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## BRITISH RETAIL CONSORTIUM

Helen Prangley  
Food Standards Agency  
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Aviation House  
125 Kingsway  
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11 August 2004

Dear Helen,

### **GUIDANCE ON THE SAFETY AND SHELF-LIFE OF VACUUM AND MODIFIED ATMOSPHERE PACKED CHILLED FOODS WITH RESPECT TO PSYCHROTROPHIC *Clostridium botulinum***

The British Retail Consortium (BRC) and Chilled Food Association (CFA) welcome the opportunity to comment on the Food Standards Agency draft guidance. Whilst we applaud the objective to provide clear, concise guidance, we cannot support the current content or format. We are in full agreement with the Campden and Chorleywood Food Research Association's critique, sent to the Food Standards Agency on 20 July.

Technical standards regarding psychrotrophic *Clostridium botulinum* controls, including processing and shelf life aspects, were established by industry professionals in the early 1990s and are a key element of CFA's Guidelines for Good Hygienic Practice in the Manufacture of Chilled Food, which are supported by the BRC. Those controls, which centre on the '10-day rule', were reiterated in European Chilled Food Federation GMP Guidelines.

The 10-day rule requires that any chilled product with a shelf life of more than 10 days must use one or more of the following controlling factors in addition to temperature control in order to control psychrotrophic strains of *Clostridium botulinum*:

- Heat to a temperature/time combination equivalent to 90°C for 10 minutes or
- Adjust water activity to 0.97 or below or
- Increase acidity to pH 5.0 or below or
- Alternatively, use combinations of water activity, pH, temperature etc (i.e. hurdles) that will demonstrably inhibit the growth of psychrotrophic strains of *Clostridium botulinum* within the shelf life and expected storage conditions



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We are not aware of any outbreak of *Clostridium botulinum* where foods have been correctly stored under these chill conditions. We therefore question the relevance of the work on which the draft guidance is based, as it did not relate to real foods in real circumstances. Any 'challenge test' should mimic as far as possible the conditions that would be expected throughout the food chain; such challenges do not yield growth to dangerous levels within the lives set in the guidance.

The lack of outbreaks in the UK is clearly explained by the tight controls we already have; many billions of packs of food have been safely produced following the 10-day rule. We wish to maintain that record by continuing to use and promote the 10-day rule to a wider audience, including the newly enlarged European Union.

The BRC and CFA understand that shelf-lives differ across the European Union. To impose restrictions could be a barrier to trade, unless they are to be applied equally throughout the EU.

The guidance purports to use advice from an ACMSF 1995 report. However, that report notes that the limiting temperature below which vacuum pack / MAP products should be stored is 10°C. The Industry Code of Practice states products stored between 3-8°C can be kept for a maximum of 10 days.

Introducing a shelf-life limitation to 5 days:

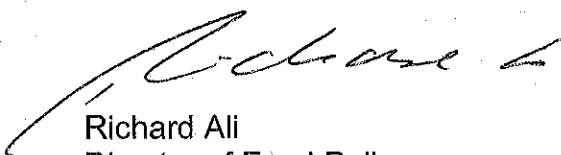
- lacks credible scientific basis;
- has a significant effect on manufacturing and transport costs; and
- would have a very serious impact on the shelf life of chilled foods, since it would be unlikely that a temperature of less than 5°C could be maintained throughout the shelf life particularly when considering the period after customer purchase.

In view of the above, we would appreciate an urgent explanation of the following:

1. What is the food safety justification for this change?
2. What evidence is there that the '10 day rule' has not been sufficient to protect food safety?
3. How will the guidance be applied to products manufactured outside the UK?

As the Code of Practice would have a significant commercial impact, we also call on the Agency to conduct a Regulatory Impact Assessment (RIA) without further delay. Please confirm that it is the Agency's intention to conduct a RIA.

Kind regards,



Richard Ali  
Director of Food Policy



Kaarin Goodburn  
Secretary General