

## **'LOCAL' FOOD CLAIMS – GUIDANCE FOR FOOD BUSINESSES**

A survey carried out by Trading Standards across the UK in 2010 suggests that almost 20% of food labels were false when referring to the food as being 'local'. In Devon, Trading Standards Officers looked at 60 food products in pubs, restaurants and shops. Of these 60 products, 7 were found to be definitely false, and 21 could not be justified by paperwork and therefore may have also been false.

### **Why is the use of the word 'local' important?**

- ♦ Food produced locally is big business and a real selling point for those to want to support the local economy and buy sustainable food.
- ♦ We don't want consumers – whether resident in Devon or visitor – to be misled about the origin of food and ripped off, paying a premium price for products they believe are 'local' when they are not.
- ♦ Unscrupulous businesses making false claims undermine the many genuine, honest businesses in Devon who invest time and money in substantiating genuine local food claims.

### **What does 'local' mean?**

In line with relevant legislation, Devon Trading Standards has adopted the following guideline on the use of the word local within Devon:-

*Food and drink offered for sale in Devon and described as produced/sourced/supplied locally should normally\* be produced, sourced or supplied from **within the county of Devon** OR within a **30 miles/50 kilometres radius of the business**. \*The Service would consider certain exceptional circumstances on an individual basis.*

In addition, those foods particularly associated with Devon and readily available, such as dairy/meat products, should not be sourced from outside of the definition for purely economic reasons if the business claims to support local businesses.

### **Why do consumers want 'local' food?**

Research for the Food Standards Agency in 2007 shows that the main reasons for buying local food are:-

- Supporting local business
- Product quality
- Freshness – better taste and nutrition
- Reducing food miles

## **The Law**

Food descriptions are controlled by Article 16 of 178/2002, 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.** 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.



You should also be aware that certain products may have protected geographical status (examples include West Country farmhouse Cheddar cheese, Exmoor blue cheese, Cornish pasties, West Country lamb/beef). A complete list of the protected products can be found on the [European Agriculture site](#).



Foods with protected status may only be described as such if you have been approved by ADAS, (website [www.euprotectedfoodnames.org.uk](http://www.euprotectedfoodnames.org.uk) or telephone 020 7238 6678), who will check that the product originates from the designated place and/or has been sourced / produced / processed / prepared in the specified geographical area or by specified / traditional methods.



Failure to comply with these requirements **may constitute criminal offences**, the penalties are:-

- On summary conviction, a fine not exceeding the statutory maximum (currently £5,000);
- On conviction on indictment, an unlimited fine or imprisonment for up to 2 years, or both.

## **Voluntary Beef Labelling Scheme**

If you are selling fresh or frozen beef/veal, claims about the regional/local origin, production methods or characteristics of beef which are not compulsory labelling requirements may only be made if you have been approved by a recognised independent third party. **Unauthorised voluntary claims (E.g. Ruby Red beef) may constitute an offence. For further information please contact the Rural Payments Agency who run the Beef Labelling Scheme:-**

**Phone:** 01228 640 373

**Email:** [ApprovedBeefLabelling.Carlisle@rpa.gsi.gov.uk](mailto:ApprovedBeefLabelling.Carlisle@rpa.gsi.gov.uk)

**Web:** [www.rpa.gov.uk](http://www.rpa.gov.uk)

### **Bad Practice Examples**

- ♦ “Supporting local farmers where possible” – this statement doesn’t actually provide the consumer with any useful information about the food, it may **or** may not be from ‘local’ farmers and in fact may mislead consumers into thinking much of the food is ‘local’ when in fact only very few items are.
- ♦ “Locally sourced” – this phrase is regularly used to describe food that is ‘sourced’ from ‘local’ supermarkets/wholesalers in Devon, but the product itself originates from much further away, even from outside of the UK – clearly this is likely to mislead consumers and you should not claim produce is locally sourced purely because you purchased it from a local supplier.

### **Good Practice Examples**

- ♦ “Rack of Dartmoor Lamb” – accurately describes not just the cut of meat, but also specifically where the meat comes from.
- ♦ “Devon Ice-cream made with Devonshire cream” – again it provides much more useful information for the consumer and states specifically that the product is local because it was made in Devon with ingredients from within the county.

### **Remember**

- 1) Have evidence to justify the claim (e.g. written assurances of origin from suppliers etc);
- 2) Claims should be specific so that customers are not misled (e.g. pork from Cullompton);
- 3) If you claim ‘local’ / ‘locally sourced’ / ‘supplied locally’ etc you should make sure it genuinely originates from within Devon or within 30 miles of your business.

### **Competitive Advantage**



If you are an excellent business offering excellent customer service and you comply with all Trading Standards legislation you may be interested in our approved trader scheme [Buy With Confidence](#). Part of this scheme offers the additional opportunity to be approved as a ‘Made in Devon’ supplier, showing customers that you have been rigorously audited by Trading Standards and your product has been made in Devon.