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SALE OF FOOD PRODUCTS WITHOUT PACKAGING: THE CONSUMER AS A KEY PLAYER IN FOOD SAFETY

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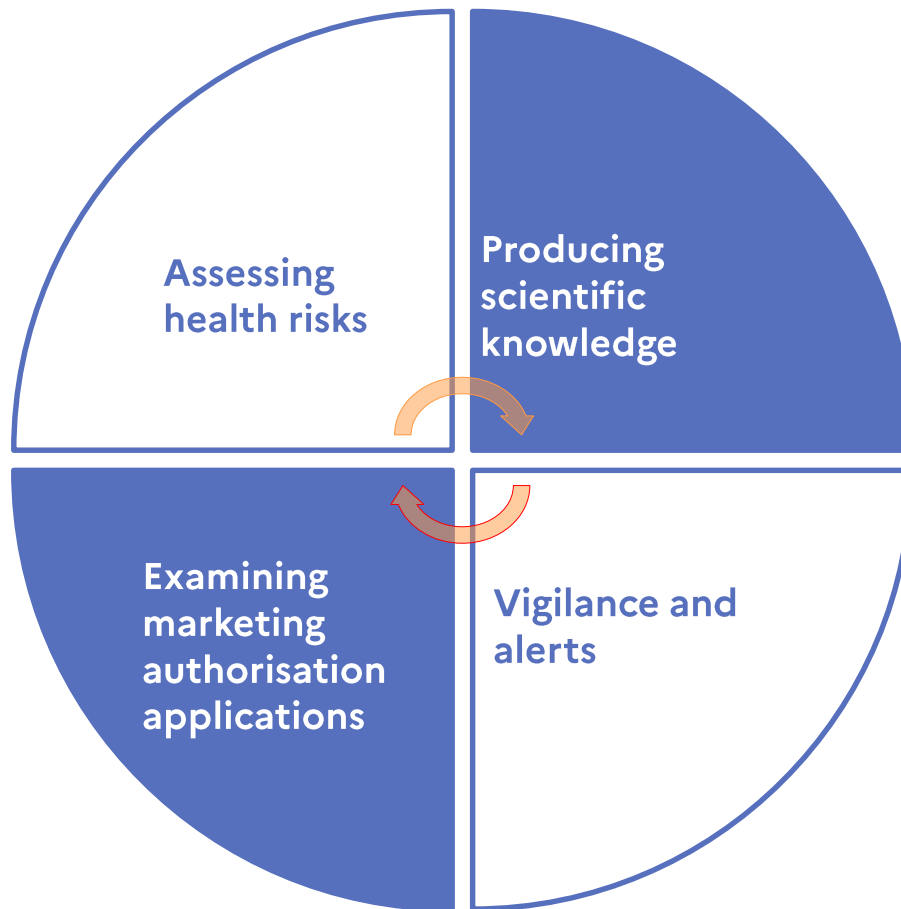
INVESTIGATE, EVALUATE, PROTECT

French Agency for Food, Environmental and Occupational Health & Safety.



A "One Health" Agency

Our missions





French regulation:

An article of the law n°2020-101 allows that any **consumer products** can be sold in bulk (without packaging) , **except** in the case of exceptions duly justified by **public health reasons**

Following a request from the supervisory ministries, Anses issued an expert opinion on this list of exceptions

Context of the work

The work covered a wide range of products

Consumer products

washing products, months, childcare articles, hygiene products ...

Animal feed

including petfood

Phytopharmaceutical products

Food supplement

Food



What is meant by bulk sales under this law?



Bulk sales are defined as the sale of products

- presented to the consumer **without packaging**,
- in **quantities** chosen by the consumer,
- in **re-usable containers**.

The re-usable container may be provided

- by the **retailer** at the point of sale or
- brought by the **consumer**, if the container is **visibly clean** and **suitable** for the nature of the product purchased.



Microbiologically highly perishable foods

as defined in Article 24 of (EU) No 1169/2011 : those subject to a “use-by” date

The decree leaves open the possibility of **bulk sales** under conditions guaranteeing the hygiene of foodstuffs:

- sale for **immediate consumption**,
- by means of a **suitable distribution device** →
- or given to the consumer in **assisted service**



Microbiologically highly perishable foods

as defined in Article 24 of (EU) No 1169/2011 : those subject to a “use-by” date



In the case of products sold after a repackaging stage, the determination of a **secondary shelf-life** is the responsibility of **the operator** carrying out the repackaging operation.

Even under these **restrictive distribution conditions**, **food safety may be compromised** (i.e sale for delayed consumption).

A particular attention must be paid to the **suitability and hygiene of the container** used to package the food, and specifically in the case where **the container is brought by the consumer** where visual control may not be sufficient / possible



Suitability and hygiene of the container



 The **suitability for food** contact can be checked on the packaging where the logos or indications are applied.

 The visual control of hygiene may not be sufficient to guarantee the safety of all products (in particular for delayed consumption).

Insufficient drying of the container may also contribute to accidental exposure (**microbial growth** for food).
















Regulation (EC) No 178/2002 → “food is unsafe” requires knowledge of the normal conditions of use of the food by the consumer

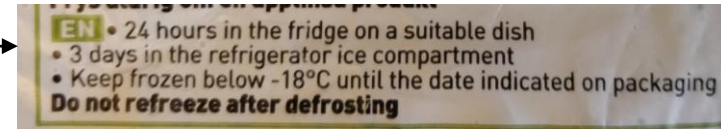
→ the use of the container should not be neglected.

