that the manufacturer guarantees that the product will remain in good condition. It is not illegal to sell foods after this date, but after this point any defects in quality due to the age of the product become the seller's responsibility. It is an offence for anyone other than the manufacturer to alter durability indications unless permission from the manufacturer has been given. An exception to this is for live bivalve molluscs, which may display the words 'must be alive when sold' as an alternative to a use-by date.

New advice on whether to apply a use-by or best-before is being prepared by the FSA. This is to try to reduce food wastage whilst maintaining safety. Their current guidance can be found here

<http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/usebydateguid>

5.5 Special storage instructions

If the durability indication is dependent on specific storage conditions these must be given. In addition, any specific instructions for storage after opening should be given.

5.6 Name and address

This should be the name and address of the person responsible for the food in the EU. This may be the importer if the food originates from a third country, or the manufacturer, packer or brand owner within the EU. The address given need not be the full address but should be sufficient that the consumer can contact those responsible for the food. Although there may be a requirement for an approval number on the packaging, which will identify the place of manufacture or packing, this alone is not sufficient as it does not allow the consumer to easily contact the person responsible for the food.

5.7 Origin marking

This should be included if its omission could mislead the consumer as to where it was actually manufactured. There are two types of origin, the place of provenance which is where the product last underwent a significant change of state eg freezing. The origin of the ingredients could be different. There is currently no requirement to declare the origin of ingredients, only the provenance of the product if its omission could mislead the consumer.

Some origins, when used for certain products, are also protected and conditions imposed on their use (see question 28.) More information can be found on the FSA website:

<http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/originlabelling>

5.8 Instructions for use

Instructions for use must be given if they are necessary for the average consumer to make appropriate use of the food, for example in the case of frozen foods, whether they can be cooked from frozen or must be thawed before cooking. This also applies if food is cooked or partially cooked but requires further cooking. For example, shellfish are often cooked to aid the removal of shell and/or as a requirement of hygiene legislation, but depending on subsequent handling may or may not need further cooking.

6.0 What are allergens and when should they be declared?

Certain ingredients added to a food intentionally must be declared on the label. There is no legal requirement to list allergens that may have accidentally contaminated the product. However, if you choose to state that a food is 'free from' certain ingredients, such as nuts, you must take reasonable steps to ensure that the product and its ingredients have not been contaminated with the named ingredient. This requirement is in addition to their listing in the ingredients panel. If the name of the allergen is included in the name of the food it does not have to be named again. For example, Fish Fingers would not need to declare the presence of fish (although the presence of other allergens such as wheat, milk and eggs would be necessary).

For further information on allergen labelling for the seafood industry see <http://www.seafish.org/land/legislation.asp?p=fi474>.

For general allergen labelling guidance see <http://www.food.gov.uk/multimedia/pdfs/allergenlabelguide08.pdf>

Fish Labelling

7. What are the Fish Labelling Regulations?

The Fish Labelling Regulations 2003 were introduced to enforce Commission Regulation 2065/2001/EC. It is part of the organisation of the fisheries marketing regime and it requires certain categories of fishery products to be labelled with specified information before being marketed in the EU. The information is only required at the point of sale to the consumer; however, it is a requirement that the necessary information is passed along the distribution chain with the product to enable the final retailer to label the fishery product as required. So if it is certain that the fish being sold will not be sold to the final consumer in a form to which the Fish Labelling Regulations apply, then there is no requirement to pass the information throughout the chain.

The Regulation is regularly updated to reflect changes to fish names. The Fish Labelling Regulations 2010 are currently in force.

For more information see

<http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/fishlabellingregs2010eng>

Or the Seafish guidance here

<http://www.seafish.org/upload/file/legislation/Fish%20Labelling%20Regulations%20and%20Traceability.pdf>

8. What products do the Fish Labelling Regulations apply to?

They apply to all fishery and aquaculture products whether sold loose, pre-packed for direct sale or packaged. It applies to fish in all forms that do not contain any other ingredients with the exception of salt. For example, smoked mackerel would require labelling but the addition of colouring to the smoked mackerel would remove it from the scope of the Regulation.

The exception to this is crustaceans that have been both cooked and peeled; these do not fall within the scope of the regulation. Crustaceans that have been either cooked or peeled but not both do require labelling.

