

THE FOOD LABELLING REGULATIONS 1996:

GUIDANCE NOTES

Important note

1. These notes have been produced with the aim of providing informal, non-statutory guidance on the Food Labelling Regulations 1996 and should be read in conjunction with the Regulations.
2. The examples which they contain are provided for illustration only.
3. The notes and examples should not be taken as an authoritative statement or interpretation of the law, as only the courts have this power.

Preface

4. These guidance notes relate only to the Food Labelling Regulations 1996 (SI 1996/1499), which contain the main set of rules governing the labelling of foods generally. These rules are supplemented by additional labelling requirements, some of which apply only to specific foods. Information about these can be found in "Food Law", a guide to the legislation applicable to the labelling, composition and safety of foods, which is obtainable from Consumers and Nutrition Policy Division at the address shown in the *Other contacts* section at the end of these guidance notes.
5. Food labelling is also subject to certain Acts and Regulations which have wider application, and brief descriptions of these are given in these notes.
6. The Food Labelling Regulations 1996 apply directly in England, Scotland and Wales. A separate but similar law applies in Northern Ireland.

Contents

	Page(s)	Paragraph(s)
Important note	1	1 to 3
Preface	1	4 to 6
I. General food law		
• Food Safety Act 1990	5	1 to 4
• Trade Descriptions Act 1968	5 to 6	5 to 9
• Weights and Measures Act 1985	6	10 to 12
• Food (Lot Marking) Regulations 1996	6 to 7	13 to 15
II. Food Labelling Regulations 1996		
• introduction	8	1 to 2
• organisation of the regulations	8 to 9	3 to 8
• principle provisions	9 to 11	9 to 15
III. Questions and answers		
<i>Prepacked food</i>		
1 What does prepacked mean?	12	1.1 to 1.2
<i>Name of the food</i>		
2 What should be considered when deciding on a name for a food?	12	2.1 to 2.2
3 What is a legal name?	12	3.1 to 3.2
4 What is a customary name?	12	4.1 to 4.3
5 Does a customary name have to be used if there is one?	13	5.1
6 What is a descriptive name?	13	6.1
7 Are trade marks, brand names or fancy names acceptable as the name of a food?	13	7.1
8 What about processes and treatments?	13	8.1 to 8.5
9 What about terms like roasted, smoked etc?	14	9.1 to 9.4
<i>Ingredient listing</i>		
10 How should ingredients be listed?	14	10.1
11 What names should they be given?	14 to 15	11.1 to 11.3
12 Are there any ingredients which need not be listed?	15	12.1 to 12.2
13 Constituents of ingredients separated and then reintroduced in their original proportions need not be listed separately. What does this mean?	15	13.1 to 13.2
14 Do all foods have to carry an ingredients list?	15	14.1 to 14.3
15 What about compound ingredients?	15 to 16	15.1 to 15.2
16 What about added water?	16	16.1 to 16.2
17 What about volatile ingredients, like alcohol?	16	17.1
18 How should additives be listed?	16 to 17	18.1 to 18.4
19 What is a carry-over additive?	17	19.1
20 When does a carry-over additive perform a technological function in a food?	17	20.1
21 What about processing aids?	17	21.1 to 21.2
	Page(s)	Paragraph(s)

22	Are "specific names" and "serial numbers" for additives listed anywhere?	17	22.1
23	What should be considered when deciding which specific name should be used for an additive?	17 to 18	23.1 to 23.6
24	What should be considered when deciding which serial number should be used for an additive?	18	24.1
25	Do the quantities of any ingredients have to be declared?	18 to 19	25.1 to 25.3
<i>Date marking</i>			
26	What about date marking?	19	26.1 to 26.2
27	What form should the "best before" date mark take?	19 to 20	27.1 to 27.3
28	What form should the "use by" date mark take?	20	28.1
29	Is there any flexibility?	20	29.1 to 29.2
30	Can the date be abbreviated?	20 to 21	30.1 to 30.2
31	What foods should carry a "use by" date?	21	31.1
32	Are all foods required to carry a date mark?	21	32.1 to 32.3
33	Do details of storage conditions need to be given with the date mark?	21	33.1
34	Can a date mark be altered or removed?	22	34.1 to 34.2
<i>Special storage conditions and conditions of, and instructions for, use</i>			
35	What is meant by "special storage conditions or conditions of use"? Isn't this the same as the storage conditions required as part of the date mark?	22	35.1
36	What about instructions for use?	22	36.1 to 36.4
<i>Origin</i>			
37	What about place of origin?	23	37.1 to 37.3
38	If the name of the food includes reference to a place, does the place of origin always have to be given as well?	23	38.1 to 38.2
<i>Omission of information</i>			
39	Food prepacked for direct sale is exempt from most labelling requirements. What does "prepacked for direct sale" mean?	23	39.1
40	What are the labelling requirements for food which is not prepacked or which is prepacked for direct sale?	24	40.1 to 40.3
41	What about white bread and flour confectionery which is not prepacked or which is prepacked for direct sale?	24	41.1 to 41.2
42	What about fancy confectionery products?	24	42.1 to 42.2
43	What about food sold in small packages?	24	43.1 to 43.2
44	What about food sold in indelibly marked bottles?	25	44.1
45	What about food sold in seasonal selection packs?	25	45.1
46	What about food sold at catering establishments?	25	46.1 to 46.2
<i>Additional information</i>			
47	Are there any additional requirements which need to be followed?	25	47.1 to 47.2
		Page(s)	Paragraph(s)
48	What are the additional labelling requirements for vending machines?	26	48.1

49	What are the additional labelling requirements for alcoholic drinks?	26	49.1
50	What are the additional labelling requirements for raw milk?	26	50.1 to 50.3
51	What are the additional labelling requirements for skimmed milk with non-milk fat?	26	51.1 to 51.2
52	When does the declaration about packaging gases have to be used?	26 to 27	52.1 to 52.4
53	What are the additional labelling requirements for foods containing sweeteners?	27 to 28	53.1 to 53.3
54	What are the additional labelling requirements for foods containing aspartame?	28	54.1 to 54.2
55	What are the additional labelling requirements for foods containing polyols?	28	55.1 to 55.2
 <i>Manner of marking and labelling</i>			
56	Is there a minimum size for lettering used on food labels?	28	56.1
57	What manner of marking requirements are there?	28	57.1 to 57.3
58	What other manner of marking requirements apply to prepacked food?	29	58.1 to 58.2
59	Do the same manner of marking requirements also apply to food sold otherwise than to the consumer?	29	59.1
60	How do manner of marking requirements apply to food which is not prepacked, or prepacked for direct sale?	29	60.1
 <i>Nutrition labelling, claims and misleading descriptions</i>			
61	What regulations apply to nutrition labelling?	29 to 30	61.1 to 61.3
62	In the definition of "food for a particular nutritional use", what is meant by the phrase "clearly distinguishable" in subparagraph (a)?	30	62.1
63	Are there any controls on misleading descriptions?	30 to 31	63.1 to 63.6
 IV. Further information about these guidance notes		32	
 V. Other contacts			
	• "Food law", a guide to the legislation applicable to the labelling, composition and safety of foods	33	
	• "The new microwave labels"	33	
	• Advice on microwave guidelines	33	
	• Weights and measures legislation; metrication	33	
	• Units of measurement legislation	33	
 Annex:			
	• ACMS Report on VTEC - recommendations on food and prevention and control measures	34	
	• ACMS Report on poultry meat - recommendations on handling of poultry meat by caterers and consumers	34	

