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**FOOD LABELLING**

**CLEAR FOOD LABELLING**

**GUIDANCE**

The aims in producing this Guidance are to help manufacturers, producers and retailers:

- provide food label information for pre-packed foods in a clear way that is helpful to consumers, and
- be aware of the relevant UK food labelling legislation for pre-packed foods.

The Annex to this Guidance (“Clear Food Labelling: Relevant Legislation”) provides further information on legal requirements.

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## **INTENDED AUDIENCE**

1. This guidance has been created to give manufacturers, producers and retailers (including SMEs which may either use the Guidance directly or learn about it via trade associations or enforcement authority contacts) practical advice on how best to label products so that the information is presented in a clear and simple way to the consumer. It also helps this audience to be aware of the legal labelling requirements for pre-packed foods.

## **PURPOSE**

2. The Food Standards Agency is committed to promoting informed consumer choice.
3. There is legislation in place that requires product information on food labels to be easily visible and clearly legible. Despite this, over several years, the Agency's research and public consultations have confirmed that many consumers find food labels difficult to use.
4. Following a meeting with stakeholders in 2006 the Agency undertook to revise this Guidance which had been first published in 2002 to provide best practice advice that encourages greater clarity, while recognising the need for a flexible approach. The Guidance will be reviewed again regularly and in particular after agreement of the new European Food Information Regulation (see paragraph 20).
5. The best practice advice covers the range of factors that contribute to clarity. It also highlights what is required on the label so that information can be put together before design begins. Following the advice will make information on the label easier to find and read, and would be of special help to the visually impaired consumer.

## **LEGAL STATUS**

6. This Guidance has been produced to provide informal, non-binding advice on:
  - The legal requirements for labelling food regarding intelligibility and what must appear on the label (Part 1); and
  - Best practice in clear food labelling (Part 2).

The Annex contains further details of relevant legal requirements.

7. This Guidance should be read in conjunction with the legislation itself. The advice on legal requirements should not be taken as an authoritative statement or interpretation of the law, as only the courts have this power. It is ultimately the responsibility of individual businesses to ensure their compliance with the law. Compliance with the advice on best practice is **not** required by law.

8. Businesses with specific queries may wish to seek the advice of their local enforcement agency, which will usually be the Trading Standards department of the local authority.

## **BACKGROUND ON THE CREATION OF THE GUIDANCE**

9. The volume of information legally required on labels has increased in recent years. This, with increases in the amount of information provided voluntarily by manufacturers, has led to perceived overcrowding on the labels of many products and different approaches to labelling provision.
10. Since 2001 the Agency has been working towards improved label clarity. In 2002 the first Clear Food Labelling Guidance was published, which introduced best practice advice on achieving label clarity.
11. The original objectives of the Guidance were as follows:
  - To improve labelling practice with respect to clear labelling and awareness of existing legislation on clear labelling in the manufacturing and retail sectors.
  - To improve consumer confidence in labelling through improved clarity, particularly bearing in mind visual impairment issues.
  - To provide enforcement authorities with guidance to help them improve labelling advice.
12. With respect to clear labelling three areas of difficulty were identified at the time of first drafting the Guidance in 2001 and they continue to be the main issues:
  - finding information;
  - reading it; and
  - understanding how to use it.
13. The Guidance makes recommendations to tackle the first two of these issues. It draws on existing guidelines, particularly those published by the Institute of Grocery Distribution (IGD) on print size and clarity<sup>1</sup> and the 2008 version improves the recommendations made in 2002.
14. For the third issue above, recommendations made by the Task Force set up by the Agency in 2001 aimed at helping consumers understand how to use the information on food labels have been taken forward separately. In 2003 the Agency launched its Eatwell website which now features an 'interactive label' that enables users to find out about how to use information provided on labels.
15. In 2005 the Agency carried out research to assess the extent of uptake of the earlier best practice advice. The Agency's research noted that some

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<sup>1</sup> See website [www.igd.com](http://www.igd.com)

recommendations (e.g. appropriate use of signposting, date marking) were widely adhered to. However, the recommendation on minimum font size was highlighted as being one piece of advice rarely followed by industry, with some 89% of those products surveyed using a font smaller than the recommended 8 point for mandatory information. Additionally, a number of products were assessed to have undue emphasis given to features such as brand information at the expense of essential information.

16. During the consultation on the revised Guidance, parts of the food industry expressed concern about the recommendation of a minimum font size of 8 point for mandatory information. It was felt that in many cases this was impractical. This view was balanced by advice from the Royal National Institute of Blind people<sup>2</sup> (RNIB) which provided advice on visual problems shown to increase with age such as macular degeneration, cataracts, tunnel vision, and those associated with diabetes. Such problems can be exacerbated since for a typical 60 year-old only one third of the amount of light reaches their retina compared to when they were 20 years old. This vision problem is increased if the elderly are reluctant to change their habits, e.g. to fit higher wattage bulbs for task lighting in the kitchen. The RNIB would like a minimum font size larger than 8 point and enforcement authorities take the view that 6 point is very difficult to read for the majority of consumers.
17. Over the following years there may be an increase in sight problems if the demographics of the UK's population<sup>3</sup> continues to show an increase in the percentage of older people. Whilst there is no obligation for food business operators to follow the Guidance it is felt that there should be an acknowledgement of these problems and for this reason the revised Guidance continues to recommend a minimum font size of 8 point for mandatory information. This Guidance aims to assist consumers with visual impairment by addressing issues such as font size and type, and contrast etc.
18. Products come in all shapes and sizes and therefore all labels cannot be expected to conform to a single format. The Agency's approach has been to develop a suggested ideal format which can be used on products, supplemented by an "alternative" option which can be used where size and/or shape precludes use of the ideal.
19. When designing a label it is important that the design team considers that consumers often read labels when they are short of time or when light

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<sup>2</sup> For more information see RNIB's "See it Right" guidelines at [www.rnib.org.uk/xpedio/groups/public/documents/publicwebsite/public\\_seeitright.hcsp](http://www.rnib.org.uk/xpedio/groups/public/documents/publicwebsite/public_seeitright.hcsp)

<sup>3</sup> In 2006 data from the Office of National Statistics reveals that 16% of the population was 65 and over (9.7 million people) and this was forecast to rise to 23% of the population (16.3 million people) by 2031.

conditions are not ideal. Time restraints and distractions can reduce capacity for concentration when shopping. Although many shops are well lit, people's homes and local shops vary in lighting levels. It is important that label information, particularly for the purposes of safety, is clear to read at the point of consumption, and it is the case that food may be prepared and consumed by people other than those who read the label in the shop. There may be links for some people between sight loss and need for information on labels, for example in the case of people with diabetes.

20. Our aims in producing this Guidance are to help:

- Manufacturers, producers and retailers to be aware of the law by bringing together relevant legislation on clear labelling, and to produce labels with the highest clarity that is practicable by following best practice.
- Enforcement authorities to have an easily accessible reference source on clear labelling legislation and best practice.
- Consumers by encouraging industry to produce clear food labels.
- Visually impaired consumers by addressing their specific requirements in relation to legibility.

# **PART 1 – LEGAL REQUIREMENTS FOR LABELLING FOOD: INTELLIGIBILITY AND INFORMATION THAT MUST APPEAR ON THE LABEL**

## **Introduction**

21. The Food Labelling Regulations 1996<sup>4</sup> contain requirements on what information must appear on the food and how it must appear. These requirements are outlined below. Links to details of legislation in England, Wales, Scotland and Northern Ireland are found at the end of the Annex. The Weights and Measures (Packaged Goods) Regulations 2006 also impose requirements on most prepackaged foods to carry a weight indication<sup>5</sup>.

