



Note to Industry, Retailers and Local Authority enforcement in Wales

Labelling requirements for marketing free range eggs if housing orders remain in place beyond 16 weeks

The following applies from 1 February 2023 to free range eggs on sale in Wales from flocks in England under a mandatory housing order lasting more than 16 weeks.

The following will also apply from 24 March 2023 to eggs on sale in Wales from flocks in Wales under a mandatory housing order lasting more than 16 weeks.

Background

1. As a result of widespread incidence of Avian Influenza (AI) in both wild birds and kept birds, a Wales Housing Order came into force on 2 December 2022.
2. This followed an England only Housing Order which came into effect on 7 November 2022 and regional housing measures which came into effect in parts of England for Norfolk, Suffolk and parts of Essex on 12 October 2022.
3. Avian Influenza Prevention Zones are in place to reduce the risk to domestic and commercial flocks from AI. The Prevention Zone requires all poultry keepers to implement higher biosecurity measures in their flocks specifically by housing or separation of all poultry from wild birds. Birds in 'free range' flocks will therefore no longer have access to outside spaces.

The law

4. Legislation for Egg Marketing Standards is set out in retained Commission Regulation (EC) No 589/2008 ("the Regulations"). The law requires that an indication of the farming method must appear on the outer surface of egg packs in easily visible and clearly legible type.
5. A fixed 16-week derogation period exists during which eggs from free range birds may continue to be marketed as free range even though the birds are housed due

to the mandatory housing order. Any eggs laid after this 16-week period, whilst hens are still required to be housed, must be sold as 'barn eggs', reflecting the conditions under which they are housed until the housing order is lifted and access to the outdoor space is restored.

Consequences of the Housing Orders

6. If the Welsh Housing Order continues longer than 16 weeks (i.e. from 24 March 2023) across all or parts of Wales eggs originating from free range flocks in Wales still required to be housed must be labelled as 'barn eggs' to comply with the labelling requirements within the Regulations (see Article 12).
7. The same requirements will apply from 1 February 2023 in Norfolk, Suffolk, and parts of Essex, and from 27 February 2023 in the rest of England.

Packing, labelling and sale of eggs if free range flocks are housed for more than 16 weeks.

Egg Stamping

8. Egg producers are required to ensure that all eggs are stamped with the appropriate code to show that the farming method has changed from 'free range' (1UK) to 'barn' production (2UK) until the mandatory housing requirement is lifted.

Egg Box Labelling

9. Please see Annex A below for relevant diagrams.

Egg packing centres must put in place one of the following options for marketing eggs laid on or after the expiry of the 16-week derogation (Appendix A and B). These are, in order of preference:

1. Eggs are to be sold in "barn egg" boxes to clearly display the farming method of the eggs.
2. "Over-stickering" free-range boxes by placing a sticker over the "free-range" text to obscure or interrupt it leaving the correct farming method ("Barn Eggs") easily visible and clearly legible to the consumer. The over-lay sticker must be of suitable material to be affixed to allow for good adhesion and to prevent any labels dislodging before sale to the final consumer.
3. In recognition of the pressures the egg industry is currently facing due to rising input costs and the impacts of Avian Influenza, a further concession is granted to allow the use of direct print to pack or an affixed label on free-range boxes where the words "Barn Eggs" are included in the 'Best Before' section for domestic sales. The words "Barn Eggs" should be easily visible and clearly legible. **This is the minimum option** agreed if the housing order has not been lifted by the time either of the two 16-week derogation periods expire in 2023.

Point of Sale (POS) Signage

Due to the various Housing Order dates and resulting 16-week derogation period dates, clear and transparent Point of Sale (POS) signage is crucial to ensure consumers are not misled, and to avoid undermining consumer confidence in the free-range industry. If a direct print to pack label or an affixed label is used to market eggs, the use of clearly visible POS information would help potential consumers to make an informed purchase decision.

It would be best practice for POS signage to be introduced in Wales from 1 February 2023 in any retail environment where repackaged or relabelled 'free range' eggs are for sale.

It is recommended the POS signage clearly states the method of production and the reasons for the hens being temporarily housed. The egg industry should also look to work in cooperation with retailers and caterers to ensure consumers are made fully aware of the status of these eggs before purchase. The sufficiency of a notice or sign and the adequacy of its location will be assessed on a case-by-case basis.

The minimum expectations for POS and in-store signage would be:

1. On the eggs fixture, a shelf talker to be placed next to the sale price on each stock-keeping unit (SKU) of free-range eggs affected.
2. A detailed consumer notice to be placed in the egg sales area. This will ensure consumers looking to buy free range eggs read POS information with a clear explanation the eggs are barn eggs until hens are once again able to access outdoor areas.
3. Additional information on the housing order and temporary marketing changes to be placed online, at the point of ordering and be available at the point of delivery.
4. Additional in-store signage to be placed in areas which include free range eggs as ingredients (for example, in the provisions aisle or mayonnaise aisle) to alert consumers to the status of the eggs, if these products are affected.

Key words and phrases to be used in POS communications are:

- Relates to free-range hens
- Birds are temporarily being kept indoors
- For welfare
- Eggs from hens that have been housed for 16 weeks or more must be labelled as Barn Eggs
- Supporting British Farmers
- Government Guidance

These words should also look to be used in statements placed in retail stores, websites and the out-of-home sector (for example, in cafes and restaurants).

Exports

Exports to the EU should continue to adhere to EU standards or risk rejection at Border Control Posts or beyond. Exports to the rest of the world should continue to adhere to the requirements set by the country of destination.

Online egg sales

For online egg sales, if any of the 16-week derogation periods expires in 2023, statements should appear on website home pages, on banners in egg taxonomy pages and when customers search for eggs. General information pages and Q&A sections of websites should also include information on the current Avian Influenza outbreak.

Eggs as an ingredient

If any of the 16-week derogation periods expires in 2023, a list of ingredients on a pre-packed food product will contravene the retained Food Information to Consumers (FIC) Regulation (EU) 1169/2011 if it indicates that it contains free range eggs when the eggs should be classified as Barn Eggs, unless corrected. Should a free-range indication be given on a list of ingredients, the use of a clear correctional notice or sign in a suitable location will be sufficient to correct the 'free range' reference.

Annex A

Over-stickering



Print-to-pack Concessions



Point of Sale (POS) Signage

