

# Segment Seven - You and the Law

We talked earlier of how little we know about the history of the food we eat. Often we don't even know what country it came from.

We have no idea what it might have been in contact with before we eat it.

Everyone wishes to eat wholesome, safe food and the Government tries to ensure that this happens.

This means that all aspects of food handling are covered by many

- **Laws.**
- **Standards.** and
- **Codes of practice.**

This segment deals with the law, as it applies to seafood handling.

We have sometimes mentioned in previous segments where the law applies to you or to your employer.

There are many laws that matter in this area. You will be pleased to hear that we are only going to look at the general ideas, not the detail!

## AIMS OF THIS SEGMENT

The main aim of this segment is to help you to achieve Objective 7 - *Observe the basic laws and regulations affecting food handling.*

At the end of this segment you will be able to:

- State the general principles of the law relating to hygiene in seafood handling premises.

## BASIC FOOD SAFETY LAWS

### DUE DILLIGENCE

*Due diligence* generally means taking reasonable precautions to avoid breaking the law and will take into account recognised good industry practices and the level of risk posed to the consumer.

An essential part of any *due diligence* defence is an assessment of potential risks and hazards in the seafood handling operation and evidence that reasonable steps have been taken by the food business to minimise the risk.

A hazard is anything that could cause harm to customers.

Obviously the manager of the food business will have to pay careful attention to risks, but both the owners of the business and individual food handlers can be held responsible under the law so it is vitally important that we all take *reasonable precautions*.

If you want to find out more contact Seafish or local your EHO.

The law makes it an offence to place food on the market if it is unsafe. Unsafe means if it is injurious to health or unfit for human consumption.

The condition 'unsafe' may result from:

- The addition of substances.
- The subtraction (removal) of constituents.
- The way in which food is labelled, presented and advertised.
- The manner in which the food is treated and handled.

Food law is generally enforced by Environmental Health Officers.

## EHO POWERS

EHOs UK-wide are responsible for food safety matters, while in England and Wales 'Trading Standards Officers' (TSOs) are generally responsible for *consumer protection* matters.

England, Wales, Northern Ireland and Scotland all have their own individual food hygiene regulations. At this level we can treat them as all being the same.

EHOs have the power to:

- Enter and inspect any food premises at **all reasonable hours** and whenever the business is in operation, upon proof of their authority.
- Investigate outbreaks of food borne diseases:
- Seize suspect food.
- Serve Hygiene Improvement Notices and Prohibition Notices.
- Take food businesses and individuals to court for breaking food safety laws.

They also have powers to control premises and take samples.

### Hygiene Improvement Notice

A Hygiene Improvement Notice is used to require a food business to improve something substandard, e.g. a cracked washbasin or a defective floor. It is an offence to ignore a Hygiene Improvement Notice.

### Prohibition Notice

A Prohibition Notice can be used to prohibit an unsuitable person from running a food business.

### Emergency Prohibition Notice

An Emergency Prohibition Notice is used where failures are more serious and the threat to human health is imminent, e.g. to prohibit the use of premises which are infested with rodents, or to prohibit the use of equipment which is defective.

### Laboratory Testing

EHOs and TSOs have powers to take samples for laboratory and other tests to investigate if **the food is responsible for a food poisoning incident**.

## TRAINING

By law food handlers must receive adequate **supervision, instruction** and/or **training** in food hygiene appropriate to the type of work they do.

It is up to the food business operator (usually the owner) to decide what is appropriate for their employees, although this may be challenged by an EHO if adequate standards are not met by the business.

The level of training carried out by staff in the seafood industry will depend to a large extent on the work being carried out, e.g. supervisors will require a greater level of training than process workers or counter staff.

One of the reasons you are studying this module today is that you or your manager have decided a nationally approved food hygiene course such as this is appropriate for you needs.

And if you are the manager of the business then you cannot effectively be supervised or instructed. **This only leaves training as a suitable option to comply with the Law.**

## HAZARD ANALYSIS

All food businesses must operate a system called hazard analysis, which is intended to prevent food contamination.

This is a food safety management system sometimes referred to as HACCP (pronounced 'hassup'), Hazard Analysis and Critical Control Points.

HACCP requires the owner of the business to identify all reasonable risks to food safety in their business and any steps in the process which are critical to ensuring the safety of food.

The owner must then ensure that adequate safety procedures are put in place to ensure the safety of food.

For example, this could include the need to keep fresh seafood products refrigerated or iced.

Records are needed to show that the controls are being implemented. You may already have been involved in logging refrigerator temperatures which is one such record.

Larger businesses or those handling high care/ready to eat foods should carry out a much more detailed study of the risks and have in place strict controls which are monitored and routinely updated. Many businesses

handling fishery products have carried out full-scale HACCP studies.

## TEMPERATURE REGULATIONS

There are laws which specify the temperatures at which a wide variety of foods should be kept. In Scotland the laws covering temperature control are slightly different to those in the rest of the UK.

- **Who is affected?** - All types from mobile retail vans to multi-national processing businesses.
- **What Temperatures Apply?** - Food must be kept either hot or cold

	In England/Wales	In Scotland
HOT	at or above <b>63°C</b>	at or above <b>63°C</b>
COLD	at or below <b>8°C</b>	Refrigerated in a cool ventilated space

You should note that these temperatures do not apply to chilled fishery products which should be kept colder, at or close to the **temperature of melting ice**. Fishery products and other foods can be kept at higher temperatures than 8°C for short periods of time while processing etc.

- **What Foods Are Covered?** - A long list of foods are covered by these laws. The main thing they all have in common is that without temperature controls the food might support the multiplication of harmful bacteria or the production of toxins (poisons) and so lead to food poisoning.

