

# Detailed guide: Marketing standards for fresh fruit and vegetables

*Updated:* Added GMS and SMS notes to explain some of the requirements more clearly and give information about defects that are not in the standard.

Anyone who markets fresh fruit or vegetables, salad crops, nuts or cultivated mushrooms must meet the rules on quality and labelling.

There are 2 sets of marketing standards:

- Specific Marketing Standard (SMS), which applies to 10 types of fresh produce
- General Marketing Standard (GMS), which applies to most other fresh fruit, vegetables, nuts and herbs

The rules are detailed, and retailers should make sure you understand and follow the advice in the European Union (EU) Marketing Standards for Fresh Horticultural Produce –

[A Guide for Retailers](#)

(PDF, 2.8MB, 12 pages)

or

[A Guide for Retailers in Wales](#)

(PDF, 2MB, 12 pages)

– so that you meet the legal requirements.

The EU marketing standards are explained for all businesses in a short summary in the leaflet

[EU Marketing Standards for Fresh Horticultural Produce](#)

(PDF, 494KB, 2 pages)

or

[EU Marketing Standards for Fresh Horticultural Produce in Wales](#)

(PDF, 478KB, 2 pages)

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The Horticultural Marketing Inspectorate (HMI) carries out unannounced inspections to make sure that businesses are meeting the rules. Where necessary, HMI will work with businesses, giving advice and guidance to help them make any relevant improvements. If the improvements are not made, HMI can take legal action to prosecute.

## **Who the standards apply to**

The marketing standards apply to all businesses that market these types of

produce, including:

- importers
- packers (who may also be growers)
- distributors
- wholesalers
- retailers (who may not necessarily trade from shop premises).

## Specific Marketing Standard

SMS applies to these 10 types of fresh produce:

- [apples](#)  
(PDF, 184KB, 15 pages)
- [table grapes](#)  
(PDF, 28.7KB, 6 pages)
- [kiwi fruit](#)  
(PDF, 34.1KB, 6 pages)
- [citrus fruit \(oranges, lemons and soft citrus\)](#)  
(PDF, 74.3KB, 10 pages)
- [peaches and nectarines](#)  
(PDF, 41.2KB, 6 pages)
- [pears](#)  
(PDF, 73.1KB, 10 pages)
- [strawberries](#)  
(PDF, 30KB, 5 pages)
- [lettuces \(including curled-leaved and broadleaved endives\)](#)  
(PDF, 35.3KB, 6 pages)
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[sweet peppers](#)

(PDF, 36.6KB, 6 pages)

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[tomatoes](#)

(PDF, 82.3KB, 7 pages)

Along with the marketing standard there are notes below which explain some of the requirements more clearly and give information about defects that are not in the standard.

Specific Marketing Standard notes:

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[apples](#)

(PDF, 130KB, 3 pages)

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[table grapes](#)

(PDF, 36.5KB, 2 pages)

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[kiwi fruit](#)

(PDF, 91.5KB, 2 pages)

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[citrus fruit](#)

(PDF, 50.4KB, 2 pages)

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[peaches and nectarines](#)

(PDF, 35.9KB, 2 pages)

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[pears](#)

(PDF, 49.6KB, 2 pages)

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[strawberries](#)

(PDF, 107KB, 2 pages)

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[lettuces](#)

(PDF, 35.4KB, 2 pages)

- [sweet peppers](#)  
(PDF, 82.2KB, 3 pages)

- [tomatoes](#)  
(PDF, 50.9KB, 2 pages)

To be fit for sale, these types of produce must be:

- intact
- sound (for example, not rotten, severely bruised or severely damaged)
- clean
- fresh in appearance
- practically free from pests
- practically free from damage caused by pests affecting the flesh
- free of abnormal external moisture
- free of foreign smell or taste
- sufficiently developed/ripe, but not overdeveloped/overripe

The produce must also be graded into one of these quality classes:

- Extra – superior quality
- Class I – good quality
- Class II – reasonably good quality

The produce must be labelled with:

- country of origin (in full)
- quality class
- variety (if required)
- size
- the name and address of the packer and/or dispatcher (or their official code mark which can be supplied by HMI, or a global gap number (GGN))
- the type of produce if it is not visible from outside

When sold loose at retail, SMS produce must be labelled with its country of origin, quality class and any variety or type information required by the particular standard for the produce.

## **Pre-packed produce**

Pre-packs of produce covered by SMS must also show either net weight or the number of items of produce (unless this number can be clearly seen).