## **Food Labelling Regulations 1996**

22. Regulation 5 requires food to carry information as follows:

“Subject to the following provisions of this Part of these Regulations, all food to which this Part of these Regulations applies shall be marked or labelled with-

- (a) the name of the food;
  - (b) a list of ingredients<sup>6</sup>;
  - (bA) the quantity of certain ingredients or categories of ingredients;
  - (c) the appropriate durability indication;
  - (d) any special storage conditions or conditions of use;
  - (e) the name or business name and an address or registered office of either or both of:-
    - (i) the manufacturer or packer, or
    - (ii) a seller established within the European Community;
  - (f) particulars of the place of origin or provenance of the food if failure to give such particulars might mislead a purchaser to a material degree as to the true origin or provenance of the food;
- and

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<sup>4</sup> In the UK the Food Labelling Regulations implement European legislative requirements that arise from Directive 2000/13/EC. A proposal for a new food information Regulation was made by the Commission on 30 January 2008 (<http://www.food.gov.uk/consultations/ukwideconsults/2008/infoprovision>) but until this comes into force after agreement under the process of co-decision, the existing law stands.

<sup>5</sup> For further details see Section 2.1 in the Annex.

<sup>6</sup> Not generally applicable to alcoholic drinks over 1.2% in strength.

(g) instructions for use if it would be difficult to make appropriate use of the food in the absence of such instructions.”

23. Regulation 38 of the Food Labelling Regulations 1996 requires “Intelligibility” as follows:

“(1) The particulars with which a food is required to be marked or labelled by these Regulations, or which appear on a menu, notice, ticket or label pursuant to these Regulations, shall be easy to understand, clearly legible and indelible and, when a food is sold to the ultimate consumer, the said particulars shall be marked in a conspicuous place in such a way as to be easily visible.

(2) Such particulars shall not in any way be hidden, obscured or interrupted by any other written or pictorial matter.”

It is important that stickers applied to the package, such as price reduction stickers do not obscure information such as the date mark. This is not a specific legal requirement but it is an example of what would be prohibited.

24. Regulation 39 requires the label to be laid out in a certain way so that certain items (including the name, and durability and weight indications) appear in the same field of vision<sup>7</sup>.

25. Regulation 34B requires pre-packed foods including alcoholic drinks to always show on the label if they contain ingredients from a specified list of 14 potentially allergenic foods, and the products derived from them. Clear reference must be made to the name used in the list. The list<sup>8</sup> of 14 foods, is subject to change based on advice from the European Food Safety Authority. There are exceptions within the list to these labelling requirements for some derived ingredients which no longer contain the allergenic protein.

26. These rules for allergens apply to small packages and certain reusable glass bottles but there are exemptions for foods sold loose, food that is pre-packed for direct sale and certain fancy confectionery products.

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<sup>7</sup> For further details see Section 1.2 in the Annex.

<sup>8</sup> For further details on requirements on indications of allergens see Section 2.2 (c) in the Annex.



## **PART 2 – BEST PRACTICE ADVICE FOR CLEAR FOOD LABELLING**

### **BEST PRACTICE**

**NOTE: THIS BEST PRACTICE ADVICE IS VOLUNTARY. Industry may wish to consider following these points in order to provide information in the clearest way:**

- **Essential Information and Grouping**
- **Font size, Type, Format, Contrast and Quality**
- **Prioritisation, Layout and Consistency**
- **Increasing the Printable Area on the Pack**
- **Format of Date Marking**
- **Allergen Information**
- **Format of Nutrition Labelling**

Throughout this section, footnotes direct the reader to the Annex that contains outlines of relevant legal requirements.

### **Essential Information and Groupings**

27. The legal information that consumers need to make informed purchase decisions and to use the food product safely should be grouped together within defined borders. Either do this on any single face of the pack, or in the same field of vision on the pack<sup>9</sup>.

28. This information consists of all the requirements outlined in Part 1. These are summarised below<sup>10</sup>.

- Name of the food (see paragraph 29 below);
- Net weight or volume, where required;
- List of ingredients, including allergens;
- Date mark, or a reference to where it can be found;
- Instructions for use and/or storage;
- Nutrition information, if required;

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<sup>9</sup> For relevant legal requirements on field of vision see Section 1.2 of the Annex.

<sup>10</sup> In addition to these requirements there may also be other relevant legal labelling requirements relating to specific ingredients (e.g. declarations about the presence of sweeteners, genetically modified ingredients (GM), caffeine, glycyrrhizinic acid etc) and rules that relate to packaging and lot marking or indications of irradiation etc. which are outlined in Section 2 in the Annex.

- Quantity of certain ingredients or categories of ingredients (QUID) if required;
- Alcoholic strength, if appropriate;
- Origin information, if required;
- Information about how to contact the manufacturer, packer or seller;

**And although not required by law:**

- Any additional allergen information such as a 'contains' box;
- Customer care line information.

Customer care line or similar information is gaining importance in helping to provide food information and is included here because of its value to those with visual impairment and the general population. It is most helpful when it is prominent and in a large font size. It would be useful if a company uses the same phone number on all products.

29. Where it is not possible to group the information listed in paragraph 28 together as described in paragraph 27, it may be helpful to group it as demonstrated below and use directions between the two groups<sup>11</sup>. Present the information in each group on the same pack face or, if that is not possible, in the same field of vision. Any additional allergen information such as a 'contains' box should be in the same field of vision as the ingredients list.

Figure 1: Grouping of information into two groups

Group A	Group B
• Name of the food	• List of ingredients, including allergens
• Date mark, or a reference to where it can be found	• Use instructions
• Storage instructions	• Nutrition information other than Signposting
• Origin if legally required	• (Any additional allergen information)
• Net weight or volume, where required	
• Alcoholic strength, where appropriate	
• (Any voluntary Nutrition Signposting)	

<sup>11</sup> Please note that it is a legal requirement that a quantitative ingredient declaration (QUID), if required, must be placed in or next to the name of the food or in the list of ingredients in connection with the ingredient of category of ingredients in question. See Food Labelling Regulations 1996, Regulation 19 (3) (b), Section 1.2 in the Annex.

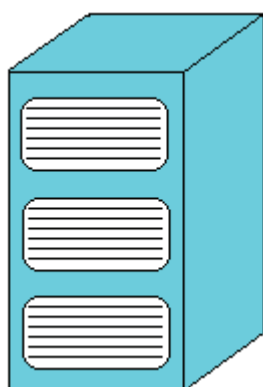
The customer care line information or other information identifying the manufacturer / packer / seller may be placed with either group.

30. Careful consideration should be given to the prominence of a legal name which is required to provide sufficient description to a purchaser which must given in addition to another less descriptive product name that appears on the front of the pack. Where possible, this legal name should appear on the most prominent face of the pack and alongside the product name<sup>12</sup>.

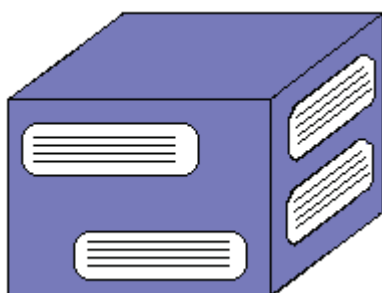
31. For best practice it is recommended that you should only direct consumers to look elsewhere on the label for information where absolutely necessary. The instruction should be clear and, if directing to more than one item of information, try to group all of this material in the same place.

32. You should not give identification marks or lot marks unnecessary prominence or emphasis, as this may tend to mislead, for example as to the origin of the food in the case of references to countries within the identification mark, or to lead to confusion with date marks in the case of numbers in lot marks.

Figure 2: Grouping of information



(i) All mandatory information should ideally be positioned on any single face of the pack within defined borders.



(ii) Where space does not allow for all information to be on a single face the information in group A could appear on different faces in the same field of vision. Information could be divided into groups A and B which need not share the same field of vision.

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<sup>12</sup> For definition of a legal name and information on how customary names, brand names and fancy names for products must be used see the Food Labelling Regulations, Regulations 6, 7, 8, 9 and 10.

## **Font size, type, format, contrast and quality**

33. As best practice, the Agency recommends a minimum print font size of 8 point<sup>13</sup> should be used for the information in paragraph 28 provided that other factors that promote clarity i.e. **contrast, text format and print quality** are present to a high standard<sup>14</sup>. If any of these factors are compromised, a larger font size should be used to ensure the labelling is easily legible. If space is not restricted a larger size should be used. For light text on a dark background the minimum size for any text should be 12 point.

