

Guidance Note on Marketing of free range eggs and poultrymeat from the 17th March 2017

- As a result of an increased risk of Highly Pathogenic Avian Influenza (HPAI) affecting commercial poultry flocks in Ireland, the Department of Agriculture, Food & the Marine introduced Regulations on 23rd of December 2016 under the Animal Health and Welfare Act 2013 requiring flock keepers to confine all poultry and captive birds in their possession or under their control in a secure building to which wild birds, or other animals do not have access and to apply particular bio-security measures. The Regulations, entitled Avian Influenza (Precautionary Confinement of Birds) Regulations 2016, provide for precautionary measures, against avian influenza (bird flu).
- The Department has now decided to extend this confinement period to **30 April** due to the continued findings of HPAI H5N8 in wild birds in Ireland and as a precautionary measure to protect the internationally recognised high health status of the national poultry flock. The Department will be keeping this decision under regular review.
- This means that the 12 week derogation period for free range produce set down under EU law expires from the 17th March 2017. After this date, producers, packers, processors and retailers in the free range egg and poultrymeat sector must make alternative labelling arrangements in order to remain in compliance with the relevant EU provisions on marketing and labelling of their products.
- The purpose of this note is to provide guidance to producers, packers, processors and retailers of free range eggs and poultrymeat in Ireland on their options for the labelling of their product now that the confinement period for birds has been extended to 30 April.
- **The options set out below are not exhaustive and it is a matter for each operator to consider which options best suits their individual business.**

EU Regulations laying down detailed rules regarding marketing standards for eggs and poultrymeat are found in Commission Regulation (EC) No. 589/2008 & Commission Regulation (EC) No. 543/2008 respectively.

These Regulations set down minimum requirements that must be met in order to use the term “Free Range”, including rules around access to the range. The Regulations also provide for situations where veterinary restrictions are imposed to protect public and animal health, as is the case currently in Ireland, whereby eggs and poultrymeat may continue to be marketed as “Free Range” for the duration of the restriction but not for more than 12 weeks. In Ireland, the 12 week period expires from the 17th March. The 12 week period commences on the date of imposition of the restriction (23rd December 2016) regardless of the age of the birds.

Given the decision to extend the confinement period under the Avian Influenza (Precautionary Confinement of Birds) Regulations 2016 to the 30th of April, then the following situation pertains for the marketing of free range eggs produced from the 17th March 2017-

- Producers/packers cannot describe the eggs as “Free Range Eggs”.
- Producers/packers have the option of re-classifying the eggs as “Barn Eggs”. **It is possible to hold dual registration status, i.e. “Free Range Eggs” and “Barn eggs” at the same time.**
- The status of the produce will revert from Barn Eggs to Free Range eggs on the day the confinement period is lifted.
- A producer, currently registered as a “Free Range Egg” producer may apply to the Department to be registered as a “Barn Egg” producer to allow the marketing of eggs as “Barn Eggs”.

- In the event that you wish to register as a “Barn Egg” producer you are invited to complete and return the enclosed application for registration.
- An Egg Packing Centre currently registered to pack “Free Range” eggs may apply to the Department to be registered to pack “Barn Eggs”.
- If you are not already registered to pack “Barn Eggs” and in the event that you wish to do so you are invited to complete and return the enclosed application for registration.
- Where eggs are classified as “Barn Eggs”, the stamp on the egg must indicate Barn Production i.e., 2IE_ _ _.
- It will be necessary to amend the indication of farming method on packs of eggs by means of an over-lay label. For example, an over-lay label with wording such as: **“Barn Eggs” – laid by hens temporarily housed for their welfare.** The “Barn Eggs” farming method indicator should be placed in a prominent location in the principal field of vision of the pack to ensure that the information contained therein is easily discernible by the consumer.

