

The Food Law Code of Practice (England) Review 2016/17

Food Standards Agency Consultation

Chartered Trading Standards Institute response

11th January 2017

About The Chartered Trading Standards Institute

The Chartered Trading Standards Institute (CTSI) is a professional membership association founded in 1881. It represents trading standards officers and associated personnel working in the UK and also overseas – in the business and consumer sectors as well as in local and central government.

The Institute aims to promote and protect the success of a modern vibrant economy and to safeguard the health, safety and wellbeing of citizens by empowering consumers, encouraging honest business, and targeting rogue traders.

We provide information, evidence, and policy advice to support local and national stakeholders.

We have also, as part of our recently revised remit, taken over responsibility for business advice and education concerning trading standards and consumer protection legislation. To this end, we have developed the Business Companion website (www.businesscompanion.info).

The CTSI Consumer Codes Approval Scheme was launched in 2013, superseding the OFT scheme (www.tradingstandards.uk/advice/ConsumerCodes.cfm).

CTSI is a member of the Consumer Protection Partnership, set up by central government to bring about better coordination, intelligence sharing and identification of future consumer issues within the consumer protection arena.

We run events for both the trading standards profession and a growing number of external organisations. We also provide accredited courses on regulations and enforcement.

A key concern for CTSI is that of resources. UK local authority trading standards services enforce over 250 pieces of legislation in a wide variety of areas. They have suffered an average reduction of 46% in their budgets since 2010 and staff numbers have fallen by 53% in the same period.

This response has been composed by CTSI Lead Officers for **Food & Nutrition, David Pickering and Corinne Lowe**. Should you have any queries or wish to discuss the response please do not hesitate to contact them at LOfood@tsi.org.uk

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Response by the Chartered Trading Standards Institute

Section 2.3.1 – Food Crime

The attempt to identify a difference between food fraud and food crime is not helpful. Food fraud is a crime regardless of scale. Appropriate action will be determined by an Authority's enforcement and prosecution policies. Most Local Authorities are well versed in dealing with fraud and most have access to accredited financial investigators. Food fraud will be investigated using the framework used for other fraud. The expectation that the NFCU and Local Authorities will work together is the more important aspect of this area rather than trying to define what fraud and crime are.

3.2 Who is a food business?

The definition should include offices of companies where food may not be on the premises but where decisions are made on relevant aspects of the food business, such as food labelling.

4.12 Equivalency of other qualifications

There is a reference to 4.6.1, which does not seem to exist

4.13.1 CPD

Clarification would be helpful as to whether the FSA regard the "year" as the calendar or financial year or can it mean either. CTSI base it on January to December.

Interventions and risk assessment generally

CTSI are of the opinion that the approach to food standards regulation is still too heavily based on physical inspections. The reality is that often FBOs do not have food on the premises from which they trade, indeed some never physically see or deal with the products.

In addition to the physical inspections, CTSI would like to see recognition for the other interventions carried out by authorities. For instance the Primary Authority work carried out to ensure food standards and labelling provisions are complied with is largely unrecognised and not acknowledged by the FSA. Work with internet based FBOs is similarly largely neither recognised nor acknowledged. The risk assessment scheme also neither recognises nor acknowledges the risk to the market place by internet based FBOs and those FBOs with no physical contact with the food they supply.

The interventions and risk assessment framework needs to better reflect the current market framework for food standards work and how it can be effective, e.g. good advice to a major national company can have an impact equal to many physical visits to smaller premises who sell only prepacks supplied by major food producers.