

## **Preparation and sale of food**

**Following the introduction of recent legislation, there has been a great deal of confusion over the position of charities with regard to the provision and sale of food, particularly where this has been produced by voluntary helpers.**

Provided certain basic precautions are followed, there is no reason whatsoever why charities and not-for-profit organisations should not be involved with the preparation and sale of food. This may range from the one-off annual event such as a fete, a weekly coffee morning or lunch, or a full scale catering operation providing a large number of meals on a daily basis. Different considerations apply depending on the scale of the operation, and these are outlined below.

### **What the law says**

The law relating to food safety is covered by the Food Safety Authority of Ireland Act 1998. The Act makes it an offence for anyone to sell or process for sale, food that is: -

- ❖ harmful to health
- ❖ contaminated to such an extent that it would be unreasonable to expect it to be eaten
- ❖ falsely described, advertised or presented
- ❖ not what the customer can reasonably expect

***The things you must do to comply with the Act are contained in the regulations below:***

### **Food Safety (General Food Hygiene) S.I. No 369 of 2006 / European Communities (Hygiene of Foodstuffs) Regulations 2006**

These cover the basic requirements for safe premises, general food hygiene, personal hygiene, and training of food handlers. Everyone involved with food handling must have received training in basic food hygiene.

***More detailed information is given below.***

### **S.I. No 370 of 1995 / European Commission Directive NO 92/1/EEC**

These regulations apply to the requirement for temperature control to all types of food, which, without it, might support the growth of harmful bacteria or the formation of toxins.

### **Product specific regulations**

There are a large number of specific regulations relating to various foodstuffs such as dairy products, eggs, poultry and shellfish.

### **Premises which are only used occasionally for food preparation**

The Food Safety Authority of Ireland Act 1998 requires premises that are used occasionally for food preparation such as church halls, and moveable or temporary premises such as marquees, follow the guidance for temporary premises. The Food Safety Authority of Ireland (FSAI) provides guides to compliance with the Regulations, and gives advice on good practice. The following is a summary of some of the main requirements.

There are requirements in place for food preparation that a review of the premises is to be undertaken using the HACCP (Hazard Analysis and Critical Control Points) food safety management system (the FSAI provides guidance notes for this).

- ❖ Anyone using the premises must have regard for other activities that have previously taken place in the premises. If these present a risk of food contamination, the premises should be thoroughly cleaned and, if necessary, disinfected before food preparation begins.
- ❖ Food contact surfaces must be in sound condition, clean and easy to disinfect.
- ❖ There must be a basin or basins for hand wash only, provided with hot and cold water, soap or detergent and a means of hand drying.

- ❖ Protective clothing must be provided, and high standards of personal hygiene maintained. Any wounds must be covered with a brightly coloured waterproof dressing.
- ❖ It is good practice for ALL visitors to a kitchen to wear protective clothing including hats if they present a risk of contamination.
- ❖ Hot and cold water must be available for washing tools and equipment together with a supply of detergent. It is good practice to use separate sinks for food washing. Where this is not practicable, the sink should be cleaned and disinfected between different activities.  
Adequate facilities must be available for maintaining and monitoring suitable food temperatures. In most circumstances, foods that need temperature control for safety must be held at either HOT (at above
- ❖ 63°C) or CHILLED (at or below 5°C). Please note that if cooking/storing foodstuffs, the minimum temperatures required for HOT is 70°C and Chilled 3°C. The temperature of freezers must be at 18°C or below. For holding/keeping food hot, insulated boxes will only be effective over short periods of time. For chilled storage, mechanical refrigeration equipment will normally be needed to achieve satisfactory
- ❖ temperatures. Ready-to-eat foods must be kept away from raw foods that may contaminate them both in storage and preparation.

#### **Premises used for the regular preparation of food**

If meals are produced on a regular basis, in addition to the requirements outlined above, other regulations apply. It may be necessary to provide separate sinks for food preparation and equipment washing if the volume of preparation in the kitchen demands it. There may be a need for mechanical ventilation. If food is provided, you may need to advise the local Health Service Executive Office about any premises you use for storing, selling, distributing or preparing food. The majority of premises will have to be registered. However, certain premises may be exempt. You should contact your local office of the Health Service Executive to check whether or not you need to register.

#### **Further information**

Details are given below of various publications providing more information.

Acts and other legislation are available from **The Office of the Attorney General**  
[www.irishstatutebook.ie](http://www.irishstatutebook.ie)

A number of free guidance notes covering all aspects of food safety are available from the **Food Safety Authority of Ireland (FSAI)** Abbey Court, Lower Abbey Street, Dublin 1 / Tel: (1) 817 1300 / [www.fsai.ie](http://www.fsai.ie)

#### **Health Service Executive**

Tel: 045 880400 [www.hse.ie](http://www.hse.ie)