

FOOD COMPLAINT INVESTIGATION FORM

Complaint Reference: .

Complainant

Full Name		
Full Address		
Person Finding Food Unsatisfactory		
Persons Consuming Food		
Witness Details		
Manufacturer / Importer Connections	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Complainant recently been outside UK	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Prepared to be a Witness - if Required	YES <input type="checkbox"/>	NO <input type="checkbox"/>
What happens next form given.	YES	NO

Complaint

Nature of Complaint - Brief description of type of food and the problem with it i.e. foreign body, made ill by, mouldy etc.		
Date Received	Time Received	
Receiving Admin.		
Receiving Officer		
Description of article On the packet if available		
Place of purchase		
Method of package at time of sale		
Storage conditions at time of sale		
Taken straight home	YES <input type="checkbox"/>	NO <input type="checkbox"/> JOURNEY TIME=
Storage conditions in transit		
Packaging upon receipt Wrapping?, Open? Part eaten etc		
Home storage method & Temp.		
Branding/Codes/Identification		

Discovered		Time Received	
Circumstances			
Effects of eating food			
Treatment given at home (e.g. cooking)			
Similar/control articles available?			
handling of complaint since...			
Is there proof of purchase	YES <input type="checkbox"/>	NO <input type="checkbox"/>	

Vendor

Vendor Name	
Trading Name Of Business	
Full Postal Address	
Purchase	
Time	
Price	
Delivered:	
Time	
Storage by vendor	
Similar articles kept by vendor	
Vendor notified of complaint	
If yes, what response	
Reg. Office/Home Address	
Name and address of supplier	

Manufacturer/Importer

Name of Manufacturer			
Address of Manufacturer			
Registered Office of Manufacturer [If Different]			
Home Authority			
Originating Authority			
Contact name		Phone number	
Contact name		Phone number	

Other Information:

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Sign off – Principle EHO:_____ **Date:** _____

STAGE 1 - INITIAL INVESTIGATION (continued)

Food Complaint Number:

DECLARATION OF COMPLAINANT (delete as appropriate)

1. I am surrendering the evidence in relation to this complaint to of Test Valley Borough Council. I understand that it may be necessary for destructive tests or examinations to be carried out on the evidence. I authorise the Council to dispose of the evidence in a manner that they may determine. I confirm that I am willing to give evidence in Court if necessary and for my name and address to be released to the Vendor/Manufacturer. I understand that the Council reserves the right to take what action if any it considers appropriate and I will abide by their decision. I understand that the Council cannot become involved in negotiating or seeking compensation redress on my behalf.

Signature

Date

2. I am not willing to give evidence in Court or have my name and address divulged to the Vendor/Manufacturer. I understand that the Council:
- a Will not be able to take formal legal proceedings and will not be able to justify a full investigation.
 - b Will take no further action in this case, which will allow me to take the matter up with the Vendor/Manufacturer;
 - c May pass the information to the Authority where the food was made for any action that they consider necessary;
 - d May carry out an informal investigation if there is a compelling reason involving public safety, and I surrender the evidence to the Council and authorise them to dispose of the evidence in a manner they may determine.

Signature

Date

Complainant's Statement Taken ... Yes/No

Witness Statement Taken ... Yes/No/N/A

Food Comp Information Sheet left with complainant ...

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FOOD COMPLAINT INVESTIGATION

STAGE 1 - INITIAL INVESTIGATION (continued)

Food Complaint Number:

INITIAL ASSESSMENT OF COMPLAINT

- | | | |
|----|--|-----|
| 1. | Is there <i>prima facie</i> evidence that an offence has been committed? | Y/N |
| 2. | Is complainant willing, if necessary, to give evidence in Court? | Y/N |
| 3. | Is the chain of evidence reliable? | Y/N |
| 4. | Is further investigation required? | Y/N |

If NO state reason
.....

If YES

Does evidence require scientific investigation? Y/N

If Yes, agreement by PEHO (Commercial)..... Date

Where possible, delay dispatch until supplier/producer has had time to view.

Proceed to Stage 2

FOOD COMPLAINT INVESTIGATION

STAGE 2 - ASSESSMENT OF VENDOR/SUPPLIER

Food Complaint Number:

If food produced on vendors/suppliers premises complete Stage 2 Assessment.

Possible cause of complaint	
Initial response of vendor	
Measures that need to be taken to prevent recurrence	

Is further investigation required? Y/N

- a. If NO state reason
.....

Investigating Officer Date

Confirmation of decision by Principal EHO (Commercial) Date

Complainant notified if no further action intended Y/N Date

Vendor/supplier notified Y/N Date

Computer-generated record form completed Y/N Date

- b. If YES continue (Officers should be aware of Lacors Guidance)

FILE NOTE**OCELLA REF:**

Date of action	Actions taken (telephone calls, visits, etc)	Officer.



YOUR FOOD COMPLAINT – WHAT HAPPENS NOW?

Receipt of Your Complaint

The officer will ask several questions relating to the food including where and when it was purchased, how it was handled and stored and how the defect was discovered.

You may also be asked whether you would be prepared to give a statement and evidence in Court if necessary.

Decision as to Proposed Action

A decision as to likely action will be taken depending on the following factors:

1. How any contamination or defect occurred – accidental damage, malicious tampering, etc., are likely to be beyond the defendant's control.
2. The seriousness of the offence, especially the risk to health.
3. Whether it is in the public's interest to prosecute.
4. The likelihood of the defendant being able to establish a due diligence defence.

Possible Outcomes

1. Complaint unsubstantiated – examples may be because of insufficient evidence, the article complained of is actually a normal part of the product (commonly spices, etc) or the damage occurred after sale.
2. Complaint is justified but beyond the control of the manufacturer or retailer, e.g. malicious tampering whilst on display - normally reported to the Police.
3. Complaint is justified but is understandable given the nature of the product and the volumes produced, e.g. foreign body has similar appearance and properties as ingredient thereby avoiding detection. It is impossible to avoid all fault especially with products grown in fields etc. The occasional insect can be found despite all precautions.
4. Complaint is undesirable, however, has no real significance to health, e.g. traces of food grade oil in product, traces of brown dough in white loaf. Normally the producers attention would be drawn to the defect.

5. Complaint substantiated, however, company has high standards and is willing to take all remedial action – informal action by the Local Authority to secure improved standards in processing and procedures.
6. Complaint substantiated, but detailed examinations of plant and procedures demonstrate the company had done everything possible to avoid the problem. Again the Company will be written to but legal action is not possible as there is a defence of “due diligence”.
7. Complaint substantiated, company considered to have been reckless or negligent, either formal caution or prosecution will result.

Please note – it is not the role of the Environmental Health Service to be involved in matters of compensation.

Time Scales

The length of time it takes to conclude our investigation can vary significantly. In simple straightforward cases you may be notified of our conclusions within a day or two.

Where articles are sent to the Public Analyst or enquiries involve another Local Authority in whose area the production plant is situated, such involvements will commonly incur 28 days apparent delay.

Where legal action follows it will often be 4 to 9 months from complaint to initial Court appearance.

Should you at any time wish to know the situation relating to your complaint, please telephone the investigating officer direct or (01264) 368000.

Final Conclusion

Whatever the final outcome of our investigations, we will advise you and, with your consent, pass your name and address to the producer, etc. in order that they may apologise direct.

Investigating Officer - _____.