HaFS
Agreement

taking action on waste

Preventing food waste -
A guide to legislation in the
Hospitality and Food Service Sector

WRAP helps individuals, businesses and local authorities to reduce waste and recycle more, making better use of resources and helping to tackle climate change.

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1.0   Introduction

This guidance document has been developed to assist the hospitality and food service sector in understanding:

■   when food becomes waste;

■   what legislation applies; and

■   how food waste can be prevented.

It has been produced as part of WRAP's Hospitality and Food Service Agreement with signatories and supporters. The guidance document is supported by a 'myth buster' and legislation matrix. All three documents are easy to use tools to reduce costs and wastage through food waste prevention initiatives without compromising quality or client choice.

2.0   When does food become waste?

2.1   What is food waste?

The definition of waste as defined in the 2008 Waste Framework Directive[1] (WFD) is "...any substance or object which the holder discards or intends or is required to discard...". The decision on whether something is discarded must take account of all the circumstances, and have regard to the aims of the WFD. This means that every case must be assessed on its merits[2].

Food waste is generated during the preparation of drinks, snacks and meals for the consumer and can occur at any point of the production process including:

■   storage e.g. food that has 'gone off' before use;

■   preparation e.g. fruit and vegetable peelings, egg shells, meat trimmings;

■   production/service e.g. too much food produced for the given service period (over-production); and/or

■   plate waste e.g. food left by the customer.

[1] Directive 2008/98/EC available at eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:114:0009:0021:EN:PDF

[2] Defra: Guidance on the Legal Definition of waste and its Application, August 2012 available at
/www.gov.uk/government/uploads/system/uploads/attachment_data/file/69590/pb13813-waste-legal-def-guide.pdf

Food waste is often classified into two areas dependent on whether meat is present or not:

- meat excluded i.e. vegetable peelings, fruit scraps, teabags, coffee grounds, egg shells, dairy and bread products.
- meat included i.e. cooked food, meat, fish, bones, etc.

2.2 Surplus food

Surplus food occurs when too much food is made or cannot be sold or when a supplier or manufacturer sends too much of a product that has been ordered. This surplus can be sent to food charities or food banks as long as it is labelled correctly, products are within their 'Use by' date and it complies with food safety legislation in terms of being fit for human consumption.
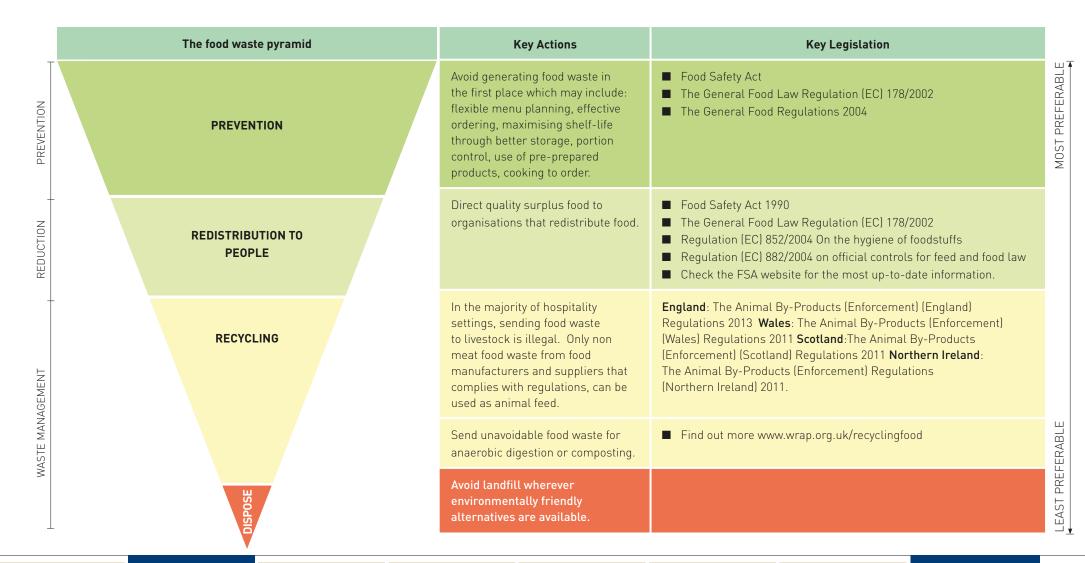
2.3 The food waste pyramid