I. General food law

Food Safety Act 1990

1. The Food Safety Act 1990 provides the enabling powers under which all food regulations, including those on food labelling, are made.
2. The Act makes it an offence for anyone to sell, or possess for sale, food which
 - has been rendered injurious to health;
 - is unfit or so contaminated that it would be unreasonable to expect it to be eaten;
 - is falsely described, advertised or presented;
 - is not of the nature, substance or quality demanded.
3. Local authorities are responsible for enforcing the law in two main areas:
 - **Food standards:** the labelling of food, its composition and most cases of chemical contamination (enforced by trading standards officers and, in the London boroughs, some metropolitan authorities, Scotland and Northern Ireland, enforced by environmental health officers); and
 - **Food hygiene:** hygiene, cases of microbiological contamination of foods, and food which, for any reason including chemical contamination, is unfit for human consumption (enforced by environmental health officers).
4. In the non-metropolitan areas of England, trading standards work is carried out by the county councils and environmental health work by the district councils. The London boroughs and the metropolitan authorities carry out both functions. In Wales and Scotland, all food law enforcement is carried out by the unitary authorities. In Northern Ireland, this work is undertaken by the environmental health departments of district councils.

Trade Descriptions Act 1968

5. The Trade Descriptions Act 1968 came into effect on 30 November 1968. It replaced and expanded the old Merchandise Marks laws dealing with mis-description of goods in general and its particular job is to ensure, as far as possible, that people tell the truth about goods and services.
6. This Act makes it an offence for a trader to
 - apply a false trade description to any goods;
 - supply or offer to supply any goods to which a false trade description is applied;
7. "Trade description" covers
 - the quantity, size, or gauge of goods;
 - how they were made or processed;
 - what they are made of;
 - their fitness for purpose, strength, performance, behaviour or accuracy;
 - any other physical characteristics which they possess;
 - statements that goods have been tested or approved by any person;
 - where they were made;
 - when they were made;

- who made them; and
 - any other information about their history.
8. The indication must be false to a material degree for there to be an offence. It must be applied to the goods in question, whether in writing or by means of an illustration, symbol or other marking on the goods themselves, on containers, labels, show cards, in advertisements, etc., or in an oral statement.
 9. False indications by a trader of Royal patronage or other approval of his goods or services are also covered by the Act, as are false indications that goods or services are of a kind supplied to any person or organisation. Trading standards officers enforce the provisions of this Act.

Weights and Measures Act 1985

10. The Weights and Measures Act 1985 requires most prepacked food to carry an indication of its net weight or volume on the container. When sold other than prepacked, food is required to be sold either by quantity or, in certain circumstances, the seller has to make the quantity known to the customer. Orders made under the Act also limit the quantities in which certain goods (known as prescribed ranges) may be prepacked when offered for retail sale.
11. The Act also contains type size requirements for indications of both weight and volume, and provides for the "average" system of quantity control for prepacked goods, which is designed primarily for application at the point of production or importation and which is indicated next to the weight declaration on the pack by the symbol "e". It requires the packer or importer to ensure that packages will pass an Inspector's reference test.
12. Trading standards officers enforce the provisions of this Act.

Food (Lot Marking) Regulations 1996

13. The Food (Lot Marking) Regulations 1996 (SI 1996/1502) implement Council Directive 89/396/EEC, as amended, on indications or marks identifying the lot to which a foodstuff belongs. The principal intention of these Regulations is to establish a framework for a common lot (or batch) identification system in order to facilitate the tracing and identification of product along the relevant section of the food chain (eg where a product constitutes a health risk to consumers).
14. The requirements are very flexible in that they leave the producer, manufacturer, packer or first seller within the EC to determine the appropriate size of a lot or batch and the form the lot mark should take. The principal requirement is that the mark must be easily visible, clearly legible and indelible. It must be prefixed with the letter "L" except where it is clearly distinguishable from other indications appearing on the label.
15. The Regulations do not apply to
 - agricultural products (ie products of the soil, stock farming or fisheries which have *not* undergone initial processing) which are either sold or delivered to temporary storage,

preparation or packing stations or to producers' organisations; or which are collected for immediate use in an operational preparation or processing system;

- foods which are not prepacked when sold to the ultimate consumer;
- foods prepacked at the request of the purchaser;
- foods prepacked for direct sale to the ultimate consumer;
- foods in packages or containers the largest surface area of which is less than 10cm²;
- individual portions of edible ice (eg ice cream) and individual portions intended as accompaniments to other foods (eg sachets of salt, sauce or sugar and small pots of milk or cream) provided the main (or bulk) packaging in which these foods are contained carries a lot mark;
- foods which bear a "best before" or "use by" date;
- foods marked or labelled before 1 July 1992;
- food sold in indelibly marked glass bottles intended for re-use (until 1 January 1997).

II. Food Labelling Regulations 1996

Introduction

1. The Food Labelling Regulations 1996 (SI 1996/1499) consolidate and replace
 - the Food Labelling Regulations 1984,
 - the Food Labelling (Scotland) Regulations 1984, and
 - the Milk Labelling (Scotland) Regulations 1983.

They principally implement Council Directive 79/112/EEC on the labelling, presentation and advertising of foodstuffs (apart from the provisions of that Directive relating to net quantity: see page 6, paragraphs 10-12).
2. They also implement
 - Commission Directive 87/250/EEC on the indication of alcoholic strength by volume in the labelling of alcoholic beverages for sale to the ultimate consumer;
 - Council Directive 89/398/EEC relating to foodstuffs intended for particular nutritional uses;
 - Council Directive 90/496/EEC on nutrition labelling for foodstuffs; and
 - Commission Directive 94/54/EC concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Council Directive 79/112/EEC.

Organisation of the regulations

3. The Regulations are arranged into five parts, with nine schedules supporting and expanding on the main provisions which they contain.
4. Part I (Preliminary)
 - contains the title and commencement date of the regulations,
 - all definitions, and
 - the general exemptions which apply.
5. Part II (Food to be delivered as such to the ultimate consumer or to caterers); and Schedules 1 to 5
 - defines the scope of the Regulations, including those foods to which this part of the Regulations only do not apply;
 - sets out the detailed rules governing the general labelling requirements;
 - exempts certain foods from some or all of these general requirements;
 - extends additional labelling requirements to certain categories of foodstuffs; and
 - describes the manner in which foods should be marked or labelled.
6. Part III (Claims, nutrition labelling, and misleading descriptions); and Schedules 6 to 8
 - contains the requirements and conditions attached to the making of nutritional and other claims;
 - controls certain misleading descriptions; and
 - restricts the use of the word "wine".

7. Part IV (Offences and legal proceedings)

- gives details of the offences which may be committed under the provisions of these Regulations;
- the defences which may be offered in certain circumstances in the event of prosecution; and
- the authorities responsible for their enforcement.

8. Part V (Revocations, amendments, and transitional provisions); and Schedule 9

- gives details of the measures revoked by these Regulations; and
- the transitional arrangements which have been made to help accommodate the change-over to the new requirements which the Regulations contain.

