English Law relevant to the Extraction, Processing and Handling of Honey

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Format & Use of Document

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Two Acts of Parliament are relevant, each with several “Statutory Instruments” implementing them, known as “Regulations”. When citing a regulation, cite the act first, with original date (as given in headers) then “as amended by” and the relevant statutory instrument. Each Regulation is divided into “Schedules” (sub-categories e.g. “Definitions”, “Prohibitions”, “Exceptions”).

This document covers through the two relevant acts (Food Hygiene and Safety Act, 1990 and Weights and Measures Act, 1985) and for each act each of the statutory instruments relevant to the extraction, processing and sale of honey.

This document is relevant to, but not necessarily entirely sufficient for, covering honey extraction, processing and handling outside England.

This font is used whenever quoting legislation directly.

The table of contents above can be used as a checklist.
ACT1: Food Hygiene and Safety Act 1990

Six relevant Statutory Instruments are listed in chronological order.

1.1. Food Premises (Registration) Regulation 1991
1.1.1. Applies to England, Wales and Scotland, as of 1st July 1992

1.1.2. Registration requirement
   The relevant text is paragraph 2:
   no person shall use any premises for the purposes of a food business on five or more days, whether consecutive or not, in any period of five consecutive weeks unless—
   (a) those premises are registered;
   (b) those premises, though not registered, are required by virtue of paragraphs (3), (4) or (5) or regulation 4(2) to be registered on the application of some other person; or
   (c) an application for those premises to be registered has been made in accordance with regulation 4 to the relevant registration authority at least 28 days before the first day of such use.

   In other words, the small-scale beekeeper using their honey room for 5 days or less in any 5 week period is not subject to the registration of his/her premises.
   The larger-scale beekeeper, on the other hand, will need to register their premises.

1.1.3. Does not apply to the apiary itself
   As per paragraph 3.1.d the apiary itself is not covered by the regulation, which does not apply to “collecting honey from bees”.

1.1.4. Exception for preparation of honey for sale in the beekeeper’s own residence
   As per §4, this regulation also provides an exception for preparation of honey for sale of honey produced on the premises if it is also the beekeeper’s own residence.

   (4) Subject to paragraph 6 of Schedule 3¹, regulation 2 also does not apply to domestic premises used for the purposes of a food business if—
   (a) the proprietor of the business does not reside there, and the business does not consist of or include the peeling of shrimps or prawns;
   (b) the proprietor of the business does reside there, but the only commercial operations carried out there in relation to food or food sources are—
      (i) the sale of food ancillary to the provision of accommodation in not more than three bedrooms, or
      (ii) the sale, or preparation for sale of honey (wherever collected), or of horticultural or viticultural produce harvested on the premises.

¹ The ordinary keeping at permanent premises, in the course of a food business, of relevant moveable premises shall not affect any exemption from registration otherwise applicable to the permanent premises.
So a commercial operation not run out of the beekeeper’s own house will require registration, but any “preparation for sale” of honey at the beekeeper’s home is not subject to this regulation.

1.2. Food Safety (General Food Hygiene) Regulations 1995
1.2.1. Applies to England, Wales and Scotland, as of 15th September 1995

“food business” means any undertaking, whether carried on for profit or not, and whether public or private, carrying out any or all of the following operations, namely, preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling or offering for sale or supply, of food;

“hygiene” means all measures necessary to ensure the safety and wholesomeness of food during preparation, processing, manufacturing, packaging, storing, transportation, distribution, handling and offering for sale or supply to the consumer, and “hygienic” shall be construed accordingly;

Application of provisions of these Regulations

3.—(1) Subject to paragraphs (3) and (4), regulations 4 and 5 shall apply to neither—

(a) primary production; nor

So even hobbyist beekeepers are classified as “food business” for the purposes of this act, if they prepare, process, package, store, transport or distribute honey. However the beekeeper’s apiary activities themselves would fall under the “primary production” heading, and therefore be exempt from the provisions below.

1.2.2. Need to implement & document hazard control procedures

As per paragraph 4,
(3) A proprietor of a food business shall identify any step in the activities of the food business which is critical to ensuring food safety and ensure that adequate safety procedures are identified, implemented, maintained and reviewed on the basis of the following principles—

(a) analysis of the potential food hazards in a food business operation;
(b) identification of the points in those operations where food hazards may occur;
(c) deciding which of the points identified are critical to ensuring food safety ("critical points");
(d) identification and implementation of effective control and monitoring procedures at those critical points; and
(e) review of the analysis of food hazards, the critical points and the control and monitoring procedures periodically, and whenever the food business’s operations change.

The HACCP (Hazard Analysis and Critical Control Point) system was started to help food business operators meet this obligation:
https://www.food.gov.uk/business-industry/food-hygiene/haccp

1.2.3. Obligation to report disease likely to be transmitted through the food

This applies to infected wounds, diarrhea, skin sores etc, which must be reported if you are helping the proprietor of another another food business (i.e. helping a mate extract or process honey)
1.2.4. Requirements for handling and preparing food:
These are listed over 10 “chapters” of “Schedule 1: Rules of Hygiene”, each chapter will be listed here as a sub-header (which is not necessarily as worded in the Schedule).

