

AVIAN INFLUENZA EGG LABELLING GUIDANCE

This is a guidance document. It is not legal advice. If companies are unsure about their legal obligations in this area, they should obtain their own legal advice.

Marketing of free range eggs where producers house birds

Compulsory Housing

During outbreaks of Avian Influenza, it may become necessary to introduce an Avian Influenza Prevention Zone (AIPZ) in Northern Ireland. A Compulsory Housing Order to help reduce the risk of spread of Avian Influenza from infected wild birds to domestic birds, may be put in place. Such a Housing Order can impact the 'Free Range' status of eggs if they are produced by flocks that are housed beyond the 16 week grace period; this is explained below.

Legislation

The requirements for marketing eggs is set out in law. The Eggs and Chicks Regulations (Northern Ireland) 2010 follows EU Commission Regulation (EC) No 589/2008 (as amended) which lays down detailed rules regarding marketing standards for eggs. 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.

It is mandatory for an indication of the farming method to appear on the outer surface of packs containing the eggs. This indication must be in easily visible and clearly legible type.

The Regulations allow eggs to continue to be marketed as 'Free Range' during a Housing Order, which lasts for a period of up to but not more than 16 weeks on a flock by flock basis. This 16 week grace period applies where veterinary restrictions are imposed to protect public and animal health.

Once the 16 week grace period has ended, eggs from flocks which continue to be housed may not be marketed as 'Free Range' (see Article 12(2) of Regulation (EC) No 589/2008).

Marketing of eggs in Northern Ireland

Indications on packs and eggs

Where a free-range producer has been housing birds owing to a mandatory housing order for more than 16 weeks (on a flock-by-flock basis), then the following arrangements will apply for the marketing of eggs from free range hens within Northern Ireland:

- Producers/packers cannot describe the eggs as 'Free Range';
- Producers/packers have the option of re-labelling the eggs as 'Barn Eggs';
- Where eggs are classified as 'Barn Eggs', the stamp on the egg must indicate Barn Production i.e. '2UK9_ _ _';
- As an easement, where packers are unable to use Barn Eggs packs and have to make use of Free Range packs, it will be necessary to amend the indication of farming method on packs of eggs by means of an over-layer label made of suitable material to allow it to be fixed with good adhesion and of a size to cover the majority of the main reference. It is essential that the label obscures or significantly interrupts the *main reference* to 'Free Range' on the pack (Fig. 1 shows an example of the style of an over-layer label which could be used in this manner); and
- Over-layer labels must inform consumers accurately of the farming method used to produce the contents of the pack.

To enable packers and enforcement authorities to distinguish flocks, where individual flocks are still within their 16 weeks derogation period, and their eggs may therefore continue to be marketed as 'Free Range', producers should add the house number and date of flock placement to egg transport container labels.

Once the laying flock has continuous daytime access to range, their eggs can be classified as free range again.

Fig. 1



In-store signage

Clear and transparent point-of-sale (POS) signage is essential to ensure consumers are not misled and to avoid undermining consumer confidence in the free-range industry. When an affixed label on a “Free Range Egg” pack is used to market eggs, POS information is mandatory.

POS signage should clearly state the method of production and the reasons for temporary housing. It is important that 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 determined on a case-by-case basis.

Where a free-range producer has been housing birds owing to a mandatory housing order for more than 16 weeks (on a flock-by-flock basis), the minimum standard for POS and in-store signage should be:

1. On the eggs fixture, a shelf talker placed with the price point on each stock keeping unit (SKU) of free-range eggs affected.
2. A detailed consumer notice in the egg area. There needs to be equal prominence given to ‘Barn Egg’ and any ‘Free Range’ wording. This will ensure that consumers looking to buy Free Range eggs will read POS information, whilst also explaining to consumers that eggs will be Barn Eggs until the hens are no longer housed.
3. Additional information on the housing order and temporary marketing changes online, in-store and at point of sale for delivered goods.
4. Additional in-store signage, including in areas that include free-range eggs as ingredients (provisions aisle, mayonnaise aisle), to alert consumers to the temporary situation.

Key words previously agreed with industry to be used in POS comms are:

- Relates to all hens
- Indoor
- Temporarily
- For welfare
- Government (to be used in the context of ‘we are following Government Guidance, advice, set direction, etc).

These words should also be used in statements in retail stores, websites and the out of home sector (e.g. cafes and restaurants).

Online

For online sales, 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.

Egg as an ingredient

It is also important to ensure that the ingredients on pre-packed food products are accurate and that they do not claim to contain 'Free Range' eggs where 'Barn Eggs' have been used.

If Barn eggs have been used and a free-range indication is given on a list of ingredients, the use of a clear correctional notice or sign should correct a 'free-range' reference.

Marketing of eggs in England, Scotland or Wales

Where a free-range producer in Northern Ireland has been housing birds owing to a mandatory housing order for more than 16 weeks (on a flock-by-flock basis) and is then marketing these eggs in England, Scotland and Wales, the producer or packer should consider guidance issued by Defra, Scottish Government and Welsh Government.

Marketing of eggs in the Republic of Ireland

Where a free-range producer in Northern Ireland has been housing birds owing to a mandatory housing order for more than 16 weeks (on a flock-by-flock basis) and these eggs are subsequently marketed in the Republic of Ireland, producers/packers should consider guidance available on gov.ie: [gov.ie - Trader Notices - Animal Feed \(www.gov.ie\)](http://www.gov.ie)

Marketing of eggs in the wider EU

Exports from Northern Ireland to the wider EU should adhere to EU standards or risk rejection at Border Control Posts.

Links to legislation

- [COMMISSION REGULATION \(EC\) No 589/2008](#)
Laying down detailed rules as regards marketing standards for eggs.
- [EGGS AND CHICKS REGULATIONS \(NORTHERN IRELAND\) 2010](#)
Applies Retained Commission Regulation 589/2008 to Northern Ireland.
- [COMMISSION REGULATION \(EC\) No 1169/2011](#)
EU legislation on the provision of food information to consumers