# COMPLIANCE NOTICE

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| Local Authority Name: Casterbridge Town Council Reference Number: CN/47/2023 |
| **The Food (Scotland) Act 2015 (Compliance Notices) Regulations 2023** |
| 1. To: Stewart Andrew

At:  The Street Gourmet, 21 The Esplanade, Casterbridge Town, Scotland, EW77NS **Statement of Grounds** 1. **In my opinion you as the Food Business Operator, responsible for food information, have not ensured the presence and accuracy of the food information in accordance with the applicable food information law and requirements in relation to the prepacked smoked salmon** you have at your food business known as:

 1. The Street Gourmet, 21 The Esplanade, Casterbridge Town, Scotland, EW77NS and therefore you as the Food Business Operator have failed to comply with:

**Article 35 paragraph 1 (a) of Retained Regulation [EU] 1379/2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000**(as stated in The Food (Scotland) Act 2015 (Compliance Notices) Regulations 2023)1. Because, at the time of the inspection, it was found that the aforementioned regulation in Section 3 of this notice has been breached by the following act(s)/omission(s):

**It was confirmed by observation at the time of inspection on 01/03/2023 that Rainbow Trout was packed into prelabelled packaging which described the product as smoked salmon.** 1. You must take the following corrective action measures, in order to comply with the regulations described at Section 3 of this notice and to comply with this notice:

**You must ensure the that the any incorrectly labelled products of this batch be****relabelled to state the correct species of fish, Rainbow Trout, which would comply with the regulation as stated in Section 3 of the Notice**1. The measure(s) referred to in Section 5 of this notice must be taken by **15/03/2023** (minimum of 14 days from date of issue).

**It is an offence not to comply with this notice by the specified date.  In the event of non-compliance, the offence will be reported to the Procurator Fiscal** Signed: *Rachel B Everdene* (Authorised Officer) Date: 01/03/2023Name in capitals: Rachel B Everdene Address: Casterbridge Town Council, Environmental Health Department, The Municipal Buildings, Combine Street, County Wessex, Scotland, WE111NS. Tel: 01405779912 E-mail: r.everdene@casterbridge.gov.uk |

 **Please read the notes carefully. If you are not sure of your rights or the implications of this notice, you should seek independent legal advice.**

**COMPLIANCE NOTICE**

**NOTES**

1. In the opinion of the Authorised Officer you are not complying with the relevant regulations specified in Section 3 of the notice. For compliance with the relevant offence, you must undertake the steps described and it must be completed by the date stated in section 6.
2. If you think that there is another equally effective way of complying with the steps described at Section 5 you should contact the Authorised Officer and obtain written agreement to your proposal.

**YOUR RIGHT OF APPEAL**

1. In accordance with Section 48 of the Food (Scotland) Act 2015 if you disagree with all or part of this notice, you can appeal to the Sheriff. You must appeal by the earliest of either the date specified in Section 6 of the Notice or one month from the date this Notice was served. You may wish to seek independent legal advice in connection with any appeal.
2. If you decide to appeal, the time set out in the notice is suspended and you do not have to carry out the work described until the appeal is heard. When the appeal is heard, the sheriff may confirm, cancel or vary the notice.

**WARNING FAILURE TO COMPLY WITH THIS NOTICE IS AN OFFENCE**

**Offenders are liable to be fined**

 **PRIVACY NOTICE**

Personal Information collected on this Notice may include your name, and address. This information is collected by ***[Local Authority]*** for the purposes of Food Law Enforcement in the exercise of our official authority as competent Food Authority in Scotland. We may share your information with other public bodies for the performance of a task carried out in the public interest or to help prevent fraud and crime, or where we are required to do so by law.

You have a right to see the information we hold on you by making a request in writing to the email address below. If you wish to raise a complaint on how we have handled your information, you can contact our Data Protection Officer who will investigate the matter. If you are not satisfied with our response or believe we are not processing your information in accordance with the law you can complain to the Information Commissioner’s Office (ICO).

Contact: ***[Local Authority]***’s Data Protection Officer at -***[relevant e-mail address]***

***[Local Authority]***’s Privacy Policy can be found at ***[relevant web link]***