1.2.4.1. General premises set-up
Have adequate layout, ventilation, clean and in good repair, with appropriate lavatories and hand washing facilities.
Hand washing facilities must have both hot and cold water and, where relevant, be separate from the food washing facilities.

1.2.4.2. Food handling room
- **floor** surfaces must be sound and easy to clean and disinfect
- **wall** surfaces must be sound and easy to clean and disinfect
- **doors** must be easy to clean and disinfect
- any surface (including those of equipment) must be sound and easy to clean and disinfect
- **ceilings and windows** must be designed, constructed and finished to prevent the accumulation of dirt.
- windows opening to the outside must be fitted with insect-proof screen which can easily be removed to be cleaned.
- **windows to be kept closed** during operation
- **adequate facilities to wash tools and equipment**, to have both hot and cold water.
- **separate hand and food-washing sinks**

An adequate number of washbasins must be available, suitably located and designated for cleaning hands. An adequate number of flush lavatories must be available and connected to an effective drainage system.

- **ventilated lobby between toilet and extraction room**
Lavatories must not lead directly into rooms in which food is handled.

1.2.4.3. Mobile premises (market stalls, mobile sales vehicles)
Premises and vending machines shall be so sited, designed, constructed, and kept clean and maintained in good repair and condition, as to avoid the risk of contaminating foodstuffs and harbouring pests, so far as is reasonably practicable.

1.2.4.4. Transport
The emphasis is on preventing contamination of the foodstuff during transport.
1. Conveyances and/or containers used for transporting foodstuffs must be kept clean and maintained in good repair and condition in order to protect foodstuffs from contamination, and must, where necessary, be designed and constructed to permit adequate cleaning and/or disinfection.

2.—(1) Receptacles in vehicles and/or containers must not be used for transporting anything other than foodstuffs where this may result in contamination of foodstuffs.

(2) Bulk foodstuffs in liquid, granular or powder form must be transported in receptacles and/or containers/tankers reserved for the transport of foodstuffs if otherwise there is a risk of contamination. Such containers must be marked in a clearly visible and indelible fashion, in one or more Community languages, to sow that they are used for the transport of foodstuffs, or must be marked “for foodstuffs only”.

So beekeepers should label all the buckets they are likely to transport with “for foodstuff only”, keep them clean and not use them for any other purposes.

1.2.4.5. Equipment to be kept clean
All articles, fittings and equipment with which food comes into contact shall be kept clean and—

(a) be so constructed, be of such materials, and be kept in such good order, repair and condition, as to minimize any risk of contamination of the food;

(b) with the exception of non-returnable containers and packaging, be so constructed, be of such materials, and be kept in such good order, repair and condition, as to enable them to be kept thoroughly cleaned and, where necessary, disinfected, sufficient for the purposes intended;

(c) be installed in such a manner as to allow adequate cleaning of the surrounding area.
1.2.4.6. Food waste sealed away
Obligation to dispose of this in closable containers and not let it accumulate. So an open bin in the extraction or processing room is not acceptable.

1.2.4.7. Potable water supply
Adequate potable water supply in order not to contaminate the foodstuff. Applies to steam/ice that may come in contact with the food (unlikely with honey unless using steam to sterilise)
Any circuit/supply of water not suitable for drinking (e.g. for fire control) to be kept separate from potable water supply

1.2.4.8. Personal hygiene
1. Every person working in a food handling area shall maintain a high degree of personal cleanliness and shall wear suitable, clean and, where appropriate, protective clothing.
2. No person, known or suspected to be suffering from, or to be a carrier of, a disease likely to be transmitted through food or while afflicted, for example with infected wounds, skin infections, sores or with diarrhoea, shall be permitted to work in any food in any food handling area in any capacity in which there is any likelihood of directly or indirectly contaminating food with pathogenic micro-organisms.

1 - I copy this in full as there is no explicit mention here of things like hair or beard-nets.
This is an interpretation of the highlighted above.
2 - People with infectious diseases likely to be transmitted through food not to be permitted to do so. Honey is largely antimicrobial – with the exception of botulism – but probably best to interpret this conservatively.

https://www.hindawi.com/journals/tswj/2012/930849/

Due to various reasons, most bacteria and other microbes cannot grow or reproduce in honey. Honey has antimicrobial properties that prevent the growth of many microorganisms [68]. In addition, honey has a low water activity, preventing the multiplication and the survival of bacteria. However, few pathogens have been found in honey [68, 69]. Basically, microbes cannot replicate in honey and existence of high numbers of vegetative bacteria might be due to recent contamination. Study showed that various bacteria inoculated into aseptically collected honey held at 20°C loss viability within 8–24 days [70]. However, spore forming microorganisms can survive in honey at low temperature. Bacillus cereus, Clostridium perfringens, and Clostridium botulinum spores were inoculated into honey and stored at 25°C. The Clostridium botulinum population did not change over a year at 4°C. Honey contamination with spores of Clostridium has been documented in many countries. Many spores of Clostridium botulinum type F were detected in different containers of honey products [71]. No difference in pH, hydroxymethyl furfural contents, or diastase activity was found between contaminated honey and sterilized honey. B. alvei stimulated the toxin production by Clostridium botulinum type F and therefore the growth of Clostridium botulinum in the honey might have been attributed to the possible stimulation by B. alvei [71].

