

Food hygiene and old jam-jars (14/09/12)

Please take note: this looks like a spoof but it's not

A member asked us if it was true that the current food hygiene regime forbade the sale of jams, chutneys and suchlike in reused jam-jars. We contacted the Food Standards Agency and were told that this is, in fact, the case.

You can reuse jam-jars at home and you can use them for private gifts to friends: what you are *not* allowed to do is to make jam, put it in reused jam-jars then either sell it for even give it away *at a public event*. The crux is whether or not the item is “placed on the market”; and the current [guidance](#) says this at page 18:

“**‘placing on the market’** means the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, *whether free of charge or not*, and the sale, distribution, and other forms of transfer themselves;”

Therefore, if jars of jam were given away at a fete as prizes in raffles, for example, the local authority would have the right to ask for the compliance documentation (called a “Declaration of Compliance”) for the jars to ensure they met the requirements of the Food Hygiene Regulations 1935/2004 and 2023/2006 and were safe and appropriate to use – which the producer would not have.

We also contacted the Women’s Institute, on the assumption that if there were a flaw in all this the WI would have spotted it. But we are very sorry to inform members that the WI told us the same: jams, pickles and whatnot must not be sold or given away in reused jam-jars.

Update (5/10/12): the following advice from the Food Standards Agency has been forwarded to me. The official from the Agency says:

“I have consulted colleagues in our Food Safety Group who have advised that EU food contact materials legislation only permits re-use of packaging if the food contact material is specifically manufactured for that purpose. Jam jars are not manufactured for re-use. However, we are not aware of any evidence indicating that re-use of jam jars presents a food safety concern for consumers in terms of migration of chemicals from jam jars into food. If jars are re-used in the home or by charities, it would be advisable to use new jars rather than those that have been used for some time to minimise the risk of any materials used in manufacture crossing into the food. Good hygiene needs to be observed in cleaning jars and all food preparation. It is for local authorities to decide how they enforce these rules with respect to charities.”

The Agency's response is not entirely prescriptive and seems to be advice on "good practice" rather than about mandatory requirements. Moreover, the sentence "If jars are re-used in the home or by charities, it would be advisable to use new jars rather than those that have been used for some time..." seems to be self-contradictory.

On the whole, I suspect it's safer to stick with the advice of the WI not to re-use jam-jars except for personal gifts.

Churches' Legislation Advisory Service
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