**Revision history**

If you have any comments on the manual please contact the Food Standards Agency in Wales on tel: 029 2067 8919 email:food.policy.wales@foodstandards.gsi.gov.uk.

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<td>The manual has been amended to include Regulations on the Country of Origin of Certain Meats (Wales) Regulations 2016 and amendments to The Honey (Wales) Regulations 2016 and the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2016</td>
<td>Kerys James-Palmer</td>
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<td>Kerys James-Palmer</td>
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<td>Kerys James-Palmer</td>
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Foreword

In order to effectively enforce food standards legislation authorised officers must be familiar with the huge raft of legislation relating to food standards currently on the statute books. It is hoped that this manual will go some way to assisting officers to become more familiar with food standards legislation and associated guidance.

The aim of this manual is to provide a reference document for the wide range of food standards legislation for which the Food Standards Agency has responsibility in force in Wales and the associated codes of practice and relevant guidance notes. It is not the intention that the manual will provide a detailed account of each piece of legislation or to provide interpretation but that it will give authorised officers an insight to some of the practical applications of its enforcement and identify other sources of useful information.

It should be noted that the guidance contained within the manual serves only as a general guide. Officers should also always consult the appropriate regulations, many of which can be accessed from the legislation.gov.uk website.

The examples contained within this manual are provided for illustration only and should not be taken as an authoritative statement or interpretation of the law, as only the Courts have this power. Officers should always consult with their council’s solicitors before considering the instigation of legal proceedings.

Although the manual has been produced primarily for enforcement officers it can also be used as a guidance or reference document for food business operators.

Given the ever-evolving nature of food legislation it will be necessary to update the manual. This link will be issued on a regular basis and at least once every year.

In general, unless otherwise stated any references to legislation in the manual apply only to Wales legislation.
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Coffee Extracts and Chicory Extracts (Wales) Regulations 2001 (SI No. 1440 (W.102)) (as amended)
Condensed Milk and Dried Milk (Wales) Regulations 2003 (SI No. 3053 (W.291))
Contaminants in Food (Wales) Regulations 2013 (SI No. 2493 (W.242))
Country of Origin for Certain Meat (Wales) Regulations 2015 (SI No.1519 (W.177))

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The Products Containing Meat etc. (Wales) Regulations 2014 (No. 3087 (W.308))

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Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015 (No. 1867 (W.274))

Novel Foods and Novel Food Ingredients Regulations 1997 (No. 1335) (as amended)

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The Plastic Kitchenware (Conditions on Imports from China) (Wales) Regulations 2011 (No. 1605 (W.186))

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Section 1
Introduction and Enforcement
1.1 Introduction and Enforcement

The key piece of primary legislation dealing with Food Standards Law enforcement is:

- **The Food Safety Act 1990 (No 2990)** (as amended)

Responsibility for enforcement of the majority of the food standards, composition and labelling regulations under the Food Safety Act 1990 rests with local authorities (Section 6). Local authorities appoint authorised officers specifically in writing (Section 5 (6)), to enforce the legislation on their behalf. Separate authorisation is required for legislation made under the **European Communities Act 1972**.

The Food Safety Act 1990 is also supplemented with the **Food Law Code of Practice Wales** and **Food Law Code of Practice Guidance (Wales)**.

These documents provide detailed guidance to officers on issues such as:-

- Authorisations
- Powers of entry
- Inspection, detention and seizure of food
- Application of laws to Crown premises etc

Throughout the manual, where appropriate, references will be made to the Code of Practice and the Guidance where necessary to avoid unnecessary repetition.

1.2 Food Standards Interventions

Food standards interventions are part of the system for ensuring that food meets the requirements of food standards law, including proper presentation, labelling and advertising so as not to confuse or mislead, compliance with compositional standards, and the absence of non-permitted or excessive levels of additives, contaminants and residues.

Officers should be familiar with the requirements for food standards interventions as set out in the **code of practice**.

On completion of the inspection an officer is required to conduct a risk assessment which categorises the premises into one of three categories:-

A. **High**: Requiring intervention at least once per year
B. **Medium**: Requiring intervention at least once every 2 years
C. **Low**: Requiring an alternative enforcement strategy or intervention every 5 years
- The risk assessment is based on a score allocated under the following general headings:

  • Potential risk to consumers and other businesses
  • Extent to which the activities of a business may affect a hazard
  • Ease of compliance
  • Consumers at risk
  • Level of current compliance
  • Confidence in management/control systems.

1.3 Baseline Qualification and Competency

Before officers can be authorised to carry out food standards inspections they need to be in possession of one of a number of qualifications. Details of the baseline qualification for officers undertaking official food standards control can be found in the code of practice. The baseline qualification for officers undertaking official food standards controls is either:

  • The Higher Certificate in Food Control

Or

  • Trading Standards Qualification Framework including Diploma in Consumer Affairs and Trading Standards or Higher Diploma in Consumer Affairs and Trading Standards with food service delivery module.

There are other qualifications that can generally be considered equivalent to those set out above, a list of these qualifications can be found in the Practice Guidance.

In addition to the having the required baseline qualification (or equivalent), Officers will need to provide evidence to demonstrate that they meet the relevant competencies as laid out in the Food Law Code of Practice in order to undertake the type of function as specified in the Food Law Code of Practice.

1.4 Principles of Enforcement

Under the Code of Practice local authorities have an obligation to ensure that the actions taken by officers are reasonable, proportionate and commensurate with good practice. Except where circumstances indicate a significant risk, officers are advised to operate a gradual and educative approach, giving advice and informal action and only moving to more formal action where the informal action does not achieve the desired effect within a reasonable time period.
Correspondence should identify the statutory contraventions and remedial actions needed to secure compliance. The correspondence should also indicate the time scale suggested to achieve compliance.

1.5 Detention and Seizure of Food

Situations may arise when an officer identifies that food does not satisfy food safety requirements. In these situations Officer should have regards to the relevant section of Chapter 6 of the Food Law Code of Practice concerning Seizure and Detention and chapter 3.4 of the Food Law Practice Guidance.

1.6 Sampling of Food and Ingredients

Sampling of food, ingredients and materials and articles in contact with food is often very helpful in the completion of a comprehensive food standards inspection. In some cases it is not possible to assess the fitness or composition of a food or ingredient without having it chemically analysed. Section 6 of the Food Law Code of Practice gives a detailed account of sampling and analysis procedures.

1.7 Food Control Primary Legislation

1.7.1 The Food Safety Act 1990

The Food Safety Act sets out the framework for most food standards regulation.

The principal provisions of the Act in relation to food standards enforcement are - set out in paragraphs 1.6.1.1 to 1.6.1.3

1.7.1.1 Part I - Preliminary

Section 1 Meaning of food and other basic expressions

Section 2 Extended meaning of ‘sale’ etc

Section 3 Presumptions that food intended for human consumption

Section 4 Ministers have functions under Act

Section 5 Food authorities and authorised officers

Section 6 Enforcement of Act

1.7.1.2 Part II - Main Provisions

Food safety

Section 7 Rendering food injurious to health
Section 8 Selling food not complying with food safety requirements

Section 9 Inspection and seizure of suspect foods

Section 10 Improvement notices

Section 11 Prohibition notices

Section 12 Emergency prohibition notices and orders

Section 13 Emergency control orders

Consumer Protection

Section 14 Selling food not of the nature or substance or quality demanded

Section 15 Falsely describing or presenting food

Regulations

Section 16 Food safety and consumer protection

Section 17 Enforcement and Community provisions

Section 18 Special provisions for particular foods etc.

Section 19 Registration and licensing of food premises

Defences etc.

Section 20 Offences due to fault of another person

Section 21 Defence of due diligence

Section 22 Registration of publication in the course of business

1.7.1.3 Part III - Administration and Enforcement

Sampling and analysis etc.

Section 29 Procurement of samples

Section 30 Analysis etc. of samples

Section 31 Regulation of sampling and analysis etc.

Powers of entry and obstruction etc.

Sections 32 Powers of entry
1.7.2 The General Food Regulations 2004

These regulations implement the provisions of Regulation EC No. 178/2002 in respect of the general principles and requirements of food law.


1.7.2.1 Food Safety Requirement of 178/2002

1. Food shall not be placed on the market if it is unsafe.

2. Food shall be deemed to be unsafe if it is considered to be:

   (a) Injurious to health
   (b) Unfit for human consumption.

3. In determining whether any food is unsafe regard shall be had:

   (a) To the normal conditions of use of the food by the consumer and at each stage of production, processing and distribution, and

   (b) To the information provided to the consumer, including information on the label, or other information generally available to the consumer concerning the avoidance of specific adverse health effects from a particular food or category of foods.

4. In determining whether any food is injurious to health regard shall be had:
(a) Not only to the probable immediate and/or short term and/or long term effects of that food on the health of a person consuming it, but also on subsequent generations

(b) To the probable cumulative toxic effects

(c) To the particular health sensitivities of a specific category of consumers where the food is intended for that category of consumers.

5. In determining whether any food is unfit for human consumption, regard shall be had to whether the food is unacceptable for human consumption according to its intended use, for reasons of contamination, whether by extraneous matter or otherwise, or through putrefaction, deterioration or decay.

6. Where any food which is unsafe is part of a batch, lot or consignment of food of the same class or description, it shall be presumed that all the food in that batch lot or consignment is also unsafe, unless following a detailed assessment there is no evidence that the rest of the batch lot or consignment is unsafe.

7. Food that complies with specific community provisions governing food safety shall be deemed to be safe in so far as the aspects covered by the specific community provisions are concerned.

8. Conformity of a food with specific provisions applicable to that food shall not bar the competent authorities from taking appropriate measures to impose restrictions on it being placed on the market or to require its withdrawal from the market where there are reasons to suspect that despite such conformity the food is unsafe.

9. Where there is no specific community provision, food shall be deemed to be safe when it conforms to the specific provisions of national food law of the Member State in whose territory the food is marketed, such provisions being drawn up and applied without prejudice to the Treaty, in particular Articles 28 and 30 thereof.

The Food Safety Act is also amended by the omission of Article 7 in relation to selling of food not complying with the food safety requirement.

1.7.2.2 Presentation (Article 16)

Without prejudice to more specific provisions of food law, the labelling, advertising and presentation of food or feed, including their shape, appearance or packaging, the packaging material used, the manner in which they are arranged and the setting in which they are displayed and the information which is made available through whatever medium, shall not mislead consumers.
1.7.2.3 Traceability (Article 18)

Article 18 of EC 178/2002 relates to traceability. The food business operator must have systems and procedures in place to identify the businesses to which their products have been supplied and where their ingredients have been sourced. For this purpose food needs to be adequately labelled or identified to facilitate its traceability. Sound traceability ensures food safety and assists in enabling unsafe food to be removed from the market. The traceability process is meant to ensure that targeted and accurate withdrawals or recalls can be undertaken. Appropriate information can be given to consumers and food business operators, risk assessment can be performed by enforcement authorities and unnecessary disruption of trade can be avoided. Without prejudice to more detailed rules, Article 18, does not compel operators to establish a link between incoming and outgoing products (internal traceability), nor is there any requirement for records to be kept identifying how batches are split and combined within a business to create particular products or new batches.

Nevertheless, where appropriate, the food business operator could be encouraged to develop systems of internal traceability designed to reflect the nature of their activities (food processing, storage, distribution etc). The decision on the level of detail of internal traceability should be left with the business operator, commensurate with the nature and size of the food business.

From the 1st July 2012, the provisions set out in Regulation (EU) No. 931/2011 regarding the traceability requirements of Regulation (EC) No. 178/2002 in respect of food of animal origin will be applicable.

Regulation (EU) No. 931/2011 applies to food defined as ‘unprocessed and processed products’ in Article 2(1) of Regulation (EC) No. 852/2004. It does not apply to food which contains products of plant origin together with processed products of animal origin.

This Regulation places an obligation on food business operators to ensure that the following information concerning consignments of food of animal origin is made available to the food business operator to whom the food is supplied and, upon request, to the competent authority:

(a) an accurate description of the food;

(b) the volume or quantity of the food;

(c) the name and the address of the food business operator from which the food has been dispatched;

(d) the name and address of the consignor (owner) if different from the food business operator from which the food has been dispatched;
(e) the name and address of the food business operator to whom the food is dispatched;

(f) the name and address of the consignee (owner), if different from the food business operator to whom the food is dispatched;

(g) a reference identifying the lot, batch or consignment, as appropriate; and

(h) the date of dispatch.

The information (a to h) must be updated on a daily basis and as a minimum be kept at least until it can be reasonably assumed that the food has been consumed.

Whilst not compulsory, it would also be very helpful if details are kept of any reference or batch number enabling the product to be identified.

1.7.2.4 Product Recall (Article 19)

Under Article 19 of EC 178/2002, responsibilities are placed on food business operators to withdraw from the market food which is not in compliance with the food safety requirement where it has already left their control.

The food business operator must also notify the FSA of foods that have been placed on the market where there is an indication that it may be injurious to health.

Further guidance can be obtained from the following sites:

Europa Website

Food Standards Agency Website
Section 2
Food Labelling
Legislation notes
Section 2 – Food labelling Legislation

2.1 Food Information (Wales) Regulations 2014 (SI No 2303 (W.227)) (as amended)

2.1.1 Introduction

Following an EU-wide review of both general food and nutrition labelling legislation, the European Parliament approved the text for a new Food Information for Consumers Regulation (EU FIC) on 6 July 2011 and this was adopted by the Council of the European Union on 29 September 2011.

