

DEPARTMENT OF HEALTH

JOINT FOOD SAFETY AND STANDARDS GROUP

Guidance Note on Imported Food

Introduction

1. This brief guidance is for importers who want to import food which originates in or is consigned from a third country¹. It is not a full or authoritative statement of the legal position but gives basic information about the relevant legislation, what it requires and who can be contacted for more information.

2. Importers are responsible for ensuring that the food they import is fit for human consumption and that it meets all other UK labelling and composition standards appropriate to the product. Sometimes other legislation, such as the current restriction on the import of pistachio nuts, will restrict what may be imported.

3. Before importing any food it may be helpful to discuss your proposals with a Port Health Officer (PHO) at the Port where the food will enter the UK. See paragraph 20 for details of how to find the telephone number of a particular port health authority.

The Food Safety Act 1990

4. Food from a third country which is intended for human consumption must meet the general food safety requirements of the Food Safety Act 1990. In general, these are that food must not be:-

- rendered injurious to health,
- unfit for human consumption, or
- so contaminated that it is not reasonable to expect it to be used for human consumption in that state.

¹ A third country is one that is not part of the European Economic Area (EEA). The EEA includes all member States of the European Union (EU) plus Norway and, for trade in fishery products only, Iceland.

5. Apart from the general provisions of the Food Safety Act the specific Regulations applying to imported food will depend on whether the food is of animal origin or not:

* food that has no animal content eg. fruit, vegetables, cereals, certain bakery products, herbs, spices, mineral water, fruit juices etc. is covered by The Imported Food Regulations 1997 (the IFRs);

* food containing animal products eg. meat, meat pies, salami, pizzas with meat topping, poultry, fish, eggs, milk, dairy products, etc. is covered by the following legislation:

- The Products of Animal Origin (Import and Export) Regulations 1996 (POAO Regs);
- The Fresh Meat (Import Conditions) Regulations 1996 (ICRs) (fresh red meat only);
- The Imported Food Regulations 1984;
- The Importation of Animal Products and Poultry Products Order 1980 (as amended) (IAPPPO).
- The Specified Risk Material Order 1997

Food That Has No Animal Content

The Imported Food Regulations 1997 (IFRs)

6. The IFRs require that imported food from third countries must not be unsound or unwholesome, eg over ripe fruit which does not meet the legal requirements.

7. Health Certificates are generally not required for the import of food that has no animal content. Imports of nuts, nut products, dried figs and dried fig products must comply with the Aflatoxins in Nuts, Nut Products, Dried Figs and Dried Fig Products Regulations 1992 and the import of pistachio nuts must only be through specified Border Inspection Posts. For more information contact APHA - see paragraph 20 for their address and telephone number.

8. Imported food may also need to meet commercial specifications set by the purchaser of the consignment.

9. Importers should be aware that food from a third country is subject to routine inspection. PHOs have the power to examine, take samples and detain consignments of food if they suspect it is in breach of food legislation.

10. PHOs liaise with Customs and Excise (C&E) officers and may request that a consignment, under C&E control, is presented for Port Health examination. Consignments of imported food may be selected for examination and sampling for a number of reasons:-

- type of food
- potential hazard/contamination
- country of origin
- any particular current problems (including EU Commission Decisions)
- past history of product/country.

11. The examination may be a documentary check to confirm that the product being imported is as stated on the manifest (or in any customs declaration) eg. type, weight, quantity, etc. Or samples of the food may be taken for chemical analysis or microbiological examination. Whilst these checks are being carried out the consignment may, if a detention notice is served, be detained for up to 6 working days. The consignment can only be released by a written notice from the PHO. The importer is liable for the cost of storage and handling during this time.

12. If the consignment is thought to be unfit for human consumption (for example, food covered with mould growth or if the consignment is thought to contain *Salmonella* bacteria) it may be detained under the Food Safety Act for a further 21 days pending the results of any further testing. If the results are unsatisfactory the importer can speak to the PHO to discuss an alternative use for the consignment: voluntarily surrender, reprocessing or, in some cases, re-exportation. Or the importer can appeal to a Justice of the Peace (JP) against the PHO's decision. On the basis of evidence given by the PHO and the importer the JP may either release the consignment, release it for alternative use or reprocessing, or decide that the consignment should be seized and destroyed. If the importer is not happy with the JP's decision he may appeal to a Magistrates Court. The Port Health Authority may be liable to pay compensation if they have acted incorrectly and will be directed by the Magistrate to pay costs incurred by the importer, otherwise costs will be borne by the importer.

13. From time to time, when adverse conditions in a third country come to light, the EC will impose additional import conditions on particular items. This may mean that PHOs have to undertake additional checks and sampling of specific products from that country.

Live Shellfish and Fishery Products

16. Live shellfish and fishery products imported from a third country into the EU must have been produced to standards at least equivalent to those applicable to products produced within the EU.