Hazard Analysis Critical Control Point system serves as a useful tool for beekeepers, food business operators, veterinary advisors, and for food and veterinary official control bodies in their planning and conducting of audits and for establishing priorities for the evaluation of training programs in the apicultural sector. European legislation makes many references to the key role of primary production in food safety management and the Hazard Analysis Critical Control Point System has been indicated as the preferred tool to ensure that consumers are provided with safe foods [84]. In managing risks associated with the human consumption of honey, all sectors of the production chain must be considered, including the primary production phase.

Recently, a scientific committee of the European Union has examined the hazard of Clostridium botulinum in honey (EC, 2002). It has concluded that no microbiological examinations of honey are
necessary, as the incidence of Clostridium botulinum is relatively low and that tests will not prevent infant botulism [85].

Honey used for clinical practice can be sterilized with gamma radiation to reduce the risk of botulinum spores or other possible contaminants, and gamma radiation does not affect honey’s antibacterial activity [86].


ABSTRACT

Honey has been considered a relatively safe foodstuff due to its compositional properties, with infant botulism caused by Clostridium botulinum being the most prominent health risk associated with it. Our review is focused on the honey microflora along the food chain and evaluates the pathogenic potential of those microorganisms found in honey. This product may contain a great variety of bacteria and, particularly, fungi that eventually entered the food chain at an early stage (e.g., via pollen). For many of these microorganisms, opportunistic infections in humans have been recorded (e.g., infections by Staphylococcus spp., Citrobacter spp., Escherichia coli, Hafnia alvei, Aspergillus spp., Fusarium spp., Trichoderma spp., Chaetomium spp.)., although direct infections via honey were not registered.

1.2.4.9. Storage and handling

Protect the foodstuff including “raw materials” from contamination at all times including during storage and do not accept into the operations any:

raw materials or ingredients shall be accepted by a food business if they are known to be, or might reasonably be expected to be, so contaminated with parasites, pathogenic micro-organisms, or toxic, decomposed or foreign substances, that after normal sorting and/or preparatory or processing procedures hygienically applied by food businesses, they would still be unfit for human consumption.

1.2.4.10. Training

The proprietor of a food business shall ensure that food handlers engaged in the food business are supervised and instructed and/or trained in food hygiene matters commensurate with their work activities.

1.3. Food Labelling Regulations 1996

1.3.1. Applies to England, Wales and Scotland, as of 1st July 1996


1.3.2. Definitions

Labelling rules apply not just to the information explicitly given, but to pictures and symbols too.

"labelling", in relation to a food, includes any words, particulars, trade mark, brand name, pictorial matter or symbol relating to the food and appearing on the packaging of the food or on any document, notice, label, ring or collar accompanying the food;

"prepacked for direct sale", means—

(a) in relation to a food other than flour confectionery, bread, edible ices and cows’ milk, prepacked by a retailer for sale by him on the premises where the food is packed or from a vehicle or stall used by him, "ultimate consumer" means any person who buys otherwise than—

(a) for the purpose of resale,

(b) for the purposes of a catering establishment, or

(c) for the purposes of a manufacturing business;
1.3.3. Does not apply to Honey (superseded by “Honey (England)Regulation 2015” see 1.6 )

Except for regulations 33 and 34 and, insofar as they relate to regulations 33 and 34, regulations 35 and 38, this Part of these Regulations “does not apply to—

(c)any honey as defined in the Honey Regulations 1976(20);

And again in 16.c of the explanatory note

The Regulations also—(16) revoke the Regulations specified in Schedule 9 to the extent specified in that Schedule, and make consequential amendments (regulation 49).

The Regulations do not apply—

(c)apart from the provisions relating to packaging in certain gases, nutrition labelling, claims and misleading descriptions, to—

(i)products the labelling of which is controlled, in England and Wales, by the Specified Sugar Products Regulations 1976, the Cocoa and Chocolate Products Regulations 1976, the Honey Regulations 1976, the Condensed and Dried Milk Regulations 1977 (other than such products specially prepared for and clearly specified to be intended to be consumed by infants) or, in relation to any coffee etc. which is ready for delivery to a catering establishment, by the Coffee and Coffee Products Regulations 1978 and, in Scotland, by the sets of Scottish Regulations analogous thereto;

1.4. Food (Lot Marking) Regulation 1996

This is what gives us the requirement for Best Before End/Lot marking

http://www.legislation.gov.uk/uksi/2013/2996/regulation/1/made

1.4.1. Applies to England, Wales and Scotland as of 1st July 1996

1.4.2. Lot marking requirement

A lot number must appear on the label, preceded by the letter L

3.—(1) Subject to the exceptions specified in regulation 4 below, no person shall sell any food which forms part of a lot unless it is accompanied by a lot marking indication.