Principal provisions

9. The principal provisions of the Regulations are to require all food which is ready for delivery to the ultimate consumer or to a catering establishment, subject to certain exceptions, to be marked or labelled with -

- the name of the food (regulations 5(a), 6 to 11, and Schedules 1 and 2);
- a list of ingredients (regulations 5(b), 12 to 18, and Schedules 3 and 4);
- the appropriate durability indication (regulations 5(c), 20 to 22);
- any special storage conditions or conditions of use (regulation 5(d));
- the name and address of the manufacturer or packer or of a seller (regulation 5(e));

and in certain cases -

- particulars of the place of origin of the food (regulation 5(f)), and
- instructions for use (regulation 5(g));

10. They also

- require an indication of the minimum or maximum percentage of an ingredient where the labelling of a food places special emphasis on the presence or low content of that ingredient (regulation 19);
- make special provisions for the labelling of
 - food which is not prepacked and certain similar foods,
 - fancy confectionery products,
 - food which is packed in small packages and indelibly marked bottles,
 - certain foods sold at catering establishments, and
 - seasonal selection packs(regulations 23 to 28);
- specify additional labelling requirements for food sold from vending machines and for alcoholic drinks (regulations 29 and 30);
- require warnings to be given with raw milk (regulation 31) and products consisting of skimmed milk together with non-milk fat (regulation 32);
- specify an additional labelling requirement for food packaged in a gas so as to extend its durability (regulation 33)

- specify additional labelling requirements for food containing sweeteners, added sugar and sweeteners, aspartame or more than 10% added polyols (regulation 34);
- specify requirements as to the manner of marking or labelling of food (regulations 35 to 39);
- prohibit a claim in the labelling or advertising of a food that it has tonic or medicinal properties, and imposes conditions for the making of -
 - claims relating to foods for particular uses and similar foods;
 - reduced or low energy value claims;
 - protein claims;
 - vitamin claims;
 - mineral claims;
 - cholesterol claims;
 - nutrition claims, and
 - claims which depend upon another food
 (regulations 40 and 41, Schedule 6 and, in relation to nutrition claims, Schedule 7);
- specify labelling requirements for nutritional information, whether or not a nutrition claim is also being made (regulation 41(4) and Schedule 7);
- impose restrictions on the use of certain words and descriptions in the labelling or advertising of food (regulation 42 and Schedule 8);
- permit the use of the word "wine" in composite names for drinks other than wine or table wine in accordance with Article 43.2 of Council Regulation (EEC) No. 2392/89 (regulation 43).

11. The Regulations also -

- create offences, prescribe a penalty (regulation 44) and provide for the Regulations to be enforced by food authorities and port health authorities (regulation 45);
- provide a defence in certain cases of alteration of the appropriate durability indication for a food (regulation 46);
- provide a defence in relation to exports, in accordance with Articles 2 and 3 of Council Directive 89/397/EEC on the official control of foodstuffs, as read with the ninth recital to that Directive (regulation 47);
- incorporate specified provisions of the Food Safety Act 1990 (regulation 48);
- revoke, and make consequential amendments to, certain other Regulations (regulation 49).

12. The Regulations do not apply -

- to food imported from an EEA State in which it was lawfully produced and sold, and which is suitably labelled (regulation 3(1));
- to food imported from a Member State of the European Community in which it was lawfully produced and sold, and which is suitably labelled (regulation 3(1));
- to food produced outside the European Community which is imported from a Member State of the European Community, and which is suitably labelled (regulation 3(1));
- except insofar as they relate to advertising, to
 - food which is not intended for sale for human consumption
 - food prepared and labelled for sale before 16th November 1992 for consumption by Her Majesty's forces or visiting forces (regulation 3(3));

- apart from the provisions relating to packaging in certain gases; food containing sweeteners, added sugar and sweeteners, aspartame or more than 10% added polyols; nutrition labelling; claims and misleading descriptions; to products the labelling of which is controlled, in England and Wales, by
 - the Specified Sugar Products Regulations 1976,
 - the Cocoa and Chocolate Products Regulations 1976,
 - the Honey Regulations 1976,
 - the Condensed and Dried Milk Regulations 1977 (other than such products specially prepared for and clearly specified to be intended to be consumed by infants)
 or, in relation to any coffee etc. which is ready for delivery to a catering establishment, by
 - the Coffee and Coffee Products Regulations 1978
 and, in Scotland, by the equivalent sets of Scottish Regulations;
- products the labelling of which is controlled by EC Regulations on hen eggs; spreadable fats; wines and grape musts; sparkling wines and aerated sparkling wines; liqueur wines, semi-sparkling wines and aerated semi-sparkling wines; spirit drinks; fresh fruit and vegetables; preserved sardines; preserved tuna and bonito (regulation 4(2));
- additives sold as such the labelling of which is controlled by other Regulations (regulation 4(2));
- apart from the provisions relating to nutrition labelling, claims and misleading descriptions, to
 - certain alcoholic drinks bottled before 1st January 1983,
 - certain food prepared on domestic premises,
 - food prepared otherwise than in the course of a business
 (regulation 4(3)).

13. In certain circumstances the provisions relating to nutrition labelling, claims and misleading descriptions do not apply to natural mineral waters (regulation 3(4) and (5)).

14. The Regulations came into force on 1st July 1996 (regulation 1). There is a general transitional provision which makes it a defence to prove that the act was committed before 1st July 1997 or that it was committed in relation to a food that was prepacked before that date. In the case of either the use of a generic name, or of an additive name, for an ingredient, there is no transitional period. In the case of food packaged in packaging gases, the transitional period expired on 1st January 1997. In all cases, the matters constituting the offence must not have been capable of being an offence under the Food Labelling Regulations 1984, the Food Labelling (Scotland) Regulations 1984 or the Milk Labelling (Scotland) Regulations 1983 (regulation 49).

15. The Food Safety Act 1990 makes it an offence for anyone to describe food in a way which is false, or likely to mislead as to its nature, substance or quality. The Food Labelling Regulations 1996 contain more detailed provisions which set out what information must be provided on food labels in order to satisfy the law. Within this framework, the provision of additional information on a voluntary basis is not prohibited if it is true and not misleading.

III. Questions and Answers

Prepacked food

1. What does prepacked mean?

Regulation 2

- 1.1 *Prepacked*, in relation to food, is defined in regulation 2.
- 1.2 It does not include fruit and vegetables individually wrapped in plastic film wrap, provided that the plastic film wrap is used for the purposes of individual protection.

Name of the food

2. What should be considered when deciding on a name for a food?

Regulations 6-11, and Schedules 1 and 2

- 2.1 Where there is a name laid down by law this must be used. If not, a customary name may be used. If there is no customary name, or it is not used, a descriptive name must be used.
- 2.2 The name of a food may consist of a name, a description, or both.

3. What is a legal name?

Regulation 6, and Schedule 1

- 3.1 These are names which either EC or UK law specifies must be used for certain foods. For example, the Food Labelling Regulations themselves contain a number of names in schedule 1 which are **prescribed names**, ie they must be used e.g. for certain fish species. Equally EC Regulations on spreadable fats require names like "butter" or "margarine" to be used for particular product categories. And the name "natural mineral water" has to be used to describe such water.
- 3.2 There are also **reserved descriptions**, ie when they are used for certain foods, those foods must meet specific compositional criteria (such as coffee, chocolate, jam and sugar).