The Food Information for Consumers Regulation (EU FIC) No. 1169/2011 brings EU rules on general and nutrition labelling together into a single regulation to simplify and consolidate existing labelling legislation and applies in all Member States, replacing current UK law after a three-year transitional period. Most requirements applied from 13 December 2014 and nutrition labelling will become mandatory in December 2016. The Food Information (Wales) Regulations 2014 provide administrative arrangements for enforcement of EU No. 1169/2011 in Wales.

The original objectives and the core components of the current EU labelling legislation are preserved and maintained in this Regulation, along with some new requirements in order to ensure easier compliance and greater clarity for stakeholders. The legislation also takes account of new developments in the field of food information. This section highlights some of the main elements of the Regulation. It should be noted however, that some of those elements require implementing rules or guidance to be published by the Commission.

2.1.2 Food Information – Definition

The EU FIC sets out the requirements for the

- labelling,
- advertising and
- presentation of foodstuffs.

It refers to food information rather than food labelling. It states that 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”.

2.1.3 Application Dates

The EU FIC entered into force on 13 December 2011 but there was a phased introduction to its provisions.
2.1.4 Scope of the Regulations

The regulation applies to food business operators at all stages of the food chain where their activities concern the provision of food information to consumers. The rules are not intended to apply to the occasional handling or food such as church, school, village fairs or food sold by Charities which are not operating and registered as food businesses.

2.1.5 Mandatory Particulars

The principal provisions of the Regulations are to require all foods intended for the final consumer, including foods delivered by mass caterers, and foods intended for supply to mass caterers, subject to certain exceptions, to be marked or labelled with:

- The name of the food
- The list of ingredients
- Food allergens
- The quantity of certain ingredients or categories of ingredients
- Net quantity
- The date of minimum durability or the ‘use by’ date
- Any special storage conditions and/or conditions of use
- The name or business name and address of the food business operator
- The country of origin or place of provenance
- Instructions for use
- Alcohol % if greater than 1.2% vol.
- Nutrition declaration

2.2 General Labelling Requirements

2.2.1 Mandatory Requirements – Article 9

The mandatory information, set out below, is described in Article 9 of EU FIC. This needs to be read in conjunction with the additional mandatory particulars referred to in Article 10 and Annex III. In addition, other specific requirements in EU FIC, such as, minimum font size and how to present nutrition information also needs to be considered -

- The name of the food (Article 9 (a), Article 17 and Annex VI);
- A list of ingredients (Article 9 (b - c), Article 18 to 20 and Annex VII) including any ingredients or processing aid used in the manufacture or preparation of food and still present in the finished product (Article 9 (c), Article 21 and Annex II);
• The quantity of certain ingredients or categories of ingredients (Article 9 (d) and Article 22);
• The net quantity of food (Article 9 (e), Article 23 and Annex IX)
• The date of minimum durability or the 'use by' date (Article 9 (f), Article 24 and Annex X);
• Any special storage conditions or conditions of use (Article 9 (g), and Article 25);
• The name or business name and address of the manufacturer or packer or of a seller established within the European Community (Article 9 (h));

And in certain cases -
• Particulars of the place of origin or provenance of the food (Article 9 (i) and Article 26)
• Instructions for use (Article 9 (j) and Article 27);
• with respect to beverages containing more than 1.2 % by volume of alcohol, the actual alcoholic strength by volume (Article 9 (k), Article 28 and Annex XII);
• A nutrition declaration (Article 9 (l) and Articles 29 to 35)

Additional labelling requirements such as allergen labelling will be covered later in this section.

2.2.2 Name of the Food – Article 17

Where there is a name laid down by law i.e. a prescribed name, this must be used. If not, a customary name may be used. If there is no customary name, or it is not used, a descriptive name must be used. The name should be sufficiently precise to inform a purchaser of the true nature of the food and to enable the food to be distinguished from products with which it could be confused. The name of a food may consist of a name, a description, or both.

2.2.2.1 Prescribed Name

A name may be prescribed by either European Community law or, in the absence of such law, by law in Wales. Where a name prescribed by law exists (a legal name), that name must be used for a food. The name may be qualified by additional words which make it more precise. For example, EC Regulations on spreadable fats require names like ‘butter’ or ‘margarine’ to be used for
particular product categories. Other examples include jam, honey and fish for which there are specific EU provisions.

2.2.2.2 Reserved Descriptions

In the case of some foods, there are compulsory product names that must be used for foods meeting certain composition criteria, e.g. the reserved descriptions for foods such as coffee, chocolate, jam and sugar. These names constitute legal names for the purposes of Article 17 of the EU FIC.

2.2.2.3 Customary Name

Where there is no legal name for a food a customary name may be used. Customary names are names which, in time, come to be accepted by consumers in the UK, or in particular areas of the UK, as the name of the food without it needing any further explanation. Some examples are ‘fish fingers’ and ‘Bakewell tart’. Some names of foreign origin, such as ‘muesli’ and ‘spaghetti’ have also become customary names in the UK generally.

A name which is customary in a particular area (e.g. lavar bread) might not be understood on its own if it is used as the name for the same food when it is sold outside that area. The business will need to consider whether or not supplementary information describing what the food is (see paragraph 2.2.2.4) needs to be provided. A fancy name, with an accompanying description, may (in time) become acceptable as a customary name, possibly without the necessity of an accompanying description. Article 17(4) of the EU FIC sets out that the name of a food shall not be replaced with a name protected as intellectual property, brand name or fancy name.

2.2.2.4 Descriptive Name

If there is no customary name, or it is not used, a descriptive name must be used. The descriptive name must not be misleading. For example in the case of a ‘Cheese and Tomato Quiche’, the term ‘Quiche’ is not sufficiently precise to inform the purchaser of the true nature of the food. The name of the food would, therefore, need to be accompanied by the descriptive name for example ‘cheese, tomato with egg encased in short crust pastry’.

2.2.2.5 Treatments and Physical Conditions of Food (Annex VI)

Further requirements on how the name of the food should be described are set out in Annex VI. There are requirements to give the particulars of any physical process the food has undergone where the absence of such information might mislead. Where the food has been frozen and subsequently defrosted, this information needs to be given except in specific circumstances. This requirement shall not apply to the following:
a) ingredients present in the final product;
b) foods for which freezing is a technologically necessary step of the production process;
c) foods for which the defrosting has no negative impact on the safety or quality of the food.

To determine if the omission of the information might mislead, the whole of the selling environment needs to be taken into account.

2.2.2.6 **Use of substitute ingredients**

If a substitute ingredient is used in a dish expected to be made from a specific ingredient, then the name of the substitute ingredient must be in close proximity to the name of the product e.g. parsley pesto sauce. There are further requirements concerning the font size. (Annex VI (4)(b)).

2.2.2.7 **Meat products, meat preparations and fishery products containing added proteins**

Where added proteins and/or hydrolysed proteins such as albumin, collagen or casein are used in the production of any meat preparations, meat products or fishery products and are of a different animal species to the original food, then these proteins need to be included in the name of the food together with the name of the animal species from which they are derived. For example if a pork pie was made with added bovine collagen then it would be called a “Pork pie with added beef collagen”.

2.2.2.8 **Formed Meat**

When meat products, meat preparations and fishery products have the appearance of a whole piece of meat or fish but are a combination of different pieces of meat (or fish) combined together, then the words ‘formed meat’ or ‘formed fish’ must accompany the name of the food.

2.2.2.9 **Protected Food Names (Protected Designation of Origin – PDO, Protected Geographical Indication – PGI and Traditional Speciality Guaranteed – TSG)**

It is important to be aware that certain food names are protected within the European Community. These products must meet the requirements of the registered specification and be subject to verification inspections in order to use the protected name and carry the PDO, PGI or TSG designations and accompanying EU logo. The rules for these quality schemes are laid down in Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs.
The designations under the EU Protected Food Name scheme are:

- Protected Designation of Origin (PDO) – these products must be **produced, processed and prepared** with features and characteristics due to the geographical area.

- Protected Geographical Indication (PGI) - products produced or processed or prepared and have features or certain qualities attributable to a geographical area.

- Traditional Speciality Guaranteed (TSG) - does not refer to the products origin but highlights traditional character, either in the composition or means of production.

Examples of Wales PGI designations include:
- Welsh Lamb
- Welsh beef
- Anglesey Sea Salt

**EU database of PDO, PGI, and TSGs**

The EU Database of Origin and Registration (DOOR) lists the progress of PFN applications received by the European Commission and provides a link to the relevant documents for registered products:

EU DOOR Database

European Commission Website

Since 2009 legal requirements for use of the terms ‘Protected Designation of Origin’, 'Protected Geographical Indication', or ‘Traditional Speciality Guaranteed’ and/or the appropriate logo associated with the designation came into force. These are required to appear on the product label and accompany the registered name.

With effect from **4 January 2016**, use of the logo will be compulsory for products marketed as registered PDO/PGI/TSGs. The logo must appear in the same field of vision as the registered name. The terms 'Protected Designation of Origin', 'Protected Geographical Indication', or 'Traditional Speciality Guaranteed' or the corresponding abbreviations ‘PDO’, ‘PGI’, or ‘TSG’ may be used in addition to the logo.

Further information on the scheme can be found on the Department of Environment, Food and Rural Affairs website and the Europa website:

https://www.gov.uk/protected-food-names-guidance-for-producers

http://ec.europa.eu/agriculture/quality/
2.2.2.10 Additional Specific Requirements with regard to the Name of a Food

- Trademarks, Brand Names or Fancy Names (Article 17(4))
- Trademarks, brand names or any fancy names cannot be substituted for the name of a food, but may be used in addition to it.
- Processes and treatments (Article 17(5) and Annex VI), Dried, Frozen, Pasteurised etc.

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) For example, milk that has been ‘pasteurised’, ‘sterilised’, ‘condensed’, ‘UHT’ treated, should indicate this on the label. In addition, other descriptions may apply, e.g. ‘homogenised’.

_Irradiated Foods (Annex VI (3))_

Point 3 of Part A of Annex VI to the EU FIC requires that foods treated with ionising radiation are labelled with the words ‘irradiated’ or ‘treated with ionising radiation’ as stated in Directive 1999/2/EC concerning foods and food ingredients treated with ionising radiation. Where an irradiated product is used as an ingredient in another product, the same words must accompany its designation in the list of ingredients.

For irradiated foods, or foods containing an irradiated ingredient, which are sold in bulk (for example non-prepacked foods), the same words must appear together with the name of the product on a display or notice above or beside or on the container in which the products are placed.

The requirement to indicate that an ingredient has been irradiated applies even in the case of compound ingredients where the inclusion of the ingredient in the list of ingredients would otherwise not be required under the provisions of point 2 of Part E of Annex VII to the EU FIC.

These provisions apply to the labelling of irradiated foods intended for either the ultimate consumer or catering establishments. The Food Irradiation (Wales) Regulations 2009 (SI No 1795 (W.162)), as amended, provide requirements on the documentation for irradiated foods which are not ready for the ultimate consumer or catering establishment as well as other restrictions on the sale of irradiated food.

_Meat products, preparations containing added water (Annex VI Point 6)_

In the case of meat products and meat preparations which have the appearance of a cut, joint, slice, portion or carcase of meat, the name of the food shall include an indication of the presence of added water if the added water makes up more than 5% of the weight of the finished product. The same rules shall
apply in the case of fishery products and prepared fishery products which have the appearance of a cut, joint, slice, portion, filet or of a whole fishery product.

**Name and compositional requirements for minced meat**
The EU FIC requires minced meat to conform with specific standards for fat content and collagen/meat protein.

Composition criteria checked on the basis of a daily average:

<table>
<thead>
<tr>
<th></th>
<th>Fat content</th>
<th>Collagen/meat protein ratio¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lean minced meat</td>
<td>≤ 7 %</td>
<td>≤ 12 %</td>
</tr>
<tr>
<td>Minced pure beef</td>
<td>≤ 20 %</td>
<td>≤ 15 %</td>
</tr>
<tr>
<td>Minced meat containing pigmeat</td>
<td>≤ 30 %</td>
<td>≤ 18 %</td>
</tr>
<tr>
<td>Minced meat of other species</td>
<td>≤ 25 %</td>
<td>≤ 15 %</td>
</tr>
</tbody>
</table>

(1) The collagen/meat protein ratio is expressed as the percentage of collagen in meat protein. The collagen content means the hydroxyproline content multiplied by a factor of 8.

Only these descriptions may be used when the product complies with the compositional standard. Products which are so described must also have on the label a declaration of:

(a) percentage of fat content under…’
(b) collagen/meat protein ratio under…’

Products may be sold on the national market which does not meet compositional requirements provided the labelling clearly shows:

(a) a square followed with a statement “for the UK market only”
(b) details percentage of fat content and collagen/meat protein ratio.

**Sausage Casings**
If a sausage casing is not edible, this must be indicated.

**Use of terms such as fresh, pure, natural**
The FSA has produced guidance notes on a number of specific terms used to describe foods to assist:

- Manufacturers, producers, retailers and caterers to decide when these descriptions could be used
- Enforcement authorities to challenge inappropriate uses
- Consumers, by adopting consistent, transparent labelling Issues
The terms include references to descriptive words such as:

- Fresh, Natural, Pure, Traditional, Original, Authentic, Home-made, Farmhouse. Such terms should not be applied to foods that have been subject to some form of processing or treatment.

FSA Guidance Notes - Criteria for the use of the terms fresh, pure, natural etc. in food labelling

2.2.3 List of Ingredients

2.2.3.1 Foods which do not require a list of ingredients

The majority of manufactured foods are required to have a list of ingredients, however, Article 19 of EU FIC lists a number of exemptions to this requirement:

(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 (e.g. buttermilk) 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.

