

Honey for Sale.....

...And the Law

Most British beekeepers selling honey are repackaging a product made by the bees and depending on the scale of their operation have relatively few legal obligations to meet. They are not immune from the law however, and so it's sensible to know a little bit about the relevant rules. The legal defence in fact is known as 'due diligence'. It may comfort your retailer to know that members of the BBKA or its affiliates carry Public Liability Insurance for a sum up to £1,000,000 in case of claims that may arise from the supply of contaminated food or drink. Members, like anyone in a similar position, have a duty to exercise reasonable care and to comply with the relevant statutory regulations.

The Act of Parliament that deals with honey packing is The Food Safety Act 1990. This in turn gives rise to various 'Statutory Instruments' which are the regulations describing the detail of what must be done. Some of these regulations have been or are being amended as a consequence of our European Union membership or for some other reason (and some have yet to be thought of !) but the more important ones are the Food Safety (General Food Hygiene) Regulations 1995, The Honey Regulations 1976 and, from the 1990 Act, The Food Labelling Regulations 1996.

While these are very formal documents the essence of what they say is simple and common-sense. They say that;

1. We must not offer, expose or advertise for sale food which is unfit for human

consumption, injurious to health, or so contaminated with extraneous material that it would be unreasonable to expect people to eat it.

2. Honey must be of the nature, substance or quality demanded by the purchaser, as well as clean, pure and stable. There should be no additions, artificial changes, unnatural taints or debris.
3. The premises used should be clean not insanitary, while the equipment and working surfaces must be capable of being effectively cleaned.
4. Your label is a legal document and must impart specified information clearly, accurately and legibly. Both the writing and any graphic or pictorial work are one and for the purposes of the regulations must communicate the same message. They must be indelible and conspicuous and may not misdescribe or make unsubstantiated claims.
5. Honey sold to anyone other than directly to its consumer must bear a 'lot mark' to identify the batch. This can be a lot number, in which case it must be preceded by a 'L' if it is necessary to distinguish it from other numbers. Honey is not required to have a 'Use by' or 'Sell By' date but an optional 'Best Before' is sometimes used as a Lot mark.

In England the job of enforcing the regulations falls to two different agencies. The local Borough Environmental Health Officers will be concerned with some aspects of the product, for example the fact that it contained a lot of wax moth larvae and fermented. The County's Trading Standard Officers will be worried about a slightly different problem, that for example you failed to describe the jar as 'Wax Moth Larvae in Fermented Honey, Nett weight 454g'. They have the power to enter food premises and investigate possible offences, inspect food to see that it is safe and detain, seize or condemn food.



Honey for Sale, the Law and the Beekeeper.

How does the size of the operation matter, what exactly is a food premises? The definition of a 'food premises' is quite broad. It covers buildings in which food is prepared, sold, or stored, and even vehicles used for transportation as well as things like road-side or market stalls. The Act requires that 'premises' used by a food business on five or more days within five consecutive weeks must be registered with the local authority where they are located so that enforcement authorities can assess the level of risk and target their efforts effectively. There is no charge for registration and it's a fairly simple matter. Organisations with no premises of their own, like the Women's Institute or charitable or social organisations are not normally affected by registration but can be required to register a premises in certain circumstances. The act of registering your 'food premises' does not mean that it is likely to be monitored, someone packing or selling honey from time to time is considered to be very low risk and the enforcement

authorities have more pressing matters to attend to. As ever, if you are in any doubt about whether or not you should register write to the local Environmental Health and ask their advice, it is very likely you will be told that it will not be necessary. However, whether registered or not, and irrespective of your operational frequency, you are defined by the Act as a food premises and are required to know and abide by the basic hygiene requirements set out by the Act and it's Regulations. Next we will look at these as they affect beekeeper's honey packing operations.

Extracting Honey.....

If you extract use only food grade polythene or stainless steel equipment so that you have equipment that can be effectively cleaned and which will not impart *unnatural taints or extraneous material*. Do not use tin-plate extractors.

Keep the water content below 18% so that the honey will store and not ferment. You can check this by looking at the viscosity (honey won't run out of the cells) and taking care not to extract stored nectar. Wealthy beekeepers and professionals can use a refractometer or honey hydrometer. Remember the honey must be *stable*.

Filter out particulate or solid debris. This has two effects, in the first place you remove organic solids that might cause local fermentation and secondly, improve the 'shelf life' by reducing the particulates which 'seed' crystal formation in liquid honey. *Clean, pure and stable*.

If it's necessary, warm but do not heat, your honey. Heating the honey will cause the loss of more of the fragrant

aromas and flavours and raise the HMF level. HMF is used as an indicator of the storage and preparation conditions and you want a low level to indicate your honey is *stable, pure* and free from *artificial changes*.

