



Statutory Instrument 2005 No. 3281/ Scottish Statutory Instrument 2005 No. 605

The Feeding Stuffs (England) Regulations 2005
The Feeding Stuffs (Scotland) Regulations 2005

<http://www.opsi.gov.uk/si/si2005/20053281.htm>

This is to be read in conjunction with the training notes and FSA Guidance notes.

A Statutory Declaration must accompany feed materials in a commercial store and all deliveries of feed materials from store to end user:

Statutory Declaration must include:

- Name as defined in Schedule 2
- The words "Feed Material"
- The moisture content if it exceeds 14%
- The level of ash soluble in hydrochloric acid, if it exceeds 2.2% in the dry matter.
- The net quantity of the feed material
- Reference to original batch
- The business name and address of the person responsible for the information

As many crops are sold on a quality spec of maximum 15% moisture, it will be necessary to declare this parameter. The legal variation is 1% in excess.

So a declared value of 15% can be tested at 16% and still be legal.

A Statutory Declaration is not needed when combinable crops are moved from farm (whether to end user or central store).

A simple solution is to print the declaration onto sheets of labels, so that the storekeeper can apply to the passport or dispatch note.

The following example fits on A4 labels Avery 7165 Parcel (4 x 2) or equivalent

MATERIAL This is a feed material

Moisture x %

Net Weight: see weighbridge ticket

Batch: *include reference to traceability info*

Name and Address of Merchant

SCHEDULE 2 - Regulation 2(1) and 13 Schedule 3 Part I paragraphs 7 and 20
CONTROL OF FEED MATERIALS
PART II - NON-EXCLUSIVE LIST OF THE MAIN FEED MATERIALS

<i>Number</i> (1)	<i>Name</i> (2)	<i>Description</i> (3)	<i>Compulsory declarations</i> (4)
1. Cereal, grains, their products and by-products			
1.01	Oats	Grains of <i>Avena sativa</i> L. and other cultivars of oats.	
1.02	Oat flakes	Product obtained by steaming and rolling dehusked oats. It may contain a small proportion of oat husks.	Starch
1.03	Oat middlings	By-product obtained during the processing of screened, dehusked oats into oat groats and flour. It consists principally of oat bran and some endosperm.	Fibre
1.04	Oat hulls and bran	By-product obtained during the processing of screened oats into oat groats. It consists principally of oat hulls and bran.	Fibre
1.05	Barley	Grains of <i>Hordeum vulgare</i> L.	

SCHEDULE 3 - Regulation 8
CONTENTS OF THE STATUTORY STATEMENT OR OTHER DECLARATION (EXCEPT FOR
ADDITIVES AND PREMIXTURES NOT CONTAINED IN FEEDING STUFFS)
PART I

Feed materials

11. Subject to paragraphs 12 to 15, in the case of any feed material which is put into circulation by any person the following particulars shall be contained in the statutory statement—

(a) in the case of any feed material of a kind specified in column (3) of Part II to Schedule 2—

(i) the corresponding name specified in column (2) of that Part (the inclusion of any word appearing in brackets in that column being optional); and

(ii) the particulars (if any) specified in relation to the feed material in the corresponding entry in column (4) of that Part;

(b) in the case of any feed material of a kind specified in column (1) of Part III to Schedule 2—

(i) its name or description there specified, or a name and description (other than one specified in that column, or in column (2) of Part II to that Schedule) sufficiently specific to indicate the nature of the material, and in conformity with the criteria specified in the Introductory Notes to Part II to that Schedule; and

(ii) the particulars specified in relation to the feed material in the corresponding entry in column (2) of Part III to that Schedule;

(c) in the case of any feed material—

(i) subject to regulation 9(5) as read with Article 6(4) of the Feed Materials Directive, which shall be observed where applicable, the words "feed material";

(ii) the moisture content of the feed material, if it exceeds 14% by weight of the feed material or, where a different percentage is specified in relation to that feed material in Part II or Part III to Schedule 2, if it exceeds that percentage;

(iii) the moisture content of the feed material, where it does not exceed the relevant percentage specified in paragraph (ii), but a purchaser requests that the moisture content be declared;

(iv) the level of ash soluble in hydrochloric acid in the feed material, if that level exceeds 2.2% in the dry

matter or, where a different percentage is specified in relation to that feed material in Part II or Part III to Schedule 2, if it exceeds that percentage;