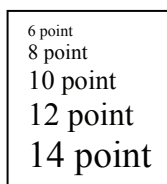


Figure 3: Illustration of clarity of different font sizes

34. Where space is limited, for best practice, at least the name of the food, the date mark, the list of ingredients and information relating to allergens would be displayed in 10 point along with as much of the other information as is possible. A minimum of 6 point font size should be used for any text for information on the label other than that in paragraph 28.

35. Where packs are physically too small, or of a shape which cannot easily support the minimum print size, it is especially important to consider a range of factors including:

- the balance of displaying mandatory and voluntary information on the product,
- the number of languages needed on the product,
- the type, colour and font, and
- the layout of the label.

36. It is important to ensure that numbers are distinct. Numbers can easily be misread in certain typefaces (particularly 6, 8 and 9 in Arial).

37. For print systems that may give rise to lower print quality, care may be needed to produce good sharpness and resolution of text and alignment and registration of colour. Quality Assurance will be of assistance to avoid ink problems e.g. colour accuracy, bleed and poor adhesion. Ink jetting date marks on production lines and rough surfaces may present issues that will benefit from Quality Assurance.

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<sup>13</sup> Note that different fonts can give rise to different character heights. This Guidance is based on an 8 point font size having the lower case letter 'o' with a height of 1.6 mm.

<sup>14</sup> There are legal requirements on the size of weight or volume indications. For further details see Section 2.1 in the Annex.

**Note:**

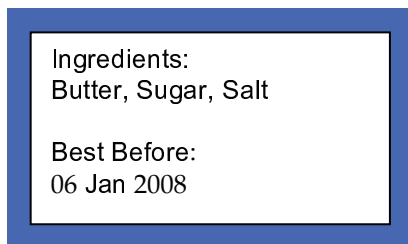
**This table contains advice on practices that are either recommended, to be used with care or avoided – see Figures 4 and 5 on p14 for illustrations.**

**It covers best practice on font type and format, contrast, layout and surfaces.**

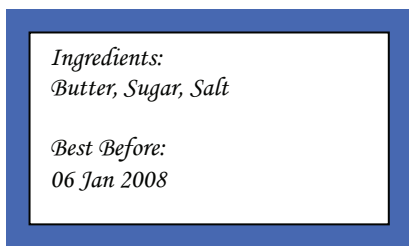
**Whatever the size of the text the clarity of the label will be enhanced by following the advice on the factors covered in the table below and quality (see paragraph 37 above).**

	Best Practice Advice		
	Recommended	To be Used With Care	Best Avoided
38. Font type and format  (See Figure 4)	Open fonts such as Arial for letters  Bold type if print quality is retained	Bold type  Uppercase letters  Underlining  Hyphenation  Justified text  Coloured text / backgrounds	Ornate fonts  Shadowing  Italics
39. Contrast  (See Figure 5)	Black type on a white background or good tonal contrast of at least 70%	Light type on a dark background  Where packaging is transparent, good contrast is necessary with food product forming the visible background  Watermarking or non-solid background (e.g. dot filled background) where text appears	Dark type on a dark background  Light type on a light background  Green/red or yellow/white combinations
40. Layout	Text that starts from and is aligned with the left margin	Text wrapping	
41. Surfaces	Matt finish printing surface		Metallic and shiny surfaces  Rough surfaces

Figure 4: Use of fonts

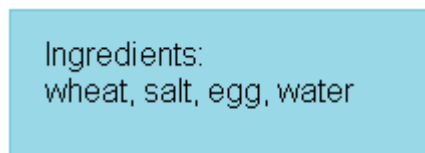


(i) Fonts such as Arial promote clarity of letters and therefore could helpfully be used on labels. For numbers avoid Arial as 6, 8 and 9 may be misread.

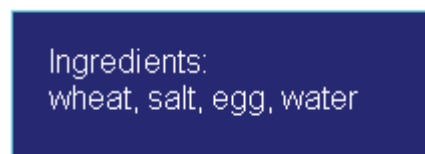


(ii) Ornate fonts such as Monotype Corsiva compromise clarity and are best avoided.

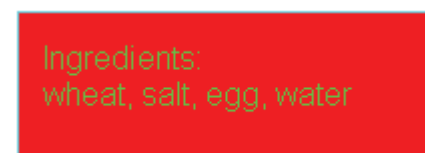
Figure 5: Contrast between text and background



(i) Dark text on a light background promotes clarity and is best used wherever possible.



(ii) White text on a dark background can be effective but is best avoided for font sizes of less than 12 point.



(iii) The use of red and green together compromises clarity and should be avoided.



(iv) Busy images and watermarks behind text can compromise clarity and are best avoided.

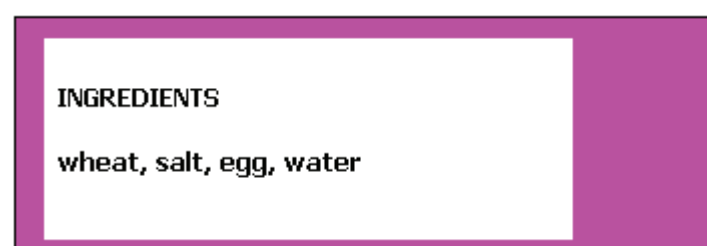
## Prioritisation, layout and consistency

42. Ensure that all information is assembled before beginning label design work to avoid compromising clarity by changes to the layout that are needed at the last minute which, for example, squeeze in extra information.

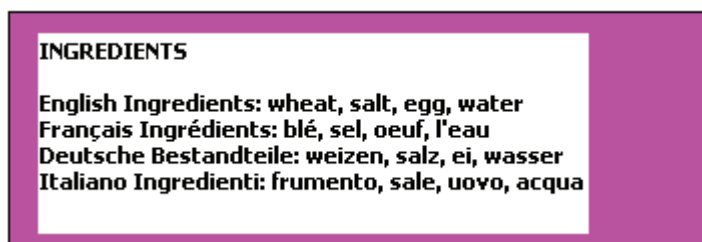
43. It may be helpful to first outline a list of label items of information in order of importance as part of the process of label design to enable a layout where both legally required and important voluntary items are given top priority for clarity.

44. Where possible use only one or a minimum number of languages.

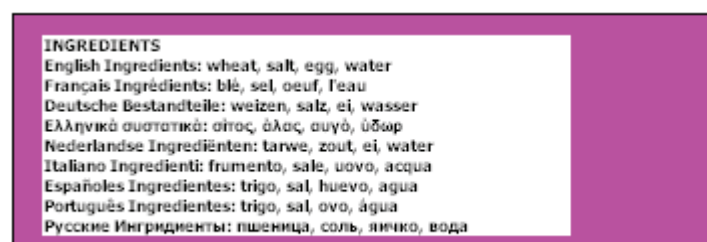
Figure 6: Use of minimum number of languages



(i) Using only one language on labels is the ideal situation so far as legibility is concerned.



(ii) Avoiding unnecessary languages allows for the font size to be increased, promoting legibility.



(iii) Including large numbers of languages on labels compromises legibility as font may need to be reduced in restricted printable areas.

45. Simple, consistent and easily recognisable icons/symbols can help direct consumers to information. This can be particularly useful for cooking instructions (for example, pictures of a frying pan, oven and microwave).

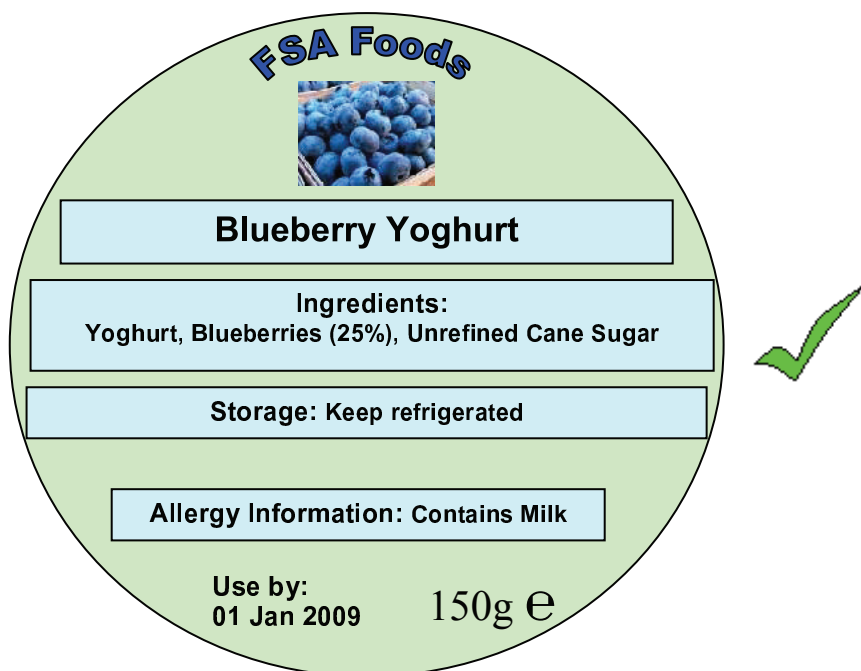
46. Consistency of layout within product ranges makes it easier for consumers to locate information. In particular, consistent box shapes or layouts for information panels are helpful.

