

**NEWARK
&
SHERWOOD
DISTRICT
COUNCIL**

**YOUR GUIDE TO
FOOD
COMPLAINTS**



When should you make a complaint?

If you have been sold food which is unacceptable; perhaps it is mouldy or has a piece of metal or glass in it, you may wish to let us know.

Not all problems with food are the result of negligence. Many are purely accidental and responsible businesses are pleased to be made aware of this.

More serious complaints can be passed to us to investigate. We are impartial and will check the matter thoroughly. If the food law has been broken, we will take the appropriate action.

The purpose of our investigation is to

- establish if the food meets food safety requirements
- enforce food safety laws
- identify the problem and give appropriate advice
- provide information to the food industry in order to raise and maintain standards.

What will we do?

Promptly instigate appropriate action following your complaint.

This may include: contacting vendors, manufacturers, importers, other local authorities, laboratories, solicitors etc; inspecting retailers and manufacturers.

- Keep you informed of our progress and findings.
- Let you know when our investigation is complete and the final outcome.

What we will not do

We will not seek or negotiate compensation/damages on your behalf during our investigations. This is a civil matter between yourself and the manufacturer or retailer of the food.

Manufacturers or retailers often ask for the name and address of the complainant. We will provide these details at the end of our investigation but only with your express consent.

How long will the investigation take?

Depending on the nature of the complaint and who we need to visit or contact, the investigation could take from a few days to several weeks. If we decide to prosecute, it could take many months for the matter to be concluded.

You may contact the officer dealing with your case to discuss progress

What are the possible courses of action we could take ?

Provide advice to you, retailers or manufacturers.

- Ensure that if your complaint is caused by the retailer, manufacturer or importer of the food breaking food laws, they take measures to comply with the law.
- Caution the person or the organisation responsible for the problem with the food.
- Prosecute the person or organisation responsible for the problem with the food.

Most cases do not involve legal proceedings. Some result in cautions being given, or written warnings or advice. Sometimes they are passed to other investigating authorities such as Trading Standards.

Sometimes complaints are not pursued because the law has not been broken, due to lack of evidence, or the complaint is of a minor nature. You will be told of this at an early stage. The decision is taken by the investigating officer in line with the Council's Enforcement Policy.

We will consider any legal defences available to food businesses before taking action. If a business can show that it has taken all reasonable precautions and exercised all due diligence then it can rely on this as a legal defence.

In such cases, we may not take formal action.

Once all the evidence has been collected it will become clear whether it is necessary to advise, warn, or prosecute over a food complaint.

If prosecution is appropriate you will be asked for a witness statement and may be required to attend as witness in court. The Criminal Procedure and Investigations Act 1996 will normally require us to disclose your details to the vendor or manufacturer as part of the legal action.

We can deal with:

- food which may have caused food poisoning or has become contaminated
- food containing things it shouldn't (foreign objects), e.g. insects, metal, glass etc.
- mouldy, rotten and decomposing food

but if your complaint is about

- food quality e.g. over ripe fruit and vegetables
- false descriptions and inappropriate labelling of food and drink.
- tampering e.g. added water, fat etc.

We will refer these to the Trading Standards Department of Nottinghamshire County Council their telephone number is 01623 452005

What you should do

If the food was purchased locally you can telephone us on 01636 655606/9. An officer can sometimes call on you at home or you can come to our office.

- If the food is perishable, refrigerate or freeze it until you can contact us. This is especially important if the complaint is about mouldy or decomposing food.
- Keep any packaging material and, if possible, the receipt of the purchase.
- If the complaint is about a foreign object in the food try not to remove the object from the food and do not wash it clean.
- Contact the Council as soon as possible.

If the food was bought outside the Newark and Sherwood District you can complain direct to the Council for that district. (www.directgov.uk) Otherwise we will formally refer the complaint for their action.

For further advice or information on food related matters please contact us on 01636 655606/9.