(v) where any other feed material has been used to denature the feed material, the nature and quantity of the other feed material so used;

(vi) where any other feed material has been used to bind the feed material, the nature of the other feed material so used;

(vii) the net quantity of the feed material, expressed in units of mass in the case of any solid feed material and, in the case of any liquid feed material, in units of mass or volume;

(viii) where the feed material is part of a divided batch of feed materials, reference to the original batch;

(ix) the name or business name, and the address or registered business address, of the person within the European Community responsible for the particulars specified in this sub-paragraph, if the establishment referred to in sub-paragraph (x) is not responsible for them; and

(x) where the establishment producing the feed material must be approved in accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption[39]; the name or business name, and the address or registered business address, of the establishment, the approval number, the batch reference number or any other particulars which ensure that the material can be traced.

SCHEDULE 4 - Regulation 10
LIMITS OF VARIATION
PART C - FEED MATERIALS

<i>Analytical constituents</i>	<i>Limits of variation (absolute value in percentage by weight, except where otherwise specified)</i>
	30%
	1 for declarations less than 10%

Methionine	In case of deficiency — 20% of the amount stated
Moisture	If present in excess — 1 for declarations of 10% or more 10% of the amount stated for declarations of 5% or more but less than 10% 0.5 for declarations less than 5%
Oil and Fat	If present in excess —

AIC Training Info – as presented 21st and 28th June

Feedingstuffs Regulations

- **Now referred to in D2.4 of Merchants Code**
 - Has specific requirements on descriptions and labelling of feed materials
 - Includes whole grains for feed use
- **BUT**
 - Very complex legislation
 - Hard to find what is required

Key elements of the regulation

- **Statutory Statements**
 - Required by regulation 9
 - On a label or
 - On accompanying documents for bulk
- **Content of statutory statements**
 - Detailed in schedules 2 and 3 of the regulation

Statutory Statements Schedule 2

- **Part II non-exclusive list of feed materials**
 - Column 2 is the name which should be used on the label
 - Column 4 identifies analytical declarations that may be required
- **BEWARE!**
 - Just because column 4 is blank does not mean no declaration is required!

Statutory Statements Schedule 3

- **Contains details of what is required for different types of feedingstuffs**
 - Para 11 contains details of what is required for feed materials
 - Paras 12 to 15 contain limited exemptions
- **Para 11 a) requires**
 - The name from Schedule 2
 - Any additional parameter in column 4
 - (Column 4 is blank for all whole cereals and oilseeds)

Schedule 3 continued

•Para 11 c) requires

- The words “feed material”**
- Moisture if above 14% (or lower if requested by the purchaser)**
- Ash soluble in hydrochloric acid is above 2.2% in dry matter**
- The net quantity of the feed material**
- A reference to the “original batch” where it is part of a divided batch**
- Name and address of the supplier**

Exemptions

- Para 12 a) allows for written notification from the purchaser they don't require certain particulars**
- Para 12 b) Feed for pet animals in quantities of less than 10kg**
- Para 13 covers direct imports from 3rd countries**
- Para 14 covers trade between farmers**
- Para 15 exempts feed materials greater than 50% moisture**

Note: This document is merely an introductory guide. It is not comprehensive or definitive and should be read in conjunction with, not as a substitute for, the relevant legislation. It includes interpretations of legislation which are only an opinion and ultimately it will be for the courts to decide on such matters. In addition some labelling requirements are described using only a summary of the wording prescribed.

LABELLING AND OTHER REQUIREMENTS FOR FEED MATERIALS (under The Feeding Stuffs Regulations 2000)

Introduction

From 29 October 2000 there are new labelling and other requirements for the marketing of feed materials. These will provide more information to buyers of feed materials (e.g. farmers and feed manufacturers) and assist in the traceability of ingredients of manufactured feeds and feeds used singly on the farm.

These requirements implement EC Directives and are put into law in England in the Feeding Stuffs Regulations 2000 (see below)*. Previously an EC Directive (77/101/EEC) on the marketing of straight (i.e. single) feedingstuffs allowed national derogations. The effect of this was that in some member states straight feeds were marketed as raw materials not subject to the same labelling requirements, which meant that farmers and feed manufacturers in those member states received less compositional and analytical information than they would otherwise.