## **Increasing the printable area on packaging**

47. It is important to give the essential information described in the recommendation at paragraph 28 top priority when designing labels. If you find it hard to follow this advice on ideal formats, consider the following ways of making more space available:

- Balancing space used for voluntary information such as branding and claims with space for mandatory information;
- Increasing the label size without obscuring sight of the product where this is important to consumers;
- Using inside label space for information which does not govern choice, like detailed recipes (note, this is not allowed for items that are legal requirements);
- Using a different type/style of label.

Figure 7: Good use of small area on yoghurt pot lid



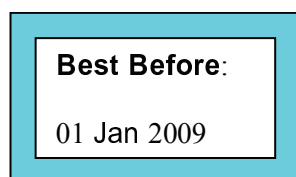
## **Format of Date Marking**

48. Where possible, express the “best before” or “use by” date as day/month/year. If day/month or month/year combinations are permitted and are used, spell out the month in words (either in full or as an abbreviation – e.g. Jan, Mar, Aug, Dec) rather than numbers in order to avoid confusion<sup>15</sup>. Use of sentence case for the months is helpful to distinguish them.

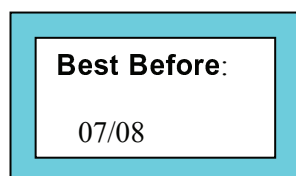
<sup>15</sup> For relevant legal requirements on indication of food durability see Section 3 in the Annex.



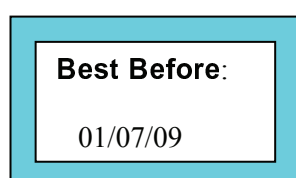
Figure 8: Clear format of date marking



(i) This date format is clear and the only interpretation is the 1<sup>st</sup> January 2009 and therefore should be used on labels.



(ii) This date format could be read as the 7<sup>th</sup> August OR the 8<sup>th</sup> July OR July 2008 and therefore should be avoided.

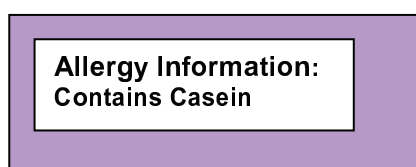
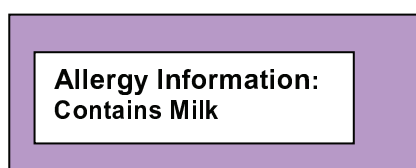


(iii) This date format could potentially be read as the 1<sup>st</sup> July 2009 OR the 7<sup>th</sup> January 2009 and therefore should be avoided.

### **Allergen Information**

49. The voluntary use of separate allergen information / alert panels (in addition to the mandatory ingredient listing) that draw attention to allergens can help consumers. It allows product selection to become quicker and easier and adopting a consistent approach to this is always of value. When using allergen boxes best practice is to make clear reference to the name used in the list of allergens that must legally appear in the ingredients list (see example below).

Figure 9: Use of alert panel for allergens



50. If voluntary separate allergy information / alert panel is used, it is best practice that all of the specified allergens present in the food should be included and that the panel is located in the same field of vision as the

ingredients list. This allows the consumer to easily find it and check the panel against the ingredients list.


51. The Agency published “Best Practice Guidance on Managing Food Allergens with Particular Reference to Avoiding Cross-contamination and Using Appropriate Advisory Labelling (e.g. May Contain Labelling)”<sup>16</sup>. This Guidance is aimed at those producing pre-packed foods. For other foods the Agency has published Guidance on “The Provision of Allergen Information for Non Pre-packed Foods”<sup>17</sup>.

### **Format of Nutrition Labelling**

52. Although the law only requires nutrition information when a nutrition or health claim<sup>18</sup> is made, or when vitamins or minerals are voluntarily added to food, it is recommended that the standard “Group 2” format for nutrition labelling which is prescribed by legislation (see Figure 10 for an example declaration) be given on all pre-packed foods. “Group 2” nutrition labelling gives energy value, amounts of protein, carbohydrate, sugars, fats, saturates, fibre and sodium. However, in the interest of helping consumers reduce their salt intake it is recommended that the amount of salt equivalent is also provided underneath, but outside of, the main nutrition panel. 'Salt' means a salt equivalent figure that is calculated by multiplying the total sodium content of a food by 2.5.

Figure 10: Nutrition panel with “Group 2” labelling

Nutrition information	
Typical values per 100g	
Energy	245 kJ/58kcal
Protein	4.6g
Carbohydrate	7.2g
of which sugars	6.5g
Fat	1.2g
of which saturates	0.2g
Fibre	0.2g
Sodium	0.1g
<b>Salt</b>	<b>0.25g</b>



<sup>16</sup> [www.food.gov.uk/multimedia/pdfs/maycontainguide.pdf](http://www.food.gov.uk/multimedia/pdfs/maycontainguide.pdf)

<sup>17</sup> [www.food.gov.uk/multimedia/pdfs/loosefoodsguidance.pdf](http://www.food.gov.uk/multimedia/pdfs/loosefoodsguidance.pdf)

<sup>18</sup> For relevant legislation on nutrition labelling requirements and nutrition and health claims see Section 2.4 in the Annex.

53. Some consumers find the format prescribed in law for both voluntary and compulsory labelling difficult to use. The Institute of Grocery Distribution (IGD) has issued advice on ways of improving the presentation on back of pack nutrition information within the current rules. It is recommended that this IGD advice on back of pack nutrition labelling should be followed<sup>19</sup>.

54. In addition to back of pack nutrition labelling, the Agency recommends a voluntary front of pack nutrition signposting approach, based on the following four core principles:

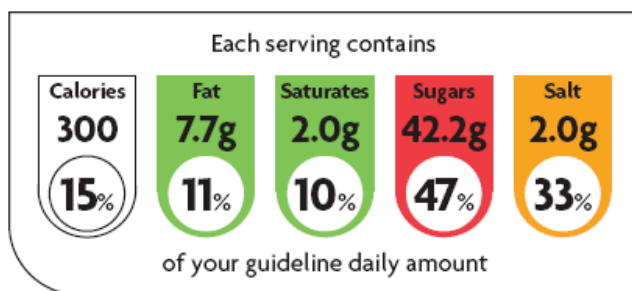
- provides separate information on fat, saturated fat, sugars and salt;
- uses red, amber or green colour coding to indicate whether levels of these nutrients are high, medium or low - providing 'at a glance' information;
- uses nutritional criteria developed by the Agency to determine the colour code; and
- gives information on the levels of nutrient per portion of product.

Additional information on calories and % guideline daily amounts can also be provided.

You can download the Agency's technical guidance on this approach from our website:

<http://www.food.gov.uk/foodlabelling/signposting/technicalguide/>

Figure 11: Front of pack signpost labelling (Colour Coded)



<sup>19</sup> "Best practice guidance on the presentation of Guideline Daily Amounts (2006)". [www.igd.com](http://www.igd.com).