Other foods may be exempt from having a list of ingredients because of the conditions in which they are sold e.g., in small packages (less than 10 cm²) or pre-packed for direct sale (Article 16). However, in the case of packaging or containers the largest surface of which has an area of less than 10 cm² only the following particulars listed in Article 9(1) shall be mandatory on the package or on the label:

- Name of the food
- Allergenic ingredients
- Net quantity
• Minimum durability or ‘use by’ date

A list of ingredients shall be provided through other means or shall be made available at the request of the consumer.

Where an ingredient list is provided voluntarily for any of the foods that are exempt, then the list of ingredients must comply with the requirements of EU FIC.

2.2.3.2 Heading of list of ingredients (Article 18 (1))

The list of ingredients must be preceded or headed by the word ‘ingredients’ or a sentence heading which would include the word ‘ingredients’. Abbreviations such as ‘ing’ are unacceptable.

2.2.3.3 Order of ingredients (Article 18)

Where a food is marked or labelled with a list of ingredients, the ingredients have to be listed in descending order of weight at the time of their use in the preparation of the food e.g. (the mixing bowl stage).

The following are a number of exemptions (listed in Annex VII) to this requirement:

<table>
<thead>
<tr>
<th>Category of ingredient</th>
<th>Provision concerning indication by weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Added water and volatile products</td>
<td>Shall be listed in order of their weight in the finished product. The amount of water added as an ingredient in a food shall be calculated by deducting from the total amount of the finished product the total amount of the other ingredients used. This amount shall not be required to be taken into consideration if it does not exceed 5% by weight of the finished product. This derogation does not apply to meat, meat preparations, unprocessed fishery products and unprocessed bivalve molluscs</td>
</tr>
<tr>
<td>2. Ingredients used in concentrated or dehydrated form and reconstituted at the time of manufacture</td>
<td>May be listed in order of weight as recorded before their concentration or dehydration</td>
</tr>
<tr>
<td>3. Ingredients used in concentrated or dehydrated foods, which are intended</td>
<td>May be listed in order of proportion in the reconstituted product provided that the list</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>4.</td>
<td>Fruit, vegetables or mushrooms, none of which significantly predominates in terms of weight and which are used in proportions that are likely to vary, used in a mixture as ingredients of a food. May be grouped together in the list of ingredients under the designation ‘fruit’, ‘vegetables’ or ‘mushrooms’ followed by the phrase ‘in varying proportions’, immediately followed by a list of the fruit, vegetables or mushrooms present. In such cases, the mixture shall be included in the list of ingredients in accordance with Article 18(1), on the basis of the total weight of the fruit, vegetables or mushrooms present.</td>
</tr>
<tr>
<td>5.</td>
<td>Mixtures of spices or herbs, where none significantly predominates in proportion by weight. May be listed in different order provided that that list of ingredients is accompanied by an expression such as ‘in variable proportion’.</td>
</tr>
<tr>
<td>6.</td>
<td>Ingredients constituting less than 2% of the finished product. May be listed in a different order after the other ingredients.</td>
</tr>
<tr>
<td>7.</td>
<td>Ingredients, which are similar or mutually substitutable, likely to be used in the manufacture or preparation of a food without altering its composition, its nature or its perceived value, and in so far as they constitute less than 2% of the finished product. May be referred to in the list of ingredients by means of the statement ‘contains … and/or …’, where at least one of no more than two ingredients is present in the finished product. This provision shall not apply to food additives or to ingredients listed in Part C of this Annex, and to substances or products listed in Annex II causing allergies or intolerances.</td>
</tr>
</tbody>
</table>
| 8. | Refined oils of vegetable origin. May be grouped together in the list of ingredients under the designation ‘vegetable oils’ followed immediately by a list of indications of specific vegetable origin, and may be followed by the phrase ‘in varying proportions’. If grouped together, vegetable oils shall be included in the list of ingredients in accordance with Article 18(1), on the basis of the total weight of the vegetable oils present. The expression ‘fully hydrogenated’ or ‘partly hydrogenated’, as appropriate, must accompany the indication of a
hydrogenated oil

9. Refined fats of vegetable origin
May be grouped together in the list of ingredients under the designation ‘vegetable fats’ followed immediately by a list of indications of specific vegetable origin, and may be followed by the phrase ‘in varying proportions’. If grouped together, vegetable fats shall be included in the list of ingredients in accordance with Article 18(1), on the basis of the total weight of the vegetable fats present. The expression ‘fully hydrogenated’ or ‘partly hydrogenated’, as appropriate, must accompany the indication of a hydrogenated fat.

Note – Reference to “vegetable origin” refers to the type of vegetable oil e.g. from Palm, Rape/Sunflower or other sources.

2.2.3.4 Omission of constituents of food from the list of ingredients (Article 20)

Article 20 of EU FIC provides exemptions for ingredients that do not need to be named in a list of ingredients. These are:

(a) an ingredient which have been temporarily separated during the manufacturing process;

(b) food additives and food enzymes;

(c) carriers and substances which are not food additives;

(d) substances which are not food additives but are used in the same way;

(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.

In previous guidance in the Food Labelling Regulations it was noted that abbreviating is not acceptable in the labelling of food. This would be supported by Article 18(2) which requires the name used for an ingredient to be a name which could be used for it if it was being sold as a food by itself. Abbreviations for ingredients are unacceptable e.g. ‘bic soda’. The correct name would be
‘bicarbonate of soda’. The use of the term ‘flour’ or ‘plain flour’ also needs to be expanded bearing in mind the need to draw attention to allergens e.g. ‘Wheat flour’. In addition, since flour in the UK is fortified, under EU FIC it would be regarded as a compound food and would need to have the fortified substances appear in brackets after the word “wheat flour”. For example, ‘wheat flour (calcium, iron, niacin and thiamine)’.

2.2.3.5 Designation of ingredients by food category name

Annex VII Part B defines 18 categories of food ingredient for which specific designations are identified.

<table>
<thead>
<tr>
<th>Definition of category of food</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Refined oils of animal origin</td>
<td>‘Oil’, together with either the adjective ‘animal’, or the indication of specific animal origin. The expression ‘fully hydrogenated’ or ‘partly hydrogenated’, as appropriate, must accompany the indication of a hydrogenated oil</td>
</tr>
<tr>
<td>2. Refined fats of animal origin</td>
<td>‘Fat’, together with either the adjective ‘animal’ or the indication of specific animal origin. The expression ‘fully hydrogenated’ or ‘partly hydrogenated’, as appropriate, must accompany the indication of a hydrogenated fat</td>
</tr>
<tr>
<td>3. Mixtures of flour obtained from two or more cereal species</td>
<td>‘Flour’, followed by a list of the cereals from which it has been obtained, in descending order by weight</td>
</tr>
<tr>
<td>4. Starches, and starches modified by physical means or by enzymes</td>
<td>‘Starch’</td>
</tr>
<tr>
<td>5. All species of fish where the fish constitutes an ingredient of another food and provided that the name and presentation of such food does not refer to a specific species of fish</td>
<td>‘Fish’</td>
</tr>
<tr>
<td>6. All types of cheese where the cheese or mixture of cheeses constitutes an ingredient of another food and provided that the name and presentation of such food does not refer to a specific type of cheese</td>
<td>‘Cheese’</td>
</tr>
<tr>
<td>7. All spices not exceeding 2 % by weight of the food</td>
<td>‘Spice(s)’ or ‘mixed spices’</td>
</tr>
</tbody>
</table>
8. All herbs or parts of herbs not exceeding 2% by weight of the food

9. All types of gum preparations used in the manufacture of gum base for chewing gum

10. All types of crumbed baked cereal products

11. All types of sucrose

12. Anhydrous dextrose or dextrose monohydrate

13. Glucose syrup and anhydrous glucose syrup

14. All types of milk protein (caseins, caseinates and whey proteins) and mixtures thereof

15. Press, expeller or refined cocoa butter


17. Skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue, where the total fat and connective tissue content does not exceed the values indicated below and where the meat constitutes an ingredient of another food.

### Maximum fat and connective tissue contents for ingredients designated by the term ‘... meat’

<table>
<thead>
<tr>
<th>Species</th>
<th>Fat content</th>
<th>Collagen/meat protein ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>— Mammals (other than rabbits and porcines) and mixtures of species with mammals predominating,</td>
<td>25 %</td>
<td>25 %</td>
</tr>
<tr>
<td>— Porcines,</td>
<td>30 %</td>
<td>25 %</td>
</tr>
<tr>
<td>— Birds and rabbits,</td>
<td>15 %</td>
<td>10 %</td>
</tr>
</tbody>
</table>

(1) The collagen/meat protein ratio is expressed as the percentage of collagen in meat protein. The collagen content means the hydroxyproline content multiplied by a factor of 8.
If these maximum limits are exceeded, but all other criteria for the definition of ‘meat’ are satisfied, the ‘… meat’ content must be adjusted downwards accordingly and the list of ingredients must mention, in addition to the term ‘… meat’, the presence of fat and/or connective tissue. The products covered by the definition of ‘mechanically separated meat’ are excluded from this definition.

<table>
<thead>
<tr>
<th>18. All types of products covered by the definition of ‘mechanically separated meat’</th>
<th>‘mechanically separated meat’ and the name(s) of the animal species from which it comes</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) The diaphragm and the masseters are part of the skeletal muscles, while the heart, tongue, the muscles of the head (other than the masseters), the muscles of the carpus, the tarsus and the tail are excluded.</td>
<td></td>
</tr>
<tr>
<td>(3) For labelling in English, this designation may be replaced by the generic name of the ingredient for the animal species concerned.</td>
<td></td>
</tr>
</tbody>
</table>

### 2.2.3.6 Flavouring (Annex VII part D)

Flavourings shall be designated either by the terms:

- ‘flavouring(s)’ or by a more specific name or description of the flavouring if the flavouring component contains flavourings as defined in points (b), (c), (d), (e), (f), (g) and (h) of Article 3(2) of Regulation (EC) No 1334/2008,

- ‘smoke flavouring(s)’. |

The term ‘natural’ for the description of flavourings shall be used in accordance with Article 16 of Regulation (EC) No 1334/2008.

Quinine and/or caffeine used as a flavouring shall be mentioned by name in the list of ingredients immediately after the term ‘flavouring(s)’.

### 2.2.3.7 Additives listing (Article 20 and Annex VII Part C)

Additives are substances not normally consumed as a food or as a characterising ingredient of a food. They are added to food to serve a technological function and thereby become either directly or indirectly a component of the food.

Additive categories
<table>
<thead>
<tr>
<th>Ingredient</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acid</td>
<td>Foaming agent</td>
</tr>
<tr>
<td>Acidity regulator</td>
<td>Gelling agent</td>
</tr>
<tr>
<td>Anti-caking agent</td>
<td>Glazing agent</td>
</tr>
<tr>
<td>Anti-foaming agent</td>
<td>Humectant</td>
</tr>
<tr>
<td>Antioxidant</td>
<td>Modified starch(^2)</td>
</tr>
<tr>
<td>Bulking agent</td>
<td>Preservative</td>
</tr>
<tr>
<td>Colour</td>
<td>Propellant gas</td>
</tr>
<tr>
<td>Emulsifier</td>
<td>Raising agent</td>
</tr>
<tr>
<td>Emulsifying salts(^1)</td>
<td>Sequestrant</td>
</tr>
<tr>
<td>Firming agent</td>
<td>Stabiliser</td>
</tr>
<tr>
<td>Flavour enhancer</td>
<td>Sweetener</td>
</tr>
<tr>
<td>Flour treatment agent</td>
<td>Thickener</td>
</tr>
</tbody>
</table>

(1) Only for processed cheeses and products based on processed cheeses.
(2) The specific name or E number shall not be required to be indicated.

EU FIC requires that, where an additive is added or used in a food to serve the function of one of the categories of additives in Annex VII, it must be identified by the category name followed by the additives specific name or serial number (e.g. colour E124).

Although the category names listed in Annex VII Part C are shown in the singular (e.g. ‘preservative’), this does not prevent additives which perform the same function in a food from being grouped together for ingredient listing purposes (e.g. preservatives: x, y and z, colours: a, b and c...).

Any other additive which is added to or used in a food that is not a flavouring and does not serve a function of one of the categories in Annex VII Part C must be identified by its specific name.

There is no longer a requirement to indicate additives for food sold non-prepacked or prepacked for direct sale. This would include the six Southampton colours, which will no longer need to be declared on a notice or a ticket at point of sale.

**‘Specific Names’ and ‘Serial Numbers’ for Additives**

Details of these can be found in the annexes of:

- Regulation EC 1333/2008 on food additives that re-enact the annexes of Directive 95/2, 94/35 and 94/36
- Regulation EC 1332/2008 on food enzymes

**Specific Name used for an Additive**

Where the specific name of an additive is to be given in the ingredients list, the name used should be one which is set out in the annexes to the aforementioned directives that are enacted in national legislation by the Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013.
A summary name which appears in one of the annexes may be used in place of a more specific name provided that the latter does not have its own serial numbers (e.g. ‘carotene’ may be used for ‘mixed carotenes’; ‘sorbitol’ may be used for ‘sorbitol syrup’; ‘sodium citrate’ may be used for ‘disodium citrate’; ‘potassium phosphate’ may be used for ‘tripotassium phosphate’).

The FSA Food Labelling Guidance Notes provide recommendations on the wording of certain specific additive names. If a name which appears in one of the annexes is preceded by a bracketed letter or Roman numeral (e.g. (ii) ‘Beta carotene’; (i) ‘Sorbitol’; (i) ‘Monosodium citrate’), this need not be given as part of the name.

In the case of miscellaneous additives, where an alternative to the specific name is given in brackets in one of the annexes this may be used in place of the specific name (e.g. ‘polysorbate 20’ instead of ‘Polyoxyethylene sorbitan monolaurate’).