There are some products which should be kept at lower temperatures for safety reasons. We have already seen that chilled seafood is kept colder, but other foods such as some cook-chill meals, or vacuum-packed foods should be kept close to 0°C.

- **What Other Temperatures Apply?**

**Frozen Foods** -18°C for most frozen foods  
-12°C for ice cream etc.

- **Heating and reheating cooked food**

Cooked foods (including for example hot smoked fish) should generally be heated to **above 74°C** to ensure that food poisoning bacteria are mostly killed. Some, but not all toxins will be destroyed at this temperature. Spores are unaffected.

*Cooked food that is being reheated must be heated to 82°C or more for 2 mins or more.* This higher temperature is needed as the bacteria we are trying to kill are those that survived (probably as spores) the initial cooking that may only have reached 75°C.

The higher temperature of 82°C is needed to kill those slightly

Canned foods are heated to 121°C or higher in order to destroy all bacteria and their spores.

### **Why Are These Temperatures Used ?**

These temperatures are based on food safety requirements. The **DANGER ZONE** temperatures between 5°C and 63°C must be avoided as many bacteria will multiply well between these temperatures.

If your staff are responsible for checking temperatures, then you will need to show your staff how to do the following:

- How to check temperature
- How to record temperature
- What temperatures are unsafe
- What to do if a reading is unsafe
- How to clean and disinfect the thermometer

You have had enough detailed legislation for now. We will finish this Segment by summarising those good working practices that are reflected in the various 'food laws'.

## OVERVIEW OF THE VARIOUS SEAFOOD AND FOOD LAWS

### Protection of Food from Risk of Contamination

Food must be protected from risk of contamination by dirt, other foods or harmful bacteria.

The premises must be sanitary both in construction and location. Equipment, wrappers and containers must be kept clean. They must be made of suitable materials.

Unprotected food must be kept away from animals and other sources of infection. It must be adequately protected when offered for sale.

### Personal Hygiene

We saw in an earlier segment that people are often contaminated and they can easily transfer bacteria from one food to another.

The law requires that people who handle food should have a very high standard of personal cleanliness.

They must keep all parts of the body that might contact food as clean as possible.

They must wear clean protective overalls including head covering and their outdoor clothing and footwear must be properly stored.

They must cover cuts or abrasions with a clean blue waterproof dressing.

They must not spit, smoke, or take snuff in a food room, or when handling food outside.

They must protect food from contamination or anything that can cause harm.

They must inform their employer if they have a seriously upset stomach and diarrhoea, or if they know they are infected with food poisoning bacteria. This should be done before returning to work.

### Toilet Facilities

We told you earlier how easy it is to transfer bacteria from toilet areas to food rooms.

The law requires frequent and effective hand washing between tasks and after use of the lavatory.

Clean toilets must be provided away from food rooms. Clean wash basins,

hot water, soap and hygienic drying facilities must be provided. These wash basins must not be used for any other purpose.

### **Washing Food and Equipment**

Most raw foods are covered with bacteria, so:

- Facilities must be provided to wash food and these must be separate from hand washing facilities.
- Equipment that contacts food should be capable of being thoroughly cleaned. Some Regulations specify exactly how equipment must be cleaned.
- Clean sinks or suitable washing facilities must be provided. Only cold water needs to be supplied, if they are used only for washing fish.

Containers in use must be cleaned and sanitised by a suitable procedure. It is good practice to clean them at least once every shift, if not more often.

### **Premises**

We told you in an earlier segment, that the law covered food handling premises. We'll just summarise a few points here.

- A suitable water supply and drainage system must be provided.
- Walls, floors, windows, ceilings and all other parts of a food room must be kept clean and in good repair and order.
- Reasonable precautions must be taken to exclude pests.
- Suitable storage for food and waste must be provided.
- Rooms must be well lit and ventilated.

### **Docks, Carriers etc.**

Detailed Regulations cover ships and docks. They are essentially the same as for fixed premises. The food must be protected from contact with any likely contaminant.

### **Shellfish**

Bivalve shellfish (oysters and mussels for example) can contain harmful bacteria because of their method of feeding. Special Regulations allow local authorities to supervise the purification and sale of shellfish.

Now let's see how much you've 'digested' about Laws and Regulations. Try answering these SAQ's.





SAQ29

What kind of food do food safety laws apply to?

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SAQ5

Who has the power to enforce the legislation?

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SAQ43

What are you required to do with outdoor clothing?

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SAQ37

How does an EHO tell if a food is responsible for food poisoning?

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SAQ48

What aspect of **personal hygiene** does the law give most attention to?

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SAQ19

Why should seafood not be held between 5°C and 63°C?

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Again read the responses at the end of the module carefully. They reinforce the text!

## SUMMARY

We've tried not to bore you with too many details about the Laws covering food hygiene in the seafood industry, but we hope you now have a better idea of the main principles behind the Laws that apply. Most regulations can be downloaded from the internet or hard copies can be found in many public libraries and from HMSO.

We have been looking at Laws and if these Laws are broken then the people concerned can be prosecuted.

Your local EHO will be happy to advise on how to comply with legislation.

Note for managers and supervisors:

- An Elementary food hygiene or a similar Level 2 certificate is usually more than sufficient for your staff. Some low risk businesses (fishermen for example) may only need an introductory (Level 1) hygiene certificate. Managers and supervisors may need to consider additional training for themselves.
  - Level 3 food hygiene or Elementary food hygiene is often essential for food industry managers.
  - HACCP may also be required, depending on the nature of your business.

As food business managers (and many supervisors) are not routinely supervised or instructed regarding food hygiene matters, they will usually need to be trained in order to comply with food safety law.