## **CONTACT DETAILS FOR FURTHER INFORMATION**

55. The address for all correspondence relating to the issues set out in this advice is:

### **LABELLING, STANDARDS AND ALLERGY Division – Room 115B**

Food Standards Agency  
Aviation House  
125 Kingsway  
London  
WC2B 6NH

Tel: 020 7276 8167  
Fax: 020 7276 8193  
E-mail: [labelling@foodstandards.gsi.gov.uk](mailto:labelling@foodstandards.gsi.gov.uk)

For further information in the devolved administrations, please contact

In Wales:	<p>Food Standards Agency Wales 1<sup>st</sup> Floor, Southgate House Wood Street Cardiff CF10 1EW</p> <p>Tel: 029 2067 8911 Fax: 029 2067 8918/8919 E-mail: <a href="mailto:wales@foodstandards.gsi.gov.uk">wales@foodstandards.gsi.gov.uk</a></p>
In Scotland:	<p>Food Standards Agency Scotland St Magnus House 6<sup>th</sup> Floor 25 Guild Street Aberdeen AB11 6NJ</p> <p>Tel: 01224 285155 Fax: 01224 285168</p>
In Northern Ireland:	<p>Food Standards Agency Northern Ireland 10 A-C Clarendon Road Belfast BT1 3BG</p> <p>Tel: 028 9041 7714 Fax: 028 9041 7726</p>

**FOOD LABELLING**

**CLEAR FOOD LABELLING**

**RELEVANT LEGISLATION**

This Annex sets out legal requirements that relate to clear labelling. It is not an exhaustive list of legal requirements (for example it does not cover requirements for declaration of information found in product specific legislation such as for chocolate, or those on origin declaration for certain commodities) and it is advisable to always check the legislation itself. The information is given for guidance purposes rather than being the best source of the legislation.

Note: All references to legislation are to the instrument as amended when the Guidance was published.

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## **SECTION 1 – INTELLIGIBILITY AND FIELD OF VISION**

### **1.1 Intelligibility**

#### **The Food Labelling Regulations 1996**

##### **Regulation 38**

“(1) The particulars with which a food is required to be marked or labelled by these Regulations, or which appear on a menu, notice, ticket or label pursuant to these Regulations, shall be easy to understand, clearly legible and indelible and, when a food is sold to the ultimate consumer, the said particulars shall be marked in a conspicuous place in such a way as to be easily visible.

(2) Such particulars shall not in any way be hidden, obscured or interrupted by any other written or pictorial matter.

(3) Paragraph (1) of this regulation shall not be taken to preclude the giving of such particulars at a catering establishment, in respect of foods the variety and type of which are changed regularly, by means of temporary media (including the use of chalk on a blackboard).”

### **1.2 Grouping of Indications**

#### **The Food Labelling Regulations 1996**

##### **Regulation 39:**

“(1) Where a food is required to be marked or labelled with more than one of the following indications, such indications shall appear in the labelling of the food in the same field of vision:

- (a) the name of the food,
- (b) an appropriate durability indication,
- (c) an indication of alcoholic strength by volume,
- (d) the cautionary words in respect of raw milk,
- (e) the warning required on certain products by regulation 32, and
- (f) an indication of the net quantity as required by the Weights and Measures Act 1985 or by any Order or Regulations made thereunder.

(2) Paragraph (1) (b), (c) and (f) of this regulation shall not apply to any food sold in a bottle or packaging where such bottle or packaging is the subject of regulation 26.”

**Notes:** (i). This Regulation is relevant to paragraphs 21-24 of the Clear Labelling Guidance which concern field of vision and best practice on the grouping of information.

(ii) The Weights and Measures (Packaged Goods) Regulations 2006 – Guidance Notes recommend that net quantity markings are placed on the front, or possibly the top of the container to ensure the markings are visible in normal conditions of presentation. If followed, this would result in all the indications (a) to (f) being placed together on the front or top.

**Regulation 19 (QUID):**

“(3) The indication of quantity of an ingredient or category of ingredients required by paragraph (1) of this regulation shall -

(b) appear

(i) in or next to the name of the food, or

(ii) in the list of ingredients in connection with the ingredient or category of ingredients in question.”

## **SECTION 2 – ESSENTIAL INFORMATION**

### **2.1 General Requirements**

#### **(a) Net weight/volume**

#### **Weights and Measures Act 1985 and Weights and Measures (Packaged Goods) Regulations 2006**

The Weights and Measures Act creates a regime that requires most prepacked food to carry an indication of quantity, as specified in the Weights and Measures (Packaged Goods) Regulations 2006. These regulations also require a minimum height for the words or figures that indicate quantity, in a scale that rises as the quantity increases. The regulations also set out the circumstances in which an “e” symbol may be marked on a package.

The Weights and Measures (Packaged Goods) Regulations 2006 also require the prepacked food to carry the name and address of the packer or the importer into the UK or of the person who has arranged the packing or the import.

## **(b) Basic requirements for labelling for prepacked foods**

### **The Food Labelling Regulations 1996**

#### **Regulation 5:**

“Subject to the following provisions of this Part of these Regulations, all food to which this Part of these Regulations applies shall be marked or labelled with-

- (a) the name of the food;
- (b) a list of ingredients;
- (bA) the quantity of certain ingredients or categories of ingredients
- (c) the appropriate durability indication;
- (d) any special storage conditions or conditions of use;
- (e) the name or business name and an address or registered office of either or both of:-
  - (i) the manufacturer or packer, or
  - (ii) a seller established within the European Community;
- (f) particulars of the place of origin or provenance of the food if failure to give such particulars might mislead a purchaser to a material degree as to the true origin or provenance of the food; and
- (g) instructions for use if it would be difficult to make appropriate use of the food in the absence of such instructions.”

Note: In paragraphs 27 and 28 of the Guidance, there is reference to the customer care line information or other information identifying the manufacturer / packer / seller. Regulation 5(e) makes it a legal requirement to provide the name and address of manufacturer / packer / seller. To also give a phone number / customer care line / email or web site would be optional and best practice advice.

## **2.2 Specific Indicators**

### **(a) Declaration of Sweeteners**

### **The Food Labelling Regulations 1996**

#### **Regulation 34 Foods containing sweeteners, added sugar and sweeteners, aspartame or polyols**

“(1) A food containing a sweetener or sweeteners authorised pursuant to the Sweeteners in Food Regulations 1995 shall be marked or labelled with the indication "with sweetener(s)".

(2) A food containing both an added sugar or sugars and a sweetener or sweeteners authorised pursuant to those Regulations shall be marked or labelled with the indication "with sugar(s) and



sweetener(s)".

(3) A food containing aspartame shall be marked or labelled with the indication "contains a source of phenylalanine".

(4) A food containing more than 10% added polyols shall be marked or labelled with the indication "excessive consumption may produce laxative effects".

(5) The indications required by paragraphs (1) and (2) above shall accompany the name of the food."

## **(b) Caffeine**

### **The Food Labelling Regulations 1996**

#### **Regulation 34A Drinks with high caffeine content**

"(1) Subject to paragraph (2) of this regulation, in the case of a drink which -

(a) is intended for consumption without modification and contains caffeine, from whatever source, in a proportion in excess of 150 milligrams per litre, or

(b) is in concentrated or dried form and after reconstitution contains caffeine, from whatever source, in a proportion in excess of 150 milligrams per litre, that drink shall be marked or labelled with the words "High caffeine content" in the same field of vision as the name of the drink, and those words shall be followed by a reference in brackets to the caffeine content expressed in milligrams per 100 millilitres.

(2) Paragraph (1) of this regulation shall not apply to any drink based on coffee, tea or coffee or tea extract where the name of the food includes the term "coffee" or "tea".

## **(c) Allergens**

### **(i) Requirements for listing specified allergens**

Labelling legislation currently requires 14 ingredients, and the products derived from them, to be labelled on pre-packed foods, except in certain circumstances outlined in Schedule AA1. This list is subject to change based on advice from the European Food Safety Authority, but the list consists from 31 May 2008 of those items listed in Schedule AA1 (see below).

## The Food Labelling Regulations 1996

### **Regulation 34B Foods containing allergenic ingredients or ingredients originating from allergenic ingredients**

“(1) Subject to paragraph (2) and [3] of this regulation, where any food containing any allergenic ingredient, or any ingredient originating from an allergenic ingredient referred to in paragraphs 1 to 11 of **Schedule AA1**, does not specify the allergenic ingredient in the name of the food, that food shall be marked or labelled with a clear reference to the name of the allergenic ingredient concerned.