4. What is a customary name?

Regulation 7

- 4.1 Customary names are names which, in time, come to be accepted by consumers in the UK, or in particular areas of the UK, as the name of the food without it needing further explanation. Some examples are *fish fingers* and *Bakewell tart*. Some names of foreign origin, such as *muesli* and *spaghetti* have also become customary names in the UK generally.
- 4.2 A name which is customary in a particular area (eg *clutie dumpling*) might not be understood on its own if it used as the name for the same food when it is sold outside that area. Consideration will therefore need to be given to whether or not further supplementary information describing what the food is (see paragraph 6.1) needs to be provided.
- 4.3 A fancy name, with an accompanying description, may (in time) become acceptable as a customary name (eg *Mississippi Mud Pie*), possibly without the necessity of an accompanying description.

5. Does a customary name have to be used if there is one?

Regulation 8

5.1 No. But when it is decided that a customary name should not be used, a descriptive name must be used instead.

6. What is a descriptive name?

Regulation 8

6.1 A name which is precise enough to indicate the true nature of the product and to distinguish it from other foods with which it could be confused.

7. Are trade marks, brand names or fancy names acceptable as the name of a food?

Regulation 10

7.1 No. Trade marks, brand names or any fancy names cannot be substituted for the name of a food, but may be used in addition to it. (See also paragraph 4.3).

8. What about processes and treatments?

Regulation 11, and Schedule 2

8.1 The name of a food must include, or be accompanied by, an indication of its physical condition or treatment where a purchaser could be misled by the omission of that information. For example, milk which has been "pasteurised", "sterilised", "condensed", "UHT" etc should indicate this on the label. In addition, other descriptions may apply, eg "homogenised". The omission of information about the previously frozen status of meat and offal which is sold thawed could mislead the consumer.

8.2 The Advisory Committee on the Microbiological Safety of Food has made recommendations relating to the provision of information on cheeses made from raw milk from cows and other species. This advice is annexed to these guidance notes.

8.3 Fish products incorporating minced fish (eg *breaded scampi*, *fish fingers*) may need to carry an appropriate indication on the label in cases where the consumer is likely to be misled, either by the general appearance of the food itself or its labelling, by the omission of such an indication.

8.4 Fruit and vegetables (eg melon, cucumber, cabbage, pineapple) which have simply been cut in half and which are sold to the consumer in clear plastic film or other transparent packing need not indicate this as treatment. If such products which have been sliced, diced or otherwise further processed, this must be indicated (eg *sliced beetroot* or *shredded cabbage*).

8.5 There are specific requirements for meat tenderised by the use of proteolytic enzymes and irradiated food. These are contained in schedule 2 to the Regulations.

9. *What about terms like roasted, smoked etc?*

- 9.1 Terms like *roasted*, *smoked*, and *filleted*, when they are used to describe foods, can easily, if unintentionally, be abused.
- 9.2 For example, consumers may not necessarily associate roasting with a process involving a high proportion of steam cooking followed by a short period of flash roasting followed by the application of colour to simulate traditional roasting. However, it is important to recognise that many foods are steamed or parboiled before being roasted (eg potatoes, poultry). Where such products have been roasted for sufficient time at a sufficient temperature to have the appearance, colour and texture of a roasted product, further elaboration of the cooking processes may not be necessary.
- 9.3 A product which has simply been immersed in, or sprayed with, a solution which imparts flavour and colour has not been *smoked*, although it may be *smoke flavoured*. Fish which has been de-boned and frozen into blocks before being sliced may need to be distinguished from fish which has been *filleted* in the traditional manner.
- 9.4 Where these and other similar terms are used, it is important to ensure that an accurate indication of the process or treatment is given, where not to do so could result in consumers being misled. Alternatively a different or more appropriate indication or description of the process or treatment could be used.

Ingredient listing

10. *How should ingredients be listed?*

Regulations 12 and 13(1)

- 10.1 Ingredients must generally be listed in descending order of weight at the time of their use in the preparation of the food (often referred to as "the mixing-bowl stage"). The ingredients list must include a heading consisting of, or including, the word "ingredients".

11. *What names should they be given?*

Regulation 14(1) - (4), and Schedule 3

- 11.1 The name used for an ingredient should be a name which could be used for it if it were being sold as a food by itself (see section on *name of the food* on pages 12 to 14) and should therefore include appropriate reference to physical condition or to any process or treatment which it has undergone in cases where omission of this information would mislead (see paragraphs 8.1 to 8.5). Listed ingredients which have been irradiated must be identified as "irradiated" or as having been "treated with ionising radiation".
- 11.2 Certain generic terms (eg *vegetable oil*, *cheese*, *sugar* and *fish*) may be used instead of more specific names for the purposes of listing ingredients of foods *only*. Their use is subject to certain conditions which are set out in Schedule 3 to the Regulations.
- 11.3 Although the generic terms *vegetable oil*, *vegetable fat*, *animal oil*, and *animal fat* all appear as separate entries, this does not prevent the use of indications which combine these terms in a way

which makes their intention clear to the consumer, eg *vegetable and animal oils, vegetable oils and fats, or vegetable and animal oils in varying proportions.*

12. Are there any ingredients which need not be listed?

Regulation 17

12.1 Yes. Details are given in regulation 17.

12.2 Although the ingredients of a substance which has itself been used as an ingredient of a food (eg the ingredients of salami used to decorate a pizza) are defined by the Regulations as being ingredients of the final food, there are circumstances when they do not have to be listed (see paragraphs 15.1 to 15.2).

13. Constituents of ingredients separated and then reintroduced in their original proportions need not be listed separately. What does this mean?

Regulation 17

13.1 The yolk and white of an egg need not be identified separately in the ingredients list if they are separated during manufacture. In these circumstances, the ingredients list of the final food would simply need to declare *egg* as an ingredient.

13.2 Additional egg yolk or egg white would need to be separately declared.

14. Do all foods have to carry an ingredients list?

Regulation 18

14.1 No. Those that don't are listed in regulation 18.

14.2 Other foods may be exempt from carrying ingredients lists because of the conditions in which they are sold (see section on *omission of information* on pages 23 to 25).

14.3 Any ingredients list provided voluntarily on a food must comply with the requirements set out in regulations 12 to 17

15. What about compound ingredients?

Regulation 15

15.1 Compound ingredients are ingredients of a food which are themselves made up of two or more ingredients (eg mayonnaise, custard, seasoning mixes). The names of the ingredients of a compound ingredient may be given in the ingredients list of the final food either instead of, or in addition to, the name of the compound ingredient. When the name of the compound ingredient is used, the names of its ingredients must follow the name of the compound ingredient in such a way as to indicate that they are ingredients of it (eg *Mayonnaise (eggs, oil, water, salt)...*).

15.2 Listing the ingredients of a compound ingredient is not required where

- the compound ingredient would not be required to list its ingredients if it were sold as a prepacked food (see paragraphs 14.1 to 14.3),
- the compound ingredient is identified by one of the permitted generic names listed in Schedule 3 to the Regulations (eg *mixed herbs*), or
- the compound ingredient itself constitutes less than 25% of the finished product, although any additives which it contains must be named* if they perform significant technological functions in the finished food.

