

21st October 2013

SALP in bakery products

Regulation 380/2012, amending Annex II of Regulation 1333/2008, entered into force on 24th May 2012. Transitional periods for non-confirming products have been included, until 1st August 2014 for foods containing aluminium lake colours and 1st February 2014 for others, including products containing SALP.

ABIM and its members have received written confirmation from the Food Standards Agency (FSA) that foods, including pre-mixes, not complying with the Regulation's new provisions which are "placed on the market" before these dates may continue to be marketed until their date of minimum durability or use-by-date*.

FSA have confirmed that the above legislation restricting the use of SALP to Battenberg type cakes comes into effect on 1 February 2014. The earlier provisions permitting SALP in scones and sponge wares will apply until 31 January 2014.

Under EU General Food Law "placing on the market" means "the holding of food for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution and other form of transfer themselves".

FSA's understanding is that pre-mixes produced, in storage, pending sale prior to 1 February 2014 would be considered to have been "placed on the market". If the pre-mix containing SALP has been legally placed on the market prior to the 1 February 2014 deadline, then cakes and scones etc. produced from this pre-mix would be able to be marketed after the deadline, and therefore can be freely traded and used by ABIM customers to produce bakery products until the minimum durability date of the pre-mix or the best before date of the resultant bakery product*.

**NB - Food law enforcement in the UK is the responsibility of the local authorities. Ultimately, decisions on interpretation of the law can only be made by the courts.*