Labels and Containers....

Label your honey *clearly* and keep it simple. In Britain it is customary to say what region it comes from as we can not accurately tell what flora it was collected from. Honey, Pure Honey, Creamed Honey, Comb Honey, Set Honey, or Chunk Honey are also acknowledged to be reasonable descriptions. You must give the name or trade name and postal address of the packer or producer. You must give the net weight of the package in prescribed metric units, be clear that the figure is a weight and indicate the units in which it is measured.

When packing into a 'value added' container, like a nice ceramic pot for example, bear in mind that you are selling the container too. While food stuffs are VAT exempt your container is not and if the 'value' of this container exceeds 15% of the total 'food plus pot' sum you will have to charge VAT. Only if the type of container is strictly necessary for the product will the Inland Revenue relent.

For smaller producers there is obviously some value in making the label as simple, general and multipurpose as possible. Remember that the statements on your label constitute a claim so the advice is to make sure the claims you make are accurate and make as few as possible. Some types of label statements, for example about nutritional properties, may require other compulsory labelling to substantiate the statement or, like

'organic' produce, are subject to special controls. It is easy to be too enthusiastic and tempted in to claiming more than we can substantiate. The line between a 'pure natural' product and an 'organic' product is one in particular that is easily but unwisely crossed. The regulations that might govern the production of organic foods are still being discussed but it is certain that the EC will act to protect the consumer from *misleading claims* and to put all producers on common ground. These proposals usefully illustrate how quickly one could fall foul of the law by making an ill-considered statement. The aim of the rules will be to preserve the label 'organic' for products that have complied with specific conditions for a minimum of one year. For example the forage must be 'organically' cultivated or 'spontaneous' growth and preferably from an area designated as suitable by the member State. The colonies must be made from existing 'organic' hives and certain artificial management practices abandoned, for example wing clipping can not be practised and feeding has to be carried out in the autumn with either organic honey or organic sugar syrup. The hives must be constructed using organic and sustainable materials. Health is to be ensured by reducing the factors that encourage diseases with clean equipment and wax, hardy local strains, low stress and young queens. Treatment with synthetic products is a last resort and should be carried out on dormant colonies or with the hive taken out of organic production and brought back in after a year. Now it is questionable whether British beekeepers, merely because of geography alone, could comply with all these rules at all were they to be enforced but it is not the aptness of the rules that concerns us at the moment. It

is enough that choosing to state 'organic' on your honey label would make your operation work in a specific way and subject to monitoring and penalty should it not.

Ensure your message is *consistent*, do not for example use illustrations of heather plants to label honey from Oil-Seed Rape. If you wish to state the imperial weight you may, but it must not be more prominent than the compulsory metric one. Claiming a weight of, say, 454g and supplying 550g may be generous but it is also as inaccurate as claiming 454g and supplying 360g. *Accuracy* is what is required.

It's a very good idea to use some design of tamper evident seal and to mark each batch you pack so that they can be distinguished by other people, either by date or lot mark. Agree with your retailer how to store and display the product, and make suitable arrangements to resupply and if necessary rotate his stocks. That way you can control the quality better and keep the honey *stable*. Package into containers that suit the style you produce and that the public recognise. Be aware when stocking containers or labels that the use of prescribed quantities is under discussion and may be phased out. You may want to change these depending on what your competitors do. Although you may be entitled to price packs on an individual basis be aware of the difficulties this may cause when accurately describing and so labelling your product.

If you wholesale your honey and must lot mark the product it is up to you to decide the most appropriate size of 'lot'. You must cover "sales units produced under similar conditions". The mark does not have to be

understood by the consumer but it does have to be identifiable as a lot mark. If you bulk pack you will need to consider how you would manage in the event of a recall and mark the containers or contents appropriately. Your vendor may impose particular conditions, perhaps a Best Before date will be specified as a Lot mark for example even though is not a statutory demand. Very often this happens with a store that has a particular 'house style' or if the vendor already has similar products bearing such a mark.

Try and avoid semantic debates about the meaning of the regulations. They are designed to be interpreted by a court and although you will be given guidance about the meaning or requirement you can't be given a definitive judgement until you are in a court. That's usually a bit late. What are the practical effects of these regulations? Beekeepers packing on a large scale will need to take professional advice but for most of us exercising our 'due diligence' is easy. The rule is simple, attend both to the quality of the product and of the packaging. Local beekeeper's honey has a reputation for quality and individuality that we can be proud of, so let's keep it that way, for it is also what gives it a competitive 'edge'.

Readers may find it instructive to compare this text with its electronic 'hypertext' tutorial version at <<http://www.guildford.ac.uk/bee-hive>>. It will be found in the 'Library'. ©Dave Black 31/12/96.