

Control Department

Foodstuffs donated to food aid

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An authority's actions must be based on the powers granted to it by legislation, and laws must be strictly adhered to in activities performed as a public authority. By their legal nature, instructions issued by authorities are not binding on other authorities or operators. Issues concerning application of legislation are ultimately settled in a court of law.

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1. Introduction

Evira has prepared these guidelines for the operators who provide and convey food aid as well as for the municipal food control authorities supervising the activities.

The guidelines contain interpretations made on the grounds of risk-based application of the legislation, which are applied only to charitable activities as a specific exceptional practice. **Foodstuffs** donated to food aid **must be safe**.

The purpose of the guidelines is to clarify food donation-related procedures and liability concerns. In addition to the parties (food companies) who donate food to charitable organisations and communities, the charitable organisations and communities are responsible for the safety of foodstuffs donated by them. The aim is to provide guidance in such a manner that the amount of food waste can be reduced.

Charitable organisations and communities (hereinafter referred to as charitable organisations) who regularly distribute highly perishable foodstuffs as food aid fall under the scope of food control. Their operation is subject to the requirements set out in legislation concerning foodstuffs. These guidelines highlight the key requirements of the legislation. In-house control plan required of the food premises and the implementation of in-house control help the food-aid distributor to manage their operational risk.

2. General information about food donation and reception

In terms of its microbiological, chemical and physical quality, composition and other properties, food must be fit for human consumption and must not present any hazard to human health, and its labelling must not mislead the consumer.

Every food business operator is responsible for the safety of the foodstuffs they manufacture, sell or convey. The requirement also applies to the charitable donation of foodstuffs, and thus also to the charitable organisations and other operators involved in charitable activities. It is a prerequisite for operation that the food business operators take sufficient care in all their operations so as to ensure that the food, food premises and food storage, transport and handling conditions meet the requirements of legislation concerning foodstuffs.

3. Foodstuff donation to food aid

All food business operators, such as primary producers, manufacturers, warehouses, retail stores, caterers and restaurants can donate foodstuffs to food aid. Food business operators may donate food aid to consumers either directly or through charitable organisations. A food business operator who donates food to food aid must describe the donation activity in the in-house control plan.

Foodstuffs which are microbiologically highly perishable as a result of handling or their properties must be labelled with "use by date" marking. The manufacturer has indicated the date until which the food may be used safely, if it has been properly stored. Therefore, products labelled with "**use by date**" markings **may not be sold or donated to customers after the date mark has been exceeded**. These microbiologically highly perishable foodstuffs include, for example, unpasteurized milk and cream, unripened cheese, fresh meat,

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minced meat, uncooked meat products, fresh fish, other non-heat treated products and similar products, the shelf stability of which has not been ensured by means of preservatives.

Packaged food, other than microbiologically highly perishable, must be marked with "best before" date. The manufacturer has indicated the date until which the product is guaranteed to meet intended quality. Food marked with a "best before" date can still be fully usable and of good quality, if stored correctly, even after the date is expired. The products may present some changes related to specific qualities, such as dryness or colour changing, which, nevertheless, do not pose a health risk. Mouldy products can, however, constitute a health hazard. **Products marked with a "best before" date, which are suitable for human consumption, can be sold or donated even after the date is exceeded.** The food donor is responsible for product quality, when the product is donated after the "best before" date has been exceeded.

3.1 Pre-packaged foods

The food donor should inspect the condition and appearance of the packages before donating the foodstuffs. Food which has been stored incorrectly, or if there are some other reasons to suspect that it can be unsafe, may not be donated.

If, during food manufacturing or storage, an observation is made that the product has a defect making it unfit for sale, for example incorrect labelling, or the product is inconsistent with its labelling (e.g. apple juice bottle contains orange juice), the product can be donated to food aid. The condition is that the product does not pose a risk to anyone and that the information about incorrect labelling is also provided to the end-user of the product at the time of donation. If a defective product has already reached the market and has to be withdrawn, the product may be donated to food aid, providing that it was approved by the manufacturer and the food control authority, if the product does not pose a risk to the consumer.

3.2 Prepared food

Unpackaged food produced at the food producing kitchens or foodstuffs packaged at the food producing kitchens can also be donated to food aid. Food producing kitchens refer to food premises where hot or cold food is prepared for sale or for serving, for example kitchens in retail stores, restaurants, institutional kitchens, caterers and staff restaurants.

An operator who offers self-service food to the customers must ensure that the food is served for not more than four hours. Food which has been served once may not be served again. Instead of throwing away and wasting food, such food can be donated either immediately while hot or on the same day after fast cooling (to 6 degrees in 4 hours) to staff or to food aid, if the food is faultless according to sensory evaluation and it has been kept on a serving station at a temperature of at least 60 degrees.

3.3. Restrictions on the donation of breast milk substitutes

A manufacturer or a distributor of breast milk substitutes may not distribute the formulae free of charge or at a lower price directly to the consumers or indirectly via the health care system.

4. Requirements for charitable organisations distributing food aid

4.1 Notifying about food premises

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A charitable organisation which distributes highly perishable foodstuffs as food aid (donation or service) on a regular basis must notify its own municipal food control authority about the operation and the premises used four weeks before starting the operation.

Charitable organisations distributing food aid must prepare an in-house control plan for the operation. Operational risks must be taken into account in the preparation of the in-house control plan.

A charitable organisation which distributes food aid only in the form of dry products, vegetables and other foods kept at room temperature is not required to notify the municipal food control authority about the activities.

4.2 In-house control plan and in-house control bookkeeping

The law requires food premises to have an in-house control plan. In-house control plan is intended to help the food operator to anticipate and manage risks associated with the operation.

Since the majority of foodstuffs donated to food aid are at the end of their shelf life, the charitable organisation must ensure that the cold food chain works and that the food is immediately conveyed to the aid recipients.

Operations management must be shown in the in-house control records. It is advisable to measure and record on a regular basis the temperatures at the reception of foodstuffs requiring cold storage, as well as the temperatures in the cold storage units used for storing the food.

The operation should use a good stock rotation system that would ensure that there are no foodstuffs unfit for donation in the food premises. Contaminated and frozen foods that have exceeded their use by date or freezing date by two months must be disposed of in a proper manner.

4.3 Transport

Food transportation must be arranged in such a way that the hygienic quality of food is not compromised during transport. Foodstuffs must be transported so that no odour, taste or other hazardous properties are transferred to them from the vehicles, crates, other foods or goods.

During transportation, a proper temperature for the foodstuffs requiring cold storage must be ensured. If a refrigerated vehicle is not available, iceboxes can be used for transport. Short-term deviations from temperature requirements for perishable foodstuffs due to practical reasons are allowed only if they do not pose a health hazard.

Hot food must be kept at a temperature of 60 degrees during transport.

4.4 Foodstuff reception

When receiving foodstuffs, their condition and appearance as well as date markings are inspected. Products that have exceeded their use by date should be accepted only if frozen. Products that have exceeded their "best before" date can be accepted freely, but the condition of the products must be inspected. It is recommended to inspect and record the temperature of foodstuffs requiring cold or hot storage when receiving them.

4.5 Foodstuff storage and distribution

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Food storage facilities must be suitable for food premises, easy to keep clean and free of pests. Foodstuffs requiring cold storage must have sufficient number of cold storage units. Foodstuffs may not be stored directly on the floor.

During distribution, foodstuffs must be kept in a refrigerated display unit or on an easy-to-clean delivery table and must be protected against conditions which affect hygienic quality, such as dust, heat and humidity.

For food preservation and safety, it is essential that it is stored at the proper storage temperature. It is recommended to verify temperature control through in-house control, so that the temperatures are measured and recorded at regular intervals, and when there is reason to suspect any deviation.

Highly perishable food **maximum cold storage temperature is 6°C, with the following exceptions:**

Fresh fishery products, cooked crustaceans and molluscs	near the temperature of melting ice (2°C)
Fish products packed in protective gas and vacuum packages, salted fish eggs	0 - 3°C
Minced meat	4°C
Dairy products made from pasteurized milk, such as yoghurt, soured milk, butter milk and most cheeses	8°C
Frozen food, ice cream	-18°C

Food served hot must be stored at a temperature of at least 60°C.

All foodstuffs must be stored so that no odour or taste from the environment are transferred to them. If other goods are stored in the same space with foodstuffs, it must be ensured that they do not compromise food safety.