The Common Names List should be used as the legal name of the food for the purposes of the FLR96 (see Q 5.1)

9. Do the Fish Labelling Regulations apply to live fish and shellfish?

If the fish or shellfish are being sold as food, ie they will not be relayed or grown on before slaughter or consumption, then they are classed as food and must be labelled. If fish or shellfish are to be held alive in tanks for freshness rather than growth, then these must also comply with the regulation.

10. Will registration documents required for live bivalve molluscs fulfil the requirements of the Regulation?

Yes, the information contained on the registration document required by the hygiene regulations contains the necessary information to comply with the Fish Labelling Regulations. It is not necessary to supply duplicate information if a registration document accompanies the live animals.

11. What information must be provided?

The information given must include:

- The commercial designation of the fish species. These are contained in the Fish Labelling regulations 2010. Commercial names are given for each species. If a species is not listed, a request can be made to Defra for a temporary and subsequent permanent addition to the list.
- The production method. This will either be 'caught' or 'farmed'/'cultivated'.
- The catch area (if caught) or country of origin* (if farmed/cultivated)
- The scientific (Latin) name of the species. This is only required during the distribution chain and is optional for sale to the final consumer.

* In relation to the 'country of origin', if the fish is produced by aquaculture in a Member State it is given that 'country of origin'. For England, Wales, Scotland and Northern Ireland, this is the 'UK'. Whereas the specific devolved region may be given as additional information, the law requires 'UK' to be stated.

12. Are rope grown mussels classed as farmed?

Yes. If bivalves are placed in areas to be 'grown on' for subsequent harvesting they are classed as 'farmed', even if there is no further activity from the grower until harvesting.

13. Does the commercial names list apply to labelling of fish in forms that are not covered by the Fish Labelling Regulations 2010?

The legal names that had to be used for fish (see Q 5.1) were contained in annex I to the FLR96. This was revoked by the introduction of the Fish Labelling Regulations 2003. It is a legal requirement that food labelling (whether packaged or sold loose) should not mislead the consumer: The use of any names other than the commercial fish name could be interpreted as misleading the consumer. All fish should use a name given on the commercial names list for the species. The current commercial names list is in the Schedule of The Fish Labelling Regulations 2010.

If the species is not listed on the commercial names list and you wish to market this product in a form that is not covered by the Fish Labelling Regulations, you may use the generic name 'fish' or any other name as long as it is not misleading to the consumer.

Nutrition and Health Claims

14. What is the Nutrition and Health Claims Regulation?

The European Nutrition and Health Claims Regulation (NHCR) came into force on 1 July 2007. It controls any nutrition, health and disease reduction claim made about a food. It does not just apply to labelling, but all methods of passing on such information e.g. advertising. Before this legislation came into force, the national law of the Member State applied, this has continued during the drafting of this new legislation.

The process of drafting this Regulation and the nutrition and health claim approvals has been complex and is continuing. Seafish maintain up to date information relevant to seafood here <http://www.seafish.org/b2b/subject.asp?p=350>

The requirements of this regulation have also been included into the Advertising Standards Agency codes of practice. www.asa.org.uk

15. What is a nutrition claim?

A nutrition claim is a claim that a food contains significant amounts of a particular nutrient, or words or logos that could be taken to mean the same thing. To make a nutrition claim, the claim must be included in the annex to the NHCR.

Although any claim for which the criteria can be met may be used, the most common claim used on seafood is for Omega-3. The annex to the NHCR contains a claim for Omega-3. The claim 'source of Omega-3' can be used if the product contains at least 15% of the recommended daily amount (RDA) per 100g. The claim 'high in Omega-3' can be used if the product contains at least 30% of the RDA per 100g. The RDA for Omega-3 is currently 250mg.

Any other nutrition claims for Omega-3 will no longer be permitted.

16. What is a health claim?

A health claim is a claim that the food or a nutrient it contains has a named health benefit. Health claims, once approved, will be published on a community list. Applications for inclusion onto this list must be submitted to the Food Standards Agency who will pass them to the Commission for consideration. There was initially a fast track system for claims based on established science (Article 13 of the NHCR). Claims based

on emerging science, claims for disease reduction or claims for products aimed at children must go through a more thorough process (Articles 13 (5) and 14).

The European Food Safety Authority will publish an opinion on the claim, after which time the Commission decide whether to approve it. The decision is then published in a Regulation which, when it comes into force, makes previous claims no longer permitted.

For up-to-date information on the status of claims, see the Seafish Omega-3 page <http://www.seafish.org/b2b/subject.asp?p=350>.

