

## Local food claims

This leaflet explains the meaning of some of the descriptions commonly applied to food and is intended to help businesses decide if their menus, display labels and advertising are accurate.

### Some commonly used descriptions and their meanings

**‘Local’:** A food or ingredient may be described as ‘local’ if it is sold within the supplying establishment’s own county plus the greater of either the neighbouring county or counties or 30 miles/50 kilometres from the boundary of the supplying establishment’s county”.

This is to make allowance for the imbalance between closely spaced urban authorities and widely spaced remote populations, as well as those on the boundaries or bordered by the sea.

**‘Locally sourced’:** A food or ingredient may be described as ‘locally sourced’ if it is obtained from a supplier within the supplying establishment’s own county plus the greater of either the neighbouring county or counties or 30 miles/50 kilometres from the boundary of the supplying establishment’s county”.

However, care should be taken not to use this phrase in circumstances that could be misleading. For example, New Zealand lamb purchased from a local butcher should not be described as ‘locally sourced’. Similarly, vegetables imported from the other side of the world should not be described as ‘locally sourced’.

**‘Derbyshire’ or ‘Bakewell’:** Food descriptions incorporating a place name should only be used where the food is manufactured or produced in that place. An exception to this would be ‘bakewell tart’.

**‘Home made’:** Consumers understand the term “home-made” to mean food prepared in a domestic kitchen rather than in a factory or a manufacturer’s kitchen. In commercial catering premises, the term “home-made” should be restricted to the preparation of the recipe on the premises, from primary ingredients, in a way that reflects a typical domestic situation. This should not be achieved simply by the assembly of wholly pre-prepared elements, or simple reconstitution from dry base mixes, but must involve some degree of fundamental culinary preparation. However, as in domestic preparation, it would be legitimate for caterers to use partly-prepared ingredients; typical examples could include the use of pre-prepared raw pastry, bakery bread in desserts or stock cubes in sauces.

If you purchase ‘home made’ products from a supplier, you should not describe these as home made by yourself.

**‘Fresh’:** This description must not be used where ingredients are tinned or have been frozen.

**‘Wild’:** Food which is farmed or cultivated must not be described as ‘wild’.

**‘Free-range’:** Eggs may only be described as ‘free range’ if they are produced in systems of production which satisfy the conditions laid down in Annex II of EC Regulation 589/2008 and The Eggs and Chicks (England) Regulations 2009. Meat from animals reared using intensive farming methods should not be described as ‘free-range’.

**‘Organic’:** All foods sold as ‘organic’ must be produced according to European laws on organic production. These laws require food sold as organic to come from growers, processors and importers who are registered and approved by organic certification bodies. Labels on food sold as ‘organic’ must indicate the organic certification body that the processor or packer is registered with. Restaurants should only describe menu items as ‘organic’ if 95% or more of the ingredients of agricultural origin are produced organically in accordance with the above mentioned rules. A single ingredient may be described as ‘organically produced’ provided it is clear that the description does not apply to other ingredients used.

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, chalkboards or other advertising material, on a website or where it is spoken - perhaps in answer to a customer's question.

If an item is taken off the menu for any reason, the description of that food must be removed.

## **What should you do to ensure that your menu descriptions are accurate?**

You must not make assumptions about the origin of the food or ingredients you are buying and selling. Suppliers purchase products from a wide range of sources including other wholesalers and importers. Therefore, foods or ingredients purchased locally may not be 'local'.

If you wish to use any of the descriptions mentioned above:

Look at the label or delivery note. How is the food or ingredient described to you by your supplier on the packaging, in advertising literature or on the invoice?

Ask your supplier about the origin of the food or ingredient. Where does it originate from? Can he guarantee that it is as described, for example 'Derbyshire lamb', 'local cheese' or 'wild rabbit'?

Is your supplier willing to put the description in writing? Ask him to write the description on the invoice or delivery note associated with the product. However, bear in mind that items which are local to your supplier may not be local to you, especially if he is based some distance from your premises.

Monitor deliveries to check that specifications of products have not changed since you first applied the description.

**Please note** that it is a legal requirement under Regulation (EC) No 178/2002 that you maintain appropriate records of all foods and ingredients you purchase from suppliers and that you supply to other businesses. You must ensure that such information is available to enforcing authorities on demand. The records should include the name and address of the customer or supplier, nature of products and the date of transaction delivery.

### ***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:

County Hall  
Matlock  
Derbyshire  
DE4 3AG

Telephone:

<b>Businesses:</b>	Call Derbyshire	01629 533190
<b>Consumers:</b>	Citizens Advice consumer helpline	03454 040506

Website: [www.derbyshire.gov.uk/tradingstandards](http://www.derbyshire.gov.uk/tradingstandards)

Advice leaflets on a range of trading standards issues are available at <https://www.derbyshire.gov.uk/business/trading-standards/business/trading-standards-advice-for-businesses.aspx>

Further information on descriptions and other food and farming related subjects are available at [www.defra.gov.uk](http://www.defra.gov.uk) and [www.food.gov.uk](http://www.food.gov.uk).

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.

To ensure that you are looking at the most up-to-date version of this leaflet, please visit our website at <https://www.derbyshire.gov.uk/site-elements/documents/pdf/business/trading-standards/business/local-food-claims.pdf>

or telephone us on 01629 536166.