

## **Advisory Note 1 The Law – Food Safety**

### **The Food Hygiene (England) Regulations 2006**

This is a wide ranging set of Regulations and affects everyone working in the Food Industry, however, large or small your business is and includes the self-employed and non-profit making organisations.

#### **Main Offences**

1. Under [Regulation \(EC\) No. 178/2002](#) selling or possessing food which does not comply with food safety requirements. Food Safety requirements (Article 14) are that food: -
  - must not be injurious to health.
  - must not be unfit for human consumption
2. Under the [Food Safety Act 1990](#) selling food which is not of the: -
  - Nature - haddock sold as cold
  - Substance - not what it seems or expected - foreign body
  - Quality - e.g. sour milk.

#### **The Food Safety Regulations**

1. [Regulation No. 852/2004](#) on the hygiene of foodstuffs

These regulations made under [The Food Hygiene \(England\) Regulations 2006](#), set out basic hygiene principles, which are generally not new. The emphasis however is different and they now focus on how to identify and control food safety risks at each stage of food handling, e.g. purchase, receipt, storage, preparation etc based on the seven principles of HACCP. As a proprietor of a food business you must:-

- ensure food is supplied or sold in a hygienic way,
- identify food safety hazards,
- know which steps in your activities are critical to food safety,
- ensure safety controls are in place, monitored and reviewed based on HACCP principles

Also to comply with the regulations you are required to ensure that food handlers are supervised and instructed and/or trained in food hygiene matters appropriate to the work they carry out and in the application of the HACCP principles.

2. **Schedule 4 of [The Food Hygiene \(England\) Regulations 2006](#)**

In addition to protecting foods from chemical & physical contamination, i.e. dirt, glass, insects, etc. food must be protected from bacterial contamination and excessive bacterial growth, which could lead to food poisoning.

Chill foods likely to support the growth of harmful bacteria or toxin formation must be held legally at or below 8°C (but preferably below 5°C). Some examples are:-

- Cooked foods that will be eaten without further cooking e.g. cooked meats, sandwiches, pies, quiches, egg mayonnaise
- prepared vegetable salads, including fruit
- cream cakes
- dairy based desserts.

Hot foods likely to support growth of harmful bacteria or toxins must be held at a minimum 63°C, while hot holding after cooking, e.g. gravy, pies, peas, stews.

Exceptions to the above are where:-

- food is being displayed and or served (for one period only)
  - i.e. 4 hours for chill holding
  - 2 hours for hot holding.
- for limited period whilst loading or un-loading
- for limited period while handling food for preparation
- any other unavoidable reason such as defrosting or equipment breakdown.

**For further Advice/Information contact  
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