Data from consumer surveys shall be taken into account to determine the **reasonably foreseeable use by the consumer**

Labelling elements for "pre-packed" and "non-pre-packed" products

The mandatory labelling requirements are different

-  -   **name of the foodstuff**
-   **notifiable allergens**
-   **use-by date** for highly perishable microbiological foodstuffs,
-   **instructions for use** (i.e. systematic cooking such as raw milk or shiitake mushrooms)
-   **batch number**
-   **for frozen food purchased : shelf life associated with the **method of preservation** of the frozen food purchased**



 If traceability information is available to the consumer, a difficulty in reliably **reporting this information** associated with the product sold in bulk

→ alerting the consumer to a **recall procedure** is made much more difficult.

Recommendations on mandatory labelling element




Anses recommends that operators/distributors **inform the consumer**, in addition to the already mandatory elements (e.g. allergens) mention:

- **shelf life dates** ("use-by" or "best-before" established in the context of bulk sales) ;
- **specific instructions** for use (storage at a specific temperature, preparation, cooking or use methods...)
- **identification elements** facilitating product recall procedures, such as the batch number

And any other indications could be relevant depending on the products offered for sale in bulk.

Labelling elements

 The absence of this information could either lead to **risky practices** or contribute to an **increase in food waste**.

 This kind of information should be indicated by an appropriate means :
take-home product sheet, proximity display, label to be stuck on the consumer's container etc...



 These elements imply that the consumer is **acculturated to retrieve** this information at home, and that notes them and keeps them until the product is consumed

Use of service equipment

Bulk product : microbial, chemical or physical contamination can occur



→ i.e. contact between consumer and distribution system as valve for automatic liquid dispensers, scoops, food tongs, etc.).

Incidents may occur during the dispensing process (intentional or not)



i.e. products containing allergens could be placed back into non-allergenic silos by customers who have filled a first bag by mistake.

It is necessary to put in place appropriate measures and devices to limit exogenous contamination



- use of appropriate furniture,



- system for disinfecting consumers' hands,

- etc.





Storage devices should also **prevent transfers of volatile particles** between different products

e.g. transfer of odorous and/or volatile molecules from a non-food product to a food product or cross-contamination of allergens by environmental dust

Some products with **low initial water activity** (spices, dried fruits, flaked purees, non-infant formula milk etc.) are very sensitive to **moisture build-up during storage**

slow stock turnover is an aggravating factor

These products can then be **favourable to microbial development**

fungal growth → contamination by mycotoxins



Specific containers should be adapted and the **effectiveness** of the **cleaning-disinfection** and **drying** procedures should be verified.

To conclude



Food safety & bulk sales :  responsibility of the **distributor** & of the **consumer** 



A hazard analysis should be carried out on a case-by-case basis by distributors

→ taking into account the reasonably foreseeable conditions of use by consumers



The container brought by the consumer is a **crucial point**

The qualification of "**visibly clean**" may not be **sufficient** to ensure the safety of all foods that may be sold to the consumer for delayed consumption.

The **suitability for food contact** of the container is also an important consideration.



To conclude



The consumer must therefore be **proactive** in retrieving and retaining essential information to ensure that the product purchased remains safe.



A change in **consumer habits** is necessary, accompanied by an awareness of the need to be more vigilant on certain points.

Supported by previous work¹, Anses encourages the **French public Authorities** to increase consumer awareness through an **active communication strategy** (media, medical profession, consumer associations, shopping centers, schools)."



¹ Anses. 2015. *Consumer information on the prevention of biological risks related to food - Evaluation of the effectiveness of communication strategies* (n° 2012-SA-0118)

Follow-up of this expert opinion

Full expert opinion (in French)

Note d'appui scientifique et technique relatif à un projet de décret prévoyant une liste d'exceptions à l'obligation de vente en vrac prévue à l'art. L. 120-1 du code de la consommation pour des raisons de santé publique (2021-SA-0051)

Hearing at the National Assembly by the Working Group on the conditions for the development of bulk sales

RÉPUBLIQUE FRANÇAISE
LIBERTÉ - ÉGALITÉ - FRATERNITÉ

COMMISSION DES AFFAIRES ÉCONOMIQUES



GRUPE DE TRAVAIL
SUR LES CONDITIONS DE DÉVELOPPEMENT DE LA
VENTE EN VRAC

COMMUNICATION DU 22 FÉVRIER 2022
M. Philippe Bolo, rapporteur

Conditions du développement de la vente en vrac



Article The Conversation (in French) « Vente de produits en vrac : comment la mettre en place en toute sécurité ? »

**Short video on the Anses stand at Paris International Agricultural Show
(in French) « Comment acheter en vrac en toute sécurité? »**



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& EXPERT COMMITTEES :

Assessment of the biological risks in foods

Assessment of guides to good hygiene practice (GGHP) and of application of HACCP principles

Assessment of substances and processes subject to authorisation in human food

MULTIDISCIPLINARY EXPERTISE :

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EXPERT COMMITTEES : Animal feed

Assessment of chemical risks of consumer items and products

Vigilance on chemical products

