

To: District Council Chief EHOs

CC: Group Chief EHOs
NIFLG
CIEH NI Centre
NILGA
LACORS

2 May 2008

Reference: ENF/NI/08/023

Dear Colleagues,

LABELLING OF DAIRY PRODUCTS MADE FROM RAW MILK

The Agency has recently received comments from consumer groups about the lack of appropriate labelling of dairy products made from raw milk. I would like to remind district council enforcement officers of the requirements in place concerning such labelling.

Dairy products made from raw milk are required to be labelled as being 'made with raw milk', as set out in Annex III, Section IX, Chapter IV of Regulation (EC) No 853/2004 (*as amended by Regulation (EC) No 1662/2006*). The European Commission has issued Guidance on the implementation of this labelling requirement. Both the Regulation and the Guidance are reproduced in the Annex to this letter, for ease of reference.

In the case of dairy products made from raw milk which are sold pre-packed, the prescribed labelling must appear on the packaging.

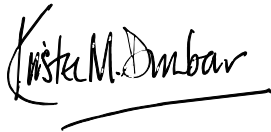
In relation to raw milk dairy products which are not pre-packed or are pre-packed for direct sale by the retailer, for example those on display at a cheese/delicatessen counter, implementation of the labelling requirement is informed by the Commission's Guidance. This explains that the labelling applies up to the point of sale and is to inform consumer choice. It also emphasises that the term "labelling" includes any packaging, document, notice, label, ring or collar accompanying or referring to such products. On this basis, the Agency considers that the purposes of the legislation are best served by providing the prescribed information at the place where the consumer makes their choice – typically the cheese/delicatessen counter. Provided an appropriate notice (etc) is displayed there, the Agency takes the view that the purpose referred to in the Guidance is clearly fulfilled.

Where compliance with the labelling requirement is demonstrated up to the point of sale it follows that the product, once chosen by the consumer, need not be labelled with the prescribed wording. However, the Agency is aware that many retailers do voluntarily provide information on the status of raw milk products on post-sale labelling and this practice remains wholly acceptable.

If you have any questions in relation to this letter, please contact:

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Yours faithfully,

A handwritten signature in black ink that reads "Kirsten M. Dunbar". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Dr Kirsten Dunbar
Head of Primary Production, Feedingstuffs & Science

Regulation (EC) No 853/2004 (as amended by Regulation (EC) No 1662/2006)

ANNEX III, SECTION IX, CHAPTER IV: LABELLING

1. In addition to the requirements of Directive 2000/13/EC, except in the cases envisaged in Article 13(4) and (5) of that Directive, labelling must clearly show:

(a) in the case of raw milk intended for direct human consumption, the words “raw milk”;

(b) in the case of products made with raw milk, the manufacturing process for which does not include any heat treatment or any physical or chemical treatment, the words “made with raw milk”;

[(c) and (d) deleted – they relate to colostrum and colostrum products]

2. The requirements of paragraph 1 apply to products destined for retail trade. The term “labelling” includes any packaging, document, notice, label, ring or collar accompanying or referring to such products.

Guidance document¹ - “Implementation of certain provisions of Regulation (EC) No 853/2004 on the hygiene of foodstuffs of animal origin”

5. TECHNICAL ISSUES (extract)

5.9. Labelling

Chapter IV of Annex III, Section IX of Regulation 853/2004 prescribes the labelling of raw milk and products made with raw milk intended for human consumption in the context of labelling Directive 2000/13. This entails that the labelling information concerning products made from raw milk applies up to the point of sale. They shall be given to the consumer to allow him to make his choice. They may be provided with packaging, document, notice, label, ring or collar accompanying or referring to the concerned products.

The terms “physical or chemical treatment” referred to in point 1(b) of the same chapter should be understood as treatments to reduce possible microbiological hazards linked to raw milk or raw milk products (e.g. microfiltration).

¹ European Commission – Health and Consumer Protection Directorate-General (‘DG SANCO’)