(2) In the case of any drink which has an alcoholic strength by volume of more than 1.2 per cent -

(a) the presence of any allergenic ingredient shall be indicated by marking or labelling the drink with the word "contains" followed by the name of the allergenic ingredient; and

(b) the presence of any ingredient originating from an allergenic ingredient referred to in paragraphs 1 to 11 of Schedule AA1 shall be indicated by marking or labelling the drink with the word "contains" followed by the name of the ingredient including a reference to the allergenic ingredient from which it originates, unless the name of the allergenic ingredient is specified in the name of the drink or in the list of ingredients, if any."

### **Schedule AA1: (Note this will come into force on 31 May 2008 in the UK)**

- “Cereals containing gluten (i.e. wheat, rye, barley, oats, spelt, kamut or their hybridised strains), except:
  - (a) wheat-based glucose syrups including dextrose<sup>20</sup> ;
  - (b) wheat-based maltodextrins<sup>20</sup>;
  - (c) glucose syrups based on barley;
  - (d) cereals used for making distillates or ethyl alcohol of agricultural origin for spirit drinks and other alcoholic beverages.
- Crustaceans.
- Eggs.
- Fish, except:

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<sup>20</sup> The exception only applies to products derived from these products in so far as the process they have undergone is not likely to increase the level of allergenicity assessed by the European Food Safety Authority for the relevant product from which they originated.

- (a) fish gelatine used as a carrier for vitamin or carotenoid preparations;
  - (b) fish gelatine or isinglass used as a fining agent in beer and wine.
- Peanuts.
- Soybeans, except:
  - (a) fully refined soybean oil and fat<sup>20</sup>;
  - (b) natural mixed tocopherols (E306), natural D-alpha tocopherol, natural D-alpha tocopherol acetate, natural D-alpha tocopherol succinate from soybean sources;
  - (c) vegetable oils derived from phytosterols and phytosterol esters from soybean sources;
  - (d) plant stanol esters produced from vegetable oil stanols from soybean sources.
- Milk (including lactose), except:
  - (a) whey used for making distillates or ethyl alcohol of agricultural origin for spirit drinks and other alcoholic beverages;
  - (b) lactitol.
- Nuts, i.e. almonds (*Amygdalus communis* L.), hazelnuts (*Corylus avellana*), walnuts (*Juglans regia*), cashews (*Anacardium occidentale*), pecan nuts (*Carya illinoensis* (WangenH.) K.Koch), Brazil nuts (*Bertholletia excelsa*), pistachio nuts (*Pistacia vera*), macadamia nuts and Queensland nuts (*Macadamia ternifolia*), except:
  - (a) nuts used for making distillates or ethyl alcohol of agricultural origin for spirit drinks and other alcoholic beverages.
- Celery.
- Mustard.
- Sesame seeds.
- Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre expressed as SO<sub>2</sub>.
- Lupin.
- Molluscs<sup>21</sup>

#### **(d) GZA (Glycyrrhizinic Acid) Indication**

#### **The Food Labelling Regulations 1996**

##### **Regulation 34C Confectionery and drinks containing glycyrrhizinic acid or its ammonium salt**

“(1) This regulation applies to any confectionery or drink which contains glycyrrhizinic acid or its ammonium salt as a result of the addition of that acid or salt as such or of the liquorice plant

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<sup>21</sup> For more information see “Guidance Notes and Best Practice on Allergens and Miscellaneous Labelling Provisions”  
[www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/allergenlabelguide2007](http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/allergenlabelguide2007).

Glycyrrhiza glabra, and references in this regulation to "relevant concentration" are to the concentration of that acid or salt in the food -

- (a) manufactured as ready for consumption or,
- (b) if it is not so manufactured, as reconstituted according to its manufacturer's instructions.

(2) In the case of -

- (a) any confectionery which contains a relevant concentration of at least 100mg/kg but less than 4 g/kg,
- (b) any drink which contains more than 1.2 per cent by volume of alcohol and a relevant concentration of at least 10 mg/l but less than 300 mg/l, and
- (c) any drink which does not contain more than 1.2 per cent by volume of alcohol and which contains a relevant concentration of at least 10 mg/l but less than 50 mg/l, that food shall be marked or labelled with the indication "contains liquorice", unless the term "liquorice" appears in the list of ingredients or in the name of the food.

(3) In the case of -

- (a) any confectionery which contains a relevant concentration of at least 4g/kg,
  - (b) any drink which contains more than 1.2 per cent by volume of alcohol and a relevant concentration of at least 300 mg/l, and
  - (c) any drink which does not contain more than 1.2 per cent by volume of alcohol and which contains a relevant concentration of at least 50 mg/l, that food shall be marked or labelled with the indication "contains liquorice - people suffering from hypertension should avoid excessive consumption".
- (4) The indications required by paragraphs (2) and (3) of this regulation shall appear immediately after the list of ingredients or, in the absence of such a list, near the name of the food."

## **(e) Irradiated Food**

### **(i) Irradiated Ingredients**

## **The Food Labelling Regulations 1996**

Regulation 25 applies where Regulation 23 exempts certain foods from most labelling requirements.

### **Regulation 25 Indication of irradiated ingredients**

“(1) Subject to paragraph (2) of this regulation, any food which—

(a) by virtue of regulation 23 alone is exempted from the requirement to be marked or labelled with a list of ingredients, and

(b) contains any ingredient which has been irradiated (and which comprises a particular with which, had that food not been subject to that exemption, the food would have been required by these Regulations to be marked or labelled), shall be marked or labelled with an indication that it contains that ingredient, and in such a case the reference within that indication to that ingredient shall include or be accompanied by the word "irradiated" or the words "treated with ionising radiation".

(2) This regulation does not apply to food which is not exposed for sale.”

(ii) Irradiated food (nonprepacked, prepacked for direct sale): catering establishments

### **Regulation 27 Certain food sold at catering establishments**

“(1) Subject to the following paragraphs of this regulation, any food which is sold at a catering establishment and is either:-

(a) not prepacked, or

(b) prepacked for direct sale,

need not be marked or labelled with any of the particulars specified in regulation 5 nor, where but for this regulation they would otherwise be required, with any of the particulars specified in regulations 32, 33 and 34, 34B and 34C.

(2) In the case of any such food being milk which is prepacked for direct sale it shall be marked or labelled with the particulars required by regulations 5(f) (where the appropriate circumstances described in that regulation apply) and, if such milk is raw milk, the particulars required by regulation 5(e)(i).

(3) In the case of any such food which has been irradiated that food shall be marked or labelled with an indication of

such treatment, which indication shall include or be accompanied by the word "irradiated" or the words "treated with ionising radiation".

(4) In the case of any such food which contains an ingredient which has been irradiated (and which comprises a particular with which, had that food been prepacked, the food would have been required by these Regulations to be marked or labelled), that food shall (subject to regulation 36(3) and (4)) be marked or labelled with an indication that it contains that ingredient and the reference within that indication to that ingredient shall include or be accompanied by the word "irradiated" or the words "treated with ionising radiation".

## **(f) Milk**

### **The Food Labelling Regulations 1996**

#### **(i) Raw Milk**

##### **Regulation 31 Raw Milk**

“(1) Subject to paragraph (3) of this regulation, and except in cases to which paragraph (2) of this regulation applies, the container in which any raw milk is sold shall be marked or labelled with the words "This milk has not been heat-treated and may therefore contain organisms harmful to health".

(2) Subject to paragraph (3) of this regulation, in the case of any raw milk which is not prepacked and is sold at a catering establishment there shall appear:-

- (a) on a label attached to the container in which that milk is sold, or
- (b) on a ticket or notice that is readily discernible by an intending purchaser at the place where he chooses that milk, the words "Milk supplied in this establishment has not been heat-treated and may therefore contain organisms harmful to health".

(3) The provisions of paragraphs (1) and (2) of this regulation shall not apply to raw milk from buffaloes.”

