

**Code of Practice**

**for the**

**Marketing of Equine Feeding Stuffs**

**&**

**Constitution and Rules of Procedure**  
**for the**  
**Code of Practice and Regulatory Committee**

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## Preface

This industry document has been developed by the Feed Committee of the British Equestrian Trade Association (BETA) and produced in consultation with the Local Authorities Co-ordinating Office for Trading Standards (LACOTS).

The Feed Committee of BETA was established with one of its goals being to develop a Code of Practice for manufacturers, importers and wholesalers of equine feeds<sup>1</sup> which would set standards and create a unified approach to promoting and marketing products. The equine feeds and feed related product market is one in which there is much diversity and often some confusion as to claims which can be made for products. In the past it has been known for some companies to, albeit unintentionally, make misleading claims or incorrectly label products. The industry is aware of the importance of maintaining public confidence through the responsible conduct of business from the research and manufacturing stages through to the promotion and distribution of equine feeding stuffs.

### Aims and Objectives

- Eliminate bad practice within the industry.
- Provide guidance for manufacturers and marketers of feed.
- To promote confidence in the equine feed industry.
- Promote the United Kingdom as a world wide industry leader.

This Code of Practice is thus an attempt to codify existing legislation into Industry best practice in the promotion and marketing of products. It will assist companies to better understand their obligations under law and thus enable them to ensure that they are operating legally.

This document is intended as the first in a two-step process to introduce a Code of Practice to the equine feed industry and concentrates on promotion and compliance with existing legislation and assumes that good manufacturing practices are already in place. The second stage in this process will be the introduction of a formal manufacturing standard for the industry.

For and on Behalf of the BETA Feed Committee  
Stockeld Park, Wetherby  
15<sup>th</sup> February 2002

Note 1. Feeds include supplements which are recognised within the current Feeding Stuffs Regulations 2000 as complementary feeding stuffs.

## Introduction

- a** Comprehensive national and European Community legislation exists to safeguard the public by ensuring that all feeds marketed meet standards of safety which are acceptable in the state of present knowledge and experience.
- b** This Code of Practice has been drawn up with the cooperation of the National Office of Animal Health (NOAH) and the United Kingdom Agricultural Supply Trade Association (UKASTA). Particular thanks are given to NOAH for the permission to base this document on their own guidelines. The following organizations were in addition consulted: Food Standards Agency (FSA), Trading Standards, Local Authorities Co-ordinating Office for Trading Standards (LACOTS), the Pet Food Manufacturers Association (PFMA), Advertising Standards Authority (ASA), the Office of Fair Trading (OFT), the Veterinary Medicines Directorate (VMD) and the British Herbal Medicines Association.
- c** The Code owes its creation to the determination to secure the universal acceptance and adoption of high standards of conduct in the marketing and promotion of equine feeds. By thus putting its own house in order the industry will better be able to position itself when lobbying at government level, when appropriate.
- d** In order to comply with this Code of Practice the development of products will have been conducted in a responsible manner having regard to all available scientific data and in accordance with the current Food Standards Agency's implementation of all current legislation.
- e** All products must be manufactured in accordance with good manufacturing practices. Production procedures shall take into account operator and environmental safety.
- f** It is necessary, however, for the company, operating as it does in a keenly competitive industry and providing a range of products in respect of which freedom of choice is essential, to draw attention to the existence and nature of a particular product; for example, by appropriate promotional measures and the dissemination of further knowledge and experience gained in widespread use.
- g** While it is possible to legislate satisfactorily for the manufacture of equine feeds, appropriate standards of marketing conduct cannot readily be defined by the same means. For this reason member companies have concurred in the implementation of the Code of Practice and submitted to its restraints.

- h** The Code of Practice emphasises the importance in the public interest of providing accurate, fair and objective information on equine feeds so that rational decisions for use can be made. Moreover, the Code of Practice accepts the principle that such information should be presented in a form and by ways and means which conform not only to legal requirements but also to industry standards.
- i** The Code of Practice serves therefore as a guideline for companies wishing to ensure that they are operating legally. Companies to whom the Code applies are manufacturers, importers, distributors of own brand products and retailers producing their own ranges of feed and complementary feeding stuffs.
- j** Feed companies outside BETA are invited to accept and observe the Code of Practice in spirit because it is considered that industry standards should be followed if the industry is to maintain the confidence of all the interests that it serves. Full membership of BETA is however required in order to benefit from the promotions associated with the Code.
- k** The Code of Practice represents an act of self-discipline and self-regulation. Where disputes arise participants are encouraged to resolve any differences between themselves. In the case of complaint and after all other avenues have been exhausted, a Regulatory Committee set up by the Council and Feed Committee of BETA will adjudicate. BETA member companies accept that for the Code of Practice to operate effectively, they must accept and abide by the decisions of the Regulatory Committee.
- l** In addition to the Chairman of the Regulatory Committee and Secretary of BETA, the Regulatory Committee consists of three independent members drawn from other trade or industry organisations, and three members who are drawn from the senior management of member companies of BETA. The Chairman has general authority to obtain expert assistance in any field, and has an original and a casting vote.
- m** The Committee will meet when required, to deal with complaints from organisations, companies or consumers, to secure compliance with the Code of Practice, and to make such recommendations as it deems fit for the amendment of the provisions of the Code of Practice. The Code of Practice itself may only be changed by agreement of the Feed Committee and Council.
- n** The Code of Practice will be kept under review by the Feed Committee and from time to time where necessary to clarify it and bring it up to date. Notes for the guidance of member companies will be issued periodically to keep them informed of the rulings and recommendations of both the Feed and Regulatory Committees and of any alterations to the Code.
- o** This Code of Practice embodies the basic principles and provisions which the equine feed industry believes are essential for the conduct of its marketing

activities. These are also considered crucial for the maintenance of standards which are in the interests of all those who advise on, sell, supply or use equine feeding stuffs.

