

Foodstuffs Donated to Food Aid



Food Safety

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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 the 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 these 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) and other food aid operators 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, but in order to make it possible to carry out the food aid operation there is also some relief for them. These guidelines highlight the key requirements of the legislation and the relief. The own-check plan required of the food premises and the implementation of own-check activities help the food-aid distributor to manage their operational risk. The food aid operation is compared to that of the end consumer.

Within the food aid sector, there are many different types of activities of which the common factor is the donation of food aid. The chains within the food aid sector can be long. Therefore, the traceability has to be at a sufficient level in order to be able to ensure food safety. It also has to be noted that not all activities related to reducing food waste are food aid. This instruction only concerns food aid given by charity organisations and comparable food aid operators.

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 the 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. The purpose of food aid is not fulfilled if there are such defects in the safety or quality of the foods donated to food aid that the food aid operator cannot use those foods. The purpose of donating food to food aid is not that it should serve as a substitute for waste disposal.

3. Foodstuff donation to food aid

All food business operators, such as farms, 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. The foods donated can be packaged or unpackaged. A food business operator who donates food to food aid must describe the donation activity in their own-check plan.

Foodstuffs which are microbiologically highly perishable as a result of handling or of 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, minced meat, uncooked meat products, fresh fish, other non-heat treated products and similar products, the shelf stability of which has not been improved by means of preservatives or in any other way.

Packaged food, other than microbiologically highly perishable, must be marked with a “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 has been assessed by the manufacturer or supplier, as long as the product does not pose a risk to the consumer. In such cases the food control authority can advise the operator and the charity organisation when needed.

3.2 Unpackaged food and prepared food

Foods that have been packaged for immediate sale can be donated to food aid. Also unpackaged foods that have been prepared or packaged in a food producing kitchen can be donated. 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 and staff restaurants.

An operator who offers self-service food to customers must ensure that food that is served hot remains at a minimum of 60 degrees while it's being served or alternatively that it is only being served for a maximum of four hours. Food that is to be served cold, such as salads, should be either stored at 6 degrees or if it is being served for a maximum of four hours, the temperature may rise to 12 degrees. 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, so that hot food is served hot and cold food is served cold or hot food served on the same day after fast cooling (i.e. to 6 degrees in 4 hours) to staff or to food aid, if the food is faultless according to sensory evaluation and the hot food has been kept on a serving station at a temperature of at least 60 degrees.

In conjunction with the delivery, the donator of the food has to give the food aid operator at least the name of the food and information on any ingredients that may cause allergies and intolerances and also the necessary instructions for use and storage. The food aid operator also has to be able to give this information to their customers. The information can be given either in writing or verbally. If the food aid operator gives the information verbally to the customers, this has to be clearly informed at the donation site, for example displayed on a board which is easily noticed. The flow of information has to be part of the own-check practices.

There are no requirements as to which language has to be used for the information given on unpackaged foods. The information can be given in Finnish and/or Swedish.

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, not even through food aid, 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

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 own-check plan for the operation. Operational risks must be taken into account in the preparation of the own-check 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 these activities.

4.2 Own-check plan and the recordkeeping of own-check activities

The law requires a food premises to have an own-check plan. The own-check 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 records of the own-check activities. 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 foods must be disposed of in a proper manner. When according to the food aid operator's assessment the time since the date of freezing has been exceeded (for example over two months), the food has to be assessed and at least the foods containing a lot of fat have to be disposed of.

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.

The starting point is that hot food should be kept at a minimum temperature of 60 degrees during transport. However, the food aid operator can assess the situation based on how soon the food will be served. The sooner the food is consumed, the smaller the risks are. When the chain from transport to serving is fast, it is possible to make an exception from the temperature requirement as long as this is not considered to cause a health hazard.

4.4 Reception of foodstuffs

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 Storage and distribution of foodstuffs

Food storage facilities must be suitable for food premises, easy to keep clean and free of pests. Foodstuffs requiring cold storage must have a 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.

It is essential that foodstuffs are stored at the proper storage temperatures in order to ensure their preservation and safety. It is recommended to verify temperature control through own-check activities 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 (packaged and unpackaged), cooked crustaceans and molluscs	near the temperature of melting ice (2°C)
Fresh and processed fishery 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 should be stored at a temperature of at least 60°C. An exception can be made from this requirement if the food is served immediately and the storage time is short (also see point 4.3 Transports).

All foodstuffs must be stored so that no odour or taste from the environment is 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, for example by marking them clearly. These foodstuffs must be donated to food aid frozen.

It is recommended to donate frozen foodstuffs to the consumer while icy. 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 should be donated as food aid as soon as possible. If such food is donated within two months after the expiration date, the food aid operator does not have to assess the storage time of the foodstuff. It is recommended that the storage times for foods at the end of their life span should be short and the turnover fast.

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. These types of frozen fish products can therefore not be donated to food aid as such.

When freezing products without packaging labels, the freezing date must be clearly marked on the product. The products should be used as soon as possible. It is recommended that such products are used within two months from the date of freezing.

Food preparation

Charitable organisations which prepare food from fresh (unfrozen) foodstuffs may use foodstuffs of which the use by date is expired by one day as ingredients for foods that are prepared by heating. 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 15/8/2017 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 16/8/2017, 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 requirements for the space for cleaning equipment depends upon the type of operation. It is recommended to use a cabinet or closet for the cleaning equipment, where cleaning supplies and detergents can be stored. Cleaning can be carried out using suitable disposable cleaning equipment, if washing and drying of equipment is not possible. It must be ensured that the cleaning equipment is cleaned often enough, and the equipment 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 Personnel's 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 available 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 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:

<https://www.evira.fi/en/foodstuff/information-on-food/handling-and-storage2/hand-washing/>

5. Control

Any food aid-related activity by a charitable organisation or another operator, which requires a notification of food premises, is registered in the municipal data system as a sales or service operation. The obligation for the municipal food control authority to monitor such activity is however based only on complaints or suspected cases. A first inspection normally carried out after the registration is not needed for this type of notified food premises.

If serious faults are detected in the food aid activities, the food operator's premises will be included in the regular controls. In this case the municipal food control authority can restrict or prohibit the activity entirely.

