

Food Labelling: Sandwiches

A Guide for Packers and Retailers about the Labelling of Sandwiches

What does this leaflet cover?

The labelling of sandwiches which are prepacked by retailers, wholesalers or manufacturers for retail sale, or for sale to a catering establishment.

The *Food Labelling Regulations 1996* require virtually all prepacked foods to be fully labelled. In the past sandwiches were largely exempt from labelling, but from 1st July 1997 this exemption was removed. As a result, sandwiches now have to be fully labelled in accordance with the Regulations.

In this leaflet, the term 'sandwiches' is used to describe all types of product having bread and filling components and includes rolls, baps, baguettes, pittas etc.

What labelling is required?

The labelling required depends on how the sandwiches are sold and whether or not they are sold at a catering establishment.

1. Sandwiches which are not prepacked or are prepacked for direct sale (other than at catering establishments)

These sandwiches must be labelled with:

- i the name of the food (see section 3(a) below for full requirements on the name of the food).
- ii the category names of any of the following additives which they contain; Antioxidants, Flavourings, Sweeteners, Preservatives, Colours and Flavour Enhancers e.g. "Contains colour and flavouring".

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- iii a declaration if the sandwiches contain ingredients which have been (a) irradiated or (b) contain genetically modified soya or maize as follows:

in the case of (a) above accompanied by the word "irradiated" or "treated with ionising radiation" or (b) "produced from genetically modified soya/maize".

See also category 5.

Before making a 'nutrition' claim such as "low fat" or a 'health' claim such as "calcium helps build strong bones" please seek further advice from the Trading Standards Service.

'Prepacked for direct sale' means prepacked by the retailer and sold on the same premises or from a vehicle or stall used by him. It does not include sandwiches produced at a central site and distributed for sale at other retail premises - these are covered by category 3 below.

'Catering establishments' includes restaurants, pubs, sandwich bars, canteens, or similar premises.

2. Sandwiches sold at a catering establishment which are not prepacked or are prepacked for direct sale

No information is required to be labelled on these sandwiches (unless they have been irradiated or contain genetically modified soya or maize as stated above). However, any description of the sandwiches or their fillings must be accurate and must not mislead the consumer.

Before making a 'nutrition' claim such as "low fat" or a 'health' claim such as "calcium helps build strong bones" please seek further advice from the Trading Standards Service.

3. All other prepacked sandwiches must be labelled with the following information:

- (a) the name of the food;
- (b) a list of ingredients;
- (c) a date mark and storage instructions;
- (d) name and address of the manufacturer, packer or seller;
- (e) indication of the place of origin (if it would be misleading to consumers to omit it);

- (f) instructions for use (if necessary) e.g. "consume on day of purchase".

These requirements are explained in more detail below:

(a) *The Name of the Food*

- i This is a key labelling provision and the name applied must:
 - o be sufficiently precise to indicate the true nature of the food;
 - o enable the food to be distinguished from foods with which it could be confused; and
 - o indicate any treatment to which the food has been subjected if failure to declare this could mislead the consumer.
- ii Generally the name of a sandwich will include an accurate description of the filling, the type of bread and where appropriate, the fat spread e.g. low fat sunflower spread.
- iii The description of the filling should include its main and characterising ingredients e.g. "roast ham with mustard", "mature cheddar cheese and tomato with mayonnaise".
- iv For meat ingredients which themselves contain non-meat ingredients e.g. "chicken roll with cereal" or "ham with added water and gelatine" etc, these non-meat ingredients must be indicated in the name to distinguish it from similar products with no added ingredients e.g. "whole chicken pieces" or "roast ham".
- v If the meat has been reformed this must be stated in the name of the meat e.g. "reformed ham with added water and gelatine".
- vi If descriptions are used which indicate a process or method of cooking, such as "smoked" or "roast", these descriptions must be accurate i.e. if only smoked flavouring is used or if a product has been steamed and flash roasted, then that is how it should be described e.g. "smoke flavour ham", "pork - steamed and flash roasted".

- vii For meat ingredients, care should be taken when using terms such as beef burgers and pork sausages when other species are included.
- viii Care should be taken to ensure that other misdescriptions are not applied e.g.:
- Brown bread must not be described as 'wholemeal' unless it is wholemeal.
 - Margarine or other fat spreads must not be described as butter.
 - Cooked pork shoulder must not be described as ham.
 - Processed cheese must be described as such and not simply as 'cheese'.
 - Analogues and cheese substitutes, which are usually made from vegetable oil and milk protein, must not be described as 'cheese'.

