

## The labelling of sweets

If you sell sweets then the **Food Labelling Regulations 1996** apply to you.

### What does this leaflet cover?

The labelling of sweets which are on sale either:

- loose or unwrapped
- on pick 'n' mix sale
- pre-packed by you on the premises
- pre-packed by you for sale from your market stall or mobile vehicle

The leaflet does not cover:

- sweets pre-packed by you for sale from another premises
- sweets pre-packed by another packer and sold by you
- additional specific labelling and compositional requirements for chocolate products

### What labelling is required?

The following information must be given:

1. The true name of the sweets, being a name which clearly described what the product is. For instance, a product marketed as 'Wiggly Worms' would need to clarify with the true name of the food on the label, for instance 'Fruit flavour jelly sweets'.
2. If the sweets contain any of the following types of additives, the category name for those additives must be stated:
  - antioxidants
  - sweeteners
  - colours
  - flavour enhancers
  - flavourings
  - preservatives

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For this purpose it is sufficient to state the category of additive without specifying its full name or 'E' number (for example 'contains colour and flavouring') except if any of these colours are used:

- Sunset yellow (E 110)
- Quinoline yellow (E104)
- Carmoisine (E122)
- Allura red (E129)
- Tartrazine (E102)
- Ponceau 4R (E124)

In which case the food must be labelled with the following *warning*:

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

### **How must the information be given?**

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

Sweets sold loose from boxes or jars will usually have been marked with this information by the manufacturer. This is sufficient, provided it can be easily read from the customer's side of the counter.

The responsibility for labelling rests with you the retailer and you may have to seek the relevant information from your supplier. Details may already have been given in invoices and similar documents or on an outer package.

### **What other pitfalls exist?**

It is important to realise that the words 'flavoured' and 'flavour' have different meanings. For example, orange flavoured sweets derive their flavour from real oranges, but orange flavour sweets are synthetically flavoured.

Particular care must be taken when describing products as 'chocolate' or as containing chocolate. If the product has only the flavour of chocolate and is not made from chocolate then it must be made clear in

the name e.g. 'Chocolate Flavour Easter Egg', and 'Peanuts with Chocolate Flavour Coating'.

The word 'choc' must only be used with products which contain chocolate.

The term 'chocolate' can only be used for products meeting the correct compositional standard. Details of the compositional standards and the additional labelling requirements imposed by the **Cocoa and Chocolate Products (England) Regulations 2003**

(<http://www.legislation.gov.uk/ukxi/2003/1659/contents/made>) can be found on the Food Standards Agency website (<http://www.food.gov.uk/>).

### **What are the consequences of non-compliance?**

Failure to comply with these requirements is a criminal offence.

The maximum penalty on conviction in a magistrate's court is a fine of £5,000.

### ***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:

|                    |                                   |                |
|--------------------|-----------------------------------|----------------|
| <b>Businesses:</b> | Call Derbyshire                   | 08 456 058 058 |
| <b>Consumers:</b>  | Citizens Advice consumer helpline | 08454 040506   |

Fax: 01629 536197

Website: [www.derbyshire.gov.uk/tradingstandards](http://www.derbyshire.gov.uk/tradingstandards)

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