#### **(ii) Skimmed milk and non-milk fat**

##### **Regulation 32 Products consisting of skimmed milk together with non-milk fat**

“The container in which any product:-

- (a) consisting of skimmed milk together with non-milk fat,
- (b) which is capable of being used as a substitute for milk, and
- (c) which is neither:-

(i) an infant formula or a follow-on formula, nor  
(ii) a product specially formulated for infants or young children for medical purposes,  
is sold shall be prominently marked or labelled with a warning that the product is unfit, or not to be used, as food for babies.”

### **2.3. Alcoholic Strength**

#### **The Food Labelling Regulations 1996**

##### **Regulation 30 Prepacked alcoholic drinks other than Community controlled wine**

“(1) In the case of prepacked alcoholic drinks other than Community controlled wine, every drink with an alcoholic strength by volume of more than 1.2 per cent shall be marked or labelled with an indication of its alcoholic strength by volume in the form of a figure to not more than one decimal place (which may be preceded by the word "alcohol" or by the abbreviation "alc") followed by the symbol "% vol".

(2) Positive and negative tolerances shall be permitted in respect of the indication of alcoholic strength by volume and shall be those specified in Schedule 5, expressed in absolute values.

(3) For the purposes of this regulation, the alcoholic strength of any drink shall be determined at 20°C.”

Note: Refer to Schedule 5 in the regulations for the specified tolerance levels.

### **2.4 Nutrition Labelling and Nutrition and Health Claims**

#### **The Food Labelling Regulations 1996**

##### **Regulation 40 Claims**

“(1) A claim of the type described in Part I of Schedule 6 shall not be made, either expressly or by implication, in the labelling or advertising of a food.

(2) A claim of a type described in Part II of Schedule 6 shall not be made, either expressly or by implication, in the labelling or advertising of a food, except in accordance with the appropriate conditions set out in that Part of that Schedule.

(3) Where a claim is a claim of two or more of the types described

in Part II of Schedule 6, the conditions appropriate to each of the relevant types of claim shall be observed.”

#### **Regulation 41 Supplementary provisions relating to claims**

“(1) Nothing in regulation 40 or Schedule 6 shall be taken to prevent the dissemination of useful information or recommendations intended exclusively for persons having qualifications in dentistry, medicine, nutrition, dietetics or pharmacy.

(2) A reference to a substance in a list of ingredients or in any nutrition labelling shall not of itself constitute a claim of a type described in Schedule 6.

(3) In Schedule 6 any condition that a food in respect of which a claim is made shall be marked or labelled with the prescribed nutrition labelling shall not apply in the case of:-

(a) a food (other than a food sold from a vending machine) which is not prepacked and which is sold to the ultimate consumer at a catering establishment, or

(b) a claim contained within generic advertising, but in respect of a food described in sub-paragraph (a) there may be given such of the elements of the prescribed nutrition labelling which, but for this paragraph, would have been required or permitted to be given, as it is wished to include, and where all or any such elements are given this shall be in accordance with Part I of Schedule 7, except that in applying paragraph 4 of that Part, in place of paragraphs (a)(i) and (ii) to that paragraph there shall be read references to:-

(i) an unquantified serving of the food, and  
(ii) any one portion of the food.

(4) Where nutrition labelling not being prescribed nutrition labelling is given it shall be given in all respects as if it were prescribed nutrition labelling except that in applying in this context the requirements for prescribed nutrition labelling described in Schedule 7, Part II of that Schedule shall be read as if paragraph 1(d), and the proviso to paragraph 1(a), were omitted.

(5) Nothing in regulation 40 or in Schedule 6 or 8 shall operate to prohibit or, as the case may be, restrict a claim made in accordance with the conditions of Regulation (EC) 1924/2006 of the European Parliament and of the Council on nutrition and health claims made on foods (b).”

**Note:** See Schedule 6 for Claims and Schedule 7 of the Food Labelling Regulations 1996 for the specific provisions.



## **Regulation (EC) 1924/2006 on nutrition and health claims made on foods**

### **Article 1**

“In the case of non-prepackaged foodstuffs (including fresh products such as fruit, vegetables or bread) put up for sale to the final consumer or to mass caterers and foodstuffs packed at the point of sale at the request of the purchaser or pre-packaged with a view to immediate sale, Article 7 and Article 10(2) (a) and (b) shall not apply. National provisions may apply until the eventual adoption of Community measures in accordance with the procedure referred to in Article 25(2).”

### **Article 7**

Nutrition information

“The obligation and the modalities for providing information pursuant to Directive 90/496/EEC where a nutrition claim is made shall apply mutatis mutandis where a health claim is made, with the exception of generic advertising. However, the information to be provided shall consist of information in Group 2 as defined in Article 4(1) of Directive 90/496/EEC.

In addition and as the case may be, the amount(s) of the substance(s) to which a nutrition or health claim relates that does not appear in the nutrition labelling shall also be stated in the same field of vision as the nutrition information and be expressed in accordance with Article 6 of Directive 90/496/EEC.

In the case of food supplements, the nutrition information shall be provided in accordance with Article 8 of Directive 2002/46/EC.”

**From 1 July 2007**, the use of nutrition and health claims on food and food supplements are harmonised across the European Member States.

The regulation will require claims to be on an authorised list to be used on food. It also requires products to meet certain criteria in order to make more claims.

The Commission is to maintain a Community Register of all authorised claims. Nutrition Claims are already listed. “Low fat”, for example, appears on the list, so it will be possible to continue to use this claim and any claim which has the same meaning. However, if used, the product must fit the given criteria – i.e. 3g of fat per 100g or 1.5g per 100ml. It will not be possible to describe the product as “X% fat-free”.

If a nutrition claim does not appear on the list, it may be possible to use it until 2010, but separate Agency Guidance on the claims Regulation<sup>22</sup> should be consulted for further information.

If a company wishes to make a **health claim** – e.g. “Omega 3 benefits the heart”, it should have been submitted to the relevant Member State, together with references to the scientific evidence supporting it. In the UK the deadline was **21 September 2007**. The UK list of “generally accepted” health claims was submitted to the Commission on 30 January 2008.

During the transition period (in most cases up to three years), it will be possible to continue to use health claims within the scope of the national list – whether on the list or not – under existing national rules.

In addition to the UK list of “generally accepted” health claims, certain claims must be supported by a full scientific dossier. It will be possible to use disease risk reduction claims or claims about children’s development and health after they are authorised and placed on the Community Register. An amendment allowing some claims about children’s development and health already on the market to remain in January 2008.

If a claim is made, it will be necessary to provide **nutrition labelling**.

Transitional measures will defer many provisions until a later date.

## **2.5 Origin Labelling**

### **The Food Labelling Regulations 1996**

#### **Regulation 5: “**

Subject to the following provisions of this Part of these Regulations, all food to which this Part of these Regulations applies shall be marked or labelled with:-

(f) particulars of the place of origin or provenance of the food if failure to give such particulars might mislead a purchaser to a material degree as to the true origin or provenance of the food; and”

## **2.6 QUID (Quantitative Ingredient Declaration) Requirements**

### **The Food Labelling Regulations 1996**

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<sup>22</sup> See Agency website:

<http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/>

### **Regulation 19:**

“The quantity of an ingredient or category of ingredients used in the preparation of a food shall be indicated where –

- (a) that ingredient or category of ingredients appears in the name of the food or is usually associated with that name by the consumer;
- (b) that ingredient or category of ingredients is emphasised on the labelling in words, pictures or graphics; or
- (c) that ingredient or category of ingredients is essential to characterise a food to distinguish it from products with which it might be confused because of its name or appearance.”

## **2.7 Declaration of Genetically Modified (GM) Ingredients**

### **Regulation (EC) 1829/2003 (GM Food and Feed Regulation) Regulation (EC) 1830/2003 (traceability and labelling of genetically modified organisms)**

The Traceability and Labelling of GMOs Regulation creates a regime for tracing and identifying GMOs and food and feed products derived from GMOs at all stages of their placing on the market.

The GM Food and Feed Regulation requires labelling for all food and feed products derived from GM sources regardless of the presence of detectable novel genetic material in the final product or of the quantity of intentionally used GM ingredient present.