Under the new rules, the term 'feed materials' covers materials which are fed to animals singly or used as ingredients in compound (i.e. mixed) feed. Farmers, feed manufacturers and other purchasers of feed materials will receive standardised information.

The following guidance provides initial information in question and answer form.

The term 'label' or 'labelling' has been used in this document, although formally this is a 'statutory statement' (see Q and A1).

*** The EC Directives are Council Directive 96/25/EC on the circulation of feed materials and Commission Directive 98/67/EC revising the Annexes to Directive 96/25/EC. The England Regulations are the Feeding Stuffs Regulations 2000 (Statutory Instrument No. 2481). A copy may be downloaded from the Stationery Office website at <http://www.legislation.hmso.gov.uk/si/si20002481.htm>. There are parallel Regulations for Scotland, Wales and Northern Ireland.**

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Basic Requirements

Q1. WHAT ARE THE NEW LABELLING REQUIREMENTS FOR FEED MATERIALS?

A1. The rules and labelling requirements are to be found in Regulation 10 and Schedules 2 and 4 of the Feeding Stuffs Regulations 2000. The relevant articles (principally article 5) of Directive 96/25/EC are also relevant. The requirements apply to those who 'put into circulation' ('the holding of feed materials for the purposes of sale, including offering for sale, or any form of transfer, whether free or not, to third parties, and the sale and other forms of transfer themselves').

The main labelling requirements (see Schedule 4, Part 1, paragraph 7) are as follows:

- inclusion of the words 'feed material' (para 7 (c) (i));
- the name of the feed material (in accordance with the relevant part of Schedule 2 of the Regulations) (para 7 (a) (i) and (b) (i)) ;
- other particulars specified in Schedule 2 according to the type of feed material (e.g. protein or fibre content) (para 7 (a) (ii) and (b) (ii));
- the moisture content of the feed material (if it exceeds 14% by weight of the feed material or, where a different percentage is specified in Schedule 2, if it exceeds that percentage) (para 7 (c) (ii));
- the moisture content of the feed material where it does not exceed the percentage applicable under the preceding paragraph and the purchaser requests it (para 7 (c) (iii)) ;
- the level of ash insoluble in hydrochloric acid in the feed material if it exceeds 2.2 per cent in the dry matter or, if a different percentage is specified in relation to the feed material in Schedule 2 (para 7 (c) (iv)) if exceeds that percentage;
- the net quantity of the feed material (para 7 (c) (vii)) ;
- the name or business name, and the address or registered business address of the person within the European Community responsible for the above information and also the 3 points on 'other details' set out below (para 7 (c) (ix));
- other details may be required according to the circumstances:
 - in the case of any feed material used to denature another feed material -- the nature and quantity of the feed material so used (para 7 (c) (v)) ;
 - when a feed material is used to bind another feed material -- the nature of the feed material so used (para 7 (c) (vi));
 - where a feed material is part of divided batch of feed materials, reference to the original batch (para 7 (c) (viii)).

The label must be attached to packages and containers or the statutory information must be clearly marked on packages and containers. In the case of material delivered in bulk, the label shall take the form of a document accompanying the material. The information must be visible, legible and indelible (see regulations 5 (1) and 5 (3) (c)).

Q2. ARE THERE ANY DEROGATIONS FOR FEED LABELLING INFORMATION?

A2. Paragraph 8 of Schedule 4 refers to two situations where certain information including certain analytical information (e.g. protein, fibre moisture, ash) need not be supplied. The first situation is where, before it is supplied, the person to whom the feed material is to be supplied has notified the supplier in writing that this information is not required. The second is where certain feed materials intended for pet animals are supplied to final users in quantities of less than 10kg.

Paragraph 9 of Schedule 4 specifies circumstances where, subject to certain conditions, provisional analytical information may be supplied pending the subsequent supply of final data.

In certain circumstances, feed labelling information specified in Schedule 4 is not required when the feed material is supplied by a farmer who has produced the feed material and has supplied it to a livestock farmer (Schedule 4 para 10 (1)).

Where a feed material has a moisture content of greater than 50% and it is 'a by-product derived from agro-industrial processing', certain analytical information is not required (Schedule 4 para 11 (1)).