Figure 1 shown on the next page, shows the three key areas of waste prevention which are:

- prevention;
- reduction; and
- waste management.

Next to each of the key areas are some actions that businesses can take to prevent food waste and what the key pieces of legislation are.

The food waste pyramid	Key Actions	Key Legislation
PREVENTION	Avoid generating food waste in the first place which may include: flexible menu planning, effective ordering, maximising shelf-life through better storage, portion control, use of pre-prepared products, cooking to order.	■ Food Safety Act ■ The General Food Law Regulation (EC) 178/2002 ■ The General Food Regulations 2004
REDISTRIBUTION TO PEOPLE	Direct quality surplus food to organisations that redistribute food.	■ Food Safety Act 1990 ■ The General Food Law Regulation (EC) 178/2002 ■ Regulation (EC) 852/2004 On the hygiene of foodstuffs ■ Regulation (EC) 882/2004 on official controls for feed and food law ■ Check the FSA website for the most up-to-date information.
RECYCLING	In the majority of hospitality settings, sending food waste to livestock is illegal. Only non meat food waste from food manufacturers and suppliers that complies with regulations, can be used as animal feed.	**England**: The Animal By-Products (Enforcement) (England) Regulations 2013 **Wales**: The Animal By-Products (Enforcement) (Wales) Regulations 2011 **Scotland**:The Animal By-Products (Enforcement) (Scotland) Regulations 2011 **Northern Ireland**: The Animal By-Products (Enforcement) Regulations (Northern Ireland) 2011.
	Send unavoidable food waste for anaerobic digestion or composting.	■ Find out more www.wrap.org.uk/recyclingfood
DISPOSE	Avoid landfill wherever environmentally friendly alternatives are available.	

PREVENTION

REDUCTION

WASTE MANAGEMENT

MOST PREFERABLE

LEAST PREFERABLE

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3.0   Preventing food waste

3.1   'Use by' and 'Best before' date labels

It is against the law to use or sell a product after its 'use by' date so this should be dealt with as waste.

'Use by' dates are used on food that goes off quickly, such as smoked fish, meat products and ready-prepared salads. This food should not be used after the date on the label as it could put health at risk and these items should be dealt with as waste. To extend the life of food beyond its date, freeze before the 'use by' date or 'best before' dates have expired. Follow the safe freezing methods to ensure quality and safety.
www.food.gov.uk/multimedia/pdfs/publication/freezing-sfbb-0513.pdf

'Best before' dates are more about food quality than safety and are used on a wide range of frozen, dried, tinned and other foods. If food has passed its 'best before' date it doesn't mean it's unsafe, but it might have started to lose its colour, flavour or texture. These foods can either be used as they were intended or redistributed to food charities.

3.2   Other waste prevention initiatives

There are a number of waste prevention initiatives that can help to reduce food waste. The tables below summarise some of the main initiatives and you can find out more by reviewing the links provided in 'further sources of information' section.

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3.2.1 Food ordering

Stock inventory & ordering system	Set up an accurate stock inventory and ordering system so that you can check your usage of ingredients against the number of orders.
Over-purchasing	Over-purchasing is not the best solution for cost cutting as it often leads to the deterioration of food. Negotiate with suppliers to enable you to order the exact quality and quantity required. Order as close to the time of use as possible.
One key purchaser	All ordering should be undertaken by one employee to prevent duplication or over-ordering.
Stock and ordering form	Set up a stock and ordering form in the storage areas which will help keep a track on what is in stock and what needs to be ordered.
Grow your own	Consider growing your own herbs on site.