In the case of miscellaneous additives being phosphates, the names ‘Diphosphates’, ‘Triphosphates’ and ‘Polyphosphates’ are acceptable as specific names for the phosphates covered by the serial numbers E450, E451 and E452 respectively. They should not be used for the phosphates covered by serial numbers E338, E339, E340, E341 and E343.

Synonyms or acronyms which are not included in the relevant schedule should not be used as alternatives to the specific name.

• **Serial Number used for an Additive**

Where the serial number of the additive is to be given in the ingredients list the number used should be one which appears in the column headed ‘E' No' in Annex II to EC Regulation 1333/2008.

Although some ingredients, such as sugar, coffee, salt, banana, concentrated fruit juice, vinegar etc., may serve sweetening, colouring, preserving, flavouring and other ‘additive’ functions, these do not need to be accompanied by a category name in the ingredients list because they are not ‘additives’ as defined by the regulations.

Other substances which might appear to fall within the definition of ‘additive’ but which are not considered to be additives include:

- Vitamins, minerals or other nutrients used solely for the purpose of fortifying or enriching food, or for restoring the constituents of food;

- Any substance present in a food as a result of its addition to animal, bird or fish feedingstuff and
- Any substance present in food as a result of its use in a process or treatment carried out in crop or animal husbandry, or storage (including any pesticide, fumigant, sprout suppressant or veterinary medicine).

- **Carry-over Additive (Article 20 (b)(i)) and Annex VII Part C**

  ‘Carry over additives’ are additives which are present in a food because they were contained in an ingredient of that food (e.g. the preservative in a sponge finger used to make a trifle). If they perform a significant technological function in the final food, they must be listed as ingredients of that food. If they do not perform a significant technological function in the final food, they do not have to be listed as ingredients of that food. In determining the role of technological function in a food, consideration must be given to the nature of the ingredient which contains the additive and the food in which that ingredient is used. For example, the preservative(s) which may have been used in a fruit puree will not necessarily be performing that function once the puree has been added to a pie which has then been baked, or in yoghurt which has then been pasteurised.

  This exemption does not apply to the allergenic ingredients listed in Schedule AA1 or their derivatives.

- **Processing Aids (Article 20 (b ii))**

  A processing aid is any substances not consumed as a food by itself, intentionally used in the processing of raw materials, foods or their ingredients, to fulfil a certain technological purpose during treatment or processing, and which may result in the unintentional but technically unavoidable presence of residues of the substance or its derivatives in final product, provided that the residues do not present any health risk and do not have any technological effect on the finished product. They do not generally have to be listed as ingredients, except where the processing aid is an allergenic ingredient listed in Annex II or its derivative. However, if the processing aid leaves residues which perform a technological function in the food in which they have been used, they must be considered to be additives and are then subject to the same requirements that apply to other additives. (Regulation EC 1333/2008)

**2.2.3.8 Compound Ingredients (Annex VII Part E)**

A compound ingredient is an ingredient of the food that is made up itself of two or more ingredients e.g. mayonnaise, bread, biscuit. The name of the ingredients of the compound ingredient must be given in the list of ingredients of the food. The name of the compound ingredient may be given in addition to its ingredients. Where the name of the compound ingredient is given the names of its ingredients must immediately follow in such a way to make it clear that they are ingredients of that compound ingredient (e.g. ‘mayonnaise, (eggs, oil, water, salt’). In this case the compound ingredient will be listed in descending order of weight of the food followed immediately with its ingredients.
Where the names of the ingredients only are given, these ingredients must be listed individually in descending order of weight of the ingredients of the food. In this case there may be repetition of the ingredients in the list of ingredients of the food, e.g. sugar may be an ingredient of the food and it may also be contained in the ingredients of a compound ingredient forming part of that food.

The following categories are where the ingredients of a compound ingredient do not require to be listed:

(a) the composition of the compound ingredient is defined and constitutes less than 2% of the finished product;

(b) the compound ingredients consists of mixtures of spices and/or herbs that constitute less than 2% of the finished product; or

(c) the compound ingredient is a food for which a list of ingredients is not required

2.2.4 Quantitative Indication of Certain Ingredients or Categories of Ingredients (QUID)

2.2.4.1 Quantitative Ingredient Declarations Article 22 and Annex VIII

Article 22 specifies the requirement to quantify certain ingredients or categories of ingredients. In general this applies where;

(1) The ingredient or category of ingredients appears in the name of the food or is usually associated with the name by the consumer.

(2) The ingredient or category of ingredients is emphasised on the labelling words, pictures or graphics, or

(3) The ingredient or category of ingredients is essential to characterise a food and distinguish it from products where it might be confused.

2.2.4.2 Scope of the QUID Requirement

QUID principally applies to all food, including drink, with more than one ingredient. The requirements contain some exemptions:

The requirements do not apply to products not otherwise covered by FIC.

• Foods not required to carry an ingredients list are not in principle exempt from QUID declarations. Such foods will not have to provide an ingredients list even if a QUID declaration is given,
• The requirements do not affect the labelling of non pre-packed and pre-packed for direct sale foods (including those sold at catering establishments), food sold in small packages or certain indelibly marked glass bottles, or the information provided on the front of vending machines,

• A QUID declaration will not apply to constituents naturally present in foods which have not been added as ingredients. Examples are caffeine (in coffee), vitamins and minerals (in fruit juice),

• A QUID declaration will not apply to foods which, although mentioned in the name of a food, have not been used in its manufacture or preparation, examples are ‘cream cracker’ - a customary name used to describe a dry biscuit which never contains cream, or ‘chicken flavour crisps’ - where the chicken flavour comes from one or more ingredients which are not chicken.

2.2.4.3 Products to which the Quid requirements do not apply

There are exemptions to this requirement. These are:

(a) In respect of an ingredient or category of ingredients -

- The drained net weight which is indicated in accordance with point 5 of Annex IX, e.g. tinned carrots in brine.

- The quantities of which are already required to be given on the labelling under other Union provisions (i.e. fruit juices and similar products, fruit jams, jellies, marmalades and chestnut puree and spreadable fats).

- Ingredients which are used in small quantities for the purposes of flavouring.

- Though it appears in the name of the food the quantity of the ingredient does not govern consumer choice as the ingredient is not essential to characterise the food. e.g. products, such as pickles and sauces, which are highly processed and in which it is only the spices and/or flavourings which are likely to distinguish one product from another.

(b) Where specific Union provisions stipulate precisely the quantity of an ingredient or a category of ingredients, without providing for the indication of such on the label. Currently there are no foodstuffs in the UK which fall within this category.

(c) In the cases referred to in point 4 and 5 of Part A of Annex VII, foods which contain either a mixture of vegetables, fruit, mushrooms, or
mixtures of spices or herbs and not one ingredient predominates significantly by weight.

(d) The requirements of (1) and (2) given above shall not apply to:

- Any ingredient or category of ingredients covered by the indication 'with sweetener(s)' or 'with sugar(s) and sweeteners(s)' if that indication is required to accompany the name of the food; or

- Any added vitamin or mineral if that substance is the subject to a nutritional declaration to the food in question, i.e. those vitamins and minerals in point 1 of Part A of Annex XIII and present in significant amounts as defined in Part 2 of Part A of Annex XIII.

The indication of quantity of an ingredient or category of ingredients must be expressed as a percentage. The percentage must be calculated at the time of use in the preparation of the food and needs to be indicated in or next to the name of the food or in the list of ingredients adjacent to the ingredient or category of ingredients in question.

2.2.4.4 Formula used to calculate QUID

• For foods that require further processing

\[
\text{QUID} \% = \frac{\text{Wt. Ingredients at mix bowl}}{\text{Total Wt. Of all ingredients at mixing bowl}} \times 100
\]

• For foods that have been thermally processed

\[
\text{QUID} \% = \frac{\text{Wt. Ingredients at mix bowl}}{\text{Total Wt. After product processing}} \times 100
\]

Exemptions to the requirement to express the ingredient as determined at the time of use in the preparation of the food are:

(a) Where the food has lost moisture as a result of treatment, e.g. baking, cooking. The percentage should be calculated as the quantity of the ingredient at the mixing bowl stage expressed as a percentage of the weight of the finished product. Where the total quantity of the ingredient indicated exceeds 100%, the indication of quantity should be based on the weight of ingredient or category of ingredients used to prepare 100 grams of the finished product.

(b) A declaration for a volatile ingredient must be based on the basis of its proportion by weight in the finished product.
(c) A declaration of an ingredient which has been used in concentrated or dehydrated form and which is reconstituted during preparation of the food, it may be on the basis of its preparation by weight before concentration or dehydration.

(d) Where the food is in a concentrated or dehydrated form and it is intended to be reconstituted by the addition of water as on the label, the declaration of its proportion by weight in the food when reconstituted as directed, e.g. dried soup mixes.

2.2.4.5 Position of QUID declaration (Annex VIII (3) (b))

The declaration must appear either in or next to the name of the food, or in the product ingredient list beside the ingredient or category of ingredient. A more detailed account of the application of the QUID rules is provided in the Agency guidance.

The official FSA guidance notes on Quantitative ingredient declarations (QUID)

The guidance includes details on

• the practical implications of this requirement and provide extensive guidance on their implementation
• when to make QUID declarations
• position of QUID declaration
• circumstances when QUID is triggered
• manner of expressing QUID
• calculations of QUID

European Commission guidance for implementing the principle of QUID.

While this guidance was first published in 1998 and some of the legislation referred to has been repealed, the general principles remain valid.

2.2.5 Appropriate Durability Indication

2.2.5.1 Date marking provisions (Article 24 and Annex X))

The majority of prepacked foods are required to have an indication of minimum durability. There are however exemptions which are set out in Annex X to the EU FIC. These are:
- Fresh fruit or vegetables including potatoes that have not been peeled, cut or similarly treated. This derogation shall not apply to sprouting seeds and similar products such as legume sprout.

- Wine, liqueur wine, sparkling wine, aromatised wine and any similar products obtained from fruit other than grapes and beverages falling into CN Code 220600 obtained from grapes or grapes musts.

- Any drink with an alcoholic strength by volume of 10% or more.

- Baker’s or pastry cook’s wares which given the nature of their content are normally consumed within 24 hours of preparation.

- Vinegar

- Cooking salt

- Solid sugar

- Confectionary products consisting almost solely of flavoured and/or coloured sugars.

- Chewing gums and similar chewing products

There are two types of durability indication for prepacked foods:

- Best before: will be appropriate to most foods and indicates the period for which a food can reasonably be expected to retain its optimum condition (e.g. it will not be stale), if stored properly; and

- Use by: is the required form of date mark only for those foods that are highly perishable after a short period to constitute an immediate danger to human health. The food should be consumed by the end of the date given.

Food on sale after the “use by “date is ‘deemed’ to be unsafe under Article 14(2) to (5) of Regulation (EC) No 178/2002. There is no obligation on enforcement officers to prove that the food is unsafe in order to prosecute an offence under the General Food Regulations 2004 (SR 2004 No. 3279 (as amended)).

The Defra/ FSA guidance on date marking guidance issued in September 2011 still applies. This can be found here


**2.2.5.2 Form used for the ‘best before’ date mark Article 24(2) and Annex X**
The best before date mark consists of the words best before and the date in terms of the day, month and year as shown in the table below:

<table>
<thead>
<tr>
<th>Shelf Life</th>
<th>Form of Date Mark</th>
</tr>
</thead>
<tbody>
<tr>
<td>for foods expected to keep for 3 months or less:</td>
<td>the words best before may be followed by the date in terms of the day and month</td>
</tr>
<tr>
<td>for foods expected to keep for more than 3 months but no longer than 18 months:</td>
<td>the date mark may be given in the form best before end and the date in terms of the month and year</td>
</tr>
<tr>
<td>for foods expected to keep for more than 18 months:</td>
<td>the date mark may be shown as best before end followed by the date in terms of the year only</td>
</tr>
</tbody>
</table>

If need be, these particulars shall be followed by a description of the storage condition which must be observed if the product is to keep for the specified period.

2.2.5.3 **Form used for the ‘use by’ date mark Article 24(2) and Annex 10**

The use by date mark must consist of the words use by and the date in terms of either:

- the day and the month, or
- the day, month and year

and, in either case, should be accompanied by any storage conditions which must be observed. e.g. 'Keep refrigerated - store at 5 degrees centigrade'.

2.2.5.4 **Flexibility in application Article 24(2) and Annex X**

The actual date, and/or any storage conditions given as part of the date marking requirement, may appear separately from the words best before, best before end or use by provided these words are followed by a reference to the place where the date and/or any storage conditions appear(s) (e.g. Best before end: see side of pack).
2.2.5.5 Foods that should carry a ‘Use By’ Date

In the case of foods which, from a microbiological point of view, are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health, the date of minimum durability shall be replaced by the ‘use by’ date. After the ‘use by’ date a food shall be deemed to be unsafe in accordance with Article 14(2) to (5) of Regulation (EC) No 178/2002.

2.2.5.6 Storage conditions given with the date mark (Article 25)

Storage conditions and conditions of use must be given, where appropriate, to ensure the proper storage and use of the food and that the consumer can use the food in the way intended. Pictograms and symbols (such as a snowflake to indicate frozen storage or star marking) may be used only in addition to, rather than in place of mandatory information expressed in words and numbers.

2.2.5.7 Sale of Food with expired shelf life

It is an offence to sell food that has exceeded its ‘use by date’. After a ‘use by’ date a food shall be deemed to be unsafe in accordance with Article 14(2) and 5 of Regulation (EC) No 178/2002. There is no obligation on Enforcement Officers to prove that the food is unsafe in order to prosecute an offence under the General Food Regulations 2004 (as amended).