Q3. IS THERE ANY FLEXIBILITY ON THE NAMES OF FEED MATERIALS THAT CAN BE DECLARED ON THE LABEL?

A3. One of the aims of the legislation is to introduce common terms and corresponding descriptions for feed materials throughout the European Community. This will benefit purchasers of feed materials and should facilitate trade. Therefore, amongst other things, it is not permissible to put into circulation any feed material of a description specified in Schedule 2 of the Regulations (i.e. in column 3 of Part II or column 1 of Part III of Schedule 2) save under a name specified in that Schedule (column 2 of Parts II and Part III of Schedule 2). However, in the case of a feed material in Part III it is also permissible to use an alternative name, if it is sufficiently specific to indicate the nature of the feed material and it is not a name appearing in column 2 of Part II (regulation 10(1) and (2)).

Schedule 4, paragraph 32 provides that information additional to that otherwise required or permitted (e.g. brand names and country of origin) can be included outside of the statutory statement provided that the conditions set out in that paragraph are observed.

Where feed materials of a type which are not listed in Schedule 2 are put into circulation, any terms which are used must not mislead the purchaser as to the identity of the product offered (see para 7 (b) (i) of Schedule 4).

NB: It should be noted that certain abbreviations of the named feed materials ought to be tolerated when used for ingredient listing purposes in connection with compound (i.e., mixed) feeds. This makes for less complicated lists and greater clarity for the purchaser.

Q 4. ARE THERE ANY SPECIFIC REQUIREMENTS FOR PET FOODS ?

A4. Schedule 4, Part I, para 8 exempts certain information from inclusion in the statutory statement where 'any feed material of animal or vegetable origin, fresh or preserved, intended for pet animals, is supplied (in a quantity not exceeding 10kg) directly to the final user thereof, by a person established in the United Kingdom'. In these circumstances the information required in the statutory statement is as follows:

- the words 'feed material';
- the name of the feed material (in accordance with the relevant part of Schedule 2 of the Regulations);
- the net quantity;
- the name or business name or the registered business of the person responsible for the information in the statutory statement.

Where appropriate:

- where the material is part of a divided batch, reference to the original batch;
- where any other feed material has been used to denature the feed material, the nature and quantity of the feed material, the nature and quantity of the other material used;
- where any other feed material has been used to bind the feed material, the nature of the other feed material so used.

Regulation 5 (2) on forms of statutory statement is particularly relevant to (though not limited to) pet foods. This allows -- for quantities of feed materials not exceeding 10kg -- for the statutory statement information to be given by an appropriate notice at the point of sale (e.g., at a pet food shop).

Q5. WHAT ARE THE RULES ON BOTANICAL PURITY?

A5. These are set out in regulation 10 (4) together with paragraph 1 of Section II of part A of the Annex to the Feed Materials Directive (98/67/EC).

Q6. WHAT ARE THE TOLERANCES THAT APPLY TO ANALYTICAL INFORMATION?

A6. The limits of variation for the various analytical constituents (e.g. protein, oil and fat) in feed materials are set out in Schedule 6, Part C of the Feeding Stuffs Regulations 2000.

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Q7. WHAT ARE THE LABELLING REQUIREMENTS WHEN IMPORTED FEED MATERIALS ARE DIVIDED AND/OR SOLD TO MORE THAN ONE SUPPLIER/END USER?

A7. This is best illustrated by reference to the flow charts annexed to this guidance which provide examples of the main supply chains identified. The situation in relation to imported products in Annexes A to C (see Q 8 for UK combinable crops).

In viewing these flow charts, some important points need to be considered:

- identification of the point when a label first needs to be raised, both in terms of putting into circulation and when it becomes clear that material is destined for use as, or in, animal feed;
- extent that the label needs to be changed to reflect changes in weight or ownership;
- extent that new labels have to be created e.g. to accompany split consignments;
- the need to ensure traceability of parcels throughout the distribution chain.

Following are practical procedures that can be adopted:

Scenario No 1 -- Simple discharge/delivery to a compounder (Annex A)

In this example, it is most likely that the importer will be the person responsible for labelling and will be expected to have relevant information available while the material is in store. Indeed, material imported via an EU country should already be accompanied by the statutory details. A label is first issued when the imported consignment has been put into store and a 100 tonne parcel is formed to be sold (e.g., to a compounder, merchant or farmer).