You can find full information about labelling of pre-packs in the relevant EU marketing standard, and a summary in HMI's EU Marketing Standards for Fresh Horticultural Produce –

[A Guide for Retailers](#)  
(PDF, 2.8MB, 12 pages)

or

[A Guide for Retailers in Wales](#)

(PDF, 2MB, 12 pages)

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## **Produce for home processing**

Produce covered by SMS that does not meet the requirements of the particular standard can be sold at retail for home processing. If you sell any produce covered by SMS for home processing, you do not have to label it with a quality class, but it must be labelled as 'produce for home processing'. The label can also carry further information, for example, 'strawberries for home jam making' or 'apples for home pie making'.

Produce sold for home processing still has to meet the quality criteria for the General Marketing Standard (see list in next section).

## **General Marketing Standard**

[GMS](#)

(PDF, 16.8KB, 2 pages)

applies to most other fresh fruit, vegetables, nuts, herbs and cultivated mushrooms.

Along with the marketing standard there are

[notes](#)

(PDF, 130KB, 14 pages)

to explain some of the requirements more clearly and give information about defects that are not in the standard.

The produce does not have to be graded into quality classes, but it must still be:

- intact
- sound (for example, not rotten, severely bruised or severely damaged)
- clean
- practically free from pests
- practically free from damage caused by pests affecting the flesh
- free of abnormal external moisture
- free of foreign smell or taste
- sufficiently developed/ripe, but not overdeveloped/overripe

When sold loose at retail, the produce must be labelled with its country of origin.

When sold pre-packed, it must be labelled with:

- country of origin (in full)

- the name and address of the packer and/or dispatcher (or their official code mark supplied by HMI, or a global gap number (GGN))
- either net weight or number of items

When the produce is sold boxed for wholesale, the box must be labelled with:

- country of origin (in full)
- the name and address of the packer and/or dispatcher (or their official code mark supplied by HMI, or a global gap number (GGN))

## **UNECE standards**

Instead of the General Marketing Standard, the law allows you to use [alternative standards adopted by the United Nations Economic Commission for Europe](#) (UNECE).

## **Produce not covered by the marketing standards**

These products have no specific quality or labelling requirements under the marketing standards:

- early and ware potatoes
- chilli peppers
- sweetcorn
- olives
- capers
- wild mushrooms
- manioc or cassava
- arrowroot
- salep
- Jerusalem artichokes
- sweet potatoes
- yams
- dasheen
- taro
- sago
- cocoyams
- yam beans and similar roots and tubers with high starch or inulin content
- coconuts
- brazil nuts
- cashew nuts
- bitter almonds
- pecans
- pistachios
- macadamia nuts, pine nuts, and all shelled nuts (that is, without their shells)
- ripened bananas
- dates
- saffron
- ginger

- bay
- turmeric
- nutmeg
- sugar cane
- peanuts
- edname beans
- all prepared and processed products, dried products, and products for industrial processing, wine making or animal feed

This is not a complete list. You should

[contact HMI](#)

(MS Word Document, 49.6KB)

if you are not sure if your particular product is covered by a marketing standard.

## Mixed types of produce

You can sell packs of mixed produce up to 5kg, as long as:

- all of the produce is of uniform (the same) quality
- each type of produce meets the marketing standard that applies to it

You can label packs containing produce from more than one country with one of the following:

- 'Mix of EU fresh horticultural produce'
- 'Mix of Non-EU fresh horticultural produce'
- 'Mix of EU and Non-EU fresh horticultural produce'

## Retail distance selling

Distance selling (also known as distance contracts) includes internet shopping, mail order and purchases by telephone, fax or email. If you sell fresh produce by any of these methods, you must still give the customer the same information about the product before they buy it, as they would get in a retail outlet.

## Inspections

If you pack or market fresh fruit and vegetables in England and Wales, you may be inspected by the Horticultural Marketing Inspectorate (HMI).

HMI chooses which businesses to inspect based on risk and previous inspection history (so if your business passes an inspection without problems, it's less likely to be inspected in future).

Inspections will be unannounced and you must follow any advice the inspector gives.

## What the inspector will be looking for

The inspector will check whether you're meeting the requirements of EU marketing standards. Your fresh fruit and vegetables must:

- be fit for sale
- have the appropriate quality grading (for produce covered by SMS)
- be correctly labelled

## What happens if produce does not pass inspection

If your produce does not pass inspection, the inspector will discuss what improvements you must make to meet the rules, or whether you need to dispose of it.

Your options may include:

- make improvements so that the produce meets the rules, for example, by relabelling it or reclassifying it at a lower quality grading
- removing the produce from the fresh market, which may involve disposing of it by an approved method
- sending the produce back to the supplier, for example, to the packer or importer

Before the inspector leaves, you'll need to decide what you're going to do with the produce and sign an undertaking stating what action you'll take. This undertaking is legally binding – if you break it you could be prosecuted.

