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for Environment
Food & Rural Affairs



Food
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The Meat Products Regulations 2014

Guide to Compliance

23rd January 2014

Drafted by Defra and the Food Standards Agency

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Introduction

This guide to compliance has been produced with the aim of providing informal, non-statutory guidance on the Meat Product Regulations 2014.

The following abbreviations are used:

- **MPR 2003/4:** referring to the Meat Products (England) Regulations 2003¹, Meat Products (Scotland) Regulations 2004², Meat Products (Wales) Regulations 2004³ and the Meat Products Regulations (Northern Ireland) 2004⁴ together
- **MPR 2014:** the Meat Products Regulations 2014, referring to the legislation for England, Scotland, Wales and Northern Ireland together
- **FIR:** the Food Information Regulations 2014
- **FIC:** Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers⁵
- **FBO:** Food Business Operator

This guidance should be read with the Regulations above. It focuses on the requirements of the MPR 2014 and is aimed at FBOs and enforcement officers. It does not include best practice advice or interpretations of text. Other pieces of food labelling legislation will apply to meat products, most pertinently the FIC.

Food legislation is made on a separate basis in England, Scotland, Wales and Northern Ireland. This is the case with the MPR; there are four sets of Regulations. Therefore the England Regulations apply only in England, the Scotland Regulations apply only in Scotland, and so on.

The scope of the regulation

Any FBO selling meat products in the UK to the public or mass caterers, or intended to be sold to the public and mass caterers, is likely to be covered by the MPR 2014.

In particular, it applies to a) uncooked meat products made in the UK, and b) meat products made in the UK with one of the following names (known as 'reserved descriptions'):

- Burgers
- Hamburger
- Chopped X
- Corned X
- Luncheon X
- X pie
- X pudding
- Game pie

¹ www.legislation.gov.uk/uksi/2003/2075/contents/made

² www.legislation.gov.uk/ssi/2004/6/contents/made

³ www.legislation.gov.uk/wsi/2004/1396/introduction/made

⁴ www.legislation.gov.uk/nisr/2004/13/contents/made

⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0018:0063:EN:PDF>

- Scottish/Scotch pie
- X and other ingredient pie or pudding
- Pastie/Pasty
- Bridie
- Sausage roll
- Sausage, link, chipolata, sausage meat

(With X being the word 'meat', 'cured meat' or the name of a type of meat.)

Application dates

The MPR 2014 will come into force on 13th December 2014, in line with the application date for the relevant provisions of the FIC. After this date, stocks that have already been labelled can continue to be sold until exhausted.

The Reserved Descriptions

Regulation 4 of the MPR 2014 sets minimum meat contents for products using the reserved description names (as set out in Schedule 1 to the MPR 2014).

Products that do not meet the reserved description criteria cannot be marketed under these names.

The EU definition of 'meat' (for labelling purposes) is laid down in the FIC (Annex VII, Part B, point 17). The definition has been carried over from Directive 2001/101/EC⁶. It is the relevant definition when calculating meat content.

The European Commission has produced general guidelines to determine the quantity of an ingredient in a food product for the purposes of the Quantitative Ingredients Declaration. These guidelines can be used to calculate meat content for the purpose of the MPR 2014.⁷

Prohibited parts of the carcass

The MPR also prohibits the use of brains, feet, intestine (except as sausage skin), lungs, oesophagus, rectum, spinal cord, spleen, stomach, testicles and udder in meat products produced in the UK where they are sold uncooked.

In this regulation, 'uncooked', in relation to a food, means a food that has not been subjected to a process of cooking throughout the whole food so that the food is sold on the basis that it will need further cooking before consumption.

⁶ <http://eur-lex.europa.eu/LexUriServ/site/en/consleg/2001/L/02001L0101-20021127-en.pdf>

⁷ http://ec.europa.eu/food/food/labellingnutrition/resources/fl02_en.pdf

Enforcement issues

In England, Wales and Northern Ireland, authorised officers may issue an improvement notice where there has been a failure to comply with any of the provisions of Regulation 4 of the MPR 2014.

If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with the provision, the officer may, by an improvement notice served on that person:

- a) state the officer's grounds for believing that the person is failing to comply with the MPR 2014 (with specific reference to their food business and what in practice they are doing or failing to do);
- b) specify what measures are needed to be taken by the person in order to secure compliance with the MPR 2014; and
- c) specify the date by which the person must put the measures (or equivalent measures) in place.