(*it would be acceptable for the serial number to be given instead)

16. What about added water?

Regulation 16

16.1 Water used as a food ingredient must generally be shown in the list of ingredients when it exceeds 5% of the finished product. An exemption from this requirement applies to water used solely for the reconstitution or partial reconstitution of an ingredient used in concentrated or dehydrated form, or where water is used as, or as part of, a medium which is not normally consumed.

16.2 Water need not be declared in the list of ingredients if it is added to frozen or quick-frozen chicken carcasses in accordance with Commission Regulation (EEC) No 1538/91, as amended.

17. What about volatile ingredients, like alcohol?

Regulations 13(2) and 16

17.1 Water and other volatile products, such as alcoholic drinks, which are used as ingredients of foods must be shown in the ingredients list of the food in which they have been used in order of their weight in the finished product.

18. How should additives be listed?

Regulations 2, 14(5) to (11), and Schedule 4

18.1 *Additive* is defined in regulation 2, and the rules for naming additives in ingredients lists are set out in regulation 14 at paragraphs (5) to (11).

18.2 Although the category names listed in Schedule 4 are shown in the singular (eg *preservative*), this does not prevent additives which perform the same function in a food from being grouped together for ingredient listing purposes (eg *preservatives: x, y and z, colours: a, b and c...*).

18.3 Although some ingredients, such as sugar, coffee, salt, banana, concentrated fruit juice, vinegar etc, may serve sweetening, colouring, preserving, flavouring and other "additive" functions, these do not need to be accompanied by a category name in the ingredients list because they are not "additives" as defined by the regulations.

18.4 Other substances which might appear to fall within the definition of *additive* but which are **not** considered to be additives are listed in the Miscellaneous Food Additives Regulations 1995 (regulation 2), to which may be added

- vitamins, minerals or other nutrients used solely for the purpose of fortifying or enriching food, or for restoring the constituents of food;
- any substance present in a food as a result of its addition to animal, bird or fish feedingstuffs; and

- any substance present in food as a result of its use in a process or treatment carried out in crop or animal husbandry, or storage (including any pesticide, fumigant, sprout depressant or veterinary medicine).

19. What is a carry-over additive?

Regulation 17(b)

19.1 *Carry over additives* are additives which are present in a food because they were contained in an ingredient of that food (eg the preservative in a sponge finger used to make a trifle). If they perform a significant technological function in the final food, they must be listed as ingredients of that food. If they do not perform a significant technological function in the final food, they do not have to be listed as ingredients of that food.

20. When does a carry-over additive perform a technological function in a food?

20.1 This will depend on the nature of the ingredient which contains the additive and the food in which that ingredient is used. For example, the preservative(s) which may have been used in a fruit puree will not necessarily be performing that function once the puree has been added to a pie which has then been baked, or a yoghurt which has then been pasteurised.

21. What about processing aids?

Regulations 2, 17(c)

21.1 *Processing aids* are defined in regulation 2.

21.2 They do not generally have to be listed as ingredients. However, if they leave residues which perform a technological function in the food in which they have been used, they must be considered to be additives and are then subject to the same requirements as apply to other additives (see paragraphs 18.1 to 20.1).

22. Are "specific names" and "serial numbers" for additives listed anywhere?

22.1 Yes. They can be found in

- Schedule 1 to the Sweeteners in Food Regulations 1995;
- Schedule 1 to the Colours in Food Regulations 1995; and
- Schedules 1, 2, 3, and 4 to the Miscellaneous Food Additives Regulations 1995.

23. What should be considered when deciding which specific name should be used for an additive?

23.1 Where the specific name of an additive is to be given in the ingredients list, the name used should be one which appears in the column headed

- "Colour" in Schedule 1 to the Colours in Food Regulations 1995,
- "Permitted sweetener" in Schedule 1 to the Sweeteners in Food Regulations 1995,
- "Name" in either Schedule 1, 2, 3, or 4 to the Miscellaneous Food Additives Regulations 1995.

23.2 A summary name which appears in one of the schedules referred to in paragraph 22.1 may be used in place of a more specific name provided that the latter do not have their own serial numbers (eg "carotene" may be used for "mixed carotenes"; "sorbitol" may be used for "sorbitol syrup"; "sodium citrate" may be used for "disodium citrate"; "potassium phosphate" may be used for "tripotassium phosphate").

23.3 If a name which appears in one of the schedules referred to in paragraph 22.1 is preceded by a bracketed letter or Roman numeral (eg "(ii) Beta carotene"; "(i) Sorbitol"; "(i) Monosodium citrate"), this need not be given as part of the name.

23.4 In the case of miscellaneous additives, where an alternative to the specific name is given in brackets in one of the schedules referred to in paragraph 22.1, this may be used in place of the specific name (eg "polysorbate 20" instead of "Polyoxyethylene sorbitan monolaurate").

23.5 In the case of miscellaneous additives being phosphates, the names "Diphosphates", "Triphosphates" and "Polyphosphates" are acceptable as specific names for the phosphates covered by the serial numbers E450, E451 and E452 respectively. They should not be used for the phosphates covered by serial numbers E338, E339, E340 and E341.

23.6 Synonyms or acronyms which are not included in the relevant schedule should **not** be used as alternatives to the specific name.

24. What should be considered when deciding which serial number should be used for an additive?

24.1 Where the serial number of the additive is to be given in the ingredients list the number used should be one which appears in the column headed "EC No." in

- Schedule 1 to the Sweeteners in Food Regulations 1995;
- Schedule 1 to the Colours in Food Regulations 1995; and
- Schedules 1, 2, 3, and 4 to the Miscellaneous Food Additives Regulations 1995.

25. Do the quantities of any ingredients listed have to be declared?

Regulation 19

25.1 Unless there are specific provisions in other legislation which require the quantities of certain ingredients to be declared (eg the amount of fruit and sugar used to make 100g of jam), this is only required when the food is characterised by the presence or low content of an ingredient which is given special emphasis on the label. In such cases, an indication of the minimum or maximum percentage, as appropriate, of that ingredient in the food must be given either next to the name of the food or in the ingredients list close to the name of the ingredient in question.

25.2 A reference in the name of a food to a particular ingredient will not necessarily constitute the placing of special emphasis, but this could depend on the size, colour and/or style of lettering used. Particulars, including the name of the food, which have to be given on the label by law will not of themselves be regarded as giving special emphasis to the presence of an ingredient. Where the presence, or absence, of a particular ingredient is prominently stated more than once on a label, other than in a restatement of the name of the food, this may be deemed to be special emphasis.

25.3 A pictorial representation of a food as offered for sale, a "serving suggestion", or (in the case of a food mix) a representation of what could be made from the mix, would not normally be regarded as giving special emphasis. A pictorial representation of a food which is used wholly or mainly to flavour another food will not normally be regarded as giving special emphasis if it is a true representation of the food. If the quantity indicated appears to be in excess of the amount of that food in the final product, consideration might also have to be given as to whether it amounted to a false description or presentation of the food under section 15 of the Food Safety Act, or a false trade description under the Trade Descriptions Act.