(2) For the purposes of this regulation—

(a) a lot shall be determined as a lot to which food in the sales unit belongs by a producer, manufacturer, packager, or the first seller established within the Community, of the food in question; and

(b) a lot marking indication—

(i) shall be determined and affixed under the responsibility of one or other of those operators; and

(ii) shall be preceded by the letter “L”, except in cases where that lot marking indication is clearly distinguishable from the other indications on the packaging of the food or on a label attached to its packaging.

(3) A lot marking indication—

(a) for prepacked food shall appear on, or on a label attached to, the packaging of the food; and

(b) for food which is not prepacked shall appear on the container of the food or on a commercial document which accompanies the food, and

shall in all cases appear in such a way as to be easily visible, clearly legible and indelible.

1.4.3. Two exceptions

As per the text below, the lot number requirement does not apply:

- if the Use By date is given with day and month in that order

---

2 This refers to “PART II FOOD TO BE DELIVERED AS SUCH TO THE ULTIMATE CONSUMER OR TO CATERERS”
- if packing the product at the immediate request of the ultimate consumer: the only example of this would be if taking a whole settling tank to a market stall and filling the buyer’s jar with it at their request in front of them.

4. Regulation 3 above shall not apply to the following—
(a) a sale of an agricultural product which, on leaving the holding of its production—
(i) is sold or delivered to a temporary storage, preparation or packaging station, or to a producer’s organisation; or
(ii) is collected for immediate integration into an operational preparation or processing system;
(b) a sale to the ultimate consumer of food where the food is not prepacked, is packed at the request of the purchaser or is prepacked for immediate sale;

(g) a sales unit of food which is marked or labelled with an indication of minimum durability or “use by” date which consists at least of the uncoded indication of the day and month in that order, whether or not the Food Labelling Regulations require it to be so marked or labelled.

The end of the last statement (underlined) means that despite Honey not being covered by the Food Labelling Regulations directly, it is still covered by this exception.

1.5. Food Safety and Hygiene (England) Regulation 2013
Full text: http://www.legislation.gov.uk/uksi/2013/2996/contents/made
For England only, this lists the relevant authorities & process for enforcement of the Food Safety Act 1990, with no particular reference to actual production/packing processes, apart from:
1.5.1. Defence of Due Diligence
Defence of due diligence
12.—(1) In any proceedings for an offence under these Regulations it shall, subject to paragraph (5), be a defence to prove that the person accused (“the accused”) took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by the accused or by a person under the control of the accused.

1.6. Honey (England) Regulation 2015
This is the most relevant and most regularly covered in textbooks
1.6.1. Applies to England only from the 24th of June 2015
1.6.2. Definition and 9 types of honey
A person trading in honey must call the product Honey, and conversely not use the term for something that is not honey. This double logic applies both to the generic term “honey” and to each of the 9 types listed below.

2.—(1) In these Regulations “honey” means the natural sweet substance produced by Apis mellifera bees from the nectar of plants or from secretions of living parts of plants or excretions of plant-sucking insects on the living parts of plants which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store and leave in honeycombs to ripen and mature.
(2) In these Regulations—
“baker’s honey” means honey that is suitable for industrial use or as an ingredient in another foodstuff which is then processed;
“blossom honey” and “nectar honey” mean honeys obtained from the nectar of plants;
“chunk honey” and “cut comb in honey” mean honeys which contain one or more pieces of comb honey;
“comb honey” means honey stored by bees in the cells of freshly built broodless combs or thin comb foundation sheets made solely of beeswax and sold in sealed whole combs or sections of such combs;

drained honey' means honey obtained by draining de-capped broodless combs;

"extracted honey" means honey obtained by centrifuging de-capped broodless combs;

"filtered honey" means honey obtained by removing foreign inorganic or organic matters in such a way as to result in the significant removal of pollen;

"honeydew honey" means honey obtained mainly from excretions of plant sucking insects (Hemiptera) on the living part of plants or secretions of living parts of plants;

"pressed honey" means honey obtained by pressing broodless combs with or without the application of moderate heat not exceeding 45° Celsius.

1.6.3. Further restriction on labelling “Baker’s honey”

Baker’s honey has specific additional labelling requirements as highlighted below.

(3) A person trading in baker’s honey must not provide information relating to the floral, vegetable, regional, territorial or topographical origin of the product or specific quality criteria for the product.

(4) A person must not trade in baker’s honey unless the words “intended for cooking only” appear on the label of the product in close proximity to the product name.

(5) A person must not trade in baker’s honey in bulk containers or packs unless the product name “baker’s honey” is clearly indicated—

(a) on those containers and packs; and

(b) on the trade documents relating to the product.