(b) A List of Ingredients

- i All the ingredients, including water and additives, must be listed in descending order of weight determined at the time of their use in the preparation of the food.
- ii The list of ingredients must have a heading which consists of or includes the word "ingredients".
- iii The name used for an ingredient must be a name that would be used if it was sold as a food.
- iv Additives, except flavourings and modified starch, must be listed by their category name and, the serial (E) number or exact name e.g. "Colour (E102)" or "Colour (tartrazine)". Flavourings and modified starch may be listed simply by these category names.

If any sandwich content or filling contains any of the colours listed below, certain information must be given on the pack of pre-packed sandwiches, or by means of a notice next to the food in all other cases:

Foods containing certain colours

From 20 July 2010 foods placed on the market will need to be labelled with the statement below. However food labelled before 20 July 2010, which do not comply with this requirement may be marketed until their date of minimum durability or use-by-date.

"name or E number of the colour(s)": may have an adverse effect on activity and attention in children.

The six food colourings in question are:

E102 Tartrazine
E104 Quinoline Yellow
E110 Sunset Yellow
E122 Carmoisine
E124 Ponceau 4R
E129 Allura Red

- v Sandwiches usually contain **compound ingredients** to which specific labelling requirements apply. Compound ingredients are those which themselves are made up of a number of ingredients, such as bread, chicken roll, sausage, mayonnaise, tomato ketchup etc.

Normally the **constituents of a compound ingredient** must be listed unless:

- the compound ingredient is a foodstuff whose composition is defined in Community legislation (for example, Spreadable fats, cocoa and chocolate products, fruit juices and similar products, fruit jams, jellies, marmalade and sweetened chestnut puree) and it makes up less than 2% of the finished product;
- the compound ingredient is made up entirely or almost entirely of a single basic ingredient (for example, carbonated water, fermentation vinegars, cheese, butter, fermented milk and cream in certain circumstances); or
- the compound ingredient is made up of a mixture of spices or herbs or both and makes up less than 2% of the finished product, in which case only the name of the compound ingredient is required.

The constituents of compound ingredients can be listed in one of two ways:

- by stating the constituents individually in the appropriate places in the list of ingredients (without the name of the compound ingredient); or
 - by stating the name of the compound ingredient (in the appropriate place) followed in brackets by a list of its constituents e.g. "mayonnaise (pasteurised egg, corn oil, salt, pepper)"
- vi Water should be included in the list unless it is less than 5% of the finished product.
- vii If the ingredient has been subject to a significant treatment e.g. "dried" or "smoked", this must be stated. In particular if an ingredient has been irradiated, its name must be accompanied by the word "Irradiated" or the words "Treated with Ionising Radiation".

Quantitative Ingredient Declarations

From 14th February 2000 the percentage of certain ingredients identified in the name of the sandwich, or given special emphasis on the label (either in words or pictorially), will need to be given. The declaration can be shown by the sandwich name, or after the identified item in the ingredient list.

It is not necessary to give a declaration where the quantity of the ingredient will not affect the choice of a potential purchaser.

Examples

- Prawn salad sandwich – the percentage of prawns must be given. It would not be necessary to give the percentage of salad.
- Cheese sandwich – the percentage of cheese must be given.
- Egg mayonnaise sandwich, made with real mayonnaise – the percentage of eggs and mayonnaise must be given.

Irradiated Ingredients

If food has been irradiated or contains a food which has an irradiated ingredient, that food shall be marked with an indication of such treatment using the terms:

- i Irradiated or
- ii Treated with ionising radiation

Genetically Modified Ingredients

You must state in the ingredient list whether any soya or maize has been genetically modified, for example:

Soya flour (produced from genetically modified soya)

Alternatively the information can be given as a footnote to the ingredients list denoted by an asterisk, for example:

Soya * flour

* Genetically modified.

There are more detailed requirements for compound ingredients or ingredients by named category (e.g. generic names), however these all require the genetically modified component to be labelled clearly using the words 'genetically modified' in full.

Additives, flavourings and extraction solvents are exempt from labelling as are certain other ingredients.

(c) A Date Mark and Storage Instructions

- i The Date Mark must state the words "Use By" or "Best Before" and the date up to and including which the food will remain in good condition. The date must state at least the day and the month.
- ii "Use By" dates are required for fillings which are highly perishable and likely to cause food poisoning if not eaten within a short period e.g. pâté, cooked meats, mayonnaise, cheeses etc. "Best Before" dates should be used for other fillings e.g. peanut butter. In practice most sandwiches will require a "Use By" date.
- iii If food has to be stored in a particular manner to remain in good condition until the expiry of the date mark then storage instructions must accompany the date mark. Food marked with a "Use By" date should include a maximum storage temperature e.g. "Keep refrigerated at 8°C or colder".

