



Department  
for Environment  
Food & Rural Affairs

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**Summary of Responses to Consultation  
Meat Products (England) Regulations 2014  
(henceforth the Products containing Meat etc.  
Regulations 2014)  
November 2014**



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## Purpose

The Public Consultation on the Meat Products (England) Regulations 2014 (MPR 2014) ran from 23<sup>rd</sup> January to 6<sup>th</sup> March 2014.<sup>1</sup> . It was on the Government's plans to revoke the Meat Products (England) Regulations 2003 (MPR 2003) and replace them with revised regulations in 2014. The aim is to retain the important consumer protections offered by the MPR 2003 whilst bringing the regulations into line with EU Regulation 1169/2011 on the provision of food information to consumers (EU FIC).

The consultation summarised the proposed approach and enforcement measures, as well as offering an alternative option for a voluntary code.

Stakeholders were invited to offer views and evidence on the draft legislation, Impact Assessment (IA) and guide to compliance that Defra prepared. Consultees were also asked to respond to the following general questions:

- Do you agree with the need to maintain legislation ensuring minimum meat contents for products using reserved descriptions?
- Do you agree with the need to retain the prohibition on the 'prohibited carcass parts' for all uncooked meat products produced in the UK?
- If yes to either of the above, how are the reasons for this unique to the UK or England, and what would be the economic benefits?
- Do you agree with the proposed new enforcement regime, in particular the use of Improvement Notices and appeals to the First-tier Tribunal?

In total, 12 responses were received. Eight are from industry, two are from Trading Standards, one is from a Halal organisation and one is from a consumer group.

This summary paper provides an overview of the responses received, highlighting some of the key themes and messages which emerged from the responses. This paper also highlights the decisions taken in response to the consultation. With the exception of the approach to enforcement (which, because of different legal regimes in place in the different countries of the UK, is necessarily different), all decisions have been made collectively in the UK. The Northern Ireland Assembly, Scottish Parliament and the Welsh Assembly Government have been consulted and fully involved throughout the process.

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<sup>1</sup> The consultation paper and other relevant published papers can be found at:  
[www.gov.uk/government/consultations/meat-products-england-regulations-2014](http://www.gov.uk/government/consultations/meat-products-england-regulations-2014)

# Summary of responses

## Reserved descriptions

All nine of the respondents who commented on the matter support the retention of the reserved descriptions setting minimum meat contents for certain named food products containing meat. Which?, representing consumer interests, considers them 'essential in order to assure consumers of a basic quality of meat product'.

From industry, the British Frozen Food Federation (BFFF) comments that 'Without the reserved descriptors, marketing descriptors would have to be increased and this has the potential to lead to ambiguity regarding product and in time to a degradation of product quality', while the British Meat Producers Association (BMPA) notes that the 'Reserved descriptions protect consumers and reputable suppliers'.

The Trading Standards Institute points out that they 'ensure that minimum standards are maintained without consumers necessarily having to check each product label. The standards do however give sufficient flexibility for businesses to produce a variety of different quality products in their product ranges.'

The reserved descriptions will therefore be retained, as proposed, across the UK.

## Prohibited carcass parts in uncooked products

Five consultees responded in favour of retaining the prohibition of certain parts of the carcass in uncooked products. Two are questioning the need to support the retention of the prohibition without going as far as to ask for a lifting of this prohibition, whilst five have not commented on the matter.

Those in favour of retaining the prohibition include Which? ('There are certain products that people do not expect to eat and could potentially cause offence if they are eaten'), the Trading Standards Institute ('Allowing them to be used could cause potential confusion as well as product quality reduction') and the National Federation of Meat and Food Traders ('maintaining traditional compositional standards [...] helps maintain standards generally and gives the consumer confidence in the food they are buying').

The BMPA notes that 'Most large manufacturers would not include prohibited carcass parts [...] so perhaps it is not necessary to be regulating in such an area that does not pose a major food safety risk. Existing industry practice ensures high quality standards for meat products so this may not be needed.' Eblex considers that 'consumers understand the need to thoroughly cook meat products. The draft Regulation would introduce the potential for a distortion in the market by allowing the importation of raw meat products containing these ingredients from other parts of the EEA/EU. We therefore advocate that a

proper risk assessment should be conducted on the inclusion of these ingredients in raw meat products. [...] Allowing these ingredients in raw product would, for example, enable the sale of traditional products [...] raw for consumers to cook at home.'

A further argument against the continuation of the prohibition was made in a communication to Defra outside of the consultation period. The point raised is that regulation to prohibit parts of the carcass on quality grounds could impact on meat exports, with potential importers incorrectly suspecting they reflected an issue with safety.

Overall, the balance of the argument supports the retention of these prohibitions. Having these parts of the carcass excluded by law from uncooked food products will maintain consumer confidence and assist reputable meat producers resist commercial pressure to use cheaper but lower quality ingredients (value engineering).