3.2.2 Food storage

Storage temperatures	If you have identified that lots of food is thrown away as it is deteriorating, make sure you store food properly. Check the temperature of your fridge regularly to ensure it is in the range of 1-5°C. This is the optimum temperature to preserve food for longer. Do not overcool the fridge.
Containers	Use air-tight containers and re-sealable bags to keep food fresh for longer. Vacuum packing can extend the life of food. This method is particularly useful for expensive products such as meat and fish, but it must be used properly to be effective. For an example visit www.food.gov.uk/sites/default/files/multimedia/pdfs/publication/vacpack0708.pdf
Label and date	All products should be date labelled including the day of production and expiry date.
Back to front system	When stocking a new delivery - use the back-to-front system (also called first-in first-out system). Bring the older products forward and put the new delivery at the back of your shelves. Use the same system for products you keep in the freezer.
Spills and breakages	Identify the best ways to arrange and order your stores, fridges and freezers to prevent accidents that can lead to spills and breakage.

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3.2.3 Food preparation	
Over-trimming	Try separating trimmings from other waste to see how much you throw away and whether they could be reduced. Trimmings are often produced during meat or vegetable preparation and they could be used to prepare stock for sauces or soups.
Prepare food to order	Prepare foods to order to avoid waste from over preparation.
Purchase pre-portioned meat	Pre-portioned meat will reduce meat trimmings. Likewise pre-prepared vegetables will greatly reduce the volume of food waste generated.

3.2.4 Cooking and food consumption	
Pre-prepared food	Cook smaller portions of pre-prepared food as required to avoid throwing away surplus food at the end of service.
Portion sizes	Offer customers the choice of different portion sizes and for smaller portions, you could include the offer of a refill. Make it clear to customers what is included with the meal (e.g. salads) and provide 'sides' as options so they can build their own meal up. Make it as easy as possible for customers to take leftovers away in a doggy bag. Visit WRAP for case studies on food waste prevention.
Take away	If you sell food for customers to take away, offer a range of portion sizes.
Menu	Customer choices may vary due to external influences (such as the weather or healthy eating regimes) consider giving menu options to reflect this. You must highlight to your customers whether any of the dishes contain allergens, and if so, what they are exactly e.g. "Egg Sandwich: Contains egg, wheat, milk". Signs and information must be clear at the point of ordering so there is no confusion. Make sure staff are trained on the allergens present in the menu.
Service	Train staff to give clear descriptions of meals e.g. portion size, ingredients and cooking methods. This is to prevent food being sent back or left on the plate. Consider reducing the size of serving spoons to avoid overloading plates. Ensure the plate size is appropriate for the customer; for example, give a smaller plate for a children's portion.

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3.2.4 Cooking and food consumption (continued)	
Doggy boxes/bags	Offer doggy boxes/bags to customers, where appropriate. Ensure you provide instructions about storage and consumption of food contained within the doggy boxes/bags. Check out the Love Food Hate Waste resource pack for further advice www.wrap.org.uk/content/less-food-waste-saves-money
Use of leftovers	Use surplus food to make new meals. Use the internet to search for new recipes. For some ideas visit: www.lovefoodhatewaste.com/recipes www.bbcgoodfood.com/content/recipes/favourites/leftovers/ Ensure all hygiene rules are followed, in particular those relating to temperature control and 'Use by' dates.
Catering for an event	Booking forms for events should include: ■ number of confirmed and expected attendees; ■ timing of meals / refreshments; ■ types of foods required for the event i.e. hot or cold; ■ any specific dietary requirements; and ■ latest date to confirm ordering to reflect any attendee number changes. Use WRAP's Event Resource Management Plan to help maximise re-use and recycling, minimise waste to landfill, and share event waste data. www.rmp.wrap.org.uk/

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4.0   Redistribution to people

4.1   Charities and food banks

Surplus food can be redistributed from the hospitality and food service sector to charities and food banks. Surplus food can be donated as long as it complies with food safety legislation in terms of being fit for human consumption.

