

## **FOOD COMPLAINT ADVICE LEAFLET COMMERCIAL ENVIRONMENTAL HEALTH TEAM**

### **What is a food complaint?**

Food complaints can be divided into two main categories:

- Complaints about food
- Complaints about premises

Complaints about food are very varied, but the most common complaints are:

- Allegations that the food has caused illness (food poisoning)
- Foreign bodies i.e. a piece of string in a loaf of bread.
- Labelling issues

Complaints about food premises generally relate to:

- Food consumed at a premises or a takeaway that has caused illness or food poisoning.
- Poor practices by the food handler,
- Dirty conditions, and
- Selling of out of date food.

### **Will I get compensation?**

If your main aim when complaining about food or a food premises is simply to obtain a refund, replacement product or compensation for your inconvenience or distress, then you should deal directly with the manufacturer of the food or business from which the food was purchased.

The function of this Department is to ensure public safety **not** to negotiate compensation on your behalf.

### **Minor complaints**

No food producer or shop is perfect and even at the best run premises mistakes can happen. If you have a minor complaint such as greenfly in lettuce or items that are past their best before date (but not use by date), we would recommend that you take them back to the retailer as soon as possible and draw it to their attention.

### **I have a food complaint – what should I do next?**

- Do not throw away the food
- Keep perishable food (including takeaway leftovers) in the fridge, especially if you think that they made you ill.
- Do not disturb foreign bodies – keep them as you found them.
- Retain any packaging and receipts. This is important as it will contain codes and batch numbers that will help us trace when and where it was made.

## **What will happen when I complain?**

- If you contact us by phone our administration staff will take brief details and log your complaint. Although some people would prefer to talk directly to an Environmental Health/Food Safety Officer, this is not always possible as they are often out visiting food premises within the borough.
- When you complain; along with the details of the complaint, we will ask you for your name and address and a contact telephone number (including complaints made by email). This is important as the officer who is allocated your complaint may need to contact you to discuss the details of your complaint further and to keep you updated on any action taken in respect of your complaint. In addition if your complaint is serious enough to warrant further action you may be asked to give a witness statement. Please be assured that your details are kept confidential and only released with your permission. You will also be asked to sign a food complaint receipt form, which releases the complaint into our possession.
- Once your complaint has been logged it will be allocated to an officer. If you have not already spoken to an officer when initially logging your complaint, the officer will normally contact you to discuss the complaint in more detail. This contact is usually made within five working days. At this stage the Officer will be able to advise you as to what course of action they are able to take.
- If you have kept the offending food the officer will ask for it to be released as evidence along with the available packaging. Where the complainants are unable to bring the food into the Civic Centre themselves the Officers may arrange for it to be collected.

## **What action will be taken about my complaint?**

- The action taken will depend on the nature and severity of the complaint. Once the officer has collected all the information relevant to your complaint, he or she will decide on the most appropriate course of action to take. The officer's decision must also take into account the Food Safety Act 1990 and any other relevant regulations, codes of practice and enforcement policies.
- In most cases the action taken is likely to be informal. In this case the officer will discuss with you what they intend to do (e.g. phone call to Head Office, visit to premises, referral to another authority etc). At the close of their investigation, the officer will also contact you to inform you of the outcome and action that has been taken.
- Taking informal action can be effective. In fact this approach has several advantages, in particular that it allows food safety officers to work with food manufacturers and businesses to help prevent recurrences of complaints and improve standards throughout the food industry.
- In some cases formal action such as a caution or prosecution may be taken. Before a caution can be given or prosecution case brought investigating officers would need to gather sufficient evidence and prove the offence beyond all reasonable doubt. The investigation must be conducted thoroughly following PACE (Police and Criminal Evidence Act) Codes of Practice. The investigating officer would also have to establish if any claim by the food manufacturer/business that they have a "due diligence" defence

would stand up in court. Due diligence is the defence that the food manufacturer or business did everything they could do to prevent the offence from occurring. Several other factors must also be taken into account before deciding whether to prosecute including the costs involved, past history of the company and whether formal action is in the public interest.

- If your complaint is likely to result in formal action you will be asked to provide a witness statement. The investigating officer will help you to do this. Your cooperation in providing one is essential as action through the courts is unlikely to be taken without your evidence. You should also be prepared to go to court if requested. However, many food hygiene cases are heard without the need for witnesses to be present.

### **The outcome of the investigation**

- Please be aware that investigations whether formal or informal may take some time to complete. This is because it can take weeks to draw together all the information necessary for the officer to investigate your complaint thoroughly and decide what action is appropriate.
- If a food complaint has been completed and resolved informally, the retailer or manufacturer concerned normally asks for the name and address of the customer who complained, so that they can apologise or recompense them for the inconvenience caused. We will only release this information after we have obtained your permission. If you are not happy with the level of compensation that they offer then you must take it up directly with the company concerned.

### **If you have any further queries please contact the;**

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