Details of the right of appeal to the First-tier Tribunal must also be included in the notice.

Any person who fails to comply with an improvement notice commits an offence. Removal of an incorrect label and replacement with a correct label, or 'over labelling' or 'over stickering' of the product label with a corrected version, may be required.

If a business has a registered partnership with a Primary Authority, then the authorised officer must notify the Primary Authority before issuing an improvement notice. Similarly Home Authority arrangements should be taken into account.

Any person served with an improvement notice may appeal against that notice to:

- a) the First-tier Tribunal in England⁸
- b) the Magistrates' Court in Wales and Northern Ireland

In Scotland the system of having direct offences available for breaches of food labelling and standards legislation will continue. Enforcement officers will, as present, have discretion regarding the appropriate action required e.g. informal advice, education or, where necessary, escalated to formal enforcement action under the Food Safety Act 1990.

Enforcement options for food labelling and standards will be reviewed as part of the consideration of the powers needed by the New Food Body for Scotland.

Review of these Regulations

In England only, the provisions of the MPR 2014 must be reviewed before 13 December 2019.

⁸ Further information can be found at www.justice.gov.uk/about/hmcts/tribunals

Annex - Changes from the MPR 2003/4

1. What difference will the new regulations make to my business?

If you have experience producing meat products for retailing in the UK, you will be familiar with the existing MPR 2003/4. You will find that the MPR 2014 and FIC make few significant changes:

- a) Under FIC (Annex VI, Part A, point 6), producers and retailers will not be able to sell uncooked cured meat products with the appearance of a cut, joint, slice, portion or carcase of meat that contain more than 5% water without including 'added water' in the name of the product, from 13 December 2014 onwards. Until that date, the percentage will continue to be 10% for uncooked cured meats.
- b) Added proteins of a different animal origin must now be added to the name of the food for all meat products, not just those that resemble a cut, joint, slice, portion or carcase of meat.
- c) Added ingredients other than water and proteins from other species will not be covered by an explicit provision requiring them to be included in the name of the product but must still comply with general FIC 'name of food' legislation (Article 17). A decision will need to be taken on a product by product basis to determine whether other added ingredients need to be included in the name of the food in order to comply with the FIC name of food provisions.
- d) The MPR 2014 will no longer prohibit the inclusion of brains, feet, large intestine, small intestine, lungs, oesophagus, rectum, spinal cord, spleen, stomach, testicles and udder in uncooked meat products for products that have been legally produced and sold in a different EEA state. However, other regulations such as the Food Hygiene Regulations (EC) Nos 852/2004⁹ and 853/2004¹⁰ and the Specified Risk Material Regulations 1997¹¹ will still apply and will prevent the use of some carcase parts in a meat product.
- e) In England, Wales and Northern Ireland, enforcement for a contravention of the MPR 2014 (as opposed to fraud) will be through the improvement notice system backed up with a criminal offence where there is a failure to comply with an improvement notice. In Scotland, the current system of having direct offences for breaches of food labelling and standards legislation will continue.

2. I produce an uncooked cured meat product containing more than 5% water that resembles a cut, joint, slice, portion or carcase of meat. Can I still sell it?

The changes in legislation do not mean that you cannot sell these products. The added water must simply now be included in the name of the food (e.g. 'bacon with added water').

⁹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:139:0001:0054:en:PDF>

¹⁰ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:139:0055:0205:EN:PDF>

¹¹ www.legislation.gov.uk/ukxi/1997/2965/contents/made

3. I produce a meat product that contains proteins from a different species. It does not resemble a cut, joint, slice, portion or carcass of meat, so I have not previously had to include these proteins in the name of the food. What do I need to do now?

These products can still be sold, but must have the proteins declared in the name of the food (e.g. 'beef meatballs with added pork protein').

4. How long do I have to make these changes for uncooked cured meat?

Meat products may continue to be labelled and sold in line with the MPR 2003/4 up to and including 12th December 2014. In addition, after this day, stocks that have already been labelled can continue to be sold until exhausted.

Note that this applies to labelled food products, rather than labels themselves – a company cannot, for example, produce a bulk lot of labelled containers before the cut-off date and then continue to use them for newly produced food.