Date marking

26. What about date marking?

Regulations 20 - 22

26.1 There are two types:

- *Best before* will be appropriate to most foods and indicates the period for which a food can reasonably be expected to retain its optimum condition (eg it will not be stale).
- *Use by* is the required form of date mark only for those foods which are highly perishable from a microbiological point of view and which will have a product life after manufacture of a relatively short period, after which their consumption would present a risk of food poisoning.

26.2 A separate guidance note on the application of use by dates is available from the address shown in the section *further information about these guidance notes* on page 32.

27. What form should the "best before" date mark take?

Regulation 20(1) and (2)

27.1 The *best before* date mark consists of the words *best before* and the date in terms of the day, month and year in that order.

27.2 Alternatively,

for foods expected to keep for 3 months or less:

the words *best before* may be followed by the date in terms of the day and month

for foods expected to keep for more than 3 months but no longer than 18 months:

the date mark may be given in the form *best before end* and the date in terms of the month and year

for foods expected to keep for more than 18 months:

the date mark may be shown as *best before end* followed by the date in terms of the month and year or the year only

27.3 Where appropriate, any storage conditions which need to be observed if the food is to retain its specific properties until the date shown must also be given.

28. What form should the "use by" date mark take?

Regulation 21(1) and (2)

28.1 The *use by* date mark must consist of the words *use by* and the date in terms of either

- the day and the month, or
 - the day, month and year,
- and, in either case, should be accompanied by any storage conditions which need to be observed.

29. Is there any flexibility?

Regulations 20(3) and 21(3)

29.1 The actual date, and/or any storage conditions given as part of the date marking requirement, may appear separately from the words *best before*, *best before end* or *use by* provided these words are followed by a reference to the place where the date and/or any storage conditions appear(s) (eg *Best before end: see side of pack*).

29.2 In some cases, it might be more helpful to consumers to have information about the location of the storage conditions given with the date itself rather than with the words *best before*, *best before end* or *use by*. So for example, instead of the indication on the front of the pack consisting of

for best before date see side of pack and for storage conditions see star marking panel

an alternative might be a declaration on the front of the pack consisting of

for best before date see side of pack

with the information given on the side of the pack consisting of

the date, and the declaration *for storage conditions see star marking panel*.

This manner of marking is not inconsistent with the intention of the regulations and is acceptable.

30. Can the date be abbreviated?

30.1 As long as the date is shown in the order required by the regulations (ie day, month, year, as appropriate), there is no reason why different forms of expressing the date should not be used, provided it is given in a form which consumers are going to understand. For example, *1 January 1997*, *31 Mar 97*, *1.6.97* and *01.08.97* are all quite clear, as indeed will be *1 January 2007*, *31 Mar 07*, *1.6.07* and *01.08.07*.

30.2 However, care needs to be taken when using abbreviated indications, such as *use by 1.6*; consumers who might not realise that a *use by* date must be given in at least day and month form might misread this particular example to mean use by 16th and ask "use by 16th of what?". In such cases, it would be preferable to use the form *use by 1 June*, *use by 1 Jun* or *use by 01.06*. Care also needs to be taken when giving year-end date marks, eg *best before end 97*. This particular example is clear enough, but come the year 2007, *best before end 07*, although acceptable, might be misread by consumers to mean best before end July.

31. What foods should carry a "use by" date?

31.1 A separate guidance note on the application of use by dates is available from the address shown in the section *further information about these guidance notes* on page 32.

32. Are all foods required to carry a date mark?

Regulation 22

32.1 No. Some foods are specifically exempt from the requirement to carry a date mark. These are listed in regulation 22.

32.2 Some foods are exempt from the date marking requirement because they are exempt generally from the labelling provisions of Part II of the Regulations (see regulation 4). The labelling of such foods is generally governed by separate legislation (eg on honey, coffee, and chocolate) which does not require a date mark to be given.

32.3 Other foods are also exempt from carrying a date mark because of the conditions in which they are sold (see section on *omission of information* on pages 23-25).

33. Do details of storage conditions need to be given with the date mark?
--

Regulations 20(1)(b) and 21(1)(b)

33.1 Only storage conditions which need to be observed so that the unopened food lasts until the date given in the date mark need be given as part of the date mark (see paragraphs 27.3 and 28.1). They should in general be simple and clear, and may vary from indications such as *keep refrigerated* or *keep in a cool, dry place* to indications which incorporate specific storage temperatures or temperature ranges. A maximum temperature should be given at or below which the food should be stored if strict storage temperatures are required to maintain its safety as well as its quality up to and including the date specified. Where various storage conditions are permissible (eg fridge, freezer compartment or freezer) the storage conditions should make clear to which option the date given refers (eg *when stored in a refrigerator* or *if kept frozen*). Both the date and its related storage conditions should apply to the food as bought by the consumer whilst it remains unopened.

34. Can a date mark be altered or removed?

Regulations 44(1)(e) and 46

34.1 It is an offence to alter or remove a date mark if you are not the manufacturer, packer or EC seller originally responsible for marking the food.

34.2 It is, however, a defence for anyone so charged to prove that such action was taken with the written authorisation of a person capable of making the change without breaking the law.

Special storage conditions and conditions of, and instructions for, use

35. What is meant by "special storage conditions or conditions of use"? Isn't this the same as the storage conditions required as part of the date mark?

Regulation 5(d)

35.1 No. The storage conditions which are required to be given with the date mark relate specifically to ensuring that the consumer knows how to store the food if it is to last as long as the date indicates whilst it remains unopened. Special storage conditions or conditions of use should be given

- if the consumer needs to observe certain practices once the packaging of a food has been opened (eg *once opened keep refrigerated and consume within 3 days*);
- if various options are available (eg *suitable for home freezing*); or
- if foods are not appropriate or suitable for use in certain circumstances (eg *not suitable for frying or shake well before use*).

36. What about instructions for use?

Regulation 5(g)

36.1 Instructions for use must be given if it would be difficult to make appropriate use of the food without them.

36.2 Any instructions for use given should be sufficiently detailed to enable appropriate preparation or use to be made of the food.

36.3 The Advisory Committee on the Microbiological Safety of Food has advised on appropriate instructions for raw minced beef, minced beef products, beefburgers, and raw, flash-fried poultry products. This advice is annexed to these guidance notes.

36.4 Guidance on the voluntary labelling scheme for ovens and food packs developed by MAFF in partnership with oven and food manufacturers, retailers and consumer organisations is set out in a MAFF publication *The new microwave labels*, obtainable from Food Sense at the address shown in the section on *other contacts* at the end of this guidance note. A MAFF address for advice on the microwave guidelines is also given.

Origin

37. What about place of origin?

Regulation 5(f)

37.1 For the purposes of this requirement, the words "origin" and "provenance" should be taken as having the same meaning.

37.2 Particulars of the place (not necessarily the country) of origin or provenance of the food must be shown if failure to give such information might mislead a purchaser to a material degree as to the true origin of the food. Consideration should particularly be given to declaring the place of origin when the name of a place or country appears as part of the name of a food, or its trade or brand or fancy name (see paragraphs 38.1 to 38.2). Origin marking can also be triggered by pictorial representations (eg the use of maps, flags or famous landmarks).

37.3 The place of origin of a food may be taken as the place in which it last underwent a substantial change. For example, olive oil pressed in Italy from olives grown in Greece could be described as "produced in Italy" or "made in Italy", but care would need to be taken to ensure that the indication, or other information given on the label, did not imply that the olives themselves were Italian.