- p** The promotion of a feeding stuff must be in accordance with any legal and relevant regulations as laid down and must not be inconsistent with the provisions made in them. Implicit in the Code of Practice is the requirement for companies to comply with any amendments to Feeding Stuffs Regulations as and when they occur.
- q** Any queries relating to the Code of Practice need to be directed to the BETA Secretariat. Advice and guidance in relation to the requirements of the Code of Practice will be provided as well as assistance in resolving inter-company differences.

## **Provisions of the Code of Practice**

### **1 Definitions**

- 1.1** The term 'promotion' means those marketing activities, coming under the control of the participating company, which does or may encourage the recommendation, supply or use of the company's products. It includes not only direct promotion such as labels but also, for example, the activities of representatives; various aspects of sales promotion such as direct mail advertising including 'teaser' campaigns; the use of films and other audio-visual material and exhibitions; web site information and internet promotions and sales and the provision of samples, gifts and hospitality. The terms 'promotional purposes' and 'promotional material' must be construed accordingly.
- 1.2** The term 'equine feeding stuffs' means any unlicensed branded complete or complementary compound feeding stuff. This includes coarse mixes, cubes and nuts, chops, haylage, treats, blocks and licks as well as herbal, vitamin, and any other mineral "supplements" which should be labelled as complementary feeding stuffs intended for use in equines.
- 1.3** The term 'business user' means any person who uses equine feeds during the course of his business or occupation, e.g. a stud manager, trainer, vet or riding school proprietor.
- 1.4** The term 'lay user' means all those to whom promotion may be directed other than members of the veterinary profession or the business user, as defined in Clause 1.3 above.
- 1.5** The terms 'participant' and 'member' refer to companies who are members of the British Equestrian Trade Association and to whom this Code of Practice applies.

### **2 Application of the Code of Practice**

- 2.1** The Code applies in its entirety in relation to promotion directed towards the distributors of equine feeds, the business and lay user and the veterinary profession.
- 2.2** This Code of Practice is an addition to, and in no way replaces the existing legislation pertinent to manufacturers, importers or distributors of equine feedstuffs. All legislation for the manufacture, labelling, supply and advertising of products are implicitly included within the terms and references of this Code of Practice and must be adhered to by signatories to this document. A breach of the existing legislation equates to a breach of the conditions of this Code. A summary of this legislation is included in Appendix I.

- 2.3** The summary in Appendix I and the following points are not an exhaustive list but rather are intended to highlight the main areas of consideration. Reference should always be made to the original and full legislation.

### **3 Advertising and Sales Promotion**

Members accept the Advertising Standards Authority (ASA) “British Codes of Advertising and Sales Promotion” and their promotion and advertising material should abide by the ASA Codes and the Independent Television Commission and the Radio Authority Codes. Refer Appendix II for a summary of the ASA Code.

### **4 Nature and Availability of Information**

- 4.1** Upon reasonable request members shall promptly provide members of the veterinary professions, registered merchants, the business and lay user with accurate and relevant information about the equine feeding stuff which they market. Exact formulations or commercially sensitive data need not be made available.
- 4.2** Information about equine feeds must be accurate, balanced and must not mislead, either directly or by implication, so that critical unbiased judgements and decisions can be made.
- 4.3** When promotional material refers to published studies, clear references must be given as to where they can be found.
- 4.4** All information included in promotional material must be capable of substantiation and substantiation must be provided without delay in response to enquiries from the relevant authorities.
- 4.5** All information should be presented so as to maintain the respect and confidence of the industry, the business user, the public and the veterinary professions, and to promote the correct use of equine feedstuffs.

### **5 Claims and Comparisons**

- 5.1** In accordance with Feeding Stuffs Regulations a clear division should be made between the functional and non-functional claims which are covered in this Code of Practice, and dietetic or medicinal claims which are not. Claims for feedstuffs will fall into one of four categories
- 5.1.1 Medicinal claims implies curing, treating or preventing particular diseases or pathological states. Products making such claims are

covered by legislation controlled by the Veterinary Medicines Directorate and will require licensing.

5.1.2 Dietetic claims can only be made for products with a particular nutritional purpose, ie. to address a particular pathological condition listed in and in compliance with the requirements of the Feeding Stuffs for Particular Nutritional Purposes Directive within the Feeding Stuffs Regulations 2000

5.1.3 Functional claims describe the effect of a product, of a nutrient or another substance contained in that product on normal functions of the body of a healthy animal. Any claim stating beneficial physiological effects on healthy equines is therefore a Functional Claim. These may also be described as 'maintenance' claims as generally the presence of vitamins, minerals etc. are required by the body to maintain normal function rather than for any restorative effects. "Contains Vitamin E which maintains a healthy coat" or "Contains Vitamin E to help maintain a healthy immune system" are examples of such claims as they describe the physiological role of the nutrient contained in the product for a normal equine. Functional claims may also refer to a nutrient or other substance, the effect of which may help reduce risk factors in normal healthy equines.

5.1.4 Non-Functional Claims make no claims as to the effect of the product and states purely what is fact, eg. "Contains vitamin E"

- 5.2 Claims for the usefulness of an equine feed should be based on an up-to-date evaluation of all the evidence and must reflect this evidence accurately and clearly. Substantiation by objective and appropriate scientific evidence, either in the public domain or provided through in-house studies should be of a quality capable of scrutiny by academic review.
- 5.3 Claims should be written and presented in a clear unambiguous way in terms which are easily understood by the purchaser. Manufacturers may consider making further information and explanation readily available to consumers on request.
- 5.4 Exaggerated claims shall not be made and all-embracing claims and superlatives should be used with care. Claims shall not imply that an equine feed or an active ingredient has some special merit, quality or property unless this can be substantiated. Claims shall "***not be misleading, in particular by attributing to the feeding stuff effects or properties that it does not possess, or by suggesting that it possesses special characteristics, when all similar feeding stuffs contain similar properties***". (The Feeding Stuffs Regulations 2000 Schedule 4, Part I, 31.2 (d))
- 5.5 The word 'safe', ie. Not causing hazard to animal or human health, must not be used without qualification and it must not be stated categorically that a product has no side-effects or toxic hazards.
- 5.6 The word 'new' should not be used to describe any product or presentation which has been generally available unchanged for more than twelve months in the United Kingdom.

