

Food labelling of Prepacked Foods

What does this leaflet cover?

The labelling of food prepacked for retail sale from premises other than where it is packed, or for sale to a catering establishment by: -

- Retailers
- Wholesalers or
- Manufacturers

This leaflet does not cover: -

- Food displayed for sale loose or unwrapped
- Food prepacked by a retailer for direct sale, i.e. food prepacked and sold directly to the consumer on the same premises, or for sale from a market stall or mobile vehicle used by the same person who packed it.

What labelling is required?

The labelling requirements vary from product to product but as a general guide the following are normally required.

The name of the food

This must either be:

- A name required by the law, or
- A customary name for the food, e.g. Banbury Cake, or
- A name or description sufficiently precise to inform the purchaser of the true nature of the food and which distinguishes it from similar products with which it could be confused.

The name cannot be a brand name, trade name or made up name

Certain specific names can not be used unless the food composition meets the appropriate requirements, e.g. beefburgers.



Any treatment

If the food has been subjected to a treatment, e.g. dried, freeze-dried, frozen, concentrated, smoked, or is in a certain physical condition, e.g. powdered, then the name must include an indication of the treatment or condition, if a purchaser could be misled by its omission.

If the food has been irradiated then the name must include or be accompanied by the word “irradiated” or alternatively “treated with ionising radiation”. It should also be accompanied with the identity and address of the facility which carried out the irradiation or their official reference number.

For health and hygiene reasons, it is advisable to warn consumers that meat and poultry which has been frozen and thawed should not be re-frozen.

List of ingredients

If the food contains 2 or more ingredients, a full list of the ingredients (including water) in descending order of weight must be given under the heading “ingredients”.

Additives, except flavourings and modified starch, must be declared by stating the category name followed by either its specific name or serial number, e.g. “colour: tartrazine” or “colour: E102”.

For flavourings and modified starch, it is sufficient to state the category names only, i.e. “flavouring” or “modified starch” as appropriate.

Generally the name used for an ingredient must be as precise as if it was itself being sold as a food. If an ingredient has been irradiated then its name must include a reference to that fact as described above.

All ‘compound’ ingredients (i.e. those which themselves are made up of more than one ingredient) must now be broken down into a full listing. These can be bracketed after the main entry in the ingredients list. A small number of exemptions from this rule apply. These are where:

- 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), and
- 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.

A date mark

This is the date up to and including which the food will remain in good condition. For highly perishable foods which after a short period may constitute a risk to human health, e.g. soft cheese, the date mark must be in the form of the words 'Use by...' followed by the date. For all other foods, it must be in the form of the words 'Best before...' followed by the date. A separate leaflet is also available on date marking.

Any special storage conditions, or conditions of use

Any instructions necessary to make proper use of the food, this would include storage, mixing or cooking instructions.

This would also include the storage and instructions for use in order to ensure the food will keep until the stated 'Best before...' or 'Use by...' date.

Name and address

The food must be marked with the name and address of the manufacturer or packer or of a seller established in the EEC.

Origin

The place of origin should be indicated if its omission could mislead a purchaser.

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).

Alcoholic drinks

Alcoholic drinks with strength of more than 1.2% alcohol must be labelled with a statement of the alcoholic strength. The statement must be in the form "Alcohol X% vol." or "Alc X% vol."

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.

Quantity

The requirements concerning the determination and labelling of quantity are contained in separate Regulations. Most prepacked foods are required to be marked with the quantity and certain foods may only be prepacked in prescribed quantities.

Quantitative Ingredient Declaration (QUID)

QUID declarations are required to be declared where the ingredient or category of ingredient: -

- Appears in the name of the food, e.g. “ham and mushroom pizza”
- Is usually associated with the name by the consumer, e.g. fruit in a summer pudding
- Is emphasised on the labelling of words or pictures, e.g. “extra beef”
- Is essential to characterise a food and to distinguish it from other similar products

QUID declarations should be indicated as a percentage of the quantity of an ingredient or category of ingredient in the food.

Organic

The description ‘Organic’ can only be used to describe agricultural products and foods, which are produced and prepared in accordance with the detailed standards, laid down. These include record keeping, labelling, marketing and an inspection and certification system.

Genetically Modified Foods

All foods containing Genetically Modified (GM) soya or maize must indicate on the label that it is present.

How must the information be given?

The required labelling 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, clearly legible and indelible
- Marked in a conspicuous place that is easily visible, and must not be hidden, obscured or interrupted by any other written or pictorial matter.

The following when they are required to be stated must appear in the same field of vision as the name of the food: -

- The date mark
- The quantity, and
- The alcoholic strength in the case of alcoholic drinks.

Are there any other special declarations required for some products?

Yes, there are special requirements for some foods including: -

Meat Products, Honey, Eggs, Jam and Preserves, Chocolate Products, Fruit Juices, Organic Foods, Natural Mineral Waters.

If you intend packing any of these products or require details that are more specific on any of the requirements please seek further advice from the Trading Standards Service.

What are the consequences of non-compliance?

Failure to comply with these labelling requirements is a criminal offence. The maximum penalty on conviction in a magistrates court is a fine of £5,000 for each contravention, and £20,000 for a false description to any food.

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.

© Trading Standards Institute

To ensure that you are looking at the most up-to-date version of this leaflet, please visit our website at http://www.derbyshire.gov.uk/images/std23_tcm9-90304.pdf or telephone us on 01629 536166.

