



PERRY SCOTT NASH
associates limited

SIMPLY SAFE – MAY 2008

Out of date food - Warning to suppliers of food!

The sale of food, or offer for sale of food which is beyond its 'Use by date' could lead to prosecution or other action being taken by the local enforcement authority.

Minimum Durability Indications

The Food Labelling Regulations 1996 require foodstuffs to be marked with either a 'best before' date or a 'use by' date. This is to indicate how long the food will keep before the quality of the food deteriorates and becomes unacceptable or even a danger to human health. The 'use by' date is particularly important as it is applied to food which has a short 'shelf-life' after which the food could pose an immediate danger to human health.

Criminal Offences

- It is a criminal offence to sell, or have in possession for sale or have food on display for sale which is past its 'use by' date.
- It is a criminal offence to either conceal or alter the date marking on food.
- If food is sold which is not of an acceptable quality, even though it may not pose an immediate danger to human health, offences may still be committed by the retailer or other supplier. It is likely that a retailer would be held responsible for such an offence if the food was being sold beyond any date mark, including a 'best before' date.

Daily close down checks must be completed and any food past its use by or best before date must be disposed of immediately. During audits, PSN will inspect fridges and freezers for evidence of out of date foods. Any foods found will result in the deduction of penalty points. If an EHO finds food past its use by date during an inspection, the premises may face legal action such as fines and/or prosecution.

ASK THE EXPERT

A customer complained that they became ill after eating at our premises - what should we do?

The first thing to do is complete a suspected food poisoning form in order to obtain further details of what they ate etc... Advise the customer to go to their GP as soon as possible to submit a stool sample to establish whether or not it is food poisoning, and also inform them that that it may take several weeks to conclude the investigation if contact has to be made with suppliers and manufacturers. Send the completed form to PSN within 24hrs along with copies of all temperature records for the date in question. This will enable us to carry out a thorough investigation. People often assume that the last meal they ate was the cause of their food poisoning symptoms. In fact the most common forms of food poisoning can result from food eaten up to 3 days prior to symptoms becoming apparent!!!

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CELLAR SAFETY

Common safety problems encountered in cellars include manual handling, slips and trips and working in confined spaces. The following guidelines should be followed to ensure good hygiene practices, and to protect staff and contractor's safety:

- Staff must receive manual handling training
- Lifting aids provided must be used, unnecessary manual handling should be avoided
- Risk assessments must be in place and brought to the staffs' attention
- Gas cylinders should be secured (i.e. chained) when upright, and when not in use, they may be laid flat and chocked.
- Beer line cleaning notices should be available and used.
- Documented records of line cleaning must be maintained and kept up to date.
- Staff must receive COSHH training and also ensure that only approved chemicals are used for line cleaning.
- Appropriate protective clothing must be available in the cellar, and it must be in good condition (gloves, goggles and apron).
- Crates should be stored a maximum of 5 high or to shoulder height with small bottles.
- Barrels should be stored a maximum of 2 high.
- Staff should not be carrying heavy loads up and down stairs as this may obstruct their view.
- Crates and barrels must not obstruct walkways or emergency exits.
- Cellars must be maintained in a clean condition at all times with floors clean and walls free from excessive mould growth.
- The lighting must be adequate to enable staff to see.
- Contractors who have to access the cellar must either be accompanied, or checked at regular intervals if they are working on their own.

This list is not exhaustive, and these are simple steps that should be taken to ensure that your cellar provides a safe working environment. For more information on cellar safety contact Perry Scott Nash.

RECENT PROSECUTIONS

Restaurant run by celebrity chef fined for food hygiene breaches.

A top restaurant run by a celebrity chef has been fined £5,000 after EHO's found mice roaming freely in the kitchen and corridors during a routine inspection. A dead mouse was found under a food counter whilst another was found hanging from a coolant unit! A bag of batter mix, a bag of walnuts and food containers were also found contaminated with droppings. The company admitted five offences under the Food Hygiene (England) Regulations 2006 and one under the General Food Regulations 2004. In addition to the fine, the restaurant was ordered to pay costs of £5,004! This serves as an important reminder to all food businesses as pests pose an imminent risk to health. Any premises found with pest activity in the food preparation areas would be closed immediately, and may face legal action such as prosecution. Regular checks of your premises will enable you to identify any pest problems. Anything found, must be addressed immediately and not left for someone else to deal with in order to prevent enforcement action. For more details on pest control contact Perry Scott Nash.

Landlord fined £10,882 for smoking with customers in his pub.

A landlord who blatantly flouted the law was fined £75 for smoking in his pub and £500 on two counts of allowing other people to smoke, contrary to the Health Act 2006. He was also ordered to pay costs of £10,807, making a total of £10,882. The landlord pleaded not guilty, however, the judge found him guilty on all three counts and said "there was overwhelming evidence that the law was broken. He knew people couldn't smoke in his pub and it was his duty to enforce the law". This is proof that enforcers will not hesitate to take action where breaches occur. The anti-smoking legislation is here to stay and businesses must ensure that no smoking is allowed inside of their premises or in any area which is more than 50% enclosed if they don't want to find themselves in the same situation as the pub landlord who must now be kicking himself for smoking what turned out to be one of the most expensive cigarettes in history!!!

NEXT MONTHS ISSUE: Legal requirements for staff training and food allergies!

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