17. Each consignment of live shellfish or fishery products must be accompanied by a health certificate issued by the competent authority in the country of origin. The health certificate provides confirmation that the fishery products have been prepared, packaged, handled, stored etc, under conditions at least equivalent to those laid down by the relevant Council Directives. Charges will be made for hygiene inspections and checks on consignments.

Contact for more information: Marcia Palmer,
Department of Health,
Food Safety Policy (B),
Room 501A, Skipton House,
80 London Road,
London SE1 6LH

Telephone: 0171-972 5075
Fax: 0171-972 5142

Other POAO Products

19. Imports of other products of animal origin for human consumption, eg snails, frogs' legs, honey, reptiles, must in some cases come only from specified plants.

Contact for more information: International Trade Unit
MAFF
Room B125,
Government Buildings,
Tolworth,
Surrey, KT6 7NF

Telephone: 0181-330 8339.
Fax: 0181-337 3640

General Information

Port Health Authority

20. For details of a port health authority you should contact:

Association of Port Health Authorities,
Dutton House, 46 Church Street,
Runcorn,
Cheshire, WA7 1LL

Telephone: 01928-580440.

Import Licences:

21. Many foods from third countries require import licences for trading purposes and may be subject to quotas.

Contact for more information: Department of Trade and Industry
Intervention Board
(External Trade Division),
Kings House,
33 Kings Road,
Reading, RG1 3BU

Telephone: 0118 9583626
Fax: 0118 9531370

Commodity Codes and Import Duty

22. HM Customs and Excise impose import duties (tax) on certain food. Local Excise and Inland Customs Advice Centres will give details of this but it is essential that the Commodity Code for the product(s) you are importing is given.

Contact for further information: Customs Tariff Helpline
(Commodity Codes) 0645 600 130

Contact for further information: Local Excise and Inland Customs
(Import Duty) Advice Centre (the telephone number is in local telephone directories or is available from the Customs Tariff Helpline, as above)

Food Labelling

23. Apart from the health checks, food authorities at the Port of Entry are responsible for enforcing labelling and compositional standards.

Contact for more information: Food Labelling and Standards Dvn
JFSSG, MAFF
Ergon House, c/o Nobel House,
17 Smith Square,
London SW1P 3JR

Telephone: 0171-238 6463

Fax: 0171-238 6763

Local food safety/trading standards officers can also give information.

Legislation

Food Safety Act

24. MAFF has a leaflet giving details of the requirements of the Food Safety Act 1990 (which governs food for human consumption) and subordinate food safety legislation.

Contact for further information and a copy of the leaflet.

Telephone: MAFF, Consumer Helpline: 0345 573012

(Calls are charged at the local rate)

Copies of regulations

25. Copies of the regulations mentioned in this document are listed below. They may be available through local libraries; alternatively, a copy can be bought from the Stationery Office - details of branches will be in the local telephone directory. When ordering regulations, the full title of the regulation must be quoted, together with the ISBN number.

* The Food Safety Act 1990
ISBN number: 0-10-541690-8; Cost: £7.70.

* The Imported Food Regulations 1997 (SI 1997 No. 2537)
ISBN number: 0-11-065030-1; Cost: £2.40

- * The Imported Food Regulations 1984 (SI 1984 No. 1918)
ISBN number: 0-11-047918-1; Cost: £4.50

- * The Products of Animal Origin (Import and Export) Regulations 1996 (SI 1996 No. 3124)
ISBN number: 0-11-063531-0; Cost: £5.60

- These Regulations have been amended by The Products of Animal Origin (Import and Export) (Amendment) Regulations 1997 (SI 1997 No. 3023)
ISBN number: 0-11-065365-3; Cost: £1.95

- * The Food Labelling Regulations 1996 (SI 1996 No. 1499)
ISBN number: 0-11-035941-0; Cost: £7.35

- * Aflatoxins in Nuts, Nut Products, Dried Figs and Dried Fig Products Regulations 1992 (SI 1992 No. 3236)
ISBN number: 0-11-025285-3; Cost: £2.80

- * The Importation of Animal Products and Poultry Products Order 1980 (SI 1984 No. 14)
ISBN number: 0-11-006014-8; Cost: £5.10.

- * The Fresh Meat (Import Conditions) Regulations 1996 (SI 1996 No. 3125)
ISBN number: 0-11-063517-5; Cost: £3.20.

- * The Food Safety (Fishery Products & Live Shellfish) (Hygiene) Regulations 1998 (SI 1998 No. 994)
ISBN number: 0-11-065920-1; Cost: £8.10.

- * The Specified Risk Material Order 1997 (SI 1997 No. 2964)
ISBN number 0-11-065467-6; Cost: £2.40.

Contact for more information:

The Stationery Office,
The Publications Centre
PO Box 276,
London SW8 5DT

General enquiries 0171-873 0011
Telephone orders: 0171-873 9090
Fax orders: 0171-873 8200