(d) Name and Address

The name and address of the manufacturer, packer or seller must be given on the label.

(e) Indication of place of origin

If a purchaser could be misled as to the true origin of the food, then the particulars of the place of origin must be stated.

(f) Instructions for Use

These must be given if it would be difficult to make the right use of the food without these instructions.

4. What other labelling may be required?

(a) Special claims

Any claim made in relation to food must be justified, e.g. "Suitable for Vegetarians",

(b) Nutritional information and Health and Nutritional Claims

Nutritional information is only required to be given if a nutritional claim is made, e.g. "Low Fat", "High Fibre", etc. However, if nutritional information is labelled voluntarily then it must comply with the Regulations.

When making a 'nutrition' or 'health' claim you must comply with the requirements of European Regulation (EC) No 1924/2006 on nutrition and health claims made on food.

A nutrition claim is defined as: - any claim which states, suggests or implies that a food has particular beneficial nutritional properties due to the presence, absence, increased or reduced levels of energy or of a particular nutrient or other substance, and includes claims such as "source of calcium", "low fat", "high fibre" and "reduced salt".

A health claim is defined as: - any claim that states, suggests or implies that a relationship exists between a food category, a food or one of its constituents and health. This would include claims such as "calcium helps build strong bones". More general claims such as "good for you" may also be health claims, and the Regulation takes these into account.

If you think these requirements may apply please seek further advice from the Trading Standards Service.

(c) Allergenic Ingredients

The following ingredients have been identified as being associated with food allergy or intolerance:

- cereals containing gluten: wheat, rye, barley, oats, spelt, kamut and their hybridised strains
- crustaceans
- eggs
- fish
- peanuts
- soybeans
- milk
- nuts including almonds, hazelnuts, walnuts, cashews, pecans, Brazil nuts, pistachios, macadamias, and Queensland nuts
- celery
- mustard
- sesame seeds
- sulphur dioxide and sulphites at concentrations of more than 10mg/kg or 10mg/litre expressed as SO₂
- lupins
- molluscs

If any of these ingredients or their derivatives are present but not identified in the name of the food or in the ingredient list then their presence must be clearly indicated on the label.

Further information on this can be found in our leaflet on 'Specified Allergenic Ingredients' (Std 35) (http://www.derbyshire.gov.uk/Images/std35_tcm9-8377.pdf).

5. How must the information be given?

(a) Sandwiches which are not prepacked or are prepacked for direct sale

When sold to the consumer the required information must be marked:

- on a label attached to the food; or
- on a label, ticket or notice that can easily be seen and read by the purchaser at the place where they choose the food.

Alternatively, in the case of genetically modified food, the indication may be made by means of a notice indicating that further information is

available from staff; again, it should be located where the food is chosen.

If the general notice is used however, staff must be able to give clarification at the request of the intending purchaser. A training procedure must be in place to ensure that staff are kept properly informed so as to be able to provide information when asked.

(b) All other prepacked sandwiches

The required information must be marked

- on the packaging; or
- on a label attached to the packaging; or
- on a label that is clearly visible through the packaging.

The information must be easy to understand, indelible, clearly legible and visible, and must not be hidden, obscured or interrupted by any other written or pictorial matter.

The name of the food and the date mark must appear in the same field of vision.

6. What is the best way to ensure I satisfy these requirements?

Please consult the Trading Standards Service at the address below. We will be happy to advise you before you design and print your labels to ensure that you get it right the first time.

What are the consequences of non-compliance?

**Failure to comply with these requirements is a criminal offence.
The maximum penalty on conviction is a fine of £5000.**

Where can I get further help?

This leaflet is not an authoritative document on the law and is only intended for guidance. For further details or clarification contact Derbyshire Trading Standards at:

Chatsworth Hall
Chesterfield Road
Matlock
Derbyshire
DE4 3FW

Telephone:

Businesses:	Call Derbyshire	08 456 058 058
Consumers:	Citizens Advice consumer helpline	08454 040506

Fax: 01629 536197

Website: www.derbyshire.gov.uk/tradingstandards

We want everyone to be able to understand us. On request, we will arrange:

- Language interpreters, including for sign language
- Translation of written materials into other languages
- Materials in large print, on tape or in Braille.

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http://www.derbyshire.gov.uk/images/std09_tcm9-90300.pdf

or telephone us on 01629 536166.

