

POLICY NOTE

THE PRODUCTS CONTAINING MEAT ETC. (SCOTLAND) REGULATIONS 2014

SSI 2014 No. 289

1. The above instrument is made by the Scottish Ministers in exercise of the powers conferred by sections 6(4), 16(1)(a) and (e), 26(1)(a) and 48(1) of the Food Safety Act 1990 and all other powers enabling them to do so.

2. Policy Objectives

2. 1 This instrument is required because some elements of the Meat Products (Scotland) Regulations 2004 (MPR 2004), which set national composition and labelling requirements for products containing meat, are not compatible with some of the provisions of Regulation (EU) No 1169/2011 on the provision of food information to consumers (FIC Regulation). This EU Regulation has direct effect in all member states from 13th December 2014.

This instrument will revoke the MPR 2004 and reinstate their main provisions in a way that is compatible with the FIC Regulation. The instrument also updates and simplifies the main provisions of the MPR 2004. In addition, a change in name from 'Meat Products' to 'Products containing meat etc.' is proposed to reflect better the scope of the instrument.

3. Policy Background

What is being done and why?

3.1. The MPR 2004 broadly cover three areas. They (i) set national requirements on the name of the food for products containing meat which have the appearance of a joint, cut, slice or carcase of fresh meat; (ii) set reserved descriptions for certain products containing meat; and (iii) restrict certain parts of the carcase from being used in uncooked products containing meat.

3.2 For products containing meat which look like a joint, cut, slice or carcase of fresh meat, the MPR 2004 required that the presence of added water and other added ingredients be declared in the name of the food. Such foods include 'Bacon with added water' and 'Chicken with pork proteins'. These requirements are now regulated by the directly applicable FIC Regulation and so are being removed from the national provisions.

3.3 The instrument is titled The 'Products Containing Meat etc. (Scotland) Regulations 2014' to help clarify that the scope of the instrument is broader than meat products as defined in the EU Food Hygiene Regulations. For example uncooked beef burgers and sausages are classed as meat preparations for food hygiene purposes, but are also subject to labelling requirements under the MPR 2004 and were referred to as meat products for the purposes of those regulations. .

3.4 The national MPR 2004 require minimum meat contents for certain products containing meat– such products are known as 'reserved description' products and include burgers, meat pies, and sausages. These provisions, which help prevent the sale of inferior products, are retained

3.5 The system of 'reserved descriptions' ensures the quality of these products with respect to their compositional standards. It provides for minimum standards of specified meat content

and so creates a ‘level playing field’ for food producers, since they will work to established standards when producing certain well known or traditional foodstuffs.

3.6 The MPR 2004 also bans certain parts of the carcase, on quality grounds, from being used in uncooked meat products. These prohibitions are retained.

3.7 In summary, this instrument:

- removes provisions requiring the declaration of added ingredients in the name of the food that are now covered by the FIC Regulation.
- retains the national ‘reserved descriptions’, ensuring that certain products produced in Scotland must meet minimum meat content to use names such as ‘burger’, ‘meat pie’, and ‘sausage’. In particular, the SSI specifies that corned meat must be produced using at least 120g of raw meat per 100g of finished product, to account for the loss of water that occurs during the cooking that is involved;
- retains the prohibition, on quality grounds, of certain parts of the carcase such as brains, feet and intestine in uncooked meat products produced in Scotland.

4. Legislative Context

4.1 The need for change stems from the introduction of the FIC Regulation, which is intended to harmonise general food labelling and nutrition information across the EU as far as possible. Annex VI of the FIC Regulation contains two provisions which overlap with those of the MPR 2004. In order to avoid conflict, it is necessary to revoke and remove the national rules that provide that the name of the product must indicate the presence of added ingredients.

4.3 Consultation took place for a 12 week period between 8 April and 1 July 2014. The FSA contacted 164 stakeholders, two of whom submitted written responses. Both responses were from the Local Authority/Enforcement community and were supportive of the proposed legislation.

5. Other Administrations

5.1 These Regulations apply to Scotland only. In England, The Food Products containing Meat Etc. (England) Regulations 2014 will be laid before Parliament there later this year and will come into force on 13 December 2014, with the FSA instruments for Northern Ireland and Wales due to come into force at the same time.

5.2 A draft copy of the Products Containing Meat Etc. (Scotland) Regulations 2014 have been notified to and accepted by the European Commission and other EU Member States.

5.3 These Regulations include an exemption for products imported from certain other countries, provided that such products may be sold legally in their country of origin. Such exemptions apply to parts of the UK other than Scotland; EEA and EU member States (other than the UK); and the Republic of Turkey (in compliance with trade agreements between the EU and Turkey).

6. Guidance

6.1 A combined guidance note was prepared to accompany the consultations in the various parts of the UK and will be made available online to accompany the Regulations.

7. Impact Assessment

7.1 A Business and Regulatory Impact Assessment (BRIA) is not required for the proposed Regulations because the impact of the European changes is addressed in the BRIA which supports the soon to be introduced Food Information (Scotland) Regulations 2014. Retaining the reserved descriptions and the prohibition on the use of certain parts of the carcase in meat products do not impose new requirements on food businesses.

8 Regulating small businesses

8.1 This Regulation will apply to all businesses supplying regulated products containing meat.

9. Monitoring

9.1 The FSA will work with Enforcement Authorities where problems or suspected infringements of the legislation arise. The effectiveness of the instrument will be also be monitored via general feedback from industry and Enforcement Authorities.

Contact: Stephen Hendry
FSA Scotland
6th Floor St. Magnus House
25 Guild Street
Aberdeen
AB11 6NJ
Tel: 01224 285153