- 5.7 Comparisons of products, implied or named, must be factual, fair and capable of substantiation. In presenting a comparison, care must be taken to ensure that it does not mislead by distortion, by undue emphasis, or in any other way.
- 5.8 Brand / trade names of products of other companies may only be used in comparative advertising providing such advertising neither creates confusion in the market place, nor discredits or denigrates the brand / trade names of a competitor.
- 5.9 Care should be exercised to avoid ascribing claims or views to scientific authors in such a way as to suggest, wrongly, that these represent up-to-date opinions.
- 5.10 No reference may be made to any individual or official body or to unpublished material without the consent of the individual, body or any author concerned.
- 5.11 Information about scientific progress or discovery in the field of equine feed must be presented in a balanced way.

## 6 Disparaging References

- 6.1 The products or services of other companies should not be unfairly disparaged either directly or by implication.
- 6.2 The clinical and scientific opinions of members of the veterinary and allied professions should not be challenged either directly or by implication unless there is scientific evidence or other matters of fact to justify such a challenge.

## 7 Printed Promotional Material

- 7.1 The Feeding Stuffs Regulations 2000 requires a feed manufacturer to provide a statutory statement on all product sold or otherwise put into circulation (**Regulation 4, Schedule 4 and 5**). Refer to section 10 of Appendix I for a summary of the information required on a statutory statement. All other printed material which is issued for promotional purposes by the participant or with his authority must comply in general terms with paragraphs 1-6 of this Code.
- 7.2 Promotional material, such as direct mailings, must not be designed to disguise its real nature.
- 7.3 Promotional material, both in text and illustration, should not carry matter which could be considered unsuitable for public view.

- 7.4** Veterinarians' names or photographs must not be used in promotional material in any way that is contrary to the Royal College of Veterinary Surgeons' *Guide to Professional Conduct*.
- 7.5** Promotional material should not imitate the devices, copy, slogans or general layout adopted by other manufacturers in a way that is likely to mislead or confuse. The law of copyright should be observed at all times.
- 7.6** Where appropriate, for example in technical and other informative material, the date of printing or of the last review should be stated.

## **8 References to Official Bodies**

Unless specific requirements, statutory or otherwise, have been imposed, manufacturers should not include in any announcement or promotional material a reference to the Veterinary Products Committee, the Department for Environment, Food and Rural Affairs (DEFRA), the Medicines Commission, the Veterinary Medicines Directorate, the FSA or similar official bodies.

## **9 Distribution of Printed Promotional Material**

- 9.1** Mailing lists must be kept up to date in accordance with the Data Protection Act. A request for a name to be removed from one of these lists must be complied with promptly and no name may be restored except at the individual's request or with his permission.
- 9.2** When personal information is collected from consumers, the purpose for which such information is obtained should be made clear to them at the time it is collected (in surveys, questionnaires, prize draws etc.). They should be given the opportunity to object if it is intended to disclose the information to a third party or put it to some other significantly different use.

## **10 Reprints, Abstracts and Quotations**

(such use is, of course, subject to the law of copyright)

- 10.1** Quotations must accurately reflect the meaning of the author and the significance of the study.
- 10.2** Claims, when contained in a quotation, still require substantiating. Even when the opinion stated accurately reflects the view of its originator, the claim is likely to be viewed in the same way as the remaining advertising copy. The ASA would therefore require evidence to prove any claim made.
- 10.3** Reprints of articles must not be included in promotional material without permission of the author or original publisher.

## **11 Radio, Television Promotion and the Internet**

- 11.1** Information about equine feeds broadcast on radio, television, via the internet or through audio visual means must be accurate, balanced and must not mislead, either directly or by implication.
- 11.2** All such information should be presented so as to maintain the respect and confidence of the professional, business and lay viewer or listener, and to promote the correct use of animal feeds, medicines and other products.
- 11.3** Companies should make every effort to ensure that information appearing on the Internet about their products is correct.

## **12 Sales Representatives**

- 12.1** Companies shall ensure that all their representatives undergo thorough training and possess sufficient technical knowledge to present information on the company's products in an accurate and responsible manner.
- 12.2** They must transmit to their companies without delay any information that they receive in relation to the use or properties of the products which they promote which appears to reflect upon the safety or efficacy of such products.

## **13 Samples for promotional purposes**

- 13.1** Samples need to be correctly labelled in compliance with the Feeding Stuffs Regulations 2000.
- 13.2** Samples sent by post must be packed so as to be reasonably secure against the package being opened by young children.

## **14 Market Research**

- 14.1** Methods used for market research must never be such as to reduce confidence in the equine feeding stuffs industry. The following provisions apply whether the research is carried out directly by the participant or by an organisation acting on his behalf.
- 14.2** Access to respondents must not be gained by subterfuge.
- 14.3** Any incentives given should be kept to a minimum and be commensurate with the work involved.
- 14.4** Questions intended to solicit disparaging references to competing products or companies must be avoided.

- 14.5** Market research must not be used as a form of disguised sales promotion. It is perfectly acceptable for a sales promotion to be used to obtain market information providing it is clearly identified as a sales promotion activity.

## **Adoption of the Code of Practice**

### **1. Membership**

All BETA members and companies applying for membership to BETA undertake to abide by the Rules of BETA and the conditions listed in the appropriate criteria. This Code of Practice joins the Retailer and Supplier Codes of Practice in constituting these rules and criteria.

### **2. New Member Applications**

After initial assessment by the BETA Secretariat, applications are put forward to the BETA Council for approval in the usual manner. Should there be any queries raised at the time of initial assessment regarding an applicant's marketing or promotional practices pertaining to equine feeding stuffs, applications may be passed on to the Feed Committee for comment prior to presentation to Council. Should applications be refused, they will be advised as to what part of their application has let them down, so that they may amend and reapply. The Council reserve the right to refuse applications.

