

Information for Fishmongers

This leaflet covers

The labelling of unprocessed fish (e.g. fresh fish, frozen fish, dried or smoked fish and crustaceans) which are:

- displayed for sale in a loose or unwrapped state
- pre-packed for sale from those same premises or
- pre-packed for sale by the packer on his market stalls or mobile vehicles

It also contains a summary of the main requirements of weights and measures and pricing legislation enforced by the Trading Standards Service, as applicable to retail sales by fishmongers. This leaflet is intended to be a brief summary to help you understand what the law says about the way you are required to sell fish to the ultimate consumer. Please also see our separate leaflet on 'Weighing equipment in use for trade' (http://www.derbyshire.gov.uk/images/std44_tcm9-8379.pdf) which gives guidance on the controls over the scales you use.

This leaflet does not cover:

- pre-packing for sale from premises other than the last two items shown above
- fish and chip shops etc, for which other leaflets are available
- Wholesale transactions which are exempt from weights and measures requirements other than the need for reasonable accuracy of stated quantities.

Scope

Fish is defined as including fish of any description whether fresh, chilled, frozen, salted, cooked or processed. It also covers fish products that are made substantially of fish.

Std31 04/12



Food Labelling for Fishmongers

Required labelling

Specific labelling is required by virtue of the Fish Labelling (England) Regulations 2010 (<http://www.legislation.gov.uk/ukxi/2010/420/contents/made>). Fish must be labelled with:

- the true name of the food
- production method (i.e. caught at sea, caught in fresh water, farmed or cultivated)
- catch area, which must be one of the following for sea fish:
 - North West Atlantic
 - North East Atlantic
 - Baltic Sea
 - Central Western Atlantic
 - Central Eastern Atlantic
 - South West Atlantic
 - South East Atlantic
 - Mediterranean Sea
 - Black Sea
 - Indian Ocean
 - Pacific Ocean
 - and the actual country for farmed or cultivated fish, or fish caught in fresh water
- the type of certain additives which are present in the fish (see list below)

There is an exemption from the first three of these requirements for small amounts (worth less than 20 Euros) sold direct by the fisherman to the consumer.

Names:

A name is required by law for the fish. The names are listed in the regulations and an up-to-date list is maintained by the Food Standards Agency - this can be found on the FSA website (<http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/ishlabellingregs2010eng>).

The list of recognised legal names for species of fish (or 'commercial designations') is updated as new species are marketed, and when new scientific information about species becomes available. Where a new species is marketed which is not listed in the Fish Labelling

Regulations, a provisional name (or designation) is given by the Food Standards Agency. This should be used to describe the relevant species of fish for sale, but it should be noted that this may be subject to change whenever a revised version of the Regulations are published.

A brand name, trade name, or made up name must not be substituted for the true name. A commonly misused trade name is 'crab sticks'. To comply with the requirements listed above, this trade name must be accompanied by a true name which indicates that it includes fish, cereal and crab flavouring.

Declaration of additives:

The following types of additives must be declared:

- antioxidants
- sweeteners
- colours
- flavour enhancers
- flavourings
- preservatives

For this purpose, it is sufficient to state the type of additive. You need not specify its full name or 'E' number.

The responsibility for additive labelling rests with the retailer who must get this information from his supplier - it is no excuse to say 'I didn't know'. For example, smoked fish often contains colourings, breadcrumbs on fish cakes and fish fingers will probably contain several types of additives.

If any of the following colours are used the product label must also contain the following warning: 'May have an adverse affect on activity and attention in children':

- quinoline yellow (E104)
- carmoisine (E122)
- allura red (E129)
- tartrazine (E102)
- ponceau 4R (E124)

Genetic modification:

If a food contains any genetically modified material (e.g. breadcrumbs may contain maize or soya) the product must be labelled 'produced from genetically modified maize/soya'.

Treatment or process:

Irradiation - If the food or any ingredients in the food have been irradiated, it must be declared and marked 'irradiated' or 'treated with ionising radiation' (e.g. some crustaceans and shellfish).

Previously frozen fish - If fish which has been frozen is offered for sale in a thawed or partly thawed condition, it should be labelled with a warning notice such as 'previously frozen - do not re-freeze'. This is no longer a legal requirement, but it is advisable to use this statement because the customer could otherwise be misled.

Smoked - Fish that has been smoked should be labelled as such. Where appropriate this should include an indication if it was cold smoked (e.g. requires thorough cooking) or hot smoked. (Care should be taken to ensure your labelling clearly distinguishes smoked and smoke flavour products.)

Only fish that has been actually flavoured by smoking can be labelled 'smoked'. Those treated with smoke solution must be labelled 'smoke flavour'.