In the next stage the parcel is delivered in four lorry loads to a compounder. The labelling information has changed in respect of the net weight. It is considered that it will be sufficient for a photocopy of the original label to accompany each lorry load together with a copy of the weigh-bridge ticket indicating the new net weight of the parcel. The original label can be amended in manuscript to cross-refer to the weigh-bridge ticket.

NB: It would be preferable if a new label was created to accompany each parcel.

Scenario No 2 -- Discharge/Multiple Delivery to Compounders via Same Day Delivery or Phased Delivery (Annex B)

This scenario differs from scenario 1 above as the parcels are delivered to a number of end-users.

However, here also the first label is created when the consignment is first divided into parcels (4x100 tonnes).

As in scenario 1, the original label could be photocopied with the weigh-bridge ticket attached to accompany each lorry load.

Scenario 3 -- 'String Trades' (Annex C)

This scenario is characterised by a number of changes of ownership before the parcel reaches the end-user.

Again the first label is created when a parcel is formed from an imported consignment .

This label can accompany the parcel until delivered to the end user/final buyer. However, interim buyers may wish to generate their own new labels, e.g., to change the person responsible for the labelling information. Interim buyers might wish to generate new labels and have their company's name on the heading; this changes the person responsible for the information. When the parcel is divided and delivered by lorries the procedure is the same as in scenario 1. The example in scenario 2 involving lorry deliveries to a number of end-users could also apply.

String Trades also cover domestic products and might involve only one resale, e.g., when a merchant buys rapeseed from a crusher and then sells to a third party.

From the above scenarios it can be seen that the following practical points can be applied:

- Labels are created when a parcel or parcels are created from the original imported consignment. It is at this point that products become subject to the labelling requirements as feed materials.
- Details showing amendments to the label information can be attached to the label (e.g., the weigh-bridge ticket). Labels can also be photo-copied. Remember, however, that the particulars must be 'visible, legible and indelible' (regulation 5 (3) (c)).
- **The name or business name etc of person responsible for the labelling information.** This entry does not have to change to reflect change of ownership of the parcel. This is particularly relevant to 'string trades' where a parcel held in store may change ownership a number of times.

The person creating the first label should be aware that his/her name may appear on the label throughout the distribution chain. However, in a situation where a seller of a feed material is different to the person responsible for the labelling information (as indicated on the label), the seller will be liable for incorrect labelling information since there are offences linked to sale.

On the other hand, on change of ownership of a parcel, a new owner may wish to include his/her name as the 'person responsible' to associate the parcel to his/her business.

Q8. WHAT ARE THE REQUIREMENTS REGARDING COMBINABLE CROPS PUT INTO CIRCULATION BY FARMERS?

A8. Livestock farmers will be the main beneficiaries of information that will be contained on the feed material label. However, there are implications where farmers put feed materials into circulation (e.g., when they sell materials to a compounder or merchant).

Materials put into circulation by farmers are most likely to be combinable crops. These are crops capable of harvesting by combiner, such as cereals (wheat, etc) or pulses (peas, beans, etc). The following guidance relates to these materials and not processed materials, e.g., wheat feed, brewers' grains.

The following points are relevant to combinable crops:

- Combinable crops put into circulation by farmers have multi-functional uses, i.e., they could be used within the food or feed industries or for export.
- At the time of removal from the farmer's premises, the final use of the product is not necessarily known.
- Most farms do not have appropriate weighing facilities and it is usual for the first weighing of a consignment to take place at the point of intake into a compounder's or merchant's premises.
- **NB: farmers selling to farmers.** Schedule 4, paragraph 10 exempts the requirement for a label when the producer of combinable crops ('farmer-producer') sells combinable crops or other crops to a livestock farmer ('breeder-user'). This applies whether or not the transfer is effected through a third party and provided the materials are not processed in any way.

Scenario No 4 -- UK Combinable Crops (Annex D)

In this example, the introduction of the consignment into the feed chain is at the premises of either the flour miller, maltster, crusher, merchant (or central store), or feed compounder. On this basis it is not considered necessary for a label to accompany the consignment from farm to point of intake.