### **3. Compliance**

All equine feeding stuffs produced or marketed by a company will fall under the terms of the Code of Practice, although it is up to the individual company how many, if any, of their products carry the BETA logo. Companies must take responsibility for ensuring that advertising, labelling, promotional material and similar conform to the legislation and have, where appropriate, been submitted to the appropriate Authority (Trading Standards, VMD, ASA). Companies must also take responsibility for ensuring that written evidence of compliance is obtained in the case of queries arising.

### **4. Applicability**

The Code of Practice applies to companies involved in the production, importation or marketing of feed products for equines. Where retail members (or prospective members) are also marketing their own branded feeding stuffs they too will be expected to follow the Code of Practice.

### **5. BETA Logo**

Membership of BETA entitles the member company to utilise on literature and packaging the official BETA logo. Non-members may not use any of the BETA logos (past or present) on their products or literature. If membership is not renewed the company must withdraw all materials with the BETA Logo at the earliest opportunity. BETA will publicise any withdrawal by companies from BETA. The same will apply where an imported product changes its importer from a member to a non-member.

### **6. Indemnity**

Members undertake to indemnify and keep indemnified BETA from and against all costs, claims, demands, liabilities, expenses, damages or losses (including without limitation consequential losses and loss of profit, and all interest, penalties and legal and other professional costs and expenses) arising out of or in connection with their own negligence, default or breach of the Code of Practice for the Promotion of Equine Feeding Stuffs. Furthermore members understand that BETA does not exclude liability for death or personal injury of persons resulting from its negligence but subject thereto BETA shall

not incur any liability of any kind or nature whether in contract or tort or otherwise for any damage, loss, death, injury, liability or expenses suffered or incurred by them or any other person arising directly, indirectly or in any manner howsoever out of the Code of Practice.

**7. Statutory Rights**

This does not affect your statutory rights.

## **Constitution and Rules of Procedure for the Code of Practice and Regulatory Committee**

1. The Feed Committee and Secretariat of BETA shall be responsible for the administration of the Code of Practice for the Promotion of Equine Feeding Stuffs. The Regulatory Committee will be responsible for handling any complaints referred on to them by the BETA Secretariat which are deemed to require outside arbitration.
2. The Regulatory Committee shall consist of 6 members in addition to its independent Chairman and BETA Secretary as follows:  
Three Independent Members which may be drawn from related associations such as NOAH, UKASTA etc. Three Industry Members who will be an executive of a company that is a BETA member. No company and no group of companies under the same financial control shall have more than one representative amongst the members of the Committee. The Chairman will be nominated by the Feed Committee, but not necessarily be a BETA member.  
The industry members shall be nominated by BETA members and voted upon by the BETA Council. Industry members need not be Council members. The Feed Committee shall appoint the Independent Members. With effect from 1 January 2003 one of the three industry members of the Committee shall stand down each year until all industry members have served no more than five years. After retirement from the Committee a member shall not be eligible for re-election until after the expiry of a further year.
3. The Feed Committee is responsible for notification to the Regulatory Committee of the level of fee payable by industry complainants in accordance with the procedures following. Any charge for this purpose in these rules will be subject to any Value Added Tax payable. Respondents are charged an equal amount to that paid by the complainant should they wish to take the opportunity to attend the meeting of the Regulatory Committee at which their case is being discussed for the purposes of presenting oral clarification of any written material provided. In so far as the Constitution and Rules hereafter provide for any charge, they shall be interpreted as only applying to industry participants.
4. The Regulatory Committee will meet up to twice a year, should this be required. Its proceedings, and all papers other than published reports, are confidential. Four members including the Chairman shall constitute a quorum.
5. Voting at all meetings shall be by show of hands or ballot at the Chairman's discretion and all motions shall be determined by a majority of those members voting. The Chairman of the Regulatory Committee shall have an original and also a casting vote.
6. The Chairman shall have general authority to obtain expert assistance in any field. The Secretary of BETA shall be entitled to attend meetings of the

Regulatory Committee to provide such information and advice as it may require.

7. Any such expert adviser may, by invitation of the Chairman, attend meetings of the Regulatory Committee but shall have no vote.
  
8. Where a company (the complainant) wishes to assert that any other company (the respondent) has contravened the Code of Practice, its representative shall notify the BETA Secretariat in writing. In all cases of dispute it is the spirit of the code that companies should try first to settle matters between themselves, and only failing this should a formal complaint be made. However, this recourse should not preclude companies pursuing or electing to have pursued alternative routes for consideration directly through the appropriate authorities.
  
9. After receiving an allegation that there has been a breach of the Code of Practice whether from a member or any other person, the Secretary of BETA shall after discussion:
  - (a) consider whether a case exists for consideration.
  
  - (b) if it is considered that a case exists for consideration in respect of any complaint, invite the respondent to state whether or not the complaint is justified and whether any information relating to it supplied by the complainant is correct and to give any answer or explanation that may be necessary. The Secretary shall inform the respondent of the period within which it shall reply, such period to be not less than five working days nor more than twenty five working days;
  
  - (c) inform the complainant of the charge which will fall due in the event of the complaint being forwarded to the Committee should a decision not be reached by the relevant authorities. A charge will be made per complaint received from industry participants with the fees being set by the Feed Committee.
  
10. The respondent's representative shall make its written reply, which shall include the current statutory statement and all the material on which it relies in support of its response, together with a statement of its arguments, within the time notified to it by the Secretary. This reply shall be signed by the respondent's representative. The period may, upon its request, be extended at the discretion of the Secretary and Chairman. The reply shall contain a statement of the facts and matters, if any, upon which the respondent bases its view that there has been no breach of the Code of Practice.
  
11. If it appears to the Secretary of BETA that no case exists for consideration then she/he shall so inform the complainant and the respondent giving the reasons for this opinion. If the complainant is unwilling to accept the

Secretary's opinion the Secretary shall refer the matter to the Feed Committee for decision. If the Secretary's opinion is accepted by the complainant or confirmed by the Feed Committee, no further action will be taken on the complaint and no charge shall arise.