38. If the name of the food includes reference to a place, does the place of origin always have to be given as well?

Regulation 5(f)

38.1 Not necessarily. Some place names which appear in the name of a food are, or will be, reserved for use on particular products under regulations governing designation of origin (eg *parma ham*). Although consumers won't necessarily expect, for example, Cornish pasties, York ham, or Bakewell tarts to come from those areas, some might be led to believe that they do by the description or label taken as a whole. The position is likely to be less clear cut with other names, or when the name of a brand or producer incorporates a place name regardless of the other information on the label.

38.2 Care should always be taken to ensure that, if a name given to a food or its brand or trade name includes a reference to a place in such a way which, when taken with other written and illustrative information given on the label, could imply that the food comes from, or has been made in, a particular place or area, the true place of origin is made clear. Consideration should therefore be given to providing clear place of origin marking (see paragraphs 37.1 to 37.3) which is separate from the name of the food which might otherwise mislead to avoid any confusion.

Omission of information

39. Food prepacked for direct sale is exempt from most labelling requirements. What does "prepacked for direct sale" mean?

Regulation 2

39.1 *Prepacked for direct sale* is defined in regulation 2.

40. What are the labelling requirements for food which is not prepacked or which is prepacked for direct sale?

Regulation 23, 24, 25 and 31

40.1 Food which is not prepacked (eg food sold loose from the delicatessen counter at a supermarket), or which has been prepacked for direct sale (see paragraph 39.1) is exempt from much of the general labelling requirements. Details are in regulations 23 to 25, and 31.

40.2 These foods are not required to carry the additional declarations about packaging gases, sweeteners or skimmed milk with non-milk fat required by regulations 32, 33 and 34.

40.3 Meat products which are covered by the Meat Products and Spreadable Fish Products Regulations 1984 must also carry either a minimum meat content or added water declaration, depending on the type of product.

41. What about white bread and flour confectionery which is not prepacked or which is prepacked for direct sale?

Regulation 23

41.1 They are exempt from all the labelling requirements, provided they have not been irradiated, or do not contain any ingredients which have been irradiated. Full details of the exemptions are in regulation 23.

41.2 They are not required to carry the additional declarations about packaging gases, sweeteners or skimmed milk with non-milk fat required by regulations 32, 33 and 34.

42. What about fancy confectionery products?

Regulations 2 and 23

42.1 *Fancy confectionery product* is defined in regulation 2. Details of the exemptions which apply to them are contained in regulation 23.

42.2 These foods are not required to carry the additional declarations about packaging gases, sweeteners or skimmed milk with non-milk fat required by regulations 32, 33 and 34.

43. What about food sold in small packages?

Regulations 26 and 27

43.1 Their labelling requirements are set out in regulations 26 and 27.

43.2 These foods are not required to carry the additional declarations about packaging gases, sweeteners or skimmed milk with non-milk fat required by regulations 32, 33 and 34.

44. What about food sold in indelibly marked bottles?

Regulation 26

44.1 The labelling of food, including milk, which is sold in an indelibly marked glass bottle intended for re-use is covered by regulation 26.

45. What about food sold in seasonal selection packs?

Regulations 2 and 28

45.1 Seasonal selection packs are packs which contain two or more different items of food which are wholly or partly enclosed in outer packaging decorated with seasonal designs. Provided the items of food contained within the seasonal selection pack are individually packed and have been marked or labelled in accordance with the regulations, there is no need for this information to be repeated on the outer packaging of the seasonal selection pack.

46. What about food sold at catering establishments?

Regulation 2 and 27

46.1 *Catering establishment* is defined in regulation 2. The labelling provisions for non-prepacked or prepacked for direct sale food sold at such establishments are contained in regulation 27.

46.2 Catering facilities within retail establishments which perform the function of a catering establishment are also covered by the definition of *catering establishment*.

Additional information

47. Are there any additional requirements which need to be followed?

Regulations 29 - 34

47.1 Yes. There are specific additional labelling requirements in these regulations for

- foods sold from vending machines,
- prepacked alcoholic drinks other than Community controlled wine,
- raw milk,
- products consisting of skimmed milk with non-milk fat,
- food the shelf life of which has been extended by the use of packaging gases, and
- foods containing sweeteners, added sugar and sweeteners, aspartame or polyols.

47.2 Other regulations (eg on lot marking, coffee, jam, spreadable fats) also contain specific labelling requirements. Information about these can be found in "Food Law", a guide to the legislation applicable to the labelling, composition and safety of foods. "Food Law" is obtainable from Consumers and Nutrition Policy Division at the address shown in the *Other contacts* section on page 33. Guidance notes on lot marking are available from the address shown in the section *further information about these guidance notes* on page 32.

48. What are the additional labelling requirements for vending machines?

Regulation 29

48.1 These relate to name of the food, abbreviated nutrition labelling, and reheating instructions. They are set out in regulation 29.

49. What are the additional labelling requirements for alcoholic drinks?

Regulation 30, and Schedule 5

49.1 These relate to alcoholic strength marking and are set out in regulation 30. Specified positive and negative tolerances are permitted and are listed in schedule 5.

50. What are the additional labelling requirements for raw milk?

Regulation 31

50.1 These require a health warning to be given with prepacked and non-prepacked raw drinking milk.

50.2 The sale of raw cows drinking milk is banned in Scotland

50.3 The labelling requirements are set out in regulation 31. Raw milk from ewes and goats is subject to these requirements from 1 July 1997. They do not apply to raw milk from buffaloes.

51. What are the additional labelling requirements for skimmed milk with non-milk fat?

Regulation 32

51.1 These relate to the provision of a warning about its unsuitability as food for babies.

51.2 The requirement is set out in regulation 32. It does not apply to a product which is

- an infant formula or follow-on formula (which are specifically defined in the regulations), or
- specially formulated for infants or young children for medical purposes.

52. When does the declaration about packaging gases have to be used?

Regulation 33

52.1 The declaration *packaged in a protective atmosphere* required by regulation 33 need only be given on the label of a prepacked food when that food's shelf life has been extended by the use of any packaging gas authorised by Council Directive 89/107/EEC on food additives. If the packaging gas has been used for some other technological purpose, there is no need to include the declaration on the label unless it serves also to extend the shelf life of the food.

where the name is given above the ingredients list) provided the information is easily visible, clearly legible and indelible.

54. What are the additional labelling requirements for foods containing aspartame?

Regulation 34

54.1 These relate to the source of phenylalanine provided by such foods and are set out in regulation 34.

54.2 There is no requirement that information provided must be on the front or main label, or that the lettering should be of a particular size. It is therefore sufficient for the information to be given wherever this is most convenient, provided it is easily visible, clearly legible and indelible.

55. What are the additional labelling requirements for foods containing polyols?

Regulation 34

55.1 These relate to the laxative effects of excessive consumption and are set out in regulation 34.

55.2 There is no requirement that this must be on the front or main label, or that the lettering should be of a particular size. It is therefore sufficient for the information to be given wherever this is most convenient, provided it is easily visible, clearly legible and indelible.

