



**Love the  
Flavour.**

**Regulations Governing Use**

The Following Regulations Govern The Use of UK Collective Mark

In Name of Food & Drink Devon

Application No:

**In Compliance with the  
TRADE MARKS ACT 1994**

Submitted by

South Hams Food & Drink Ltd

Unit A, Halwell Business Park, Halwell, Devon TQ9 7LQ

### REGULATIONS GOVERNING USE

The following regulations govern the use of UK Collective Mark

Application No:

#### 1. Definitions

In these regulations:

- **“Collective Mark”** refers to the representation of the UK Collective Mark Application No: ? by the logo found in annex A
- **“Member”** is a farmer, grower, producer, processor, retailer or service provider of food and drink products
- **“Associate Members”** is a member who actively promotes Food & Drink Devon members and produce in their business even though they can't provide it as such because they don't sell food & drink. E.g. self catering, local tour operators, etc.
- **“The Company”** is South Hams Food & Drink Ltd. A not for profit company registered in England No: 3018501 of Unit A Halwell Business Park, Halwell, Devon TQ9 7LQ.
- **“Districts”** the districts of the geographical area known as the county Devon. Districts are listed in Annex B
- **“Qualifying Criteria”** for members are set out in Annex C
- **“Code of Practice”** for members is set out in Annex D
- **“Regulations”** means this document. Headings in the regulations are for convenience only and shall not affect their interpretation.
- **“In Conversion”** by prior agreement with the company for product or products that do not fully comply with the regulations but will do so within 24 months of the date of the agreement.

## 2. Who is authorized to use the Mark

There is one category of membership. The register of members is available for inspection between the hours of 9am – 4pm Monday to Friday (excluding public holidays) at the offices of:

South Hams Food & Drink Ltd  
Unit A Halwell Business Park  
Halwell  
Devon  
TQ9 7LQ  
01803 712393  
[admin@lovetheflavour.co.uk](mailto:admin@lovetheflavour.co.uk)

The company accepts no legal liability in relation to products or services offered by Authorized Users of the Mark. The Mark purely indicates that Members comply with qualifying criteria.

## 3. The purpose of the Mark

The purpose is to govern the use of the Collective Mark by persons and businesses authorized to use it through compliance with these regulations.

## 4. The Conditions of the use of the Mark

- 4.1 Conditions of the use of the Mark are governed by qualifying criteria for Members as set out by Annex C
- 4.2 The Collective Mark shall only be used by authorized Members in accordance with the Qualifying Criteria for Members Annex C.
- 4.3 It is a condition of use of the Mark to not use it in any printed advertisement or printed publicity matter directed primarily to the market in the United Kingdom or the Isle of Man or in retail point of sale display material for use within the United Kingdom and Isle of Man without indicating that it is a Collective Mark
- 4.4 It is a condition of use of the Mark that Members inform The Company of any changes to their food and drink products and /or services that will alter their eligibility to use the Mark. Failure to do so may result in The Company informing the local Trading Standards who may institute proceedings under the Trade Marks Act 1994.
- 4.5 It is a condition of use that the Mark must not be used to mislead a consumer into believing that the Mark relates to the business as a whole, or other products and services that do not fulfill the Qualifying Criteria and the Code of Practice.
- 4.6 During an “in conversion” period of up to 24 months, the Mark may not be used.

## **5. Conditions of Membership**

- 5.1 On application to The Company to become a Member, a representative of the Company will visit the proposed Member to ensure they comply with the Qualifying Criteria.
- 5.2 Authorised Members will be obliged to renew their membership on an annual basis with declaration of continued fulfillment of the Quality Criteria and payment of an annual fee.
- 5.3 The Company reserves the right to make spot checks to ensure conditions of membership are upheld.
- 5.4 The Company reserves the right to cancel membership to any Authorised Member if the Board of The Company deem actions taken by The Member or products produced by the Member bring, or have the potential to bring, The Company and the Collective Mark into disrepute.
- 5.5 The Board of The Company reserve the right to refuse membership to any applicant if the Member or the Member's products are not deemed to be appropriate for use with the Collective Mark. The Board's decision will be final and will have taken into account specialist technical information as and when required.