Selling a food after its “best before date” is not an offence. Whilst it may not be an offence under the food labelling regulations, the enforcement officer may wish to point out to a retailer that the food may not possess the required quality outside the shelf life and could result in a complaint being received of food failing to comply with Section 14 of the Food Safety Act 1990.

2.2.5.8 Date of First Freezing (Article 24 and Annex III and Annex X)

The date of first freezing for meat preparations and unprocessed fisheries products is required under Article 24 and Annex X to the EU FIC. This date shall be preceded by the words ‘Frozen on’. The date must consist of the day, the month and the year in that order.

The actual date, given as part of the date of first freezing requirement, may appear separately from the words ‘Frozen On’, provided these words are followed by a reference to the place where the date appears (e.g. Frozen on: see side of pack), which is a similar format to the durability date referred to paragraph 2.2.5.4.

2.2.6 Special Storage Conditions and/or Conditions of Use (Articles 9 (1) (g) and 25)
2.2.6.1 Meaning of ‘Special Storage Conditions or Conditions of Use’

Special storage conditions or conditions of use should be given, where appropriate, to ensure the proper storage and use of the food.

For example,

- If the consumer needs to observe certain practices once the packaging of a food has been opened (e.g. ‘once opened keep refrigerated and consume within 3 days’); or

- If foods are not appropriate or suitable for use in certain circumstances (e.g. ‘not suitable for frying’ or ‘shake well before use’).

The storage conditions that are required to be given with the date mark relate specifically to ensuring that the consumer knows how to store the food if it is to last as long as the date indicates while it remains unopened.

Pictograms and symbols (such as snowflakes to indicate frozen storage or star marking) may be used only in addition to, rather than in place of mandatory information expressed in words and numbers.

2.2.6.2 Conditions for use

Conditions for use must be given if it would be difficult to make appropriate use of the food without them.

Any instructions for use given should be sufficiently detailed to enable appropriate preparation or use to be made of the food i.e. the correct time/temperature given for the safe cooking e.g. microwave instructions for a product that can only be microwaved.

2.2.6.3 Name and Address (Article 8(1) and Article 9(h))

Article 9 requires the name and address of the food business operator under whose name the food is being marketed, or where the food is imported, the importer established with the EU or the producer outside the EU.

The details provided for the address should be sufficient to enable the purchaser to contact the business. A contact telephone number, e-mail address, or other non-physical contact details would not be an acceptable

2.2.7 Origin

2.2.7.1 Origin Labelling - (Article 9, 26 and Annex XI)
Mandatory origin requirements

Article 26 of EU FIC as read with Article 9, requires the mandatory display on food labels of the country of origin or place of provenance where failure to indicate this might mislead the consumer as to the true country of origin or place of provenance of the food, in particular if the information accompanying the food or the label as a whole would otherwise imply that the food has a different country of origin or place of provenance.

‘Place of provenance’ is defined within EU FIC as any place where a food is indicated to come from, and that is not the ‘country of origin’ as determined in accordance with Articles 23 to 26 of Regulation (EEC) No 2913/92.

For meat falling within the Combined Nomenclature (‘CN’) codes listed in Annex XI of EU FIC i.e. from pigs, sheep, goats and poultry the requirements are contained within Regulation (EU) No 1337/2013. This is covered in more detail in Section 3 of the Manual under the guide “Country of Origin of Certain Meats Regulations (Wales) 2015”.

Requirements when giving origin information for multi-ingredient foods

Where the country of origin or the place of provenance of a food is given and where it is not the same as that of its primary ingredient:

(a) the country of origin or place of provenance of the primary ingredient in question shall also be given; or
(b) the country of origin or place of provenance of the primary ingredient shall be indicated as being different to that of the food.

As at March 2017, EU discussions remain ongoing regarding an Implementing Act to govern this area.

Article 26 of EU FIC also tasked the European Commission to carry out reports to the European Parliament and the Council on the feasibility of extending mandatory origin requirements to a range of other foods. These are:

- types of meat other than beef, pork, lamb, goat and poultry;
- milk;
- milk used as an ingredient in dairy products;
- unprocessed foods;
- single ingredient products;
- ingredients that represent more than 50% of a food;
- meat used as an ingredient in processed foods.

On 20 May 2015, the Commission produced reports on the foods mentioned at the first six bullet points above which considered: maintaining a voluntary approach; requiring mandatory information at Member State or 3rd Country level and; requiring mandatory information at EU/non-EU level.
Following discussion of the reports at EU level, the Commission concluded that they favoured maintaining the current voluntary approach. Concerns included the likelihood of higher costs to consumers and producers due to the additional traceability systems and labelling information necessary to support mandatory origin information.

The Trade Descriptions Act 1968 and FIC provide similar definitions of ‘origin.’ For the purposes of the Trade Descriptions Act, goods are deemed to have been manufactured or produced in the country in which they last underwent a treatment or process resulting in a substantial change. This is considered to be a reasonable working guide for the purposes of FIC. It would ultimately be for a Court to decide whether any particular country or place specified is indeed where the last substantial change took place. Whilst it is likely, for example, that the transformation of pork into bacon, ham or pies might be regarded as a treatment or process resulting in a substantial change, this is less likely to be the case with the simple slicing, cutting and/or packing of meat.

2.2.7.2 Avoiding Misleading Labelling in Relation to Origin Labelling

In absence of Commission guidance, information on how to avoid misleading descriptions can be found in FSA Country of Origin Labelling Guidance. The following notes taken from the guidance will be of interest.

The true place of origin of a food should always be given if the label as a whole would otherwise imply that the food comes from, or has been made in, a different place or area. Consumers are, however, unlikely to expect products such as Chelsea buns, York ham, Madras curry or Frankfurters to come from those areas in the absence of other material on the label suggesting that they do.

Where the label carries other material that may imply origin, the actual country of origin declaration must be sufficiently prominent, precise and compelling to correct any potentially misleading impression to avoid misleading consumers. The sorts of information that could lead consumers to attribute a particular place of origin to a food include:

• Use of country or place names in the name of the food or in its trade name, brand name or fancy name;

• Written or illustrative material including maps, flags, emblems (e.g. a Welsh Dragon), choice of colour (like the colours of a country’s national flag), references to persons associated with a particular place (like ‘John Bull’, ‘Uncle Sam’) and famous landmarks (like the Eiffel Tower, Ben Nevis).

Identification marks applied to food to meet the requirements of European hygiene legislation are not in themselves intended to give an indication of place of origin. However, care must be taken to ensure that identification marks do
not, by reason of their size, prominence or position, contribute to a misleading impression of the origin of the food.

Assurance scheme logos (like the British Farm Standard ‘red tractor’) are used to indicate that food has been produced to specified standards; they do not in themselves guarantee the origin of the product. Where the logo may imply origin, it is important that it is accompanied by a clear and equally prominent origin declaration.

The name and address of the food business operator or importer established in EU under where the name of the food is being marketed is a mandatory labelling requirement. This information should not be provided in a way that incorrectly implies origin.

Subject to enabling legislation if the place of origin of the food is not the same as the place of origin of its primary ingredients, it will be necessary to provide information on the origin of those ingredients.

For example:

- Bacon or ham made in Britain using Danish pork should not be described as ‘British bacon’ or ‘British ham’ but could be described as ‘(imported) (Danish) pork (cured) (baked) (roasted) in Britain’.

- Pork sausages made in Britain using pork from countries outside the UK should not be described as ‘British pork sausages’ but could be described as ‘made in Britain from (imported) (country of origin) pork (from more than one country)’.

- Salmon smoked in Scotland but made from Norwegian salmon should not be described as ‘Scottish smoked salmon’ but could be described as ‘(imported) (Norwegian) salmon smoked in Scotland’.

- Butter churned in England from milk brought in from outside the UK (e.g. Belgium) should not be labelled as ‘English’ or ‘produced in England’, but could be labelled as ‘produced in England from (imported) (Belgian) milk’.

Other useful terms are ‘baked in …’, ‘pressed in …’, ‘packed in …’, ‘sliced and packed in …’ or ‘processed in …’

Where food that is not pre-packed is presented with tickets, shelf markers or promotional displays indicating origin, care should be taken to ensure the origin claims are given as set out in any applicable regulation, clearly worded and that only products to which the claim applies are presented or associated with those indications.

- Avoiding Misleading Information in Catering Establishments
In catering establishments, care should be taken to ensure the wording of any origin information on menus etc. is clear and unambiguous.

### 2.2.8 Omission of Certain Particulars (Article 16)

In the case of glass bottles intended for reuse and which are indelibly marked the following particulars of Article 9(1) shall be mandatory:

- Name of the food
- Allergenic ingredients
- Net quantity
- Minimum durability
- Nutrition declaration

In the case of packaging or containers the largest surface of which has an area of less than 10 cm² only the following particulars of Article 9(1) shall be mandatory on the package or on the label:

- Name of the food
- Allergenic ingredients
- Net quantity
- Minimum durability

An ingredients list shall be provided through other means or shall be made available at the request of the consumer.

Mandatory nutrition information is not required for the following foods listed in Annex V:

- 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;
• 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 cm²;

• 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.

Guidance on the interpretation of ‘small quantities’ and ‘local’ can be found at:

https://www.food.gov.uk/sites/default/files/qa-nutrition-labelling_0.pdf

An ingredients list and a nutrition declaration shall not be mandatory for beverages containing more than 1.2% by volume of alcohol.

2.2.9 Allergen Labelling (Article 9(1) and Annex II and Article 21)

Allergen labelling rules applied from 13th December 2014

Allergen information is required to be provided on the labelling of prepacked foods as set out in Article 9(1)(c) and Annex II. The former provisions of EC Directive 2000/13 as amended are carried forward in EU FIC and there will be the extra requirement to emphasise allergens within the ingredients list. Currently there are 14 allergenic substances and associated derivatives listed in Annex II which need to be declared where used as an ingredient or processing aid. The Commission can add to this list as and when necessary.
Allergen information for foods sold loose

Under these Regulations, allergen information will become mandatory where food is offered for sale to the final consumer or to mass caterers without pre-packaging, or where foods are packed on the sales premises at the customer’s request, or “pre-packed for direct sale”. Food Business Operators (FBOs) selling “loose” food, e.g. caterers, delicatessens, butchers, bakers, confectioners, stalls and vehicles selling loose unwrapped food, will all be required to provide allergen information. There is however flexibility about how this information is given under these circumstances, i.e. it may be written on a ticket, notice, label, menu, or as verbal information given by staff working in the premises. Where allergen information is not provided upfront and written, it must be signposted to where this information could be obtained. In setting about to provide the information verbally food business operators will need to consider setting up a system that helps them identify the various different food and compound ingredients that contain allergenic food ingredients. This will require identifying the allergens either on the food labels or commercial documents when the food is delivered to the establishment and advising the recipes which accurately reflect the ingredients used and highlight and identify the allergenic components. These recipes will need to be reviewed when changes to a recipe are made or ingredient suppliers changed.

In a catering setting the food business operator has an option of identifying each allergenic ingredient for specific dishes or may choose to insert a statement advising the customer of the food allergy to seek further details of other allergenic components in the food of their choice.

In a bakery setting similarly the baker must capture specifications for all raw materials identifying allergenic ingredients and establish accurate recipes which highlight and identify the allergenic ingredients. In relation to foods sold loose individual labels could be provided naming +0 the various allergenic ingredients or alternatively a general notice could be displayed in a conspicuous position in the shop advising customers with a food allergy to seek advice from the designated person to provide information on food allergens in food on display. FBOs selling non-prepacked food through distance selling (e.g. such as a takeaway food business which offers purchase through telephone or internet) will need to ensure that mandatory allergen information is available to the consumer:

• before the purchase is concluded; and

• at the point of delivery.

The allergen information should be held in written form by the business and available in written form at some point between a consumer placing the order and taking delivery of it.

Relevant parts of the EU FIC are detailed as follows:-
Article 9
The list of mandatory particulars which have to be given on food labels include the labelling of allergens or their derivatives (Art. 9 (1) (c)), as listed in Annex II. If any ingredient processing aid or ingredient, derived from a substance or product listed in Annex II of the Regulations, known to cause allergies or intolerances, is used in the manufacture or preparation of food, and is still present in the finished product, even in an altered state, it must be clearly declared on the labelling, and emphasised from other ingredients within the ingredients list.

EU FIC Annex II - Substances or products causing allergies or intolerances:

Annex II of EU Regulation 1169/2011

Annex II lists the ingredients or processing aids causing food allergies that are recognised across Europe. If there is a food product which contains or uses an ingredient or processing aid derived from any one of the 14 substances or products listed in Annex II, it will need to be declared, by the FBO regardless of the level of use.

The products specified in Annex II are:

1. **Cereals** containing gluten, namely: wheat (such as spelt and Khorasan wheat), rye, barley, oats or their hybridised strains, and products thereof, except:
   (a) wheat based glucose syrups including dextrose;
   (b) wheat based maltodextrins;
   (c) glucose syrups based on barley;
   (d) cereals used for making alcoholic distillates including ethyl alcohol of agricultural origin;

2. **Crustaceans** and products thereof;

3. **Eggs** and products thereof;

4. **Fish** and products thereof, except:
   (a) fish gelatine used as carrier for vitamin or carotenoid preparations;
   (b) fish gelatine or Isinglass used as fining agent in beer and wine;

5. **Peanuts** and products thereof;

6. **Soybeans** and products thereof, except:
   (a) fully refined soybean oil and fat;
   (b) natural mixed tocopherols (E306), natural D-alpha tocopherol, natural D-alpha tocopherol acetate, and natural D-alpha tocopherol succinate from soybean sources;
   (c) vegetable oils derived phytosterols and phytosterol esters from soybean sources;
   (d) plant stanol ester produced from vegetable oil sterols from soybean sources;
7. **Milk** and products thereof (including lactose), except:
(a) whey used for making alcoholic distillates including ethyl alcohol of agricultural origin;
(b) lactitol;

8. **Nuts**, namely: almonds (Amygdalus communis L.), hazelnuts (Corylus avellana), walnuts (Juglans regia), cashews (Anacardium occidentale), pecan nuts (Carya illinoinensis (Wangenh.) K. Koch), Brazil nuts (Bertholletia excelsa), pistachio nuts (Pistacia vera), macadamia or Queensland nuts (Macadamia ternifolia), and products thereof, except for nuts used for making alcoholic distillates including ethyl alcohol of agricultural origin;

9. **Celery** and products thereof;

10. **Mustard** and products thereof;

11. **Sesame seeds** and products thereof;

12. **Sulphur dioxide** and sulphites at concentrations of more than 10mg/kg or 10mg/litre in terms of the total SO2 which are to be calculated for products as proposed ready for consumption or as reconstituted according to the instructions of the manufacturers;

1.3 **Lupin** and products thereof;

14. **Molluscs** and products thereof.