There are three areas that will have to be monitored by industry and Government and considered when these regulations are next reviewed:

- 1. The impact of imported products that do not have to comply with these prohibitions.** The revised regulations will differ from the MPR 2003 in that a mutual recognition clause will allow imported products not to meet the criteria set out on the prohibited parts of the carcass is required. This will bring the prohibition on a par with the existing situation for the reserved descriptions where a mutual recognition clause currently exists in the MPR 2003. No evidence has been presented to suggest that imported products that do not meet the reserved descriptions have undermined the viability of UK products, but this, and the impact of the mutual recognition clause for the prohibited parts of the carcass, needs to be monitored.
- 2. Whether the prohibitions prevent the production of acceptable products and inhibit innovation.** Whilst there has been speculation that butchers could be prevented from making specialist products by the prohibition on these carcass parts, no evidence has been put forward. Two products that have been mentioned as potentially being effected are faggots and haggis, but research indicates that neither typically contain any of the prohibited carcass parts.
- 3. Whether the prohibitions negatively impact on exports.** The example put forward where legislation potentially impacted on exports relates to safety tests, so is quite different from a prohibition on certain carcass parts for quality reasons. There has been no evidence presented that this prohibition has impacted on exports to date, but the situation should be watched.

## Enforcement regime

Four consultees broadly support the new proposed enforcement regime for England. The British Retail Consortium came out strongly against it, and the BFFF expressed concern

about the potential overuse of Improvement Notices. Which? wants to see improvement notices as a parallel option to criminal proceedings.

Whilst it is clear there is a diversity of opinions on the most appropriate enforcement regime for these regulations, the original proposal still appears to be most appropriate. As occurs currently, breaches of the legislation will result in an informal collaborative approach between enforcers and businesses to correct the labelling of the product(s), e.g. through verbal and written warnings. Only if this fails will the first formal enforcement action for contravention of the provisions in the PMR 2014 be taken with the service of an improvement notice. An authorised officer can only serve an improvement notice where (s)he reasonably believes that the trader has not complied with the Regulations, and will not be used in place of the existing informal measures but as an additional stage to avoid unnecessary use of criminal sanctions. Appeal provisions to the First-tier Tribunal have been included in the Regulations to allow food business operators (FBOs) the opportunity to appeal if they believed that the notice should not have been issued. Where an improvement notice has not been complied with, then there will be a criminal offence for failure to comply with the improvement notice. Given that there are no safety measures in the PMR 2014, we do not consider it is necessary to provide for criminal sanctions as an alternative to improvement notices.

In addition, there would need to be very strong reasons unique to this legislation to use a different enforcement regime to that in the Food Information Regulations 2014, given all the advantages of consistency, and these have not been presented.

## **Use of the term ‘meat products’**

Although the term ‘meat products’ is defined in Regulation (EC) No 853/2004 laying down specific hygiene rules for food of animal origin, this definition is narrower than that used in the MPR 2003. The former products refers to ‘processed products resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat’. The latter applies more generally to most products containing meat or other parts of the carcass. With the potential for confusion in mind, any reference (beyond the title) to ‘meat products’ in the draft version of the Meat Products (England) Regulations 2014 was avoided. The term ‘regulated product’ is used instead. However, it is clear that some confusion remains. One industry consultee wrote to confirm an incorrect understanding that the regulations would only apply to ‘meat products’ as defined in 853/2004, and East of England Trading Standards also asked that the definition be clarified in the guidance. Furthermore, it has led to confusion with the European Commission at notification stage. With this in mind the name of the new regulations will be revised to ‘The Products containing Meat etc. (England) Regulations 2014’.

## Added ingredients in the name of the food

Which? suggests keeping the requirement to declare all added ingredients in the name of the food (other than the listed exceptions) as in the current MPR 2003. This is not a legal option as it would be legislating in an area that the EU FIC will occupy from 13<sup>th</sup> December 2014.

Which? also noted the importance of clarity around the labelling of non-protein added ingredients from other species to products containing meat, etc. This will be addressed in the guidance being issued by Defra.

## Conclusion

This consultation received responses from a representative section of the meat industry, with reasoned responses that showed a clear understanding of the issues. The enforcement community engaged through the Trading Standards Institute and the East of England Trading Standards Association, and although only Which? responded on behalf of consumers, its response was detailed.

Overall the responses reflected our early engagement, in that the proposals in the draft Statutory Instrument were considered appropriate. The consultation served to highlight the potential confusion from the title and as a result, this will be changed.

## Next steps

The Products Containing Meat etc. (England) Regulations 2014 will be laid in Parliament and come into force on 13 December 2014, replacing the MPR 2003. Parallel legislation will come in at the same time in Scotland, Wales and Northern Ireland.