Trade Marks

18. What is a trade mark?

A trade mark is a mark that distinguishes one manufacturer's product from similar products and, as such, it needs to be distinctive and identifiable to that manufacturer. Marks can be registered for use on certain classes of products. There are 45 classes for products, each one covering a wide variety of similar products. For more information on trade marks see www.ipo.gov.uk.

19. Do I need to register my trade mark?

Marks can be used as registered or unregistered marks. Registered marks may have a ® symbol or the abbreviation 'RTM' next to them, although this is not compulsory. Marks being used as a trade mark but not yet registered may use the abbreviation 'TM' next to them, but they may not use ® or 'RTM'.

20. What protection does registering a trade mark give my product?

Registering a trade mark makes it an offence for another manufacturer to use your mark on any of the classes of products that you have registered it for. However, you may give permission for its use by others if you wish. Marks can become established through use rather than registration. However, this takes time and it may be expensive to prove that your mark has become established should you object to its use without your permission.

21. How can I register a mark?

Marks can be registered by application to the UK Patent Office www.ipo.gov.uk or the Community Trade Mark Office <http://oami.europa.eu/en/default.htm>. A fee is payable and registration lasts for ten years, at which point it needs to be renewed. Marks must be sufficiently distinct to distinguish your business from that of another. For example, a descriptive name would not be acceptable as others may wish to describe similar products using the same words.

22. What are established marks?

If a mark has become associated with a particular product over time, it becomes known as an established mark. These are similar to trade marks but do not need to be registered. However, it takes time for a mark to become established and if another manufacturer uses the mark, action has to be taken under 'passing off'. This needs a higher level of proof that the consumer associates the mark with your product alone and may be misled by the passing off of a similar product as that originally using the mark.

23. How can I prevent others using my products mark?

If the mark is registered to you for a certain class of product, then the Trade Marks Act 1994 makes it an offence for anyone to use your mark on a similar class of product.

Misleading Descriptions

24. What makes up a product description?

A product description is anything that may lead the consumer to believe that a product has certain characteristics. It can include such things as text, pictures, logos or the size of the packaging.

25. What laws cover misleading descriptions?

Misleading descriptions are made an offence under The Food Safety Act 1990, which makes it an offence to apply false or misleading labelling, as well as to sell food that is not of the nature, substance or quality demanded by the purchaser. The Trade Descriptions Act 1968 also makes it an offence to apply a false description to products including food, but it takes a wider definition of 'labelling'. Offences under these are criminal offences. The consumer can also seek compensation through the Sale of Goods Act if they believe they have been misled by a product description or appearance. For more information on the Trade Descriptions Act see <http://www.tradingstandards.gov.uk/>

Voluntary Labelling

Some products have attributes that the consumer is willing to pay a premium for. There is no legal requirement to label your products with this information. However, if you choose to use any additional information, you should ensure that it is not false and does not mislead the consumer and you comply with any specific legislation. There may also be additional criteria for use of certification marks set by the owner of the mark. A

certification mark is similar to a trade mark and may only be used with the permission of the owner.

26. The Marine Stewardship Council (MSC) accreditation

The Marine Stewardship Council (MSC) is an independent, global, non-profit organisation. The MSC has developed an environmental standard for sustainable and well-managed fisheries. It uses a product label to reward environmentally responsible fishery management and practices. Consumers will be able to choose seafood products which have been independently assessed against the MSC Standard and labelled to prove it. For more information see www.msc.org

27. Organic

The use of the term 'organic' is strictly regulated. All food labelled as organic must originate from growers, processors and importers who are registered by an approved certification body. Certification bodies are themselves approved by the Advisory Committee on Organic Standards (ACOS). ACOS is a UK body that acts as the competent authority for the purposes of regulating organic standards on behalf of Defra (Department for Food and Rural Affairs). For more information on organic farming see <http://www.defra.gov.uk/foodfarm/growing/organic/standards/>

The natural environment cannot be controlled to organic standards, therefore wild caught fish and shellfish cannot be labelled as organic. Organic fish and shellfish can only be produced in approved organic farms.

28. EU Protected Food Names Scheme

The names of some foods are protected on a geographical or traditional recipe basis. The EU protected names scheme protects regional and traditional foods whose authenticity and origin can be guaranteed. As well as protecting the description of foods from imitation, there may also be a commercial advantage. The types of protected names are:

Protected Designation of Origin (PDO). This is available for products which are produced, processed and prepared within a particular geographical area, and with features and characteristics due to the geographical area.