The consignment is weighed at point of intake. The weigh-bridge ticket has much of the information required for the label, i.e., name of material, moisture content, net quantity (there is no requirement for information on combinable crops for analytical constituents such as protein, fibre, etc.). In addition, the name of the supplier (farmer) will be available from commercial sources, thus ensuring traceability.

After intake the following situations might apply:

- **A feed compounder incorporates the feed material into a compound feed.** In this case no label will need to be created for the feed material. The compounder can use the information from the weigh-bridge ticket together with own analyses for information towards the label of the compound feed.
- **The feed material is sold on (from a flour mill, maltster or crusher).** There may be some situations where wheat, etc., is sold on by a miller to a compounder or farmer but these are likely to be few. In these cases the miller will be responsible for generating a label. The more frequent situation is where the miller or maltster rejects the consignment intended for food use. The miller/maltster does not take ownership of the load and a net weight is not produced. In this case we advise that the miller/maltster is not responsible for the label. If the consignment goes to a compounder or a merchant, the statutory details can be generated at that stage as if the consignment had come from a farm.
- **The feed material is processed (by, for example, a seed crusher) before being sold on.** In this case the feed label will have to reflect the name of the new feed material produced (e.g., rape seed, extracted) and any analytical information required for such a processed product.

- **The feed material is rejected, or designated for food or other uses.** No label is required. However, if the material is rejected for safety purposes, e.g., contamination, then steps should be taken to ensure that the material is disposed of safely and does not enter the feed or food chain.

Other Questions Arising

Q9. WHO IS RESPONSIBLE FOR ENFORCING THE FEED MATERIAL LABELLING RULES?

A9. In Great Britain, Local Authorities are responsible for the enforcement of the Feeding Stuffs Regulations 2000 including the feed labelling rules. In practice the work tends to be done by Trading Standards Departments broadly at county level. (In Northern Ireland, the Department of Agriculture and Rural Development enforces the legislation).

Q10. DOES THE TERM 'FEED MATERIALS' INCLUDE MINERALS SUCH AS SALT, (SODIUM CHLORIDE), LIMESTONE (CALCIUM CARBONATE), CALMAG (MAGNESIUM OXIDE)?

A10. Yes. These materials are listed under minerals in Schedule 2, Part II of the Regulations.

Q11. A COMPANY HOLDS FEED MATERIALS ON ITS PREMISES. DOES IT NEED A LABEL TO COVER THIS STOCK?

A11. If it is clear that the material is destined for use as, or in, animal feed, following sale or other supply then the importer/merchant with material in store must have the requisite information, or be taking steps to obtain the relevant analytical details.

Q12. A FARMER REQUESTS A SUPPLIER TO MIX LOADS OF DIFFERENT FEED MATERIALS ON A LORRY. WHAT ARE THE LABELLING REQUIREMENTS?

A12. Such a practice, involving different types of feed materials, may result in a compound feed being produced in which case the relevant labelling for compound feeds applies. By contrast, where two loads of the **same** type of feed material are mixed the labelling information should apply to the 'mixed' consignment. However, where the purchaser so requests, certain analytical information is not required. The important underlying principle is that the purchaser should have the statutory information he or she needs and that the person must not be misled.

Q13. AN ENFORCEMENT OFFICER'S CHECK HAS FOUND ONE OF THE ANALYTICAL DECLARATIONS ON THE LABEL TO BE INCORRECT. WHO IS LIABLE?

A13. The person putting the material into circulation. The officer and any subsequent court proceedings are likely to take into account the circumstances concerned, such as the possibility that parameters such as moisture and ash might change over time, in deciding which person in a chain is liable.

Q14. WHEN IS A NEW CONSIGNMENT CREATED AND THEREFORE A LABEL REQUIRED?

A14. The attached annexes set out various scenarios concerning the forming of consignments and the issue of labels.

In certain circumstances a merchant may buy consignments of a feed material on a regular basis and add it to previously purchased stocks of the same type of material (e.g., stored in a bin or number of bins). In this situation a number of bought-in consignments have been laid on top of previously bought-in materials and become inextricably mixed. The merchant draws off quantities from a bin to sell to various customers. The customer will effectively receive what amounts to a mixture of more than one bought-in consignment.

In this case it appears that a new batch/consignment is created and a new label should therefore be raised.

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Animal Feed Division
April 2001

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