(6) Where baker’s honey is used as an ingredient in a compound foodstuff, the product name “honey” may be used, in trade, in the product name of the compound foodstuff instead of “baker’s honey”.

1.6.4. Compositional requirements (=Schedule 1)

There are 12 general requirements and

They must be learnt as stated in the Regulation

1.6.4.1. 12 general requirements

1. The honey consists essentially of different sugars, predominantly fructose and glucose, as well as other substances such as organic acids, enzymes and solid particles derived from honey collection.

2. The colour varies from nearly colourless to dark brown.

3. The consistency can be fluid, viscous or partly or entirely crystallised.

4. The flavour and aroma vary but are derived from the plant origin.

5. No food ingredient has been added, including any food additive.

6. No other additions have been made to the honey except for other honey.

7. It must, as far as possible, be free from organic or inorganic matters foreign to its composition.

8. It must not—

(a) have any foreign tastes or odours;

(b) have begun to ferment;

(c) have an artificially changed acidity;

(d) have been heated in such a way that the natural enzymes have been either destroyed or significantly inactivated.

9. Paragraph 8 does not apply to baker’s honey.

10. No pollen or constituent particular to honey may be removed except where this is unavoidable in the removal of foreign inorganic or organic matter.

11. Paragraph 10 does not apply to filtered honey.

12. The additional compositional criteria set out in the following table apply—
1.6.4.2. Specific criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.6.4.2.1. Sugar content</strong></td>
<td></td>
</tr>
<tr>
<td>1. — (1) Fructose and glucose content (sum of both) —</td>
<td></td>
</tr>
<tr>
<td>(a) blossom honey</td>
<td>not less than 60g/100g</td>
</tr>
<tr>
<td>(b) honeydew honey and a blend of honeydew honey with blossom honey</td>
<td>not less than 45g/100g</td>
</tr>
<tr>
<td>(2) Sucrose content —</td>
<td></td>
</tr>
<tr>
<td>(a) all honey except for honey specified in paragraph (b) or (c)</td>
<td>not more than 5g/100g</td>
</tr>
<tr>
<td>(b) false acacia (<em>Robinia pseudoacacia</em>) honey, alfalfa (<em>Medicago sativa</em>) honey, Menzies Banksia (<em>Banksia menziesii</em>) honey, French honeysuckle (<em>Hedysarum</em>) honey, red gum (<em>Eucalyptus camadulensis</em>) honey, leatherwood (<em>Eucryphia lucida, Eucryphia milliganii</em>) honey, <em>Citrus</em> spp. honey</td>
<td>not more than 10g/100g</td>
</tr>
<tr>
<td>(c) lavender (<em>Lavandula</em> spp.) honey, borage (<em>Borago officinalis</em>) honey</td>
<td>not more than 15g/100g</td>
</tr>
<tr>
<td><strong>1.6.4.2.2. Moisture content</strong></td>
<td></td>
</tr>
<tr>
<td>2. Moisture content —</td>
<td></td>
</tr>
<tr>
<td>(a) all honey except for honey specified in paragraph (b), (c) or (d)</td>
<td>not more than 20%</td>
</tr>
<tr>
<td>(b) honey from heather (<em>Calluna</em>)</td>
<td>not more than 23%</td>
</tr>
<tr>
<td>(c) baker’s honey except for baker’s honey from heather (<em>Calluna</em>)</td>
<td>not more than 23%</td>
</tr>
<tr>
<td>(d) baker’s honey from heather (<em>Calluna</em>)</td>
<td>not more than 25%</td>
</tr>
<tr>
<td><strong>1.6.4.2.3. Water-insoluble content</strong></td>
<td></td>
</tr>
<tr>
<td>(a) all honey except pressed honey</td>
<td>not more than 0.1g/100g</td>
</tr>
<tr>
<td>(b) pressed honey</td>
<td>not more than 0.5g/100g</td>
</tr>
<tr>
<td><strong>1.6.4.2.4. Electrical conductivity —</strong></td>
<td></td>
</tr>
<tr>
<td>(a) all honey except for bell heather (<em>Erica</em>) honey, chestnut honey, eucalyptus honey, honeydew honey, lime (<em>Tilia</em> spp.) honey, ling heather (<em>Calluna vulgaris</em>) honey, manuka or jelly bush (<em>Leptospermum</em>) honey, strawberry tree (<em>Arbutus unedo</em>) honey and tea tree (<em>Melaleuca</em> spp.) honey</td>
<td>not more than 0.8mS/cm</td>
</tr>
<tr>
<td>(b) blends of honeys to which paragraph (a) applies</td>
<td>not more than 0.8mS/cm</td>
</tr>
<tr>
<td>(c) honeydew honey</td>
<td>not less than 0.8mS/cm</td>
</tr>
<tr>
<td>(d)</td>
<td>not less than 0.8mS/cm</td>
</tr>
</tbody>
</table>
blends of honeydew honey except blends of that honey with bell heather (*Erica*) honey, eucalyptus honey, lime (*Tilia* spp.) honey, ling heather (*Calluna vulgaris*) honey, manuka or jelly bush (*Leptospermum*) honey, strawberry tree (*Arbutus unedo*) honey and tea tree (*Melaleuca* spp.) honey  
(e) chestnut honey not less than 0.8mS/cm  
(f) blends of chestnut honey except blends of that honey with bell heather (*Erica*) honey, eucalyptus honey, lime (*Tilia* spp.) honey, ling heather (*Calluna vulgaris*) honey, manuka or jelly bush (*Leptospermum*) honey, strawberry tree (*Arbutus unedo*) honey and tea tree (*Melaleuca* spp.) honey not less than 0.8mS/cm  

1.6.4.2.5. Free acid—

| (a) | all honey except for baker’s honey | not more than 50 milliequivalents acid/kg |
| (b) | baker’s honey | not more than 80 milliequivalents acid/kg |

1.6.4.2.6. Diastase activity and hydroxymethylfurfural content

Diastase activity and hydroxymethylfurfural content (HMF) determined after processing and blending—

| (a) | diastase activity (Schade scale) — |
| (i) | all honey except baker’s honey and honey specified in sub-paragraph (ii) | not less than 8 |
| (ii) | honey with a low natural enzyme content (e.g. citrus honey) and an HMF content of not more than 15mg/kg | not less than 3 |
| (b) | HMF— |
| (i) | all honey except baker’s honey and honey specified in sub-paragraph (ii) | not more than 40mg/kg |
| (ii) | honey of a declared origin from a region with a tropical climate and blends of these honeys | not more than 80mg/kg |

**1.6.5. Labelling requirements**

The presence of this section (4) in this Regulation explains why honey is exempt from the Food Labelling Regulations 1996.

1.6.5.1. Applies to all retail sales (not wholesale)

4.—(1) The following provisions only apply in relation to a product intended for supply to a final consumer or mass caterer—

(a) Part 2, except for regulations 14(4) and 15(4) and (5);  
(b) regulation 16(1) and (2);  
(c) Part 4;
Mass caterer is self-explanatory, “final consumer” is defined as:

18. "final consumer" means the ultimate consumer of a foodstuff who will not use the food as part of any food business operation or activity.

Part 4 of the Regulation being that which covers labelling, this means that the labelling provisions of this act do not apply when you are selling your produce to a re-seller, e.g. a shop. In that case, the labelling requirements would fall onto the shop itself, who are “trading” in honey and themselves selling to the “final consumer”. However, in practice any shop would ask you the beekeeper to take care of labelling for them, so my take would be, you have to comply with these labelling requirements whoever you sell to and however/wherever you do so.

1.6.5.1. Country of origin
No person may trade in honey unless the country of origin where the honey has been harvested is indicated on the label.

Although the regulation applies to England, the correct country of origin for the English beekeeper is the UK, not England. Also acceptable is “blend of EU honeys”, “blend of EU and non-EU honeys” and “blend of non-EU honeys”

1.6.5.2. Floral origin
Must be mostly accurate:
The product name of a relevant honey may be supplemented by information relating to its floral or vegetable origin but no person may trade in a relevant honey for which such supplemental information is provided unless the product comes wholly or mainly from the indicated source and possesses the organoleptic, physico-chemical and microscopic characteristics of the source.

1.6.5.3. Geographical/Topographical origin
Must be 100% accurate:
The product name of a relevant honey may be supplemented by information relating to its regional, territorial or topographical origin but no person may trade in a relevant honey for which such supplemental information is provided unless the product comes entirely from the indicated origin.

1.6.5.4. Weights and Measures Act also relevant
This is a reminder to the beekeeper only, and not a part of this Regulation. See section 2. of this document.

1.7. Further Statutory Instruments
1.7.1. The Food Information Regulations 2014
These were written to amend a number of the previous instruments in order to bring them into line with European Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers. There are substantial provisions relevant to honey (but some to do with allergens and irradiated foods for instance). This is mostly a cross-referencing exercise to re-point references in other act to the up-to-date European legislation.

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3 Here the regulation refers to a European text which I have quoted verbatim below
2.1. Applies to the whole of the UK
The whole of the UK, for this and all regulations below.

2.2. The Weights and Measures (Quantity Marking and Abbreviations of Units) Regulations 1987
Converted the UK to the metric system.

2.3. The Weights and Measures (Packaged Goods) Regulations 2006
Came into force 6th April 2006

2.3.1. Metric units with correct abbreviations
(3) Information as to the nominal quantity shall be marked in accordance with the following requirements:

(a) the nominal quantity shall be expressed in the permitted metric units (except for milk in returnable packages where it may be expressed in pints) with the numerical value expressed in figures followed by the unit of measurement expressed in words or the relevant permitted symbol;

(b) the permitted metric units and their symbols are:

<table>
<thead>
<tr>
<th>Unit of measurement (metric)</th>
<th>symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>kilogram</td>
<td>kg</td>
</tr>
<tr>
<td>gram</td>
<td>g</td>
</tr>
<tr>
<td>litre</td>
<td>l or L</td>
</tr>
<tr>
<td>centilitre</td>
<td>cl or cL</td>
</tr>
<tr>
<td>millilitre</td>
<td>ml or mL</td>
</tr>
</tbody>
</table>

Note the unit abbreviations do not take an “s” for the plural: e.g. 424g not 424gs.