All information about ingredients from the Annex II list (above) must be emphasised in a contrasting font to other ingredients to clearly differentiate them from other ingredients.

**Article 13 ((1) – (4))**
All written mandatory allergenic information should be clear and noticeable and not, in any way hidden or obscured, and where appropriate, indelible.

Minimum font sizes on labels are stipulated for all labelling. Icons or symbols should not be used without words to ensure consumers can understand the information.

**Article 19**
Where the name of the product consists of a single ingredient e.g. mustard powder, peanuts; and the name clearly refers to the presence of an Annex II (allergen) ingredient, further indication of the presence of the substance or product (in this case mustard, peanuts or eggs) is **not** required.

**Article 21**
Information about the Annex II (allergen) ingredients will need to be emphasised within the ingredients list by means of contrasting font, size, style or background
colour. For example, “INGREDIENTS: Oatmeal, sunflower oil, prawn (crustaceans)”.

The presence of allergens for each ingredient needs to be declared, even if there are several ingredients from the same allergenic food.

**Old label**

| INGREDIENTS: Water, Carrots, Onions, Red Lentils (4.5%) Potatoes, Cauliflower, Leeks, Peas, Cornflour, Wheatflour, Salt, Cream, Yeast Extract, Concentrated Tomato Paste, Garlic, Sugar, Celery Seed, Vegetable Oil, Herb and Spice, White Pepper, Parsley. |

**New Label**

| INGREDIENTS: Water, Carrots, Onions, Red Lentils (4.5%) Potatoes, Cauliflower, Leeks, Peas, Cornflour, **Wheatflour**, Salt, **Cream**, Yeast Extract, Concentrated Tomato Paste, Garlic, Sugar, **Celery Seed**, Vegetable Oil (sunflower), Herb and Spice, White Pepper, Parsley. |

If the name of an ingredient partly includes the Annex II allergen in a single word, then the name of the ingredient corresponding to the Annex II food can be emphasised. For example, “**wheatflour**” or the entire name “**wheatflour**”.

Where the ingredient comprises several words, only the Annex II food should be emphasised. For example, “skimmed milk powder” “**Egg** powder”.

There is certain flexibility as regard to the means of maintaining emphasis, so it can be done for example by typeset of a different font, style, or colour (see Article 12 and 13 of 1169/2011 for more information).

If all the ingredients are in the Annex II list, they need to all be listed and emphasised against other mandatory information, such as the word “Ingredients” where it introduces the ingredients list.

For some ingredients it might be clear from the use of a common name that they are products that are made from an Annex II food (such as cheese, butter, yoghurt and cream) and these type of products may not need further qualification of their origins.

For small packaging where the largest surface area of the food packaging or container is less than 10cm2, and the ingredient list has been omitted (Article 16 – omission of certain particulars), the presence of Annex II ingredients (allergens) in the food should still be stipulated, e.g. by the word “contains…” followed by the name of substance or product (e.g. Contains: celery, sulphites, fish).

Some foods are sold under a less common name due to appellation, trade name, foreign cuisine etc., which makes it difficult to tell whether they contain
any of the Annex II products or substances (e.g. tilapia (fish), ghee (milk), edamame (soya)). In such cases, further qualification will be required.

Some foods do not require an ingredients list (e.g. wine). However, they will need to declare the presence of any substances or products derived from the Annex II list. For example, a wine product could have a statement such as “Contains: sulphites” if sulphites are used to preserve the wine.

The use of allergen advisory statements such as “Contains nuts”, to provide supplementary allergen information to that already provided in the ingredients lists is not permitted. Information about allergens as ingredients may only be presented in the mandatory format (i.e. emphasised within the ingredients list). This is so that the information is presented in a common format across food products to avoid potential consumer confusion.

The use of a food allergy/ intolerance warning box which signposts the consumer to the ingredients list, and how the substance or product causing allergies or intolerances are emphasised within it, is permitted.

For example:-

```
<table>
<thead>
<tr>
<th>Allergy Advice</th>
</tr>
</thead>
<tbody>
<tr>
<td>For allergens, including cereals containing gluten, see ingredients in <strong>bold/underlined/red</strong>.</td>
</tr>
<tr>
<td>or</td>
</tr>
<tr>
<td>For allergens, see ingredients in <strong>bold/underlined/red</strong>.</td>
</tr>
</tbody>
</table>
```

The voluntary declaration of gluten following the mandatory declaration of a cereal containing gluten is permitted e.g. wheat (gluten).

**Article 36**

Food businesses often use precautionary allergen statements to indicate the risk of the unintentional presence of an allergen in a food product, due to the allergen entering the product accidentally during production, through cross contact or contamination.

The voluntary use of precautionary allergen statements will still be permitted.

Food businesses may choose to use different phrases to warn of allergen cross-contamination risks e.g.

- May contain x
- Made on equipment that also processes x
- Made in a factory that also processes x
The application of precautionary allergen labelling should only be applied after a thorough risk assessment and there is considered to be a real risk to the consumer.

These different phrases describe how the risk arises, but are not indicative of the severity of risk. Therefore none of these warnings should be read as being more or less serious than another phrase.

**Terms “Gluten Free” and “Very Low Gluten”**

The Food Information (Wales) (Amendment) Regulations 2016 (SI No.2303 (W.227)) make provisions for the requirements of Commission Implementing Regulation (EU) No 828/2014, on the provision of information on the absence or reduced presence of gluten in food labelling requirements.

828/2014 sets out the conditions under which foods may be labelled “gluten free” or “very low gluten”.

The new rules apply to prepacked and non-pre-packed food such as those served in restaurants and defines how gluten-intolerant consumers should be informed of the difference between foods that are naturally free from gluten and products that are specifically formulated for them.

Statements on the absence or reduced presence of gluten in food that are allowed to be made and conditions there of;

**General Requirements**

Gluten free – The statement ‘gluten free’ may only be made where the food is sold to the final consumers containing no more than 20mg/kg of gluten.

Very low gluten- The statement ‘very low gluten’ may only be used where the food, consisting of or containing one or more ingredients made from wheat, rye, barley, oats or their crossbred varieties which have been specifically processed to reduce the gluten content, and contains no more than 100mg/kg of gluten in the food as sold to the final consumer.

“No Gluten Containing Ingredients” and other factual statements in addition to those mentioned in Regulation (EU) No. 828/2014 cannot be used on any food labelling. Permitted additional statements are:

‘Suitable for people intolerant to gluten’
‘Suitable for coeliacs’
‘Specifically formulated for people intolerant to gluten’
‘Specifically formulated for coeliacs’

There are additional requirements for food containing oats.

**References to further information on food allergens**
The Food Standards Agency website section on food allergen labelling:
http://www.food.gov.uk/science/allergy-intolerance

Please click here to view the following resources for allergen information:
- FSA Technical Guidance and Q&A
- Online training
- EU FIC communication toolkit
- EU FIC presentation to local businesses
- Letter and poster for schools
- Leaflets for businesses and consumers
- Infographics and their artwork
- Allergy videos
- Allergen artwork
- Factsheet
- Posters and templates

UK food industry guidance on allergen labelling and the requirements in the EU FIC as published by the British Retail Consortium (BRC) in partnership with the Food and Drink Federation (FDF):
http://www.brc.org.uk/brc_policy_content.asp?icat=46&isubcat=658&spolicy=food&ssubpolicy=labelling

European Commission guidance on the EU FIC Part I:

European Commission guidance on the EU FIC Part II:

Allergen Labelling for Wine
Although wine is exempt from showing a of ingredients, the statement “Contains sulphur dioxide” (or sulphites/sulfites) must be shown, if the finished wine contains more than 10 milligrams per litre of SO2 (which most stable wines will have).

This must be shown on any label of a wine-sector product. For the UK market, this should be in English following the general principle of intelligibility for the final consumer. Other languages may also be shown.

Egg and milk products
Similarly the presence of wine fining agents based on milk or eggs must be indicated on the label using the statement “Contains” followed by:

- ‘egg’, ‘egg protein’, ‘egg product’, ‘egg lysozyme’ or ‘egg albumin’
- ‘milk’, ‘milk products’, ‘milk casein’ or ‘milk protein’
Alternative Ingredients List
Use of symbols - optional
In addition to the compulsory labelling, the amending Regulation also provides for the optional use of pictograms.

References to further information on wine labelling
FSA guidance on Allergens Labelling for Wine

Regulation 579/2012 (covers milk and eggs)

Food labelling Directives

Wine regulations, including Commission Regulation 607/2009

Languages permitted in each Member State

European Food Safety Authority
https://www.efsa.europa.eu/

2.2.10 Manner of Marking and Labelling

Presentation of Mandatory Particulars

Mandatory food information must be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It must not in any way be hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material. Voluntary food information must not be displayed to the detriment of the space available for mandatory food information.

When appearing on the package or on the label attached thereto, the mandatory particulars listed in Article 9(1) of the Regulation must be printed on the package or on the label in such a way as to ensure clear legibility, in characters using a font size where the x-height is equal to or greater than 1.2mm.
In the case of packaging or containers, the largest surface of which has an area of less than 80cm², the x-height of the font size must be equal to or greater than 0.9mm.

When preparing print specifications it will be important for the FBO to clearly indicate this requirement at the label design stage, along with all the other mandatory requirements.

**Same Field of Vision**

Under the new Regulation, the following particulars must appear in the same field of vision:

- the name of the product
- the net quantity of food
- the actual alcoholic strength by volume for beverages containing more than 1.2% by volume of alcohol

The requirement to include date of minimum durability in the same field of vision which is a requirement under the current rules, has been removed. Field of vision is defined in the Regulation as meaning “all the surfaces of a package that can be read from a single viewing point”.

### 2.2.11 Nutrition Labelling (Articles 29 - 34)

**Mandatory nutrition labelling**

Since 13th December 2016 it has become mandatory for nutrition information to be provided on most prepacked foodstuffs. The declaration must comply with EU FIC.

There are a number of foodstuffs which are exempt from the mandatory requirement to provide nutrition information and these are listed in Annex V to the Regulation and include unprocessed products that comprise a single ingredient or category of ingredients, herbs, spices, salt, chewing gums, foods in packaging or containers the largest surface of which has an area of less than 25cm². Also included in the exemption is 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.

FSA advice on interpreting ‘small quantities’ and ‘local’ for purposes of this exemption is available at:

https://www.food.gov.uk/sites/default/files/qa-nutrition-labelling_0.pdf

To facilitate the comparison of products in different package sizes, the requirement that the mandatory nutrition declaration should refer to 100g or 100ml amounts has been retained. Portion-based declarations are allowed in addition to this where food is pre-packed and individual portions or consumption units are identified.

The format of the nutrition table has changed in the new Regulation, in so far as the mandatory declaration will now be as follows:

(a) Energy value; and
(b) The amounts of fat, saturates, carbohydrate, sugars, protein and salt

An example of the nutrition panel is given below

<table>
<thead>
<tr>
<th>energy</th>
<th>kJ/Kcal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fat</td>
<td>g</td>
</tr>
<tr>
<td>of which</td>
<td></td>
</tr>
<tr>
<td>-saturates</td>
<td>g</td>
</tr>
<tr>
<td>mono-unsaturates</td>
<td>g</td>
</tr>
<tr>
<td>polyunsaturates</td>
<td>g</td>
</tr>
<tr>
<td>carbohydrate</td>
<td>g</td>
</tr>
<tr>
<td>of which</td>
<td></td>
</tr>
<tr>
<td>- Sugars</td>
<td>g</td>
</tr>
<tr>
<td>- polyols</td>
<td>g</td>
</tr>
<tr>
<td>- starch</td>
<td>g</td>
</tr>
<tr>
<td>fibre</td>
<td>g</td>
</tr>
<tr>
<td>protein</td>
<td>g</td>
</tr>
<tr>
<td>salt</td>
<td>g</td>
</tr>
<tr>
<td>vitamins and minerals</td>
<td>In units specified in Annex XIII</td>
</tr>
</tbody>
</table>

**Front of Pack Nutrition Labelling**

All components of the mandatory nutrition declaration should be in the same field of vision on the foodstuff packaging. In addition, on a voluntary basis, listed elements of the nutrition information may be repeated in the principal field of vision, in order to help consumers to easily see the essential nutrition information when purchasing foods.

Where the labelling of a pre-packed food provides the mandatory nutrition declaration, the following information may be repeated:
(a) Energy value or
(b) Energy value together with the amounts of fat, saturates, sugars, and salt

In the case of beverages containing more than 1.2% by volume of alcohol, the content of the declaration may be limited to the energy value only.

