**Enforcement provision for foods for special medical purposes consultation**

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| **Response Form** | Your name:  Organisation (if applicable):  email / telephone number:  Your address: |

Responses should be returned by 31 October 2018 to;

**Healthy and Active Branch**

Public Health Division  
Welsh Government  
Cathays Park   
Cardiff  
CF10 3NQ

Or complete electronically and sent to: [**Lifestyles@gov.wales**](mailto:Lifestyles@gov.wales)

**Consultation Questions**

# **Are you content that the first formal action for breaches of the provisions for FSMPs (as shown in the table within the consultation document) be an Improvement Notice consistent with the enforcement provisions for the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016 (enforcing EU Regulation 609/2013)?**

[Note that this would not prevent criminal prosecution as a first step if the breach amounted to an offence under the Food Safety Act 1990 (e.g. if the food was rendered injurious to health contrary to section 7). In those circumstances, the authorised officer would not be prosecuting for a breach of the FSMP regulations but for a breach of the Food Safety Act 1990. In addition, failure to comply with an improvement notice served under the FSMP regulations could attract criminal sanctions.]

In providing your response, you may wish to consider:

* The relative costs of issuing/responding to an Improvement Notice, as compared to immediate court action;
* The relative speed with which issues can be resolved; and
* The relative effectiveness and deterrent effect of different enforcement approaches.

1. **Are you content that the correct provisions of Delegated Regulation 2016/128 have been identified for enforcement purposes in the table within the consultation document?**
2. **Do you have any further comments to add?**

Responses to consultations are likely to be made public, on the internet or in a report.  If you would prefer your response to remain anonymous, please tick here: