

# Food Labelling of Pre-packed Food

Foods that are pre-packed must display **food labels** as stipulated under the laws of Great Britain (GB). There must be mandatory information on the product packaging of the pre-packaged food or on label attached to packaging in accordance with food labelling laws ('label or packaging'). The retained version of EU Regulation 1169/2011 on the provision of food information to consumers applies to food businesses in GB, not Northern Ireland.

## 1. 01 January 2024, is the deadline for making changes to labelling or packaging.

From 01 January 2024, a pre-packaged food or casein sold in GB **must include a UK address for the Food Business Operator ('FBO')**. If the FBO is not based in the UK, the address of the UK importer must be inserted on the pre-packaged food label or packaging, writes **Dr Rosanna Cooper**.

## 2. **Pre-packed food**

Pre-packed food means any food that is packaged before placing for sale on the UK market which cannot be altered without opening or changing the packaging.

**"Pre-packed food"** mean any single item for presentation as such to the final consumer and to mass caterers, consisting of a food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging; "pre-packed food" does not cover foods packed on the sales premises at the consumer's request or pre-packed for direct sale.

## 3. **Mandatory Labelling Requirements**

The mandatory requirements to be placed on a pre-packaged label or packaging are:

- ▶ Name of the food
- ▶ List of ingredients
- ▶ Allergen information
- ▶ Quantitative declaration of ingredients (QUID)
- ▶ Net quantity
- ▶ Storage conditions and date labelling
- ▶ Name and address of manufacturer
- ▶ Country of origin or place of provenance
- ▶ Preparation instructions
- ▶ Nutritional declaration

Information placed on the label or packaging must be:

- ✓ **Precise**
- ✓ **Clear**; and
- ✓ **Easy to understand** by consumers.

- ▶ **"Food information"** means information concerning a food and made available to the final consumer by means of a label, other accompanying material, or any other means including modern technology tools or verbal communication.
- ▶ **"Ingredient"** means any substance or product, including flavourings, food additives and food enzymes, and any constituent of a compound ingredient, used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form; residues shall not be considered as "ingredients".
- ▶ **"Label"** means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to the packaging or container of food.
- ▶ **"Labelling"** means any words, particulars, trade marks, brand name, pictorial matter or symbol relating to a food and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such food.

There are strict requirements on the FBO or importer to ensure the **presence and accuracy** of the information:

- ▶ **Pre-packed foodstuff** - the requisite information must appear on the label or packaging.
- ▶ **Mandatory information** - All FBOs must comply with these requirements.

The food information must be:

- ▶ Easy to understand.
- ▶ Visible.
- ▶ Clearly legible.
- ▶ Where appropriate, indelible; and
- ▶ Comply with the height restrictions of the characters (there are certain exceptions for small sized packaging and containers).

The **mandatory information** must include:

- ▶ **Name - the name of the food.**

The name of the food shall be its legal name. In the absence of such a name, the name of the food shall be its customary name, or, if there is no customary name or the customary name is not used, a descriptive name of the food shall be provided.

There are mandatory particulars that have to accompany the name of the food:

The name of the food must include or be accompanied by particulars as to the physical condition of the food or the specific treatment which it has undergone (for example, powdered, refrozen, freeze-dried, quick-frozen, concentrated, smoked) in all cases where omission of such information could mislead the purchaser.

There are specific requirements for **defrosted foods**. Certain categories of food have to comply with specific designation.

► **List of ingredients:**

► The list of ingredients shall be headed or preceded by a suitable heading which consists of or includes the word "ingredients". It shall include all the ingredients of the food, in descending order of weight, as recorded at the time of their use in the manufacture of the food...

► ...Ingredients shall be designated by their specific name, where applicable...

Omission from the list of ingredients

1. The following foods shall not be required to bear a list of ingredients:

- (a) fresh fruit and vegetables, including potatoes, which have not been peeled, cut or similarly treated.
- (b) carbonated water, the description of which indicates that it has been carbonated.
- (c) fermentation vinegars derived exclusively from a single basic product, provided that no other ingredient has been added.
- (d) cheese, butter, fermented milk and cream, to which no ingredient has been added other than lactic products, food enzymes and micro-organism cultures essential to manufacture, or in the case of cheese other than fresh cheese and processed cheese the salt needed for its manufacture.
- (e) foods consisting of a single ingredient, where:
  - (i) the name of the food is identical to the ingredient name; or
  - (ii) the name of the food enables the nature of the ingredient to be clearly identified.

Certain food constituents such as enzymes, food additives and water are excluded:

Omission of constituents of food from the list of ingredients

...The following constituents of a food shall not be required to be included in the list of ingredients:

- (a) the constituents of an ingredient which have been temporarily separated during the manufacturing process and later reintroduced but not in excess of their original proportions.

- (b) food additives and food enzymes:
- (i) whose presence in a given food is solely due to the fact that they were contained in one or more ingredients of that food, in accordance with the carry-over principle referred to in points (a) and (b) of Article 18(1) of Regulation (EC) No 1333/2008, provided that they serve no technological function in the finished product; or
  - (ii) which are used as processing aids.
- (c) carriers and substances which are not food additives but are used in the same way and with the same purpose as carriers, and which are used in the quantities strictly necessary
- (d) substances which are not food additives but are used in the same way and with the same purpose as processing aids and are still present in the finished product, even if in an altered form.
- (e) water:
- (i) where the water is used during the manufacturing process solely for the reconstitution of an ingredient used in concentrated or dehydrated form; or
  - (ii) in the case of a liquid medium which is not normally consumed.

There are specific provisions relating to engineered nanomaterials.

- ▶ **Substances causing allergies or intolerances (e.g., nuts, milk, mustard, fish, or grains containing gluten).**
- ▶ **Quantity of certain ingredients or categories of ingredients.**
- ▶ **Net quantity of the food.**
- ▶ **Date of minimum durability or the 'use by' date.**
- ▶ **Any special storage conditions and/or conditions of use.**
- ▶ **Name and address of manufacturer.**

The Food Standards Agency has provided information on what an FBO must include on the packaging or food label as reproduced below:

Food businesses must include a business name and address on the packaging or food label. This must be either:

- the name of the business whose name the food is marketed under; or
- the address of the business that has imported the food.

Food products sold in NI must include a NI or EU address for the food business. If the food business is not in NI or EU, they must include the address of the importer, based in NI or the EU.

....

From 1 January 2024 (extended from 1 October 2022), food products sold in GB must include a UK, Channel Islands or the Isle of Man address for the food business. If the food business is not in GB, they must include the address of the importer, based in the UK, Channel Islands or the Isle of Man.

The address provided needs to be a physical address where your business can be contacted by mail. You can't use an e-mail address or phone number. Providing an address gives consumers the opportunity to contact the manufacturer if they have a complaint about the product or if they want to know more about it.

- **Name or business name and address of the food business operator or importer.**

From 01 January 2024, a pre-packaged food or casein sold in GB **must include a UK address for the FBO.** If the FBO is based outside the UK, the address of the UK importer must be inserted on the pre-packaged food label or packaging. The Food Standards Agency has stated that:

The address provided needs to be a physical address where your business can be contacted by mail. You can't use an e-mail address or phone number. Providing an address gives consumers the opportunity to contact the manufacturer if they have a complaint about the product or if they want to know more about it.

- ▶ **Instructions for use where it would be difficult to make appropriate use of the food in the absence of such instructions.**

The Food Standards Agency has provided information on preparation instructions as reproduced below:

#### **Preparation instructions**

Instructions on how to prepare and cook the food appropriately, including for heating in a microwave oven, must be given on the label if they are needed. If the food must be heated, the temperature of the oven and the cooking time will usually be stated.

- ▶ **For beverages containing more than 1.2% by volume of alcohol, the actual alcoholic strength by volume.**
- ▶ **Nutritional declaration.**

There are mandatory nutritional declarations that have to be made (see below).

The nutrition declaration for a food concerns information on the presence of energy and certain nutrients in foods. The mandatory provision of nutrition information on packaging should assist nutrition actions as part of public health policies which could involve the provision of scientific recommendations for nutrition education for the public and support informed food choices.

To avoid unnecessary burdens on food business operators, it is appropriate to exempt from the mandatory provision of a nutrition declaration certain categories of foods that are unprocessed or for which nutrition information is not a determining factor for consumers' purchasing decisions, or for which the packaging is too small to accommodate the mandatory labelling requirements, unless the obligation to provide such information is provided for ...

- ▶ **In a language easily understood by the consumer, and, if required, in several languages.**

The name of the food, net quantity and the alcoholic strength by volume must be in the same field of vision as consumers should have choices that suit their dietary needs:

### **Mandatory Nutrition Declarations**

The mandatory nutrition declaration must include the following:

- ▶ Energy value; and
- ▶ The amounts of fat, saturates, carbohydrate, sugars, protein, and salt.

Where appropriate, a statement indicating that the salt content is exclusively due to the presence of naturally occurring sodium may appear in close proximity to the nutrition declaration.

The content of the mandatory nutrition declaration referred to above may be supplemented with an indication of the amounts of one or more of the following:

- ▶ Mono-unsaturates.
- ▶ Polyunsaturates.
- ▶ Polyols.
- ▶ Starch.
- ▶ Fibre.
  
- ▶ Any of the vitamins or minerals listed and present in significant amounts.

- ▶ Unprocessed products that comprise a single ingredient or category of ingredients.
- ▶ Processed products which the only processing they have been subjected to is maturing and that comprise a single ingredient or category of ingredients.
- ▶ Waters intended for human consumption, including those where the only added ingredients are carbon dioxide and/or flavourings.
- ▶ A herb, a spice or mixtures thereof.
- ▶ Salt and salt substitutes.
- ▶ Table top sweeteners.
- ▶ Products relating to coffee extracts and chicory extracts, whole or milled coffee beans and whole or milled decaffeinated coffee beans.
- ▶ Herbal and fruit infusions, tea, decaffeinated tea, instant or soluble tea or tea extract, decaffeinated instant or soluble tea or tea extract, which do not contain other added ingredients than flavourings which do not modify the nutritional value of the tea.
- ▶ Fermented vinegars and substitutes for vinegar, including those where the only added ingredients are flavourings.
- ▶ Flavourings.
- ▶ Food additives.
- ▶ Processing aids.
- ▶ Food enzymes.
- ▶ Gelatine.
- ▶ Jam setting compounds.
- ▶ Yeast.
- ▶ Chewing-gums.
- ▶ Food in packaging or containers the largest surface of which has an area of less than 25 cm<sup>2</sup>.
- ▶ Food, including handcrafted food, directly supplied by the manufacturer of small quantities of products to the final consumer or to local retail establishments directly supplying the final consumer.

Where the **labelling of a pre-packed** food provides the mandatory nutrition declaration referred to above, the following information may be repeated thereon:

- ▶ The energy value; or
- ▶ The energy value together with the amounts of fat, saturates, sugars, and salt.

Exemption from the requirement of the mandatory nutrition declaration include:

#### 4. Who is Responsible? Food Business Operator

The following person or entity is **responsible** for **any information relating to the placing of a pre-packaged food on the GB market**:

- ▶ The **food business operator** established in the UK (i.e., the person or entity under whose names or business names the pre-packaged food is marketed); or
- ▶ The **importer** (i.e., where the **food business operator is not** established in the UK).

The food business operator has to ensure compliance:

...Food business operators, within the businesses under their control, shall **ensure compliance with the requirements of food information law and relevant national provisions** which are relevant to their activities and shall verify that such requirements are met.

The food business operator responsible for the food information shall ensure the **presence and accuracy** of the food information in accordance with the applicable food information law and requirements of relevant national provisions.

Food business operators which do not affect food information shall not supply food which they know or presume, on the basis of the information in their possession as professionals, to be non-compliant with the applicable food information law and requirements of relevant national provisions.

Food business operators, within the businesses under their control, shall not modify the information accompanying a food if such modification would mislead the final consumer or otherwise reduce the level of consumer protection and the possibilities for the final consumer to make informed choices. Food business operators are responsible for any changes they make to food information accompanying a food.

### Special Provisions

There are specific provisions for:

- ▶ **Glass bottles** intended for **re-use**.
- ▶ **Small-sized packaging**.
- ▶ **Nutritional labelling** of foodstuffs (Annex V).
- ▶ **Beverages** containing more than 1.2 % by volume of alcohol.

### Additional Labelling Particulars

The following foods must contain one or more **additional labelling particulars**:

- ▶ Foods packaged in certain gases:
  - Foods whose durability has been extended by means of packaging gases.
- ▶ Foods containing sweeteners:
  - Foods containing both added sugar or sugars and a sweetener or sweeteners:
  - Foods containing aspartame/aspartame-acesulfame salt.
  - Foods containing more than 10 % added polyols.
- ▶ Foods containing glycyrrhizic acid or its ammonium salt:



- Confectionery or beverages containing glycyrrhizinic acid or its ammonium salt due to the addition of the substance(s) as such or the liquorice plant *Glycyrrhiza glabra*, at concentration of 100 mg/kg or 10 mg/l or above.
- Confectionery containing glycyrrhizinic acid or its ammonium salt due to the addition of the substance(s) as such or the liquorice plant *Glycyrrhiza glabra* at concentrations of 4 g/kg or above.
- Beverages containing glycyrrhizinic acid or its ammonium salt due to the addition of the substance(s) as such or the liquorice plant *Glycyrrhiza glabra* at concentrations of 50 mg/l or above, or of 300 mg/l or above in the case of beverages containing more than 1.2 % by volume of alcohol.

▶ Beverages with high caffeine content or foods with added caffeine:

- Beverages, with the exception of those based on coffee, tea or coffee or tea extract where the name of the food includes the term "coffee" or "tea", which are intended for consumption without modification and contain caffeine.
- Foods other than beverages, where caffeine is added with a physiological purpose.

▶ Foods with added phytosterols, phytosterol esters, phytostanols or phytostanol esters:

- Foods or food ingredients with added phytosterols, phytosterol esters, phytostanols or phytostanol esters - "with added plant sterols" or "with added plant stanols".

▶ Frozen meat, frozen meat preparations and frozen unprocessed fishery products.

### Voluntary Food Information and Advertising of Food

Any food information provided **voluntarily** must meet the following criteria:

- ▶ The information and **advertising of food** must **not mislead** consumers.

1. Food information shall not be **misleading**, particularly:
  - (a) as to the characteristics of the food and, in particular, as to its nature, identity, properties, composition, quantity, durability, country of origin or place of provenance, method of manufacture or production.
  - (b) by attributing to the food effects or properties which it does not possess.
  - (c) by suggesting that the food possesses special characteristics when in fact all similar foods possess such characteristics, in particular by specifically emphasising the presence or absence of certain ingredients and/or nutrients.
  - (d) by suggesting, by means of the appearance, the description or pictorial representations, the presence of a particular food or an ingredient, while in reality a component naturally present or an ingredient normally used in that food has been substituted with a different component or a different ingredient.
2. Food information shall be accurate, clear and easy to understand for the consumer.
3. Subject to derogations provided for by Union law applicable to natural mineral waters and foods for particular nutritional uses, food information shall not attribute to any food the property of preventing, treating or curing a human disease, nor refer to such properties.

- ▶ The information must **not be ambiguous or misleading**.
- ▶ The information must, where appropriate, be **based on relevant scientific data**.

It is important that information on the presence of food additives, processing aids and other substances or products with a scientifically proven allergenic or intolerance effect should be given to enable consumers, particularly those suffering from a food allergy or intolerance, to make informed choices which are safe for them.

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*The author is Dr Rosanna Cooper of RT Coopers Solicitors. She is an expert in [regulatory law](#), in particular, [herbal medicines](#), [food law](#) and [food supplements](#). Dr Cooper is a chartered chemist and a fellow of the Royal Society of Chemistry. She may be contacted on +44 (0) 207 488 9947 or by email: [enquiries@rtcooperssolicitors.com](mailto:enquiries@rtcooperssolicitors.com). For more information on the services provided by RT Coopers on food law visit [http://www.rtcoopers.com/practice\\_foodsupplements.php](http://www.rtcoopers.com/practice_foodsupplements.php) and [http://www.rtcoopers.com/practice\\_food.php](http://www.rtcoopers.com/practice_food.php).*

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