Other problems:

The name which you use should be the same as that used by your supplier. You can misdescribe fish by shortening its name. Lemon sole is different from sole (which means a dover sole), salmon is a different species from red or pink salmon, etc. Beware of megrim and lemon sole, as these can be easily confused.

Many traditional products such as breaded scampi and breaded fish 'steaks' are now made with reformed fish or minced fish. In order to prevent customers being misled, they must be labelled as such. Use the same name as that given by the manufacturer on the packaging.

Weights and Measures & Pricing Information for Fishmongers

General selling methods:

As a general rule, fish is required to be sold by net weight (produce without the wrapper) or by gross weight if the wrapper or container is within the limits set out in the table at the end of this leaflet.

However, there are a range of exemptions, as follows:

- packs of less than 5g
- multi-packs not marked with weight, provided the container is marked with the number of countable items or is clearly visible through it
- shell fish in shell, jellied fish, pickled fish and fried fish are exempt from weight control altogether
- pre-packed items in heavier containers (see table of container weights below) have to be marked with net weight only
- multi-packs of two or more types of pre-packed produce - each pack is individually marked or the outer is marked with the number of packs and description of each one, or the packs are the same and at least one is clearly visible through the wrapper
- where you are preparing, boning or cleaning fish at the request of the customer, you will need to make it clear that the weight used is the pre-prepared weight and not the final weight, unless the contract specifies otherwise

Specific requirements for sales from a boat:

Retail sales of fish from other than a market, stall, shop or vehicle, i.e. directly from a boat (but not from a stall adjacent to a boat) are exempt from all weight controls unless sold pre-packed.

Voluntary indications of quantity:

Some fishmongers voluntarily sell items from the exempt list above, e.g. shell fish in shell, by capacity. There is no requirement to do so but where it is done it must be accurate, in metric terms and determined using a stamped measure of capacity.

Price marking requirements:

In general, all fish required to be sold by weight, whether pre-packed or non pre-packed, shall indicate the selling price and display the unit price in terms of a price per kg.

The price indication must be in writing, unambiguous, easily identifiable and clearly legible. Customers must be able to see the price indication without asking for assistance.

Pre-packed items must be marked with the selling price. In addition, the unit price must be indicated either on, or near, the goods, or on a price list. The unit price must be calculated by reference to the selling price and the weight.

For non pre-packed items, the unit price must be indicated either on, or near, the goods, or on a price list.

The unit price must be in metric, generally the price per kg. You may, in addition, show the unit price per lb, or if voluntarily selling by capacity, by the litre or 100ml or metric equivalents to the pint or half pint, but the metric marking should be first and more prominent.

Although not required to be sold by quantity, cooked or ready to eat crustacea can be voluntarily sold by measure from bulk to the customer, but the unit price by the 100g or 100ml must be displayed.

Fishmongers with premises of up to 280 square metres may be exempt from certain price marking requirements. Please contact your local trading standards service for further advice on your specific circumstances.

Trading fairly with your customers:

The law requires you not to trade unfairly with your customers.

The Consumer Protection from Unfair Trading Regulations 2008 (<http://www.legislation.gov.uk/ukxi/2008/1277/contents/made>) ban traders from using unfair commercial practices towards consumers and set out broad rules outlining when commercial practices are unfair. Please see our leaflet 'A guide to the Consumer Protection from Unfair Trading Regulations 2008' (http://www.derbyshire.gov.uk/images/ft23_tcm44-71886.pdf).

Table of container weights:

| Fish sold gross in a container | |
|--------------------------------|--|
| Gross weight | Permitted weight of container |
| Not exceeding 500g | 5g |
| Exceeding 500g | A weight at the rate of 10g per kg of the gross weight |

Where can I get further help?

This leaflet is not an authoritative document on the law and is only intended for guidance. For further details or clarification contact Derbyshire Trading Standards at:

Chatsworth Hall
Chesterfield Road
Matlock
Derbyshire
DE4 3FW

Telephone:

Businesses: Call Derbyshire 08 456 058 058
Consumers: Citizens Advice consumer helpline 08454 040506

Fax: 01629 536197

Website: www.derbyshire.gov.uk/tradingstandards

We want everyone to be able to understand us. On request, we will arrange:

- Language interpreters, including for sign language
- Translation of written materials into other languages
- Materials in large print, on tape or in Braille.

© Trading Standards Institute

To ensure that you are looking at the most up-to-date version of this leaflet, please visit our website at http://www.derbyshire.gov.uk/images/std31_tcm9-8364.pdf or telephone us on 01629 536166.