## **6. Sanctions against misuse of the Mark**

The Company has a right to require Members to immediately cease using the Collective Mark if that person or business is deemed not to be adhering to the Qualifying Criteria.

If, having moved to an area outside the Qualifying Area (Annex B) and therefore cease to provide sustainable benefits to the area of Devon, and the party continues to use the Mark on an unauthorized basis, local Trading Standards will be notified and proceedings may be instituted under the Trade Marks Act 1994.

In the case of any dispute, correspondence should be addressed to the Chairman of South Hams Food & Drink Ltd.

## **7. Power to amend**

The Company reserves the right to change the Regulations at any time provided that the Registrar of Trade Marks has approved such amendments. The annual renewal form will inform Members of any amendments and proposed changes to the Regulations that are to be implemented.

Annex A



**Love the  
Flavour.**

Logo as registered with Patent Office – Date .....

Pantone: 349

## **Annex B**

List of districts within the geographical area of the county Devon, which provide qualifying provenance for the use of this Collective Mark:

East Devon  
Exeter City  
Mid Devon  
North Devon  
South Hams  
Teignbridge  
Torrige  
West Devon  
Torbay  
Plymouth City

## **Annex C**

List of districts within the geographical area of the South West Region, which provide qualifying provenance for the use of this Collective Mark:

Cornwall  
Somerset  
Dorset  
Gloucestershire  
Bristol  
Bath  
Isles of Scilly  
Wiltshire

## Annex D

**Qualifying Criteria for Members** - farmers, growers, producers, processors or service providers of food and drink products

### **All Members wishing to use the Mark must:**

- Be located within the county of Devon.
- Actively promote 'Love the Flavour' products to consumers and customers by including logos on merchandising, websites, labels, menus, packaging, etc.
- Follow sustainable business guidelines and make a positive contribution to the natural environment by reducing waste, saving energy, recycling, etc.
- Supply up to date copy for publication via the 'Love the Flavour' website for use in the pocket guide by 14<sup>th</sup> February each year along with a completed application form and membership fees.
- To supply annual information regarding company performance and numbers of employees.
- Comply with all relevant Trading Standards and consumer protection legislation currently in force.

### Hospitality & Retail Members wishing to use the Mark must:

- Source as many products as possible from Devon using products from at least 4 Food & Drink Devon producer Members.
- Be accredited, or consider joining, the Green Tourism Business Scheme. If not members, then comply with the minimum standards as set out in the GTBS Code of Practice for membership. Details available at: [www.swtourism.co.uk](http://www.swtourism.co.uk)

### Accommodation Provider Members wishing to use the Mark must:

- Be accredited, or consider joining, the Green Tourism Business Scheme. If not members, then comply with the minimum standards as set out in the GTBS Code of Practice for membership. Details available at: [www.swtourism.co.uk](http://www.swtourism.co.uk)
- Be quality rated by Visit Britain or a similar accredited organisation approved by Visit Britain or be favorably reviewed/listed in a publicly recognised 'quality' guide such as Conde Naste, Good Food Guide.
- Source as many products as possible from Devon using products from at least 4 Food & Drink Devon producer Members.

Producer Members wishing to use the Mark must use their best efforts to:

Supply their produce to at least 4 existing hospitality or retail members.

#### Product Types

##### Meat & Poultry:

- Provenance – meat should be from animals bred, born, raised and finished in the county Devon (Annex B)
- Animal Welfare – Farm Assured British Beef and Lamb, Assured British Pigs, Freedom Food Certification, Certified Organic or equivalent.