2.3.2. Correct font size to use
The most relevant font size for selling honey in jars will be 4mm, but buckets >1kg will need to have a minimum 6mm font.

<table>
<thead>
<tr>
<th>Nominal quantity and unit of measurement</th>
<th>Minimum height of words or figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>exceeding 1 kg</td>
<td>6 mm</td>
</tr>
<tr>
<td>exceeding 200 g but not exceeding 1 kg</td>
<td>4 mm</td>
</tr>
<tr>
<td>exceeding 50 g but not exceeding 200 g</td>
<td>3 mm</td>
</tr>
<tr>
<td>not exceeding 50 g</td>
<td>2 mm</td>
</tr>
<tr>
<td>exceeding 1 L</td>
<td>6 mm</td>
</tr>
</tbody>
</table>
Nominal quantity and unit of measurement | Minimum height of words or figures
--- | ---
exceeding 20 cl but not exceeding 1 L | 4 mm
exceeding 5 cl but not exceeding 20 cl | 3 mm
not exceeding 5 cl | 2 mm

2.3.3. Imperial units

2.3.3.1. to be less prominent than metric

Any supplementary indications in imperial units allowed by section 8(5A) of the 1985 Act shall be expressed in the permitted imperial units with the numerical value expressed in figures followed by the unit of measurement expressed in words or the relevant permitted abbreviation and shall not be more prominent (and in particular the figures and words or abbreviations shall not be larger) than the metric indication.

This is widely interpreted as “metric weight to come first, then imperial if given”.

2.3.3.2. Correct imperial abbreviations

(g) The permitted imperial units and their abbreviations are:

<table>
<thead>
<tr>
<th>Unit of measurement (imperial)</th>
<th>Abbreviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gallon</td>
<td>gal</td>
</tr>
<tr>
<td>Quart</td>
<td>qt</td>
</tr>
<tr>
<td>Pint</td>
<td>pt</td>
</tr>
<tr>
<td>fluid ounce</td>
<td>fl oz</td>
</tr>
<tr>
<td>Pound</td>
<td>lb</td>
</tr>
<tr>
<td>Ounce</td>
<td>oz</td>
</tr>
</tbody>
</table>

2.3.4. 3 Packing the right weight

As per the definitions part of the same Regulation, the person bottling the honey is effectively the “packer” for the purposes of the following:

“packer” means the person who placed the product in the package or the packages in the outer container;

Duty to comply with the three packers' rules

4.—(1) It shall be the duty of the packer or importer of packages to ensure that they are made up in such a way as to satisfy the following rules—

(a) the contents of the packages shall be not less on average than the nominal quantity;
(b) the proportion of packages having a negative error greater than the tolerable negative error shall be sufficiently small for batches of packages to satisfy the requirements specified in Schedule 2;
(c) no package shall have a negative error greater than twice the tolerable negative error.

(2) Compliance with the rules in paragraphs (1)(a) and (b) shall be determined by the reference test.
2.3.5. Further labelling requirements

2.3.5.1. Address of “packer”

5.—(1) It shall be the duty of the packer or the importer of a package to ensure that the package is marked, in such a manner as to be indelible, easily legible and visible in normal conditions of presentation, with the following—

(a) the nominal quantity, being the predetermined constant quantity in which that package is made up (including any additional quantity to which any statement on the package refers) in accordance with regulation 8; and

(b) the name and address of a person established in the United Kingdom who is either—

(i) the packer or the importer of the package, or

(ii) the person who arranged for the packer to make up, or the importer to import, the package, or

or a mark which enables the name and address of such a person to be readily ascertained by his local weights and measures authority.

2.3.5.2. Except for sales from home/car

(5) Where a package is sold or supplied to a consumer by a packer from his own premises, or from a vehicle used solely by him, paragraph (1)(b) shall only apply to that package if it is marked with the E-mark. So there is no requirement to print your address on the label if you are selling from your own door or car (assuming that you are not printing the e-mark).

2.3.6. Tolerable error

Unless processing vast quantities, it is safest to weigh each individual jar using a tare equal to the weight of the jar. There are no penalties for over-filling individual jars, though this will result in a financial loss to the beekeeper. Alternatively the beekeeper could elect to check batches only, in this case we recommend keeping batch size under 100 in order not to be exposed to destructive sampling (see below).

14.—(1) If a person has in his possession for sale, agrees to sell or sells a package in circumstances in which he knows or has reasonable grounds for believing that the package has a negative error greater than twice the tolerable negative error, he shall be guilty of an offence.