Manner of marking and labelling

56. Is there a minimum size for lettering used on food labels?

56.1 These regulations contain no requirements as to the size and type of letters to be used in labelling.

57. What manner of marking requirements are there?

Regulations 35 - 39

57.1 They are general. Labelling particulars must be **easy to understand, clearly legible** and indelible and, when the food is sold to the ultimate consumer, they must be in a conspicuous place so as to be **easily visible**.

57.2 Individually, they must not be hidden, obscured or interrupted by any other written or pictorial matter. For example, the name of the food must not be broken up by other material, nor must the ingredients list, but it is acceptable for the ingredients list itself to be shown separately from the name of the food.

57.3 Guidance on the sort of issues which need to be considered in designing the layout of a label has been provided by the Institute of Grocery Distribution in *Packaging legibility: recommendations for improvements* (ISBN 1 898044 09 0).

58. *What other manner of marking requirements apply to prepacked food?*

Regulations 35, 37 and 39

58.1 These are set out in regulations 35, 37 and 39.

58.2 Certain information must be provided in the same field of vision

- name of the food,
- date mark,
- alcoholic strength by volume,
- cautionary words in respect of raw milk,
- warning required on certain skimmed milk with non-milk fat products, and
- net quantity

at least once. It does not all have to appear on the same face of the product, but consumers must still be able to read the information without having to keep turning the product back and forth to find it.

59. *Do the same manner of marking requirements also apply to food sold otherwise than to the consumer?*

Regulation 35

59.1 No. Certain particulars may be provided in relevant commercial documents where it can be guaranteed that they will either accompany the food, or will be sent with or before each delivery of the food, to its ultimate destination. The requirements are set out in regulation 35.

60. *How do the manner of marking requirements apply to food which is not prepacked, or prepacked for direct sale?*

Regulation 36

60.1 These are described in regulation 36.

Nutrition labelling, claims and misleading descriptions

61. *What regulations apply to nutrition labelling?*

Regulations 40 and 41, and Schedules 6 and 7

61.1 Nutrition labelling is compulsory only when a nutrition claim is made (eg *low fat* or *high fibre*) and must be given in a specified format. The requirements for the presentation of nutrition information also apply when such information is given voluntarily.

61.2 As a minimum, labels need to give the amount of energy (expressed as kJ and kcal), protein, carbohydrate and fat (all expressed in grams) provided by 100g or 100ml of the food, plus the amount of any nutrient for which a claim has been made. Values per quantified serving may be

given in addition to, but not in place of, values per 100g or 100ml. Details of certain other nutrients for which no claim has been made may be given voluntarily.

61.3 Separate, more detailed, guidance notes on nutrition labelling are available from the address listed at the end of these guidance notes.

62. In the definition of "food for a particular nutritional use", what is meant by the phrase "clearly distinguishable" in subparagraph (a)?

Regulation 2

62.1 The products are designed to meet the particular nutritional requirements of the persons for whom they are intended and their composition and preparation must be specially designed to meet those needs. Therefore they will be different from other foods.

63. Are there any controls in the Regulations which are aimed specifically at preventing the use of misleading descriptions on food?

Regulations 42, 43 and Schedule 8

63.1 Yes. In addition to the general, wide ranging, controls on misleading descriptions in the Food Safety Act and the Trade Descriptions Act, the Food Labelling Regulations contain specific controls on the use of descriptions such as *ice cream*, *dairy ice cream*, *low alcohol*, *low calorie* (to describe a soft drink), *Indian/quinine tonic water*, and the word *wine* when used in a composite name.

63.2 Conditions are also set out for the use of descriptions or pictorial representations on food labels which imply that a food has the flavour of the food named in the description. It should generally be taken that consumers will assume that the flavour of a food is obtained from the named food in the description, rather than a flavouring, unless the labelling makes clear that this is not the case.

63.3 In line with current practice, the word *chocolate* may continue to be used (eg in the name *chocolate cake*), without any further qualification provided the consumer would not be misled by the description.

63.4 It should be borne in mind that a pictorial representation of a food, implying that it has the flavour of that food, cannot be used unless the flavour comes wholly or mainly from the food in the picture. Even if the illustrated food cannot be tasted in the product as consumed, provided the flavour of the illustrated food comes wholly or mainly from that illustrated food (rather than, for example, an artificial flavouring), there is no reason why a picture of it should not appear on the product label.

63.5 A fruit drink containing orange, mango and passion fruit juices may illustrate all three fruits on the label, even if one or two flavours dominate, provided all three flavours come wholly or mainly from the fruits which are illustrated. In the same way, Indian tonic water with a twist of lemon would only be able to carry a picture of a lemon on it if the lemon flavour comes wholly or mainly from lemons.

63.6 Since the controls require that the flavour come "wholly or mainly" from the illustrated food, this does not prevent the use of illustrations on product labels where the flavour has been mixed with small amounts of synthetic flavouring. In such a case, the flavour must still come wholly or mainly from the illustrated food.

IV. Further information about these guidance notes

Enquiries about, and further copies of, these guidance notes may be obtained from:

Food Labelling & Standards Division
Food Standards Agency
Room 115c
Aviation House
125 Kingsway
London WC2B 6NH

Telephone: 020 7276 8147
(General enquiries)

020 7276 8143
(Enquiries about nutrition
labelling and claims)

Fax: 020 7276 8192/8193

V. Other contacts

"Food Law" a guide to the legislation applicable to the labelling, composition and safety of foods:

Food Standards Agency
Helpline
Aviation House
125 Kingsway
London WC2B 6NH

Telephone: 0845 7573012

"The new microwave labels" (PB 0779)

Food Standards Agency
Microbiology Safety Division
Room 811C Aviation House
125 Kingsway
London WC2B 6NH

Telephone: 020 7276 8949
Fax: 020 7276 8907

Advice on microwave guidelines:

Food Standards Agency
Microbiology Safety Division
Room 811C Aviation House
125 Kingsway
London WC2B 6NH

Telephone: 020 7276 8949
Fax: 020 7276 8907

Weights and measures legislation; metrication:

Department of Trade and Industry
Consumer Affairs Division
Room 4.N.15
1 Victoria Street
London SW1H 0ET

Telephone: 020 7215 0334

Units of measurement legislation:

National Weights and Measures Laboratory
Stanton Avenue
Teddington
Middlesex
TW11 0JZ

Telephone: 020 8943 7272 or 7277

ACMS: REPORT ON (VTEC)

Chapter 6: VTEC in food and prevention and control measures

Recommendations

- R6.4** We recommended that industry label cheese made from raw milk from cows and other species so that consumers can identify it. (6.66)
- R6.5** We recommended that industry label raw minced beef and minced beef products with appropriate handling and cooking instructions. (6.67)
- R6.8** We recommend that industry should ensure that the cooking instructions supplied with beefburgers should be capable of achieving an internal temperature of 70°C for 2 minutes (or equivalent), so that the burger's juices run clear, and there are no pink bits inside. This advice should be reviewed when the results of the relevant research mentioned in R6.10 are known. (6.70).

ACMS: REPORT ON POULTRY MEAT

Chapter 8: Handling of poultry meat and poultry meat products by caterers and consumers

Recommendations:

- Paragraph 8.18** In relation to raw, flash-fried poultry products, industry should introduce more informative labelling, in order to make clear to consumers that such products require thorough cooking.