Before the inspector will allow you to put the produce back on sale, they may need to carry out a follow-up inspection.

HMI is also more likely to select you for an unannounced inspection in future if your fresh fruit and vegetables have not passed inspection in the past.

If your produce or labelling is repeatedly found to be defective, HMI may give you 'amber' status, meaning that they'll carry out an increased number of inspections.

If problems persist and HMI gives you 'red' status, you may be prosecuted. Every visit HMI makes to your premises may include the collection of evidence which could in due course be used in any prosecution.

The process above is explained in [HMI's enforcement policy](#) (PDF, 152KB, 3 pages)

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## Feedback survey

To help RPA improve the level of service they provide give them [feedback](#)



about any of the following:

- a recent visit from an RPA inspector about fruit and vegetables, olive oil or green bananas
- recent use of the PEACH helpdesk
- a general point relating to the Horticultural Marketing Inspectorate.

## Approved trader status

If you are a grower/packer or an importer and your business consistently meets the requirements of the marketing standards, HMI can give you approved trader status (ATS). This means that you're identified as low risk, and will receive fewer inspections.

For more information about ATS,  
[contact HMI](#)  
(MS Word Document, 36.3KB)

## Relevant regulations

- [The Marketing of Fresh Horticultural Produce Regulations 2009](#) (SI 2009/1361)
- [The Marketing of Fresh Horticultural Produce \(Amendment\) Regulations 2011](#) (SI 2011/2587)
- [The Marketing of Fresh Horticultural Produce \(Wales\) Regulations 2009](#) (SI 2009/1551 (W 151))
- [EU Regulation 543/2011](#), as amended by [EU Regulation 594/2011](#)

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## [Collection: Standard rules: environmental permitting](#)

*Updated:* Added 9 new documents to the collection under sub heading Medium combustion plant and specified generators.

Applying for a standard rules permit saves you time and money. Before you apply you need to be aware of some important characteristics:

- you cannot vary the rules and you have no right of appeal against them
- if you want to change your operations so a standard permit no longer works for your operation you'll have to apply to make it a bespoke permit instead
- if there is a change in your local environment after your permit has been issued (for example due to a change in the definition of a

groundwater source protection zone), you may need to upgrade the operation to a standard sufficient for the changed environment, or change to a bespoke permit

Check if you need a [conservation risk assessment](#) before you submit your permit application.

Related information:

- [Check if you need an environmental permit](#)

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## **Collection: Environmental permits: regulatory position statements**

*Updated:* New RPS added – Land contamination pilot trials and small scale remediation schemes: RPS 215.

The Environment Agency is not currently enforcing the need for an environmental permit in specific cases for some activities.

These regulatory position statements (RPSs) explain when you do not need to apply for a permit for those activities.

Related information:

- [Check if you need an environmental permit](#)
- [Waste: environmental permits](#)
- [Discharges to surface water and groundwater: environmental permits](#)

If the review date in a RPS issued by the Environment Agency has passed, the RPS remains in force and can be relied upon until it is removed from GOV.UK or marked as withdrawn.

If the RPS says that it expires on a certain date it cannot be relied upon and does not apply after that date.

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## **Collection: Groundwater: current**

# status and flood risk

*Updated:* June report for Wessex uploaded.

Flooding from groundwater can happen when the level of water within the rock or soil that makes up the land surface (known as the water table) rises.

Lead local flood authorities (the unitary or county council) are responsible for managing the risk of flooding from groundwater.

The Environment Agency has a strategic overview for all sources of flooding including groundwater. They supply information in the form of monitored groundwater levels. In some areas that have historically experienced groundwater flooding, the Environment Agency provide a groundwater alert or warning service.

The Environment Agency also produce [monthly water situation reports](#) based on data provided by themselves, the Met Office and water companies.

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## Official Statistics: West Thames: groundwater situation

*Updated:* Latest report added – 7 June 2018.

This document provides information on the groundwater situation for:

- West Berkshire
- Wiltshire
- Surrey
- Windsor
- Maidenhead
- north east Hampshire
- Buckinghamshire
- Vale of White Horse

Flooding from groundwater can happen when the level of water within the rock or soil that makes up the land surface (known as the water table) rises. The level of the water table changes with the seasons due to variations in long term rainfall and water abstraction. When the water table rises and reaches ground level, water starts to emerge on the surface and flooding can happen.

Lead local flood authorities (the unitary or County Council) are responsible for managing the risk of flooding from groundwater. They set out how they

plan to do this in their local flood risk management strategies.

The Environment Agency has a strategic overview for all sources of flooding including groundwater. This means they will provide support to other risk management authorities. They supply information in the form of monitored groundwater levels. In some areas that have historically experienced groundwater flooding, the Environment Agency provide a groundwater alert or warning service.