**Additional forms of expression (AFE)**

Nutrition information may be expressed in other ways, for example colour coding of nutrients. However, the use of AFE must meet certain tightly defined criteria, for example they must be based on sound and scientifically valid consumer research.

**Criteria for acceptance**

The energy value and the amount of nutrients may be given by other forms of expression - presented using graphical forms or symbols as well as words or numbers. However, the forms of expression must meet the following criteria:

- They are based on sound and scientifically valid consumer research and do not mislead the consumer.
- They are developed as a result of stakeholder consultation.
- They aim to facilitate consumer understanding of the contribution or importance of the food to the diet.
- They are supported by scientifically valid evidence of understanding of such forms of expression or presentation by the average consumer.
- In the case of other forms of expression, they are based on harmonised reference intakes or on generally accepted scientific advice.
- They are objective and non-discriminatory.
- They do not create obstacles to the free movement of goods.

**Government recommendations and notification requirements**

Member States may recommend to businesses the use of one or more additional forms of expression or presentation, but must inform the European Commission. Member States must monitor the use of AFE on their territory and may require businesses that label foods with additional forms of expression to notify the competent authority.

**Recommended additional form of expression in the UK**

The four UK Governments have published guidance on creating a front of pack nutrition label. It supports the Health Ministers’ recommendation on the use of colour coding as an additional form of expression.
A front of pack label developed in accordance with the guidance contains:

- Information on the energy value in kilojoules (KJ) and kilocalories (kcal) per 100g/ml and in a specified portion of the product.
- Information on the amounts in grams of fat, saturated fat (“saturates”), (total) sugars and salt in grams, in specified portion of the product.
- Portion size information expressed in a way that is easily recognisable by, and meaningful to the consumer. For example, ¼ of a pie or 1 burger.
- % RI information based on the amount of each nutrient and energy value in a portion of the food.
- Colour coding of the nutrient content of the food.

Companies may additionally include the descriptors “High”, “Medium” or “Low” (HML) together with the colours red, amber or green respectively to reinforce their meaning.

The FoP label design must not mislead or confuse the consumer.

Please click on the link below to view guidance:


2.2.12 Nutrition Claims

Nutrition and health claims on foods are controlled in the EU by dedicated legislation, Regulation (EU) No. 1924/2006, which is separate from the rest of the general controls on food information. The Regulation defines 'claim', 'nutrition claim' and 'health claim'.

The Commission has established an EU register of nutrition and health claims made on foods, which is available online.

The register includes:
- the permitted nutrition claims and their conditions of use
- the authorised health claims, split into their different types
- the non-authorised health claims, split into their different types, with the reasons for their non-authorisation

The register can be freely searched at:
2.2.13 Labelling Requirements for Alcoholic Drinks other than Spirit Drinks.

The requirements mentioned in the following paragraphs apply to most alcoholic drinks intended for sale to the ultimate consumer or to a catering establishment in Wales. The general food labelling rules concerning the presentation and labelling of foodstuffs apply to spirit drinks.


The labelling of Community-controlled wine is governed by European legislation. The following link gives some useful notes on rules pertaining to wine.

http://www.food.gov.uk/business-industry/winestandards/wine-labelling/

2.2.13.1 The name of the food

The name will generally be the customary name, unless there is a prescribed name laid down in Regulations. Where a prescribed name or a customary name is not used, a precise description or other name which would both indicate the true nature of the product and distinguish it from others with which it might be confused is required. Trademarks, brand names or fancy names cannot take the place of the name under which the product is sold but may be used in addition to it.

2.2.13.2 List of ingredients

Alcoholic drinks are exempt from requiring an ingredients list pending a report and possible future implementing acts from the European Commission.

2.2.13.3 Appropriate indication of minimum durability (date mark)

Drinks with an alcoholic strength of less than 10% (abv) are required to bear a date mark. Depending on the shelf life of the product, this should be expressed in terms of the day, month and year (in that order) preceded by the words ‘best before’ or as the month and year (in that order) or the year only, preceded by the words ‘best before end’. Exemptions from date marking include drinks sold in bulk containers of more than 5 litres where these are intended for supply to catering establishments, cider, perry, and most wines.
2.2.13.4 Special storage conditions or conditions of use

Details of storage conditions or conditions of use should be provided where necessary.

2.2.13.5 Name and Address (Article 8(1))

The food business operator responsible for food information is the operator under whose name or business name the food is marketed or, if that operator is not established in the EU, the importer into the EU market. The FBO responsible for the food information must ensure the presence and accuracy of the food information in accordance with the applicable food information law and requirements of relevant national provisions. A contact telephone number, e-mail address, or other non-physical contact details would not be an acceptable replacement for the FBO address.

2.2.13.6 Place of origin of the product

There is no obligation to provide origin information on alcoholic drinks other than spirit drinks. Origin would only be required when a claim has been made by the FBO. Clearly if a beer was brewed in one country but described as originating in another, this would be misleading to the consumer.

2.2.13.7 Instructions for use

Instructions should be given if appropriate use could not be made of the product without them.

2.2.13.8 Indication of alcoholic strength by volume

All pre-packed drinks with an alcoholic strength of more than 1.2% (abv) must be labelled with an indication of alcoholic strength by volume. This must be shown as a figure (to not more than one decimal place) preceded by the word ‘alcohol’ or by the abbreviation ‘alc’ and followed by the symbol ‘% vol’. Specified positive and negative tolerances are permitted in respect of the indication of alcoholic strength. These are listed in Annex XII of the EU FIC. The following national measures on no/low alcohol terms will be retained until 13 December 2018. Specified descriptions can be used to describe drinks of not more than 1.2% (abv).

- ‘Low alcohol’ - a drink with an alcoholic strength by volume of not more than 1.2%;
- ‘De-alcoholised’ - a drink from which the alcohol has been extracted and which has an alcoholic strength by volume of not more than 0.5%; and
• ‘Alcohol-free’ - a drink from which the alcohol has been extracted and which has an alcoholic strength by volume of not more than 0.05%.

As these are national measures there are no requirements for imported alcoholic spirit to be labelled with these terms or to comply with the standards specified.

The description ‘non-alcoholic’ must not be used in conjunction with a name commonly associated with an alcoholic drink, except in the composite name ‘non-alcoholic wine’ when that composite name is used.

When these descriptions are used, the drink must be labelled with an indication of its maximum alcoholic strength immediately preceded by the words ‘not more than’. The EC Regulation No. 110/2008 on the definition, description, presentation, labelling and the protection of geographic indications of spirit drinks and repealing Council Regulation 1576/89 lays down definitions, minimum strengths and certain other labelling requirements for spirit drinks.

The word ‘wine’ must not be used as part of a composite name for any drink in a way that is likely to cause confusion with products which are covered by the terms ‘wine’ or ‘table wine’ as defined in Council Regulation (EEC) No. 822/87.

When a composite name including the word ‘wine’ is used for a drink which has been made from fruit or similar substances other than grapes, the name of the fruit or substance used must be shown immediately before the word ‘wine’ in the composite name. If a mixture of fruits and/or other substances has been used, only those which give the wine its character must be shown.

2.2.14 Labelling of Genetically Modified Foods (GM)

For products consisting of or containing Genetically Modified Organisms (GMOs), operators shall ensure that:

(a) for pre-packaged products consisting of, or containing GMOs, the words ‘This product contains genetically modified organisms’ or ‘This product contains genetically modified [name of organism(s)]’ appear on a label;

(b) for non-pre-packaged products offered to the final consumer the words ‘This product contains genetically modified organisms’ or ‘This product contains genetically modified [name of organism(s)]’ shall appear on, or in connection with, the display of the product.

Food must carry a label which refers to the presence of GMOs. However, these labelling requirements do not apply to food which contains, consists of, or is produced from GMOs in a proportion no higher than 0.9 % of the food ingredients considered individually and if this presence is adventitious or technically unavoidable.
Labelling provides information for consumers and allows them to make an informed choice. In the case of pre-packaged products consisting of, or containing, GMOs, the list of ingredients must indicate "genetically modified" or "produced from genetically modified [name of the organism]". In the case of products without packaging these words must still be clearly displayed in close proximity to the product (such as a note on the supermarket shelf).

Regulation (EC) No 1830/2003

2.2.15 Voluntary Information

Where food information referred to in Articles 9 and 10 is provided on a voluntary basis, such information must comply with the requirements laid down in Sections 2 and 3 of Chapter IV. e.g.

Section 2
- Name of Food (Article 17)
- List of ingredients (Article 18)
- Omission of list of ingredients (Article 19)
- Omission of constituents of food from the list of ingredients (Article 20)
- Labelling of certain substances or products causing allergies or intolerance (Article 21)
- Quantitative indication of ingredients (Article 22)
- Net quantity (Article 23)
- Minimum Durability date, use by date and date of freezing (Article 24)
- Storage conditions or conditions of use (Article 25)
- Country of origin or place of provenance (Article 26)
- Instructions for Use (Article 27)
- Alcoholic strength (Article 28)

Section 3
- Nutrition content (Article 30)
- Calculation (Article 31)
- Expression per 100g or per 100ml (Article 32)
- Expression on a per portion basis or per consumption unit (Article 33)
- Presentation (Article 34)
- Additional forms of expression (Article 35)

Food information provided on a voluntary basis must also meet the following requirements:

(a) it shall not mislead the consumer, as referred to in Article 7;
(b) it shall not be ambiguous or confusing for the consumer;
(c) it shall, where appropriate, be based on the relevant scientific data.
The Commission must adopt implementing acts on the following voluntary food information:

(a) information on the possible and unintentional presence in food of substances or products causing allergies or intolerances;
(b) information related to suitability of a food for vegetarians or vegans; and
(c) the indication of reference intakes for specific population groups in addition to the reference intakes set out in Annex XIII.

Those implementing acts must be adopted in accordance with the examination procedure referred to in Article 48(2).

In order to ensure that consumers are appropriately informed, where voluntary food information is provided by food business operators on a divergent basis which might mislead or confuse the consumer, the Commission may, by means of delegated acts, in accordance with Article 51, provide for additional cases of provision of voluntary food information to the ones referred to in paragraph 3 of this Article.

Presentation (Article 37)

Voluntary food information must not be displayed to the detriment of the space available for mandatory food information.

2.2.16 National Provisions and Derogations

Milk and Milk Products Derogation

Member States can adopt measures to derogate from the mandatory labelling provisions set out in Articles 9(1) and 10(1). In the case of milk and milk products presented in glass bottles intended for re-use, this derogation will be available to FBOs in Wales.

National provisions on food sold non-pre-packed

Regulation 5 of FIR gives businesses flexibility in how they provide allergen information to consumers for food supplied:
• non-pre-packed (including catering)
• packed on the premises at the consumer’s request
• pre-packed for direct sale

Regulation 6 of FIR maintains the requirement from the Food Labelling Regulations (NI) 1996 for the name of the food to be given for food supplied:
• non-pre-packed (excluding catering)
• packed on the premises at the consumer’s request
• pre-packed for direct sale
The name must appear on a label attached to the food or on a notice, ticket or label that is readily discernible by an intending purchaser where they choose that food. These requirements do not apply to food supplied by mass caterers either directly or via distance communication to consumers.

Regulation 7 of FIR maintains the requirement from the Food Labelling Regulations (NI) 1996 for an indication of the meat content for products containing meat supplied:

- non-pre-packed (excluding catering)
- packed on the premises at the consumer’s request
- pre-packed for direct sale

The information must appear on a label attached to the food or on a notice, ticket or label that is readily discernible by an intending purchaser where they choose that food. These requirements do not apply to food supplied by mass caterers either directly or via distance communication to consumers.

Annex VII point 17 of Part B of the FIC gives details on how the indication of meat quantity for consumers must be determined. This includes a table of the total amount of fat and connective tissues to be considered where a downward adjustment of the meat content figure is necessary, e.g. the total fat and connective tissue content of the product exceeds the values in the table.

### 2.2.17 Improvement Notices

#### 2.2.17.1 When Improvement Notices may be issued

Officers may issue an improvement notice where there has been a failure by a FBO to comply with any of the provisions of the EU FIC listed in Schedule 3 to the FIR 2014 Statutory Instrument (SI).

If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with such a provision, the officer may, by an Improvement Notice served on that person:

(a) State the officer’s grounds for believing that the person is failing to comply with the FIR (with specific reference to their food business and what in practice they are doing or failing to do);

(b) Specify what provision (or provisions) of the EU FIC has (have) been breached;

(c) Specify what measures are needed to be taken by, the person in order to secure compliance with the EU FIC; and

(d) The date by which the person must put the measures in place

(e) The detail of the right of appeal will also be included in the notice
The notice may require the food business operator to remove products from sale until the contravention of the EU FIC has been addressed. This may involve the removal of the non-compliant food from the market on either a temporary basis (for example, where re-labelling will address the non-compliance) or permanently (for example, where a reformulation of the product is required).

‘Over labelling’ or ‘over stickering’ of the product label with a corrected version may be required or removal of an incorrect label and replacement with a correct label should be considered where possible.

If a business has a registered partnership with a Primary Authority, then the authorised officer will first be expected to discuss any issue with the Primary Authority before seeking any enforcement action. Similarly Home Authority arrangements should be taken into account.

2.2.17.2 Failure to comply

A person commits an offence if they do not comply with an improvement notice served on them under FIR 2014.

Failure to comply with the requirements of subparagraph of Article 21(1), Article 44(1)(a) may result in a criminal prosecution being brought against a FBO.

2.2.17.3 Appeals to Magistrates Court

Any person served with an improvement notice may appeal against that notice to the Magistrates Court.

For further training notes on the use of improvement notices in relation to food standards please see the Food Information (Wales) Regulations 2014 (SI No. 2303 (W.227) (as amended).