(2) If a person has in his possession for sale, agrees to sell or sells a package in circumstances where he knows, or has reasonable grounds for believing, that the package comes from a batch of packages which has failed the reference test, then he shall be guilty of an offence unless he can show that:

(a) he had reasonable grounds for believing that corrective action had been taken after the batch had failed the reference test to ensure that the batch subsequently complied with the requirements of regulation 4, or

(b) the actual quantity of the package exceeded the nominal quantity.

A beekeeper\(^4\) commits an offence if

- an individual jar/bucket of honey is underweight by more than 2x the tolerable negative error\(^5\) as stated in Schedule 3: So for an 8oz/227g jars the tolerable negative error is 9g, for a 12oz/340g jar it is 3% or 10g, and for a 1lb/454g jar it is 3% or 13.6g.

\(^4\) Presumably, even one of the female sex.

\(^5\) In calculating the amount of a tolerable negative error in a case where the error is to be calculated as a percentage of the nominal quantity, the amount shall be rounded up to the nearest one-tenth of a gram or milliliter.
Nominal quantity in grams or millilitres | As a percentage of nominal quantity | g or ml
--- | --- | ---
5 to 50 | 9 | –
from 50 to 100 | – | 4.5
from 100 to 200 | 4.5 | –
from 200 to 300 | – | 9
from 300 to 500 | 3 | –
from 500 to 1,000 | – | 15
from 1,000 to 10,000 | 1.5 | –
from 10,000 to 15,000 | – | 150
above 15,000 | 1 | –

- a batch fails the reference test as described in detail in Schedule 2 of the Regulation.

There are 3 sampling plans:

- A single non-destructive sampling (i.e. where jars/buckets are not opened) with the criteria below. E.g. if testing a batch of a 200 jars, 50 should be weighed, and the batch will fail if 4 or more weigh less than the stated weight minus the tolerable error as calculated above.

<table>
<thead>
<tr>
<th>Number in group</th>
<th>Number in sample</th>
<th>Acceptance criterion</th>
<th>Rejection criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 to 500</td>
<td>50</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>501 to 3,200</td>
<td>80</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>3,201 and above</td>
<td>125</td>
<td>7</td>
<td>8</td>
</tr>
</tbody>
</table>

- A double non-destructive sampling (i.e. where jars/buckets are not opened) with the criteria below. E.g. if testing a batch of a 200 jars, 30 should be weighed, and the batch will fail if 3 or more weigh less than the stated weight minus the tolerable error as calculated above. If 1 or less are found to weigh less than the stated weight minus the tolerable error as calculated above, a second batch of 30 jars will be tested and the batch rejected if 5 or more are below weight.

<table>
<thead>
<tr>
<th>Number in batch</th>
<th>Order</th>
<th>Number</th>
<th>Aggregate number</th>
<th>Acceptance criterion</th>
<th>Rejection criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 to 50</td>
<td>1st</td>
<td>30</td>
<td>30</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>2nd</td>
<td>30</td>
<td>60</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>501 to 3,200</td>
<td>1st</td>
<td>50</td>
<td>50</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>50</td>
<td>100</td>
<td>6</td>
<td>7</td>
<td></td>
</tr>
</tbody>
</table>
- A destructive sampling (i.e. where jars/buckets are opened i.e. wasted) only to be carried for batches of 100 or more on 20 jars/buckets.

2.3.7 Duty to record checks
As per the text below, you need to
- either check each jar/bucket’s weight, or sample batches sufficiently
- record these checks
- keep these records for a year (or your Best Before End date, whichever comes first)

It is suggested to keep this together with your batch records.

As per paragraph 19 of the Regulation, this process constitutes a defence of due diligence in case the beekeeper is accused of an offence under this regulation.

9.—(1) It shall be the duty of a packer in making up packages either—

(a) to measure the product contained in each package using equipment which complies with paragraph (2) to ensure that the packages are packed in accordance with regulation 4(1), or

(b) to carry out checks on the product contained in the packages using a system of sampling and tests which are sufficiently rigorous to ensure that the packages are packed in accordance with regulation 4(1), and for this purpose—

(i) to use equipment which complies with paragraph (2), and

(ii) to make, and to keep until the relevant date, a record of the checks, together with a record of the corrections and adjustments which they have shown to be necessary.

(5) The relevant date, for the purposes of paragraphs (1)(b)(ii) and (4), is either:

(a) the date, as marked on the package, which indicates by when the product ought to be consumed; or

(b) one year after the packages have left the possession of the packer or importer (as appropriate), whichever occurs first.

2.4. The Weights and Measures (Food) (Amendment) Regulations 2014

2.4.1. Honey to be sold by net weight
(2) Unless sold loose or packaged in a quantity of less than 5 g, honey must be made up in a container marked with an indication of quantity by net weight.

2.4.2. With the exception of Comb honey
(4) Paragraph (3) above shall not apply in relation to any of the following—

(c) chunk honey; or

(d) comb honey.