##### Eggs:

- Eggs produced from chickens reared as above and packed on a farm within the county Devon (Annex B)
- Bird welfare – Assured Chicken Production, Freedom Food Certification, Soil Association Organic, LEAF Marque or equivalent

##### Dairy Products:

- Added value dairy products must be made from milk produced on a farm within the county Devon. Processing and packaging must also take place in the county Devon (Annex B)
- Animal Welfare – National Dairy Farm Assured Scheme, Freedom Food Certification, Certified Organic or the equivalent.

##### Fruits, Nuts and Vegetables:

- Where available fruits, nuts and vegetables must be grown, processed and packaged within the county Devon (Annex B)
- Where feasible, traditional and heritage varieties of seeds and vegetables from the county Devon (Annex B) or the South West region (Annex C) should be grown. Where a UK variety is not available, the source of the seed or vegetable should be as near to the UK as possible.

##### Wild or Certified Organically Farmed Game – Including Venison:

- All wild game must be caught or shot and processed within the county Devon (Annex B)

##### Fish:

- Sea fish, crustaceans, including eels, must be landed within the county Devon.
- Sea fish must be certified by Marine Stewardship Council (MSC), the Marine Conservation Society or equivalent for sustainability
- Fresh water fish must be caught in stretches of the rivers within the county Devon (Annex B)
- Farmed Fish must be grown, harvested and packed in the County Devon (Annex B)

#### Juices & Alcoholic Drinks:

- If available, the primary fruit, honey or mead, which has been grown/collected within the county Devon (Annex B) or if not available in the County Devon (Annex B) from the South West Region (Annex C)
- Where feasible the primary fruit, honey or mead is to be harvested from orchards, fruit farms, etc that comply with LEAF Marque, Certified Organic or equivalent.

#### Processed Foods – Jams, Chutneys, Cakes, Pies, Ready Made Meals, etc:

- If available, the primary product of all processed foods must be a Devon product or if not available in the County Devon (Annex B) from the South West Region (Annex C)
- The processing and packaging must be within the county Devon (Annex B)
- No harmful chemical additives, artificial colours or preservatives must be used



# FOOD & DRINK DEVON

## Terms & Conditions of Membership

As a member of Food & Drink Devon you agree to the following terms and conditions:

- Demonstrate use of the brand 'Love the Flavour' by including logos on merchandising, websites, labels, menus, packaging, etc. All usage of the brand must be approved by FDD.
- Adhere to the quality standards set out in the 'Love the Flavour' Trade Mark Regulation Document.
- Supply up to date copy for publication via the 'Love the Flavour' website for use in the pocket guide by 29<sup>th</sup> February along with a completed application form and membership fees – please remember you are responsible for ensuring that the information and claims you make about your business are accurate and fully comply with Trading Standards.
- Follow sustainable business guidelines and consider joining the Green Tourism Scheme.
- Non producers must use or sell local produce. At least 4 of these must be from Food & Drink Devon suppliers. (Not applicable to Associate Members).
- To supply annual information regarding company performance and numbers of employees.
- To fully support and assist the association and its members in achieving its mission – 'To make Food & Drink Devon a nationally recognised brand for outstanding sustainable food & drink and to promote Devon as foodie county.'