If the operator who distributes food aid has no means of cold transport and/or cold storage, risk management measures should be considered as the basis for operation:

- Distribute only foodstuffs that do not require refrigeration,
- Carry out food collection and distribution quickly enough and using such means that the foodstuffs do not have time to warm up.

Freezing

As the food received for food aid cannot always be donated to the customer by the use by date, it is allowed to freeze such foodstuffs before the date is expired, assuming proper arrangements are in place and without compromising food safety. Foodstuffs may not be frozen after the use by date is expired.

Foodstuffs intended for food aid can be frozen on the food premises, such as food industry premises or retail stores, which donate food aid to charitable organisations. In this case, foodstuffs must be stored in such a way that they cannot be mixed with foods intended for sale or manufacture, and they must be donated further to food aid frozen.

It is recommended to donate frozen food to the consumer in the frozen state. However, they can also be donated completely or partially thawed. In this case, it must be clearly reported when donating or marked on the products or in a separate leaflet that the products have been stored frozen, and that they may not be re-frozen and must be used immediately. Foodstuffs stored frozen must be donated as food aid within two months after the expiry date marking.

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In their operations, charitable organisations must take into account that **not all foodstuffs are suitable for freezing**. For example, because of the risk of listeria, freezing vacuum-packaged or modified atmosphere packaged cold-smoked or salted fish beyond the use by date is allowed only if the charitable organisation prepares a meal from the defrosted fish by heating the food.

When freezing products without packaging labels, the freezing date must be clearly marked on the product. Products must be used as food aid within two months from the date of freezing.

Food preparation

Charitable organisations which prepare food of fresh (unfrozen) foodstuff material: if they prepare it by heating they may use raw material of which use by date is expired by one day. In this case, the usability of the products must be ensured by sensory evaluation, and the products must be heated to a temperature of at least 70°C during the preparation process. Products that have exceeded their use by date may no longer be used as such without heating after the date is expired.

For example, ham cold cuts marked with use by 1/7/2013 may not be used as such on bread after the date is expired, and they may not be donated as such to the consumer, but they can still be used on 2/7/2013, if they are used to prepare food which is heated to a temperature of at least 70°C.

Persons involved in food preparation should have the Food Hygiene Proficiency Certificate.

4.6 Sanitation and waste management

The proper equipment of the cleaning supply room depends upon the type of operation. It is recommended to use a separate cabinet or closet for the cleaning supplies, where cleaning supplies and detergents can be stored. Cleaning can be carried out using suitable disposable cleaning supplies, if the washing and drying of cleaning supplies is not possible. It must be ensured that the cleaning supplies are cleaned often enough, and cleaning supplies should be marked according to their intended purpose.

Waste disposal containers must be placed in such a way as to avoid causing odours or any other health risk, and the access of animals into waste disposal containers must be prevented.

4.7 Personal hygiene

No person known or suspected to be a carrier of a disease likely to be transmitted through food should handle food. In handling unpackaged highly perishable foodstuffs, infected wounds, artificial nails and jewellery, such as rings, earrings and other piercings are prohibited, unless they can be covered. The same applies to all handlers of unpackaged food, if the aforementioned aspects can compromise food safety.

Clothing must be appropriate and clean as required by the nature of the work.

A toilet room must be designated for staff, and it must have hand washing facilities.

Regular and thorough hand washing is a prerequisite for hygienic food handling. The hand washing facility must have running water, liquid soap, disinfectant if necessary, and disposable hand towels. Even when using disposable gloves, hands must be washed

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regularly. Gloves must be changed frequently enough, and unpackaged food must always be touched only with clean gloves.

If the foodstuffs are packaged, disposable disinfectant wipes suitable for use on food can be alternatively used for hand hygiene.

For more information about hand washing and washing technique, please see Evira's website: http://www.evira.fi/portal/fi/elintarvikkeet/tietoa_elintarvikkeista/kasittely_ja_sailyttaminen/kasienpesu/

5. Control

Any food aid-related activity by a charitable organisation, which requires a notification of food premises, is registered in the municipal data system as sales or service. Obligation for municipal food control authority to monitor such activity is, however, based only on complaints or suspected cases.

If serious faults are detected in the food aid activities, the municipal food control authority may restrict or prohibit the activity entirely.