The main perceived barrier to donating food is the assumption that the organisation that donates the food can be held liable should any issues occur. Some charities and food banks offer disclaimers or agreements that indemnify the food donor against all claims, liabilities, costs, actions, proceedings or expenses incurred. Charities or food banks will only accept food within the 'Use by' date as it is illegal to sell or give away food past its use by date regardless of the circumstances. Some food banks will also only accept dry food, canned food or fully packaged food.

It is recommended that when charities or food banks are contacted the following questions are included:

- ■   What types of food do you accept?

- ■   Are disclaimers or agreements made or can they be provided between the charity/food bank and donor organisation?

- ■   What are the delivery or collection requirements?

4.2   Feeding livestock

Following the Foot and Mouth outbreak in 2001 food waste from any form of kitchen <u>cannot</u> be given to animals as feed regardless of whether it is non-meat based.

The Animal By-Products Regulations, Transmissible Spongiform Encephalopathies (TSE) Regulations and associated enforcement legislation prevent the use of most animal proteins in farm animal feed. Animal By-Products from restaurants, catering facilities and kitchens are classified as 'catering waste'. Catering waste is defined as "All waste food (including used cooking oil) that comes from restaurants, catering sites or household kitchens."[3]

[3]Defra: www.gov.uk/how-food-businesses-must-dispose-of-food-and-former-foodstuffs

5.0   Legislation overview

There is a range of hygiene and waste legislation which affect how businesses within the hospitality and food sector treat and handle food and when that food should be classed as waste. The matrix can be used to determine what legislation should be applied and what actions can be taken to prevent food waste.

5.1   Legislation in Scotland

The Waste (Scotland) Regulations 2012 came into force on 1 January 2014 as part of the Scottish Government's Zero Waste plan with the target of 70% recycling by 2025. The law requires food businesses producing more than 50kg of food waste per week to segregate food waste for separate collection with the exception of food waste produced on premises in a rural area or on premises used as a hospital. From 1 January 2016 the law will extend to premises used as a hospital and to all businesses producing over 5kg of food waste per week. A ban on the disposal of food waste to the public sewer network will also come into force at this point.

From 1 January 2014 all businesses in Scotland have to recycle paper, card, plastic, glass and metal.

5.2   Legislation in England and Wales

The Waste (England and Wales) Regulations 2011 does not require that food waste be segregated for collection however it is clear that waste collectors are being encouraged to recycle as much as possible. The Welsh Government have proposed in the Environment Bill White Paper that businesses and the Public Sector present recyclable waste separately for collection and prohibits the disposal of food waste to the sewer.

5.3   The legislation matrix and myth buster

Two documents have been produced to sit alongside this guidance. Firstly the legislation matrix has been developed for use by hospitality and food service operations staff at all levels to determine when food becomes waste and what actions to take. The matrix is divided into 5 key process steps which are:

1.   Purchase
2.   Storage
3.   Preparation
4.   Sale
5.   Disposal

Under each of the process steps the causes of avoidable food waste have been listed and against these the legislation that applies and the associated requirements. There are also a series of questions to determine what actions can be taken to dispose of the food waste and how best to prevent the food waste in the long-term. Links to further information is then provided should the user need more details.

Secondly the myth buster which can be used as a poster to help staff answer common questions associated with food waste prevention.

6.0   Case studies and leading practice examples

6.1   WRAP

Case studies are regularly added to WRAP's web site.
Visit www.wrap.org.uk/content/good-practice-case-studies for more
information.