- 12.** If it appears to the Secretary that there was or may have been a breach of the Code of Practice, the Secretary shall:

  - (a)** forward the relevant papers to the relevant authoritative or regulatory body (Trading Standards, ASA etc.) as soon as is practicable.
  - (b)** notify both parties as to where the papers have been forwarded.
- 13.** The Secretary shall thereafter liaise with the relevant Body in obtaining any further information as required during the course of the investigation until such time as a decision has been reached as to whether the complaint is upheld or dismissed.
- 14.** In instances where the issues under complaint are not directly covered by an external legislative or authoritative Body or where this Body can not make a ruling, the complaint will be referred to the Regulatory Committee for consideration. The Secretary shall:

  - (a)** forward the relevant papers to the Regulatory Committee.
  - (b)** notify both parties that the papers have been forwarded on and inform them of the date on which the Committee shall meet to consider whether there has been a breach of the Code of Practice.
  - (c)** require payment by cheque from the complainant.
- 15.** The Secretary may ask either party to supply in writing further information or comments for consideration by the Committee. The Secretary shall inform that party of the period within which it shall supply such further information or comments, such period to be not less than five working days nor more than twenty five working days before the meeting referred to in 14(b) above.
- 16.** The Committee will not hear any item of complaint in respect of which a cheque in the sum of the charge due has not been received from the complainant. Provided that the Secretary has received a cheque from the respondent for the charge due, the respondent shall have the right to attend at the meeting referred to in paragraph 14(b) above to present oral clarification of the written material and, if so, it shall notify the Secretary that it intends so to do not less than ten working days before the date of the said meeting
- 17.** The Chairman may adjourn any meeting of the Committee at his discretion. The respondent may ask for an adjournment if it believes that additional information is required. Such requests shall be considered by the Committee

- the Committee's decision is final. If at the resumed hearing the Committee contains different members, the Committee shall consider afresh the question of whether there has been a breach of the Code of Practice. In the event of an item of complaint not being heard by the Committee either because the item is withdrawn by the complainant, or accepted by the respondent to the satisfaction of the complainant, no charge will be made for that item and an appropriate refund will be made as necessary.

**18. (i)** If the Committee decides that a breach of the Code of Practice has occurred, the Secretary shall communicate this decision in writing to the respondent and shall ask its Chief Executive:-

(a) to give an undertaking in writing that the practice in question (if not already discontinued) will be discontinued on or before a specified date, and

(b) to give such assurances regarding the steps to be taken to avoid a breach of the Code of Practice occurring in future as the Committee may require.

The respondent shall make a reply within ten working days, but this period may, exceptionally, upon the respondent's request, be extended at the discretion of the Secretary and Chairman.

**(ii)** Where the Committee decides that a breach of the Code of Practice has occurred and the breach or the conduct of a respondent in relation to the Code of Practice or a particular case before it warrants such action it may require the respondent to suspend the advertisement or practice complained of forthwith.

**(iii)** At the Chairman's discretion a respondent may be given an opportunity to attend a subsequent meeting of the Committee to receive a direct explanation of the Committee's decision.

**(iv)** Should any aspect of a complaint be upheld the complainant shall receive a refund of the fee paid.

Should the complaint be dismissed as not being in breach of the Code of Practice

the respondent shall receive a refund of any fee paid.

**19.** The Secretary shall notify the complainant of the outcome of the Committee's deliberations. Where either party wishes to appeal any decision of the Regulatory

Committee this appeal should be made direct to the BETA Council.

**20.** Where the Regulatory Committee considers that the conduct of a participant in relation to the Code of Practice or a particular case before it warrants such action, it may make a report to the Feed Committee. Such a report may be made notwithstanding that the respondent has accepted the decision of the Regulatory Committee. A reference to the Feed Committee under this or any subsequent paragraph will not of itself incur further charges.

- 21.** If any participant declines to give the required undertaking and assurance, or to pay any charge required by the Secretary, this shall be reported by the Regulatory Committee to the BETA Feed Committee and thence to the Council if deemed necessary.
- 22.** It shall also be the duty of the Regulatory Committee to make a report to the Feed Committee concerning any member whose conduct in relation to matters covered by the Code of Practice (notwithstanding that the member company may have accepted decisions of the Committee) appears to the Committee to raise doubts as to the suitability of the member to remain in membership of BETA. If this concern is shared with the Feed Committee they shall in turn refer this to the BETA Council.
- 23.** Where a report is made to the Council under paragraphs 19 or 20 above, a copy of the report shall be forwarded to the Chief Executive of the respondent concerned, and he shall be invited to attend personally or by any other authorised representative the meeting of the Council at which the report is considered.
- 24.** After hearing such Chief Executive or authorised representative the Council shall then consider, and may decide

  - (a)** to reprimand the respondent and publish details of that reprimand.
  - (b)** to require the respondent to publish a corrective statement.
  - (c)** whether or not a recommendation should be made that the respondent's membership of BETA be terminated or suspended.
- 25.** If a participant who is concerned in the case either as complainant or respondent is represented on the Feed Committee or the Council, that participant's representative shall withdraw from any meeting of the Feed Committee or Council during the discussion of the case.
- 26.** At the conclusion of any proceedings under the Code of Practice, the Secretary shall, subject to the authorisation of the Feed Committee or the Council as the case may require, send a report in writing on the result of the proceedings to the person or body responsible for their institution. In the event of a member ceasing to be in membership of BETA as mentioned in paragraph 22 above, the Council shall consider and decide whether the fact of and the reasons for such cessation of membership should be notified to persons or bodies outside BETA.
- 27.** The Regulatory Committee shall submit general reports of its work to the Feed Committee and thence to BETA Council at such intervals as the Council may require and the Council may authorise the publication, within and outside BETA, of information contained in or based upon these reports.

