

The Fresh Produce Consortium (FPC) is the UK's trade association representing the complete spectrum of the fresh fruit and vegetable produce industry: from growers, importers, wholesalers, retailers, distributors, packers, food service organisations and other allied organisations.

A number of our members are located in Scotland and many others trade in the country. We would be pleased to be involved further to assist the Scottish Government in developing its new food body, and to represent the interest of our members.

FPC believes that the Scottish new food body should encompass the roles and responsibilities of the Food Standards Agency, and include the FSA's former responsibilities for public health to encourage people of all ages to eat fresh produce as part of a healthy diet.

We have raised concerns about the lack of UK Government support to promote the highly successful 5 A DAY campaign, and we would welcome higher priority to lead on nutrition being given by the Scottish Government.

We welcome the statement that the Scottish food body will support the growth of the Scottish food and drink industry. We would expect that the body would set in place appropriate routes for regular consultation and communication with the fresh produce industry in order to deliver proportionate and responsive regulation.

We do not support the extension of the scope of the new body to include considerations of environment, provenance, sustainability or food security. The current role of FSA Scotland is broad and challenging, but brings with it greater synergy and potential to make significant positive changes as the leading public health protection body in Scotland. We believe that the inclusion of these additional areas is not essential to this key statutory duty and could lead to confusing and conflicting decision making with no benefit to consumers in terms of protecting their health.

The Scottish Government states that it is open to innovative ideas that will increase the efficiency or effectiveness of the new food body. One area in which this could be achieved is to recognise the high standards maintained by many reputable fresh produce companies through their rigorous implementation of internationally recognised accreditation schemes by reducing the level of inspections imposed on these companies. In addition, FPC has produced several guides, recognised by the Food Standards Agency, which can meet the needs of providing advice to industry and reduce the need for the new food body to duplicate such activities.

We support the suggestion that the new food body should have an interface with the education system to ensure information provided to children and young people is consistent and accurate.

With its joint responsibility with NHS Health Scotland for the implementation of national health education we believe that the new food body should work with the Scottish Government to develop the **Schools Fruit and Vegetable Scheme**. We applauded the Scottish Executive's previous decision to take advantage of EU funding for such schemes and we would encourage the new food body to promote and support the scheme.

We note that the Scottish Government plans to retain criminal offences for non-compliance with food labelling law, to provide for review of penalty levels to ensure they are proportionate and dissuasive, and to retain offences for non-display of names and ingredients on food sold loose.

Under EU regulation fresh produce is exempt from certain food labelling requirements and we anticipate that the Scottish Government is retaining these exemptions. In response to Defra's consultation on the EU Food Information Regulation FPC supported Defra's preferred option which includes the provision for the name of food on non-pre-packed food to be voluntary. We believe that this maintains a balance between achieving the aims of the Regulation to provide consumers with information on their purchases whilst reducing any unnecessary burdens on the fresh produce industry.

We understand that fresh produce is exempt from many of the specific requirements of the Food Information Regulation:

- *'Fresh fruit and vegetables, including potatoes, which have not been peeled, cut or similarly treated are not required to bear a list of ingredients. Similarly, foods which consist of a single ingredient where the name of the food is identical to the ingredient name, or the name of the food enables the nature of the ingredient to be clearly identified do not have to bear a list of ingredients.'*
- *'Unprocessed products that comprise a single ingredient or category of ingredients are exempted from the requirement of the mandatory nutrition declaration.'*
- *'Subject to Union provisions imposing other types of data indication, an indication of the date of minimum durability shall not be required for fresh fruit and vegetables, including potatoes, which have not been peeled, cut or similarly treated; this derogation shall not apply to sprouting seeds and similar products such as legume sprouts.'*

Having consulted with European colleagues we understand that the EU Marketing Standard should take precedence over the requirements of the Food Information Regulation.

Under EU Marketing Regulation (Council Regulation EC 1234/2007 and Implementing Regulation 543/2011) the UK fresh produce industry is required to meet Marketing Standards, including labelling, for products which come under the EU Marketing Standards for fresh produce.

There are ten Specific Marketing Standards, covering: apples, citrus fruit, kiwifruit, lettuces (curled leaved and broad-leaved endives), peaches and nectarines, strawberries, pears,

sweet peppers, table grapes and tomatoes. A General Marketing Standard applies to all fresh produce, apart from these ten specific products.

The minimum labelling requirements for labelling of produce are that each package must be marked clearly with the:

- Class
- Country of origin
- Variety or type (if required for that particular fruit or vegetable)
- Commodity (**where the contents are not visible from the outside of the box**)
- Packer identity and address.

With regard to the potential to move certain official controls currently delivered by local authorities in relation to EU food hygiene legislation we would seek assurances that this would provide a cost effective service and would not result in any increased costs or delays for the fresh produce industry, in particular in relation to import controls at ports of entry.