6.2   Food Standards Agency

For information on EC and UK legislation on food imports and exports,
safety, traceability, labelling and product withdrawals and recalls go to the
Food Standards Agency website: www.food.gov.uk

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7.0 Further sources of information

Topic	Source	Link
7.1 Food safety and hygiene legislation and guidance		
Food Safety Act 1990	The National Archives	www.legislation.gov.uk/ukpga/1990/16/contents
Food Safety Act 1990 – A Guide for Food Businesses	Food Standards Agency	www.food.gov.uk/business-industry/guidancenotes/hygguid/fsactguide
The General Food Law Regulation (EC) 178/2002 – Guidance Notes for Food Business Operators	Food Standards Agency	www.food.gov.uk/sites/default/files/multimedia/pdfs/fsa1782002guidance.pdf
The General Food Regulations 2004	The National Archives	www.legislation.gov.uk/uksi/2004/3279/made
The Food Information Regulations 2014	The National Archives	www.legislation.gov.uk/uksi/2014/1855/contents/made
The Food Information (Wales) Regulations 2014	The National Archives	www.legislation.gov.uk/wsi/2014/2303/made
Regulation EC 852/2004 on the hygiene of foodstuffs	Official Journal of the European Union	www.food.gov.uk/business-industry/guidancenotes/hygguid/euhygieneregulationsflexibilities/
Regulation (EU) 1169/2011 on the provision of food information to consumers		eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:139:0001:0054:en:PDF
		ec.europa.eu/food/food/labellingnutrition/foodlabelling/proposed_legislation_en.htm
Hazard Analysis and Critical Control Point (HACCP): Safer Food Better Business (England and Wales) Cook Safe (Scotland)	Food Standards Agency	www.food.gov.uk/business-industry/caterers/haccp/#.UyLBT9NF2ZM

7.0   Further sources of information

Topic	Source	Link
7.2 Waste management and prevention		
WRAP Love Food Hate Waste Campaign	WRAP	www.lovefoodhatewaste.com
WRAP Hospitality website	WRAP	www.wrap.org.uk/category/sector/hospitality-and-food-service
General advice on waste management and waste prevention and case studies	Green Cook	www.green-cook.org/-At-the-restaurant-.html
Guidance on how food businesses must dispose of food and former foodstuffs	Defra	www.gov.uk/how-food-businesses-must-dispose-of-food-and-former-foodstuffs
General advice on waste management and waste prevention (Scotland and Northern Ireland)	NetRegs (Scotland and Northern Ireland)	www.netregs.org.uk/library_of_topics/waste/waste_treatment_processes/reduce,_recycle_business_waste.aspx
General advice on waste management and waste prevention	Think Eat Save Campaign	www.thinkeatsave.org/
A guide to minimising food waste in the catering sector	EPA Ireland	www.epa.ie/pubs/reports/waste/wpp/lessfoodwastemoreprofit.html
7.3 Feeding people in need		
Mapped food banks in the UK 2012	The Guardian	www.theguardian.com/society/datablog/2012/jul/12/food-banks-uk-directory-guardian-readers
Charity	Plan Zheroes	www.planzheroes.org/
Charity	The Trussell Trust	www.trusselltrust.org
Charity	FareShare	www.fareshare.org.uk/

7.0　Further sources of information

Campaign	Feeding the 5,000	www.feeding5k.org/
Topic	**Source**	**Link**
7.4 Livestock feed		
Campaign to bring back and encourage feeding waste food to pigs	The Pig Idea	www.thepigidea.org/
General information	National Pig Association	www.npa-uk.org.uk/
REGULATION (EC) No 1069/2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)	European Parliament	eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:300:0001:0033:EN:PDF

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Our vision is a world where resources are used sustainably.

We work with businesses and individuals to help them reap the benefits of reducing waste, develop sustainable products and use resources in an efficient way.

Find out more at **www.wrap.org.uk**

Established as a not-for-profit company in 2000, WRAP is backed by government funding from England, Scotland, Wales and Northern Ireland.