



TIP SHEET 10

MEETING LEGISLATION IN MANUFACTURING

All food manufacturing businesses are required to be aware of, and to adhere to, legislation that applies in the location in which they operate. This applies not only to food safety legislation, but regulations covering the location, design and construction of food premises, and the storage and use of chemicals. Legislation can be national, state, or local, and businesses are required to keep up to date with changes in legislation. *Ignorantia juris non excusat* is the legal principle that ignorance of the law is not an excuse for failing to meet legal requirements.

If a manufacturer's product is knowingly and intentionally being sold in another legal jurisdiction (i.e. another state or country) the manufacturer is also required to ensure that it also meets the legislation in that country.

LEARNING OBJECTIVES

APPLICABLE CODE ELEMENTS

- DETERMINE THE FOOD SAFETY AND OTHER REGULATIONS THAT APPLY WITHIN THE JURISDICTION OF THE MANUFACTURING SITE
- DETERMINE THE LABELLING OR OTHER REQUIREMENTS THAT MAY APPLY IN THE COUNTRY OR STATE WHERE THE PRODUCT IS INTENDED TO BE SOLD OR CONSUMED
- IDENTIFY THE REFERENCES WITHIN SQF FUNDAMENTALS FOR MANUFACTURING THAT RELATE TO REGULATORY REQUIREMENTS

- 2.4.1.1
- SEE CHART BELOW

KEY TERMS

- LEGALITY

Refers to national federal, state and local regulations applicable to the certified site in the country of manufacture and intended markets.



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○ LEGISLATION

Laws established by national federal, state or local regulations applicable to the certified site in the country of manufacture and intended markets.

○ REGULATION

A ruling or directive issued by a legal authority or by an industry authority.

WHAT TO DO

Food legislation (regulations) always applies and underpins the SQF Fundamentals. Food businesses MUST meet all applicable food regulations in the country, state, or region that the product is processed (i.e., where the supplier’s site is located) and the country in which the product will be sold, if it is known. In some cases, export destinations may not be known. Also, if a product is intended for, labeled for, or known to be distributed to another legal jurisdiction, then the destination legislation must be known and applied.

If there is disagreement between food legislation and the SQF Fundamentals, the food legislation always takes precedence. The SQF Fundamentals never contradicts the food law or other applicable regulations.

Food legislation differs between jurisdictions, so it is impossible to be specific about legislative requirements. In some countries, food safety legislation is national, in others state-based. In some it is both. Some legislation is pro-active, HACCP-based, whereas other legislation may not be so advanced.

Below are some the considerations when researching and applying legislation, with the link to the relevant elements¹ in the SQF Fundamentals for Manufacturing. It is not an exhaustive list and food businesses are advised to check with their local authority or trade association for the legislation that applies in their jurisdiction. Considerations include:

	Code References ¹
1. Labelling. Most food safety legislation includes specific and detailed requirements for product labels. In addition to allergen labelling (item 2: Allergen legislation), labelling laws are likely to include ingredient lists and percentage labelling; nutritional information and health claims; requirements on net weight or volume; warnings and advisory statements. Some food labelling legislation also specifies product names, font size and color, and the use of product photographs. Please note that consumer advice or information may also apply to over-the-counter food service items.	2.4.1.1 2.6.1.1
2. Allergen legislation differs from country to country, both in terms of the allergens that must be declared, and the labelling requirements. However, what is consistent across all allergen legislation is that it includes both intentional allergens (i.e. allergenic material included in the ingredient list) and cross-contact allergens (allergens that are unintentionally included in raw materials or from other produce lines).	2.8.1.7 2.8.1.8



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3. Some jurisdictions have regulations governing product identification, i.e. what you can call certain products, and what you can include as ingredients in specific products (See also item 1: Labelling).	2.6.1.1
4. Many countries include maximum microbiological and chemical limits in their food safety legislation. National regulatory authorities can provide guidance. Legislative requirements must be included in finished product specifications and be tested for.	2.3.5.1 2.5.4.1
5. The food safety legislation in some jurisdictions includes requirements for skills and knowledge of food handlers and operators, including specific requirements for handlers in various food sectors e.g. food service, slaughterhouses, etc.	2.9
6. Record retention may be legislated within your jurisdiction. This does not only apply to food safety records but to all business records. Food manufacturing businesses should therefore check with their business advisers or statutory authorities regarding legislation covering retention of records.	2.2.3.2
7. Recall. Most countries have regulations governing product recall and the procedures required, including consumer advice, when a recall is initiated. SQFI and the certification body are also to be notified in writing within 24 hours upon identification of a food safety event that requires public notification. 8. It is important to note here that where a site has been served with ANY regulatory infringement or causes a food safety incident that requires public notification, the certification body and SQFI MUST be contacted within 24 hours of the event. 9. Failure to notify the certification body and SQFI of the existence of a regulatory infringement of a public nature may result in suspension or withdrawal of the SQF certificate. The SQFI contact for food safety events is foodsafetycrisis@sqfi.com .	2.6.3.1 Part A, 5.3
10. Many countries have legal requirements for the design of food premises and equipment, including equipment, fixtures and fittings; floors, walls and ceilings; ventilation, lighting and the design of equipment storage.	11.2
11. In most jurisdictions, site operations must be approved by a relevant national or local authority and sites must be registered, if applicable. The supplier must ensure compliance and be able to cite registration/approval documentation.	11.1.1.2
12. There may be regulations within your states or country regarding storage and transport of food products, particularly for potentially hazardous or perishable foods.	11.6
13. There are likely to be regulations governing the potability of water (and in countries with water shortages, the supply of water) that are legislated at a national level but administered at a local level.	11.5.1.1 11.5.4.1
14. Check also for regulations covering the use or storage and handling of hazardous chemicals and toxic substances with the potential for food contamination. These may include detergents and sanitizers, pest control chemicals, processing aids, and even laboratory chemicals.	11.6.4.1
15. There are likely to be local municipal statutes on the storage, handling and disposition of waste materials including separation of waste and handling of recyclable material.	11.9.1.1
16. There may be regulatory requirements concerning the calibration of certain test and inspection devices, including, but not limited to weigh scales, MIG thermometers.	11.2.11.5

¹ Code References indicate where to find this topic in SQF Fundamentals. They do not prescribe food regulations in any given jurisdiction. Food manufacturers are required to find the specific regulations within their state or country and implement both the applicable regulations and the requirements of the SQF Fundamentals.



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RELEVANT RESOURCES

- Food safety regulations and other applicable legislation differ from country to country. Food manufacturers are advised to check with the national and or local government authorities or seek advice from in-country business or industry organizations.