All food and feed that contains, consists of or is produced from genetically modified organisms (GMOs) must be labelled as such. Any food product sold by retailers to the final consumer in the UK, which is derived from a GMO, must be clearly labelled. For example, bread containing ingredients derived from GM soya has to indicate “this product contains genetically modified organisms” or “produced from genetically modified soya” on the label.

## **2.8 Requirements relating to Packaging**

### **(a) Foods packaged in certain Gases**

#### **The Food Labelling Regulations 1996**

##### **Regulation 33 Foods packaged in certain gases**

“A food the durability of which has been extended by means of its being packaged in any packaging gas authorised pursuant to Council Directive 89/107/EEC, concerning food additives for use in foodstuffs intended for human consumption, shall be marked or labelled with the indication "packaged in a protective atmosphere".”

## **(b) Small Packages and certain Bottles**

### **The Food Labelling Regulations 1996**

#### **Regulation 26 Small packages and certain indelibly marked bottles**

“(1) Subject to the following paragraphs of this regulation, any prepacked food, either contained in an indelibly marked glass bottle intended for re-use and having no label, ring or collar, or the largest surface of whose packaging has an area of less than ten square centimetres, need not—

(a) by virtue of these Regulations be marked or labelled with

(i) any of the particulars specified in regulation 5 except the name of the food and, unless the food is not required to be marked or labelled with such an indication, the appropriate durability indication; or

(ii) any of the particulars specified in regulations 33, 34 and 34C where but for this regulation they would otherwise be required, or (b) be marked or labelled with the GMO particulars, where but for this regulation they would otherwise be required.

(2) Any bottle referred to in paragraph (1) of this regulation which contains milk shall also be marked or labelled with the particulars required by regulation 5(f) (where the appropriate circumstances described in that regulation apply) and, if such milk is raw milk, with the particulars required by regulation 5(e)(i).

(3) Subject to paragraphs (4) and (5) of this regulation, any prepacked food which:-

(a) is sold or supplied as an individual portion, and

(b) is intended as a minor accompaniment to either:-

(i) another food, or

(ii) another service,

need not be marked or labelled with any of the particulars specified in regulation 5 except the name of the food nor, where but for this regulation they would otherwise be required, with any of the particulars mentioned in paragraph (3A) of this regulation. Such prepacked food shall include butter and other fat spreads, milk, cream and cheeses, jams and marmalades, mustards, sauces, tea, coffee and sugar, and such other service shall include the provision of sleeping accommodation at an hotel or other establishment at

which such accommodation is provided by way of trade or business.

(3A) The other particulars for the purposes of paragraph (3) of this regulation are those specified in regulation 32 and, in the case of any food to which paragraph (1) of this regulation applies, the particulars specified in regulations 33, 34 and 34C.

(4) This regulation does not apply to any food to which regulation 23 or 27 applies.

(5) Any bottle referred to in paragraph (1) of this regulation need not:-be marked or labelled with an appropriate durability indication  
(a) where it contains milk, or  
(b) where it contains any other food, in which case until 1st January 1997.”

Note: The effect of only referring to regulations 32, 33 and 34 is that allergens and caffeine must be labelled on small packages. They are not specifically excluded so they still apply.

## **2.9 Lot Marking**

### **Food (Lot Marking) Regulations 1996**

Most prepacked foods are required to carry a lot mark for the purpose of tracing and identifying products along the relevant section of the food chain. However, businesses may choose to use a best before/use by date as a lot mark (whether or not the Food Labelling Regulations 1996 require the product to carry a date mark).

See above for field of vision requirements relating to durability indications.

## **SECTION 3 – FOOD DURABILITY**

(Please see also the Agency’s Guidance Notes on ‘Use by dates’ on [www.food.gov.uk](http://www.food.gov.uk) for further information.)

See below for applicable regulations in the Food Labelling Regulations 1996 regarding the appropriate durability indication.

### **3.1 Form of Indication of Minimum Durability**

#### **The Food Labelling Regulations 1996 (as amended)**

## **Regulation 20 Form of indication of minimum durability**

“(1) Subject to the following paragraphs of this regulation, the minimum durability of a food shall be indicated by the words "best before" followed by:-

- (a) the date up to and including which the food can reasonably be expected to retain its specific properties if properly stored, and
- (b) any storage conditions which need to be observed if the food is to retain its specific properties until that date.

(2) The date in the indication of minimum durability shall be expressed in terms of a day, month and year (in that order), except that:-

- (a) in the case of a food which can reasonably be expected to retain its specific properties for three months or less, it may be expressed in terms of a day and month only;
- (b) in the case of a food which can reasonably be expected to retain its specific properties for more than three months but not more than 18 months it may be expressed in terms of a month and year only, if the words "best before" are replaced by the words "best before end", and
- (c) in the case of a food which can reasonably be expected to retain its specific properties for more than 18 months it may be expressed either in terms of a month and year only or in terms of a year only, if (in either case) the words "best before" are replaced by the words "best before end".

(3) Either:-

- (a) the date up to and including which a food can reasonably be expected to retain its specific properties if properly stored, or
  - (b) that date and any storage conditions which need to be observed if the food is to retain its specific properties until that date,
- may appear on the labelling of a food separately from the words "best before" or "best before end", as the case may be, provided that those words are followed by a reference to the place where the date (or the date and the storage conditions) appears (or appear).”

## **3.2 Form of Indication of "Use By" Date**

### **Regulation 21 Form of indication of “use by” date**

“(1) Where a "use by" date is required in respect of a food it shall be indicated by the words "use by" followed by:-

- (a) the date up to and including which the food, if properly stored, is recommended for use, and
- (b) any storage conditions which need to be observed.

(2) The "use by" date shall be expressed in terms either of a day and month (in that order) or of a day, a month and a year (in that order).

(3) Either:-

- (a) the date up to and including which a food required to bear a "use by" date is recommended for use, or
- (b) that date and any storage conditions which need to be observed, may appear separately from the words "use by", provided that those words are followed by a reference to the place where the date (or the date and the storage conditions) appears (or appear)."

### **3.3 Foods which need not bear an Appropriate Durability Indication**

#### **Regulation 22 Foods which need not bear an appropriate durability indication**

Some foods are specifically exempt from the requirement to carry a date mark. These are listed in Regulation 22. Other foods are also exempt from carrying a date mark because of the conditions in which they are sold.

#### **Links to details of legislation in England, Scotland, Wales and Northern Ireland**

##### **Food Labelling Regulations 1996 Guidance Notes**

<http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/foodlab elregsguid>

##### **Regulations in Scotland**

<http://www.foodstandards.gov.uk/scotland/regsscotland/regulations/scotlandfoodlawguide/sflgpart02/sflgpart02doc01>

##### **Regulations in Wales**

<http://www.foodstandards.gov.uk/wales/regswales/regulations/walessibranch/>

##### **Regulations in Northern Ireland**

<http://www.foodstandards.gov.uk/northernireland/niregulation/regulationsni/northernirelandsrbranch/>

## **CONTACT DETAILS FOR FURTHER INFORMATION**

The address for all correspondence relating to the issues set out in this advice is:

### **LABELLING, STANDARDS AND ALLERGY Division – Room 115B**

Food Standards Agency  
Aviation House  
125 Kingsway  
London  
WC2B 6NH

Tel: 020 7276 8167

Fax: 020 7276 8193

E-mail: [labelling@foodstandards.gsi.gov.uk](mailto:labelling@foodstandards.gsi.gov.uk)

For further information in the devolved administrations, please contact

In Wales:

Food Standards Agency Wales  
1<sup>st</sup> Floor, Southgate House  
Wood Street  
Cardiff  
CF10 1EW

Tel: 029 2067 8911

Fax: 029 2067 8918/8919

E-mail: [wales@foodstandards.gsi.gov.uk](mailto:wales@foodstandards.gsi.gov.uk)

In Scotland:

Food Standards Agency Scotland  
St Magnus House  
6<sup>th</sup> Floor  
25 Guild Street  
Aberdeen  
AB11 6NJ

Tel: 01224 285155

Fax: 01224 285168

In Northern Ireland:

Food Standards Agency Northern Ireland  
10C Clarendon Road  
Belfast  
BT1 3BG

Tel: 028 9041 7714

Fax: 028 9041 7726