- 28.** In the light of its experience of the working of the Code of Practice, the Regulatory Committee may make such recommendations as it deems fit for the amendment of the provisions of the Code of Practice. Any proposal for amendment of the Code of Practice shall be forwarded to the Feed Committee for consideration before formal adoption and any comments of the Committee shall be taken into account before the proposal is adopted. Any substantive amendments suggested by the Feed Committee must be ratified by Council.

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## **APPENDIX I**

### **A GUIDE TO LEGISLATION AND CODES GOVERNING EQUINE FEEDING STUFFS**

#### **LEGISLATION**

##### **1.0 Introduction**

There are many pieces of legislation governing horse feed and supplement production and promotion. These are designed to uphold the key criteria of safety and quality for the benefit of horses and their owners and provide the owner with useful information.

All legislation originates from the EU in the form of Regulations, Directives and Decisions which are subsequently implemented into UK national law. In total there are more than 50 pieces of legislation governing the manufacture and promotion of animal food.

Suppliers of unlicensed horse food and supplements in the UK must ensure that their products conform to the legislation and other codes listed in this Appendix and any others which may be notified but which are not necessarily listed in this Appendix.

This note is intended as a guide only, to highlight the main pieces of legislation, and is correct at the time of publication. It is the responsibility of individual companies to make contact with the appropriate legislative bodies and to ensure their conformance with the legislation.

Contact details for each body are included in a footnote to this section. This is not an exhaustive list of all bodies, as those applicable may vary, however the major organisations are listed.

##### **2.0 The Feeding Stuffs Regulations 2000 (England) The Feeding Stuffs Regulations 1995 (Amended 1998)**

Much of the EU legislation governing farm feeds, horse and pet foods is implemented nationally through the Feeding Stuff Regulations (as amended). These Regulations include provisions on labelling, additives and contaminants.

For example:

###### **Labelling**

The Regulations require a range of specific information to be given to the horse owner with every purchase. The obligatory declarations must be accurate, comprehensive, legible, intelligible and clearly separate from other information. Refer below point 10.0 for additional advice.

###### **Additives**

Only the use of specified individual additives within the categories of additives for zootechnical purposes is permitted. Examples include preservatives, anti-oxidants, minerals and vitamins. The EU authorises additives in the grounds of safety, quality and efficacy. The authorisation process is rigorous.

### **Contaminants**

No food may be sold which is harmful, for example containing contaminants like aflatoxin, lead, mercury, arsenic and pesticides above specified low levels.

### **3.0 Feeding stuffs (Establishments and Intermediaries) Regulations 1998**

Manufacturers of feedstuffs must apply to their Local Authority Trading Standards Office to be registered and approved. This approval is necessary for anyone manufacturing, storing or handling certain feed additives such as vitamin A, vitamin D, selenium or copper sulphate. A list of approved and registered premises will in time be published. Registration numbers must be printed as part of the statutory statement on or attached to packaging.

### **4.0 Weights & Measures**

The industry is governed by the Weights and Measures (Packaged Goods) Regulations 1986 made under the Weights and Measures Act which also apply to human, animal and pet foods. These require the net weight of the product to be shown on every package and lay down rules on the size and form which the quantity declaration must take. Net weight is also an obligatory declaration under the Feeding Stuffs Regulations 2000.

### **5.0 Authorised Products**

Products which are presented for the treatment or prevention of disease, or which have that function must be authorised under the terms of the Marketing Authorisation for Veterinary Medicinal Products Regulations 1994. However, there is scope for certain products to be marketed without authorisation providing they satisfy certain criteria.

Medicinal products are defined by function or by presentation. Article 1 of Directive 65/65/EEC defines as medicinal by presentation *“Any substance or combination of substances presented for treating or preventing disease in human beings or animals”*

The same Directive states that *“Any substance or combination of substances which may be administered with a view to making a medical diagnosis or to restoring, correcting or modifying physiological functions in humans and animals is likewise considered a medicinal product”* and is known as medicinal by function.

**5.1** A product is Medicinal by Presentation if its labels, leaflets, ads, or your verbal sales patter etc. expressly indicate, recommend or implies that product for treating or preventing disease, or if it gives the averagely well-informed consumer the impression that the product treats or prevents disease.

**5.2** A product is Medicinal by Function if it is endowed with properties for treating or preventing disease or for correcting., modifying or restoring a function of the body, or if it contains an ingredient that has a significant pharmacological effect.

## **6.0 The Animal By-products Order**

The use of meat as a raw material for human foods is governed largely by the Red Meat Directive, whereas that destined for use in pet food manufacture is governed by the Animal Waste Directive and Balai Directive amongst others. In the UK, the Animal Waste Directive is implemented by the Animal Waste By-Products Order (ABPO). Companies have to be registered under the ABPO, which defines the ingredients and materials permitted for use by pet food manufacturers and the processing of these products. Whilst this doesn't specifically apply to horse feed per se, it does apply to dog feed and any supplements of animal origin.

## **7.0 Animal By-Products (Identification) Regulations**

These Regulations apply to all animal by-products not intended for human consumption. These Regulations govern the movement, storage, documentation and processing of the raw animal materials not intended for human consumption. Among other measures, these Regulations require that any material which is not destined for licensed or registered (under the Animal By-Products Order) premises be stained or sterilised.

## **8.0 The Balai Directive**

The Balai Directive ensures the controls in the Animal Waste Directive by harmonising requirements throughout the EU, governing the collection, handling, movement, storage and processing of raw material. These controls also cover raw materials and finished products imported from outside the EU.

## **9.0 BSE**

Specified Risk Material banned from human consumption is prohibited for use in pet food. The key pieces of legislation in this area are the Specified Risk Material Order 1997 and the Bovine Spongiform Encephalopathy Order 1996 (as amended).

## **10.0 Equine Feed Labelling**

### **10.1 Labelling Standards as set out in the FSR 2000**

All information given on a feeding stuffs label is governed by the Feeding Stuffs Regulations 2000 and therefore must be truthful and not misleading about the nature and quality of the product.