# Food & Drink Devon

## Benefits of Membership

- Dedicated webpage including images and a link to your website on [www.lovetheflavour.co.uk](http://www.lovetheflavour.co.uk) **the one and only exclusive Food & Drink website for Devon**
- A free entry in the 'Love the Flavour' pocket guide, with a **distribution of 50 000 throughout Devon and beyond**
- Joint Marketing power through the use of the trade mark brand 'Love the Flavour' **nationally recognised as a quality symbol for local Devon food & drink**
- **Discounted rates** to attend promotional shows and festivals such as:
  - Devon County Show
  - Exeter Food Festival
  - Flavourfest
  - Love the Flavour Country Fayre
  - The Real Food Show – London
- Regular news bulletins to keep you informed of **opportunities for training, development, promotion and trading**
- Potential to reach a growing number of **foodies through a quarterly consumer newsletter**
- **Discounted rates** for training designed to increase your business potential and statutory training, such as: HACCP, food safety, food handling, First Aid, etc
- The opportunity to engage with like minded businesses through an **online member forum**
- **Networking** with like minded businesses through meetings and events
- The opportunity to be part of a **distribution network** throughout Devon and beyond
- Extensive phone and e-mail **signposting & support**
- The potential to have your product **listed in our 'Love the Flavour' franchise shop**
- The opportunity to be part of a growing group of businesses that are using their collective power to protect the environment we live in and help to **sustain the local economy**
- **Free membership pack** including: pocket guides, 500 'Love the Flavour' stickers for use on packaging, menus, etc, a 'Love the Flavour' window sticker and a 'Love the Flavour' organic cotton bag.



# Food & Drink Devon

## Membership Fees

Annual Membership Fees are **frozen at last year's prices** and are based on business turnover as follows:

Up to 100K - £125 + VAT = **£143.75**

£100K - £500K - £195 + VAT = **£224.25**

£500K - £1m - £295 + VAT = **£339.25**

Over £1m - £395 + VAT = **£454.25**

### Associate Membership:

Any business that provides accommodation that does not provide any food and promotes local food & Drink by distributing the pocket guide can become an associate member for a flat rate fee of **£125 + VAT = £143.75**.

### Co-operative or Group Membership:

Any business which operates as a co-operative or collective set up to make or sell a food or drink product can become a member for a flat rate of **£395 + VAT = £454.25**. Individual members of the co-operative or collective can only use the Love the Flavour brand if they become a member in their own right.

### Special Offers:

**£25 discount** off the above membership fees if you are a new member joining before 1<sup>st</sup> March 2009.

**20% discount** if you are already a member of Dartmoor Partnership.

### Introduce a Friend:

Get **£20 off** next year's membership fees if you introduce an eligible business and they become a member. Any business recommended must meet the eligibility criteria set out in the trade mark regulations document. They must complete an application form and return to Food & Drink Devon. They will then be contacted to arrange a visit. Post visit, they will be recommended to the board of directors at the next board meeting and the board will vote on their membership. The board's decision is final.

# Food & Drink Devon

## Features & Benefits of the New 'Love the Flavour' website

[www.lovetheflavour.co.uk](http://www.lovetheflavour.co.uk) has amalgamated with [www.foodiedevon.co.uk](http://www.foodiedevon.co.uk) to become the one and only website dedicated exclusively to promoting food & drink in Devon.

The £8000 update is sponsored by South Hams District Council, West Devon District Council, Teignbridge District Council, Devon County Council and In Kind support from Biz-R.

The site will use the same database as Visit Britain and all the associated tourism sites, such as visit Devon, which will allow for maximum optimisation. The Visit Devon website gets an average of 7019 hits and 1885 unique visitors per month.

Devon County Council is committed to promoting and supporting the new [www.lovetheflavour.co.uk](http://www.lovetheflavour.co.uk) and we will be holding a special event to launch the site in February 2009.

A simple and sophisticated search facility will allow consumers to search via specific area, product or service and keywords.

As a member of Food & drink Devon you will benefit from the new features available on this site as follows:

- A listing in the directory with a link to your own dedicated page including images and a link to your website. Your webpage will also allow you to include any logos you wish to display, such as green tourism or soil association, etc and have the ability to highlight special offers or promotions.
- The opportunity to publicise news or special events on the home page with links to your website
- Access to a member forum where you can network, share best practice and buy/sell equipment, etc
- The opportunity to advertise job vacancies
- The option to contribute features, articles, etc and promote special offers, competitions and events in a quarterly newsletter sent out to a database of Foodie consumers
- The opportunity to have your business featured in the 'Focus On' section, which is prominently situated on the home page
- The ability to access useful business information related to the food & drink industry