Protected Geographical Indication (PGI). This is available for products which must have been 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). This is available for 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.

To register your product under the protected names scheme, an application must be made to ADAS.

For more information on the scheme and how to apply see <http://www.defra.gov.uk/foodfarm/food/industry/regional/foodname/index.htm>

29. Food assurance schemes

Food assurance schemes are voluntary schemes for food producers. They set out their own criteria that must be met by producers wishing to use the logo. The schemes may cover food safety, environmental protection, animal welfare issues and other characteristics that might be considered important by anyone buying a food product. The logos can be protected as a certification mark in a similar way to a trade mark. For more information see www.ipo.gov.uk

30. Responsible Fishing Scheme

An example of a food assurance scheme for the catching sector is the Seafish Responsible Fishing Scheme, which has been developed to raise standards in the catching sector, enabling those within the seafood supply chain to demonstrate their commitment to the responsible sourcing of seafood. For more information on this scheme, see <http://rfs.seafish.org/>

Traceability

31. What traceability information should I provide with my product?

There are two forms of traceability, one which means certain products can be traced back to their original catch area, and another which allows a product to be traced back through the supply chain in the event of a food safety incident.

The Fish Labelling Regulations 2010 require the origin to be declared in certain circumstances (see Q 11).

The traceability requirements in Regulation 178/2002 apply to all food products. This requires records to be kept of where the raw materials for your products come from (unless this is the natural environment) and where your finished products are supplied

(unless it is to the final consumer). This can be by any means suitable, but you must be able to demonstrate its effectiveness if required to do so by your local food authority.

Frequently Asked Questions

32. Do I need to declare water uptake during processing?

Fishery products may take up water during processing operations. Where this is incidental to the purpose of the operation eg washing fish for hygiene purposes, then this is not 'adding water' and would not need to be declared. However, you must be able to prove that such processes were necessary and controlled so that water uptake is minimised. Where a process is intended to allow water uptake, eg to improve eating quality, then this is added water and any uptake above 5% would need to be declared.

33. Do I need to declare processing aids?

It will depend on whether the additive has any technical function in the food to be labelled. Processing aids are permitted additives but their presence is due to the need for the additive at an earlier stage in the processing of the food or its ingredients and the additive no longer performs any technical function in the food.

A processing aid is defined as 'any substance not consumed as a food by itself, intentionally used in the processing of raw materials, foods or their ingredients to fulfil a certain technological purpose during treatment or processing, and which may result in the unintentional but technically unavoidable presence of residues of the substance or its derivatives in the final product, provided that these residues do not present any health risk and do not have any technological effect on the finished product'.

A food additive is defined as 'any substance not normally consumed as a food in itself and not normally used as a characteristic ingredient of food, whether or not it has nutritive value, the intentional addition of which to food for a technological purpose in the manufacture, processing, preparation, treatment, packaging, transport or storage of such food results, or may reasonably be expected to result, in it or its by-products becoming directly or indirectly a component of such foods'.

Therefore, if the 'additive' has a function in the food, it is still an 'additive' and should be declared. If it is still present in the food because its residual presence is technically unavoidable, and the residue no longer performs a function, it is a 'processing aid' and does not require labelling.

More information on permitted additives can be found here.

<http://www.food.gov.uk/safereating/chemsafe/additivesbranch/enumberlist>

33. I use phosphates to increase the water uptake during processing. Does this need to be declared?

Yes – if the phosphate is still present in the finished product and still has a technical function, then it should be listed as an additive. Also, any added water above 5% will need to be declared on the label.

However, if the phosphate was used for a technical function in a component of a product and the phosphate is no longer present or is present but does not have a technical function then it does not have to be declared.

For example, raw prawns may be soaked in a solution containing phosphate and other permitted additives to preserve quality. If sold as raw prawns in the solution the additives would need to be declared. The same prawns removed from the solution and sold without the solution would not, as the additives would no longer be present or would no longer be providing a technical function.

34. I use phosphates to reduce water loss during processing. Does this need to be declared?

Yes – as above. If the phosphate is still present in the finished product and still has a technical function, then it must be declared as an additive. However, if no water is added, then the reduction in water loss does not need to be declared.

35. Is there a maximum amount of glaze allowable on products and should it be declared?

There is no maximum of glaze allowed. The weight of product should be given gross and net of glaze. However, declaring these weights may not be enough to prevent your packaging from being misleading. Care should be taken to ensure that the consumer is not being misled by the amount of glaze used (ie is it reasonable for preserving quality?), and the type of packaging (ie can the product be inspected by the consumer before purchase?)

36. How should fish contents be calculated for QUID declarations?

Fish contents of products are calculated by measuring the nitrogen present and using 'nitrogen factors' to convert this to protein and hence fish content. Problems can occur in fish content declarations due to water uptake and/or nitrogen losses during processing, both of which can cause lower nitrogen readings and calculated fish content.

In calculating the fish content in composite products, the contribution the weight of the fish at the mixing bowl stage to the final weight of the product is the QUID declaration.

However, for enforcement purposes, the entire product is analysed for nitrogen and the fish content calculated. When deciding on your QUID declaration, you should be aware of the possibility of a low nitrogen reading.

More information can be found in The Code of practice on the Declaration of Fish Content in Fish Products, See

<http://www.seafish.org/upload/b2b/file/read/Fish%20Content%20CoP.pdf>.

And on QUID labelling generally at

<http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/quidguid>

37. My products use smaller pieces of fish enrobed to create a bigger single product. How should this be declared?

To make full use of all the raw material available and to provide products at a range of prices, there are many methods of producing the cores of coated fish products. When using these core materials, care should be taken that the name of the finished product is not misleading. There is a code of practice that assists producers and enforcers to determine what is misleading, available from

<http://www.seafish.org/upload/b2b/file/read/Fish%20Content%20CoP.pdf>.

38. The fat content of the raw material in my product is affected by seasonal variability. How do I prevent the nutritional labelling from being misleading without changing the labelling?

If raw material testing shows a wide seasonal variability, you can choose to use standard values from *McCance and Widdowson's the Composition of Foods*. You can also declare average values from your analysis but warn the consumer of the seasonal variability of the product. This prevents the consumer from being misled.

39. What fishery products can I describe as 'fresh' without being misleading?

A fishery product cannot be called fresh if it or any of its ingredients has undergone any form of processing that changes the nature of the product.

This will include freezing for storage and smoking, but not filleting or mincing. For example, kippers cannot be called 'fresh' as the consumer may be misled into thinking that the fish has not undergone any processing.

40. To maintain year round supply, I sometimes use frozen fish as a raw material. Can the finished product still be called fresh?

No – if any ingredient used in the manufacture of a product has been processed it cannot be called ‘fresh’, as this will be considered to be misleading to the consumer.

41. My fishery products are frozen for 24 hours for food safety reasons rather than storage. Can they still be called ‘fresh’?

Yes - the Food Standards Agency guidance on the ‘use of terms’ states that only fish ‘stored deep frozen’ cannot be called ‘fresh’, therefore, if fish has only been frozen for safety reasons it can continue to be called fresh.

For more information on use of terms such as ‘fresh’ see here

<http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/freshpurenaturalguidancenote>

42. What shelf life should I give my products?

The person responsible for the safety of the food can decide on the durability indication given. In giving a date the food business operator is guaranteeing the safety and quality of the food up until that date. You may wish to carry out shelf life trials to determine a suitable durability indication for your product.

43. If growing on fish or shellfish from stock sourced from elsewhere, how long should the stock be kept before it takes on the origin of the growing farm rather than the sourcing farm?

There are no times stated in law, but the information should not be misleading or the consumer prejudiced. If the consumer is paying a premium due to the declared origin, then it would be reasonable that the shellfish had spent enough time at that place to have the characteristics of shellfish grown in that area.

If there is no premium attached to the origin, but the shellfish have been moved for relaying or growing on purposes, then the six months required for this purpose would be adequate so that the consumer is not being prejudiced.

44. How should I inform the user of my products that the packaging is suitable for recycling?

It is not a legal requirement to mark packaging as suitable for recycling or reuse. However, if such information is given, it should be given in the prescribed manner. A Commission Decision on Material Identification 97/129/EC came into force in February 1997. It lays down an identification system for packaging made from plastics, paper or

fibreboard, metal, textiles, glass or composites. These are given numbers or abbreviations that appear in the centre of recycle or reuse symbols.

There is a Seafish guide on packaging waste here
<http://www.seafish.org/b2b/info.asp?p=327>