### **10.2 Statutory Statement**

The Feeding Stuffs Regulations 2000/1995 require a statutory statement to be put on every label or package which must contain certain obligatory declarations.

#### **10.2.1 Direction & Description**

These must state:

- the products purpose, eg. whether the product is a complete, complementary or mineral feeding stuff
- the species for which the product is intended; and
- directions for use of feed material.

### **10.2.2 Typical Analysis**

In a compound or complementary feed, the percentage of the following must be listed:

% of proteins

% of oils and fats

% of fibre in the product

% of moisture in the product when it exceeds 14%

% of ash in the product (ash represents the mineral content of the food and is determined chemically by the burning of the product).

In supplements, a list of nutrients as indicated by the Feeding Stuffs Regulations (2000) must be stated per kg.

### **10.2.3 Ingredients List**

The ingredients must be listed in descending order by weight. They can be indicated using category names, which are clearly laid down by the Regulations, (e.g. forage, cereals, products and by-products of sugar production). Alternatively, ingredients can be listed by their own individual names (grass, oats), again a list of acceptable terms is provided in the Regulations. When an ingredient is used that does not fall into any of the prescribed categories, its individual name must be listed. In all other circumstances, mixing individual names and category names in the ingredients list is not permitted.

### **10.2.4 Additives**

If preservatives, antioxidants or colorants have been added to the product their presence has to be declared using category or chemical names, in accordance with the Feed Stuffs Regulations. All permitted additives and the provisions for their use are listed in Schedule 3 of the Feeding Stuffs Regulations 2000. If a horse owner has any queries regarding additives, they should contact the individual manufacturer responsible, quoting the batch number.

### **10.2.5 Vitamins**

If Vitamins A, D and E are added to the product, their presence, level and source have to be declared. The level must include both the quantity naturally present in the raw materials and the quantity added. The Regulations also lay down the units which must be used to declare the level. Similarly the total content of copper must be declared.

### **10.2.6 Micro-organisms**

For example yeast. When added, information must be given about the strain, the number of colony forming units and the length of time they will be viable.

### **10.2.7 "Best Before" Date**

This date indicated the minimum storage life of the product. The month and year must be shown. By law this must refer to the vitamin

content, but the company must also ensure that the product does not go off in any other way.

#### **10.2.8 Bar Code**

Not a legal requirement but allows for information about sales, stocks etc.

#### **10.2.9 Batch Number**

A batch number or the date of manufacture must be given to facilitate traceability of the product. This may be given either in the statutory statement or elsewhere on the package/label/container, in which case the statutory statement shall indicate where it can be found.

#### **10.2.10 Net Weight**

The Net Weight must be given in accordance with the Feeding Stuffs Regulations. The Weights and Measures (Packaged Goods) Regulations 1986 lays down the exact marking and size of lettering required. The net weight may be given either in the Statutory Statement or elsewhere on the packaging/label, in which case the Statutory Statement should indicate where it may be found.

#### **10.2.11 Name & Address**

This is the name and address of the company responsible for the accuracy of the information given. It may be a manufacturer, packer, seller or distributor.

#### **10.2.12 Establishments Number**

This code identifies that the manufacturing site has been authorised to make animal feeds. (Refer also 3.0 above)

#### **10.2.13 Digestible Energy Declarations (DE Mj/kg)**

Following discussions with Trading Standards and the Food Standards Agency and thanks to the work of the BETA Energy Working Party the equine industry has been granted permission to declare Digestible Energy values as additional voluntary information on packaging, however this **must not appear on the Statutory Statement**. The Digestible Energy value should be quoted as an estimated value, on an "as fed" basis.

### **11.0 Data Protection Act 1998**

The Data Protection Act 1998 came into force on 1 March 2000 with the first transition period coming to an end on 24 October 2001. It sets rules for processing personal information and applies to some paper records as well as those held on computers.

The Act works in two ways.

**11.1** Firstly it gives individuals certain rights to over the personal data held about them by others. These rights include:

- Right to subject access, ie. Details of information held, why it is held and to whom it is disclosed.
- Right to prevent processing likely to cause damage or distress.
- Right to prevent processing for the purposes of direct marketing
- Rights in relation to automated decision-taking
- Right to take action for compensation if the individual suffers damage by any contravention of the Act by the data controller.
- Right to take action to rectify, block, erase or destroy inaccurate data.

Individuals may ask to be taken off mailing, fax or call lists through the Mailing, Telephone or Fax Preference services.

**11.2** Secondly, those who record and use personal information must be open about how the information is used and must follow the eight principles of 'good information handling'.

The eight data protection principles say that personal data must be:

- 1 fairly and lawfully processed;
- 2 processed for limited purposes;
- 3 adequate, relevant and not excessive in relation to the purpose for which they are processed;
- 4 accurate and kept up to date;
- 5 not kept for longer than is necessary;
- 6 processed in line with the rights of the data subjects;
- 7 secure;
- 8 not transferred to countries outside of the Europe Economic Area without adequate protection"

Through the process of 'notification' all data controllers (processors of personal information) must inform the Information Commissioner of certain details about the processing of data they carry out. Those details are used by the Commissioner to make an entry describing the processing in a register which is available to the public for inspection. A fee of £35 is payable for notification and the period of notification is one year.

## **12.0 Intellectual Property**

Patents, registered designs and trade marks need to be applied for and protection will only be granted if the idea of product can be protected by these types of intellectual property. The UK Patent Office accepts applications and grants rights in each of these areas, but patents valid in the UK can also be obtained from The European Patent Office (EPO) and registered trade marks valid in the UK can be obtained from the Office for Harmonization in the Internal Market (OHIM).

Copyright, design rights and performers rights are three other unregistered Intellectual Property rights that an individual or company may also possess. The protection is automatic and there is no official register or forms to fill in.

**Copyright, Designs and Patents Act 1988 (as amended)**

This is the principal legislation on copyright. There is currently also a Copyright Directive published for implementation in Europe. The Directive will maintain the existing balance in the UK copyright law while strengthening further the protection for right holders in the current age of digital copying and the Internet.