Given the decision to extend the confinement period under the Avian Influenza (Precautionary Confinement of Birds) Regulations 2016 to the 30th of April, then the following situation pertains for the marketing of free range poultrymeat produced from the 17th March 2017-

- It should be noted that it is not mandatory under the EU rules on Marketing Standards for poultrymeat to indicate a farming method on poultrymeat packaging. However, where producers/processors indicate a farming method on poultrymeat, **they cannot describe the poultrymeat as “Free Range” from the 17th March.**
- Where producers/processors wish to indicate a farming method on packages of poultrymeat, they have the option of re-classifying the poultrymeat as “Barn Reared”. **It is possible to hold dual registration status, i.e. “Free Range” and “Barn reared” at the same time.**
- The status of the produce will revert immediately from Barn Reared to Free Range on the day the confinement period is lifted.
- A producer, currently registered as a “Free Range” producer may apply to the Department to be registered as a “Barn Reared” producer to allow the marketing of poultrymeat as “Barn Reared”.
- In the event that you wish to register as a “Barn Reared” producer you are invited to complete and return the enclosed application for registration.
- Where producers/processors classify poultrymeat as “Free Range” and they wish to continue to use a farming method indicator, it will be necessary to amend the indication of farming method on poultrymeat by means of an over-lay label. For example, an over-lay label with wording such as: **“Barn-Reared” – poultrymeat from birds temporarily housed for their welfare.** The “Barn-Reared” farming method indicator should be placed in a prominent location in the principal field of vision of the packaging to ensure that the information contained therein is easily discernible by the consumer.
- Where producers/processors classify poultrymeat as “Free Range” and they do not wish to use the “Barn Reared” farming method indicator but do wish to use the existing packaging which indicates a “Free Range” farming method on poultrymeat, it will be necessary to amend the indication of farming method on poultrymeat by means of an over-lay label. For example, an over-lay label with wording such as: **Poultrymeat from birds temporarily housed for their welfare.** The amendment to the farming indicator should be placed in a prominent location in the principal field of vision of the packaging to ensure that the information contained therein is easily discernible by the consumer.
- A poultrymeat slaughterhouse currently registered as a “Free Range” slaughterhouse may apply to the Department to be registered as a “Barn-reared” slaughterhouse to allow the marketing of poultrymeat as “Barn-reared”.
- In the event that you wish to register as a “Barn Reared” slaughterhouse you are invited to complete and return the enclosed application for registration.

Food Information for Consumers

- It is a requirement under EU law, specifically Regulation (EU) No. 1169/2011 on the provision of Food Information to Consumers that food information to the consumer shall not be misleading as to the characteristics of the food and in particular as to its nature. In addition mandatory food information must be in a conspicuous place in such a way as to be easily visible and clearly legible (for example, the principal field of vision, i.e. the field of vision of a package which is most likely to be seen at first glance by the consumer at the time of purchase).

Where an over-lay label is used in the marketing of eggs or poultrymeat from the 17th March 2017, the following requirements must be adhered to:

- Commission Regulation (EC) No. 589/2008 laying down detailed rules for implementing Council Regulation 1234/2007 as regards marketing standards for eggs with specific reference Article 12 (2) “**....packs containing Class A eggs shall bear on the outer surface in easily visible and clearly legible type the farming method**” This Regulation concerns eggs only.
- Regulation (EU) No. 1169/2011 on the provision of Food Information to Consumers, Article 7(2) which states that **“Food information shall be accurate, clear and easy to understand for the consumer”**.
- Regulation (EU) No. 1169/2011 on the provision of Food Information to Consumers Article 8(4) which states that **“Food business operators, within the businesses under their control shall not modify the information accompanying a food if such modification would mislead the final consumer or otherwise reduce the level of consumer protection and the possibilities for the final consumer to make informed choices. Food business operators are responsible for any changes they make to food information accompanying a food”**.

Information concerning foods containing free range eggs and poultrymeat

For information/guidance on labelling of foods containing free range eggs and poultrymeat from the 17th of March please see the Food Safety Authority of Ireland’s website www.fsai.ie or contact FSAI Advice Line on 1890 33 66 77 or 01 8171300.

Department of Agriculture, Food and the Marine
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