

Advice to takeaway businesses

This leaflet gives you information about the trading standards laws that may affect your business.

Food descriptions:

Food descriptions are controlled by the **Food Safety Act 1990** and the **Consumer Protection from Unfair Trading Regulations 2008**. Any information provided must not falsely describe the food, or be likely to mislead as to the nature, substance or quality of the food being served. This applies whether the description is written on a menu, chalkboard or other advertising material, or where it is spoken, perhaps in answer to a customer's question.

Problem areas encountered by trading standards:

Scampi - Products made from complete scampi wholetails may be referred to as 'wholetail scampi' or 'scampi'. The term 'wholetail scampi' must not be used for products made from reformed scampi pieces. This product must be advertised as 'reformed scampi'.

King prawn - This description can only be used where the prawns are of one of three specific species of prawn, and which are the correct size.

Tiger prawn - This description can only be used where the prawns are of this species.

Chicken fillet and breast - These terms must not be used where the chicken has been chopped and shaped. Care must also be taken to check that you are not buying chicken with added water and other proteins, such as from another animal species or milk derived. Should your chicken be labelled as containing other ingredients, you may break the law if it you fail to make it clear to consumers that the chicken is not 100%.

Roast - This description should not be used where a food has been steamed and flash roasted.

Std39 04/12



Smoked - This description should only be used where the product has been subject to a smoking process. Where only a smoke flavouring has been added, the description 'smoke flavour' should be used.

Fresh - This description must not be used where ingredients are tinned or frozen.

Home-made - This description must not be used if you have not made the menu dish yourself from ingredients. It is not to be used if you are just cooking products from the freezer, e.g. spring rolls.

Vegetarian - Any vegetarian dishes must have been produced without any contact or contamination with meat, fish or seafood. This includes using separate oils for frying vegetarian dishes and careful checking of sauce ingredients. Some cheeses contain rennet, which is an animal by-product, and may not, therefore, be suitable for vegetarians.

Free from nuts, wheat, milk, shellfish - Particular care should be taken with food described as suitable for any allergy sufferers, and supplying food to a consumer who has advised you of his/her allergy where you have assured the consumer that the food is safe for him/her. You need to exercise extreme caution, particularly in relation to nut allergic consumers who could suffer a fatal reaction from minute levels of contamination. For more information see our leaflet 'Specified Allergenic Ingredients' (http://www.derbyshire.gov.uk/images/std35_tcm9-8377.pdf). Detailed advice regarding control of allergens can be found on the Food Standards Agency website (<http://www.food.gov.uk/safereating/allergyintol/>) or ask your local trading standards service for advice.

Portion sizes - Pancake rolls (6) or ½ duck, for example, must be accurate.

Colours - The law sets maximum levels for colours in various foods, including sauces, and only certain colours may be used. Sweet and sour sauces have occasionally been found to contain excess colours, and care should be taken when making these, if you use colours or mixes containing colours. More information can be found in our leaflet 'Colours in restaurant and take away food' (http://www.derbyshire.gov.uk/images/std08_tcm9-8349.pdf), or from the Food Standards Agency website (<http://www.food.gov.uk>).

Cheese - A number of products are available that are not dairy cheese, or may be a mix of dairy cheese and a cheese substitute made with vegetable fat (sometimes called 'cheese analogue' or '50/50 mix'). If you use these products in your business you must ensure the description on your menu board must be accurate.

Ham - Must only be used if the ham is sliced from a whole cured piece of meat from the hindquarters of a pig. If the product has been reformed from several different cuts this should be stated. If 'turkey' is used then this must be the description on the menu board.

Good practice advice:

Check that the descriptions that you make are correct, and agree with the descriptions given by your supplier (on order forms, delivery documents, invoices or on product packaging) e.g. supplier description: 'reformed scampi'; menu description: 'reformed scampi'.

Remember that product specifications may change over time, so you need to keep checking.

Take particular care when you change supplier.

Advise customers of any changes to product descriptions. If the change is permanent, the menu will need to be amended.

Always ensure that you and all employees follow the instructions supplied with any seasoning/colour. If there are no instructions, or if they are not clear, ask your supplier for further details in writing - do not guess or rely on verbal information.

Pricing:

The **Consumer Protection from Unfair Trading Regulations 2008** make it an offence to fail to provide material information about a product before the customer decides to purchase it. This would include the price of food if this is likely to affect the customer's decision to make the purchase, which would generally be the case. This requirement is usually fulfilled by providing a menu or price list with inclusive prices. This should include any service charge, delivery charge, terms and conditions for special offers, and any minimum order applicable.

The prices should be unambiguous, easily identifiable and clearly visible at the place where the customer chooses his food. Any additional payments or minimum charge must be at least as prominent as the

price of the food. If the price is dependent on payment method, e.g. you charge extra for credit card payments, this must be clearly stated.

Misleading prices:

If you offer a 'free delivery' service to customers, you must not then offer a discount to customers who collect. For example, if you offer "free delivery - 10% discount on collection", it means that delivery is not free - it is costing customers an extra 10% to have their food delivered.

Good practice advice:

- state any conditions for 'free delivery', e.g. for orders over £10, or within a five mile radius
- use a date or reference number on takeaway menus, so you can be sure that when a customer is placing a telephone order, he/she is using an up-to-date menu with correct descriptions and prices
- repeat the descriptions and prices to the customer to confirm the order

Business ownership:

If you trade using any name other than the name of the legal owner of the business, the **Companies Act 2006** states you must disclose the following details on your premises and on business stationery:

- the name(s) of the legal owner(s)
- an address in Great Britain where documents relating to the business may be served on the legal owner of the business
- the company registration number if you are registered with Companies House

Contravention of trading standards laws:

Contravention of trading standards laws is normally a criminal offence, for which the business itself, persons controlling and directing the business and, in certain circumstances, ordinary employees can be held responsible.

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/std39_tcm9-8345.pdf or telephone us on 01629 536166.