Copyright gives the creators of material such as literature, art, music, films and broadcasts economic rights enabling them to control use of their material. It also gives moral rights to be identified as the creator of certain kinds of material and to object to distortion or mutilation of it. Copyright does not protect ideas, but rather it protects the way the idea is expressed in a piece of work. There is no official action to take as copyright comes into effect immediately, as soon as something that can be protected is created and “fixed” in some way, eg. on paper.

## **APPENDIX II**

### **The British Codes of Advertising and Sales Promotion**

The codes require non broadcast advertisements to be 'legal, decent, honest and truthful', socially responsible and prepared in line with the principles of fair competition. The Code reverses the burden of proof applied in law – it is up to the advertisers to prove any claims made. If they cannot do so the advertisement or promotion must be withdrawn. It is not for the ASA or anyone else to disprove them.

The Code covers all non-broadcast advertising, i.e. not radio or television. It includes all printed material and cinema, video, Internet banner advertising, direct mailings, commercial emails, distance selling, computer games and CD ROMs.

In April 2000 the Control of Misleading Advertisements (Amendment) Regulations 2000 came into force, implementing Directive 97/55/EC on Comparative Advertising. The Directive makes it clear that comparative advertising is permissible but companies must ensure that any comparisons used comply with the conditions set down in the regulations.

The Advertising Standards Authority (ASA) is the independent body responsible for ensuring that the system works in the public interest. Its activities include investigating complaints and conducting research.

The Committee of Advertising Practice is the self-regulatory body that devises and enforces the Codes. A copy advice helpline is offered and copy can be faxed through for advice to fax number 020 7580 4072 or call the CAP Copy Advice team on 020 7804100.

A copy of the Code may be obtained from The Advertising Standards Authority Ltd, 2 Torrington Place, London WC1E 7HW. Tel: 020 7580 5555. Fax: 020 7631 3051. Their Web Site is updated monthly: <http://www.asa.org.uk>.

## **APPENDIX III**

### **Sourcing Information**

**1. Feeding Stuffs Regulations 2000 and 1995 (Amended 1998)**

Copies available from HMSO Publications Centre  
PO Box 276,  
London  
SW8 SDT

General Enquiries: 0870 600 5522

Fax Orders: 0717 873 8200

[www.clicktso.com](http://www.clicktso.com)

Other Statutory Instruments (Weights and Measures) also available from HMSO

**2. Veterinary Medicines Directorate**

Woodham Lane  
New Haw  
Addlestone  
Surrey, KT15 3LS

Tel: 01932 336 911

Fax: 01932 336 618

[www.vmd.gov.uk](http://www.vmd.gov.uk)

**3. Department of the Environment, Food and Rural Affairs (DEFRA)**

1A Page Street  
London  
SW1P 4PQ

Helpline Number: 0845 335 577

Tel: 020 7904 6000

Fax: varies depending on section

[www.defra.gov.uk](http://www.defra.gov.uk)

**4. Advertising Standards Authority**

2 Torrington Place  
London WC1E 7HW

Tel: 020 7580 5555

Fax: 020 7631 3051

[www.asa.org.uk](http://www.asa.org.uk)

**5. Trading Standards**

Contact numbers for your local office will be in the Business Pages of your telephone directory.

**6. Food Standards Agency**

Animal Feed Division  
Fourth Floor  
Aviation House  
125 Kingsway  
London WC2 6NH

Tel: 020 7276 8462

Fax: 020 7276 8478

[www.foodstandards.gov.uk](http://www.foodstandards.gov.uk)

**7. The British Herbal Medicines Association**

Sun House, Church Street  
Stroud,  
Gloucestershire

Tel: 01453 751 389

Fax: 01453 751 402

GL5 1JL.

Contact: The Secretary, Mr Ray Hill

Copies of the Code of Good Practice and membership details available.

- 8. National Office of Animal Health (NOAH)**  
3 Crossfield Chambers  
Gladbeck Way  
Enfield, Middlesex  
EN2 7HF

Tel: 020 8367 3131  
Fax: 020 8363 1155  
[www.noah.co.uk](http://www.noah.co.uk)
- 9. United Kingdom Animal Supply Trade Association (UKASTA)**  
3 Whitehall Court  
London  
SW1A 2EQ

Tel: 020 7930 3611  
Fax: 020 7930 3952  
[www.ukasta.org.uk](http://www.ukasta.org.uk)
- 10. Pet Food Manufacturers Association**  
Third Floor  
20 Bedford Street  
London  
WC2E 9HP

Tel: 020 7379 9009  
Fax: 020 7379 8008  
[www.pfma.com](http://www.pfma.com)
- 11. Office of Fair Trading**  
PO Box 366  
Hayes,  
UB3 1XB

Tel: 0870 606 0321  
Fax: 0870 607 0321  
[www.offt.gov.uk](http://www.offt.gov.uk)
- 12. Data Protection Act 1998**  
Contact: Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

To Notify: 01625 545 740  
Info Line: 01625 545 745  
Fax: 01625 524 510  
[www.dataprotection.gov.uk](http://www.dataprotection.gov.uk)
- 13. The Patent Office**  
*Main Office:*  
Concept House  
Cardiff Road  
Newport  
South Wales  
NP10 8QQ

*London Office:*  
Harmsworth House  
13-15 Bouverie Street  
London  
EC4Y 8DP

Tel: 08459 500 505  
Fax: 01633 813 600  
[www.patent.gov.uk](http://www.patent.gov.uk)  
[www.intellectual-property.gov.uk](http://www.intellectual-property.gov.uk)

**14. Royal College of Veterinary Surgeons**

Belgravia House  
62-64 Horseferry Road  
London  
SW1P 2AF

Tel: 020 7222 2001

Fax: 020 7222 2004

[www.rcvs.org.uk](http://www.rcvs.org.uk)

**APPENDIX IV**

Charges for complaints directed to the Regulatory Committee  
Reviewable annually

2002            £ 250.00 / complaint