2.2.18 Links to resources/further information

• Regulation EU No. 1169/2011 on the provision of food information to consumers:

European Commission (FIC Regulation and Commission Q & A):
Food labelling e-learning course
http://labellingtraining.food.gov.uk/

Food Information Regulations (Northern Ireland) 2014

FSA guidance on the Food Information Regulations for food business operators and enforcement officers

Nutrition

https://www.food.gov.uk/enforcement/regulated/fir/labelling

Nutrition Labelling Guidance:
https://www.gov.uk/government/publications/technical-guidance-on-nutrition-labelling

Guide to creating a front of pack (FoP) nutrition label for prepacked products sold through retail outlets

EC guidance document on tolerances for nutrition labelling purposes

Allergens

Food allergy on-line training
http://allergytraining.food.gov.uk/english/default.aspx

British Retail Consortium (Guidance on food allergens):

FSA Allergen Guidance and materials to assist local authorities and food businesses
http://www.food.gov.uk/business-industry/allergy-guide/allergen-resources

safefood Video on Allergen Handling
http://www.safefood.eu/Professional/Food-Science/Resources/Managing-Allergens-in-Catering-See-how-it-s-done.aspx
Section 3
Legislation Guidance
Alphabetical Order
Bread and Flour Regulations 1998 (SI No. 141)

Scope
The key provisions of the regulations deal with laying down rules on the composition and labelling of wheat flour, and bread.

Ingredients/Products
1. Bread: This includes any size, shape and form which is usually known as bread and consists of a dough made from flour and water, with or without other ingredients, which has been fermented by yeast or otherwise leavened and subsequently baked or partly baked. It excludes buns, bunloaves, chapattis, pitta bread, potato bread or bread specially prepared for coeliac sufferers.

2. Flour: The product which is derived from, or separated during, the milling or grinding of cleaned cereal whether or not the cereal has been malted or subjected to any other process, and includes meal, but does not include other cereal products, such as separated cereal bran, separated cereal germ, semolina or grits.

3. Flour bleaching agent: Any food additive primarily used to remove colour from flour.

4. Flour treatment agent: Any food additive other than an enzyme preparation which is added to flour or dough to improve its baking quality.

Fortification of Wheat Flour
The regulations specify in Schedule 1 the amount of essential ingredients to be added to flour derived from wheat. There are exceptions in the case of wholemeal flour, self-raising flour which has a calcium content of not less than 0.2 per cent, and wheat malt flour.

The permitted ingredients are:

• Calcium carbonate
• Iron (Specifications for iron are set out in Schedule 2)
• Thiamin (Vitamin B1)
• Nicotinic acid or nicotinamide

There was a exemption in the Food Labelling Regulations 1996 (as amended) that exempted flour from being considered a composite ingredient, meaning fortifying nutrients did not need to be declared. There is no provision in the EU Food Information for Consumers Regulations (No.1169/2011) for a corresponding exemption for the essential ingredients added to flour. From 13 December 2014, UK produced what flour is considered a compound ingredient and the presence of the statutory nutrients must be declared. Businesses may wish to consider using a phrase such as ‘wheat flour with added calcium, iron, niacin and thiamine’ in the ingredients list.
Added Ingredients
The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Wales) 2013 control the addition of additives to bread and flour.

Labelling Requirements
The food must be labelled with its name.
Bread may be described as

(a) ‘Wholemeal’ **only** if:—
All the flour used as an ingredient in the preparation of the bread is wholemeal; or

(b) ‘Wheatgerm’: Where the bread has an added processed wheatgerm content of not less than 10%. This percentage being calculated on the dry matter of the bread.

If none of the aforementioned names apply, the name of the bread may be one that is customary in the area where it is sold, or a name which is sufficiently precise to describe the food. (Food Information (Wales) Regulations 2014. For example ‘White’, ‘Brown’ or ‘Soda bread’.

Bread which has been ‘aerated’ or ‘partially baked’ must include this in the name of the food.

Trade names e.g. Hovis or Granary cannot be used on their own, but may be included with other words in the name.

Associated Regulations
Bread and Flour Regulations 1998 SI No. 141

The Food Information (Wales) Regulations 2014

Further Information
The Federation of Bakers

FSA Bread and Flour Guidance Notes
Caseins and Caseinates Regulations 2016 (SI No. 1130 (W.270))

Scope

These Regulations:

- Prescribe definitions and standards for certain casein products (regulation 2 and Schedules 1 to 3);
- Prohibit the use of any casein or caseinate in the preparation of food if it does not comply with the particular standards (regulation 4 and Schedule 4);
- Subject to specified exceptions, prohibit the labelling or advertisement of food with the names of casein products unless the food is or contains a casein product (regulation 5);
- Impose additional requirements as to the labelling of casein products (regulation 6);

Ingredients/Products

This regulation applies to caseins and caseinates which are intended for human consumption and mixtures thereof.

The following definitions apply:

“casein product” means edible acid casein, edible caseinate or edible rennet casein;

“edible acid casein” means a milk product obtained by separating, washing and drying the acid-precipitated coagulum of skimmed milk and/or of other products obtained from milk and complying with the standards set out in Schedule 1;

“edible caseinate” means a milk product obtained by action of edible casein or edible casein curd coagulum with neutralizing agents, followed by drying and complying with the standards set out in Schedule 2;

“edible rennet casein” means a milk product obtained by separating, washing and drying the coagulum of skimmed milk and/or of other products obtained from milk; the coagulum is obtained through the reaction of rennet or other coagulating enzymes and complying with the standards set out in Schedule 3;

Labelling Requirements

- Without prejudice to the provisions of EU Regulation 1169/2011 on food information for consumers, a person must not sell any casein product unless it is marked or labelled with the name of that casein product as
defined in regulation 2 and in the case of edible caseinate with an
indication of the cation or cations listed in Schedule 2, paragraph 4 (food
additives).

- In the case of casein products sold as mixtures:
  (i) the words “mixture of” followed by the names of the casein
  products which make up the mixture, in descending order of
  weight
  (ii) an indication of the cation or cations listed in Schedule 2
  paragraph 4 (food additives) in the case of edible caseinates
  (iii) in the case of mixtures containing edible caseinates, the
  protein content.

- the net quantity of the casein product, expressed in kilograms or grams

- the name or business name and address of the food business operator
  under whose name or business name the product is marketed or, if that
  food business operator is not established in the European Union, the
  importer into the European Union market;

- in the case of a casein product imported from third countries, the name of
  the country of origin; and

- the lot identification of the casein product or the date of production.
The above particulars must be easily visible, clearly legible, indelible and given
in English, either exclusively or in addition to any other language.

The protein content, net quantity, name and address of FBO and country of
origin may be given in a document accompanying the product.

Without prejudice to the provisions of EU Regulation 1169/2011, where any
casein product exceeds the minimum milk protein content set out for that
product in-

(a) entry 2 of the table in paragraph 1 of Schedule 1 in relation to edible acid
caseins
(b) entry 2 of the table in paragraph 1 of Schedule 2 in relation to edible
caseinates; or
(c) entry 2 of the table in paragraph 1 of Schedule 3 in relation to edible rennet
casein
a person may mark that fact on the package, label or container of that product.

Enforcement
The method of enforcement will be via improvement notice served under Article 9 of the Food Safety Act 1990 as applied by these regulations. An improvement notice can also be served under Article 9 for breach of regulation 4, 5 or 6 of these regulations.

Improvement Notices would be used as a part of the hierarchy of enforcement when informal measures are no longer appropriate and the labelling contravention or issue should be elevated to formal action. If the conditions set by an improvement notice are not met then the noncompliance with those conditions will constitute a criminal offence. Improvement Notices can be appealed to a Magistrates Court

**Associated Regulations**

[Caseins and Caseinates (Wales) Regulations 2016](#)


[Commission Directive 86/424/EEC methods of sampling for chemical analysis of edible caseins and caseinates](#)
Cocoa and Chocolate Products (Wales) Regulations 2003 (SI No. 3037 (W.285))

Scope
The regulations implement the European Directive 2000/36/EC relating to cocoa and chocolate products intended for human consumption.

The regulations do not apply to composite foods containing such a product as an ingredient. However where a cocoa or chocolate product (designated product) is used as an ingredient in another food, it must meet the compositional requirements.

The compositional requirements are contained in Schedule 1 and a QUID declaration of the amount of the designated product will be required when contained in a composite product such as a prepacked chocolate chip cookie (normal QUID rules apply to designated products).

Ingredients/Products
The products covered by the regulations include

• Cocoa butter
• Cocoa and powdered chocolate (including reduced fat and non-fat)
• Chocolate, milk chocolate, (including family milk chocolate, white chocolate, filled chocolate, 'Chocolate a la taza' and chocolates or pralines

The central requirement of the Regulations is to provide ‘reserved descriptions’ for ‘designated products’. Schedule 1 of the Regulations states the reserved descriptions with the minimum compositional requirements for each. A reserved description cannot be used to describe a product unless it meets the relevant compositional requirements. Where the compositional requirements are met, the reserved description must be used in the name of the food.

Schedule 1 is provided in the annex to this document.

Schedule 1 permits additional ingredients to be added to designated products (other than cocoa butter and powdered cocoa products) but must not exceed 40% of the weight of the finished products e.g. nuts, fruit, honeycomb. The regulations prohibit the addition of:

• animal fats and their preparations not derived solely from milk
• flour, granular and powdered starch (other than in chocolate a la taza and chocolate familiar a la taza: see Schedule 1 of the regulations). Flour includes all types of flour i.e. cereal flours as well as ingredients such as soya flour.
**Flavour**
Flavouring may also be added to a designated product except cocoa butter provided the flavouring does not mimic the taste of chocolate or milk fat. However, flavourings that significantly characterise the food product will have to indicate this in the name of the food e.g. orange flavoured milk chocolate.

The Food Information Regulations (Wales) 2014 made an amendment to these regulations to move the requirements previously set out in Schedule 8 Part 1 of the Food Labelling Regulations 1996 to Regulation 5(b) to (d) of these regulations so that a food is not described as having a chocolate flavour unless that flavour is derived wholly or mainly from either chocolate or (where the purchaser would not be misled by the description) from non-fat solids. Therefore the use of the word ‘flavour’ e.g. ‘chocolate flavour sauce’ may be used provided the purchaser is not misled by the description.

The Regulations require that a food cannot include any reserved description set out in Schedule 1 unless:

a) the food is the designated product to which the reserved description relates.

b) the description is used to indicate explicitly that the substance to which it relates is only an ingredient of that food.

c) the description is used to indicate explicitly that the food in question is not and does not contain a designated product.

**Use of Vegetable Fats other than Cocoa Butter**
Regulation 3 permits the addition of authorised vegetable fats other than cocoa butter to specific designated products - i.e. in column 2 of Schedule 1 items 3, 4, 5, 6, 8 and 9. The addition of these fats must not exceed 5% of the finished product, after the deduction of the total weight of any other edible substance permitted, without reducing the minimum content of cocoa butter or total dry cocoa solids. The authorised vegetable fats are listed in Schedule 2 of the Regulations.

**Chocolate Products**
Schedule 1 of the Regulations describes the various chocolate products as being obtained from cocoa products and sugars i.e. the products must contain added sugars.

**Use of Sweeteners**
Artificial sweeteners may be used in accordance with the rules in the Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013. These provide restrictions on the specific sweeteners that may be used and Regulation (EU) No. 1169/2011 requires additional labelling to indicate their presence.

FSA advice on the use of sweeteners and amount of added sugars is summarised as follows:
a) ‘Chocolate’ including some added sugars with sweeteners used to replace part of the sugar is a chocolate product and must comply with Cocoa and Chocolate Products Regulations.

b) ‘Chocolate’ with no added sugars and no added sweeteners is not a chocolate product and does not have to comply with the Cocoa and Chocolate Products Regulations labelling requirements. The term ‘chocolate’ or any of the reserved descriptions in their labelling may be used provided that the term is used with sufficient context to indicate clearly that the food is not and does not contain chocolate. The name of the food and the use of the word ‘chocolate’ on the labelling must therefore be put into appropriate context.

c) ‘Chocolate’ where there are no added sugars but with added sweeteners. This is not a chocolate product and is not required to carry Cocoa and Chocolate Products Regulations labelling requirements. The product has to comply with the Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013 and additional labelling requirements in the Food Information (Wales) Regulations 2014. FSA guidance recommends that the use of the word ‘chocolate’ on the labelling of such products must be put into context so as not to confuse the consumer e.g. ‘no added sugar chocolate with sweetener(s)’.

Labelling Requirements
Regulation 6 specifies requirements with regard to labelling and marking of designated products.

Where a product contains vegetable fats other than cocoa butter, the products labelling must include the words ‘contains vegetable fats in addition to cocoa butter’. The declaration must be in the same field of vision as the list of ingredients, in bold lettering at least as large as that of the list of ingredients and located near to the reserved description in at least one place on the packaging, but not necessarily each time the reserved description appears. It should be noted that this statement is required in addition to the listing of the vegetable fats in the product list of ingredients.

Milk Solids Declaration
Milk chocolate made from either 14/25 recipe or the 20/20 recipe must give an indication of the milk solids content in the form ‘milk solids x % minimum’.

Cocoa Solids Declaration
Designated products (except cocoa butter, white chocolate, filled chocolate, chocolates and pralines) must be labelled with a declaration of the cocoa solids content as ‘cocoa solids x % minimum’. For those products containing additional ingredients such as nuts or honeycomb it should be clear that the declared percentage relates to the weight of the chocolate part and not the whole product.
Regulation 6 (4) states how the percentage of cocoa solids in the product must be calculated. An example can be found in the FSA guidance:

The designated products require that ‘fat-reduced cocoa powder’ and ‘fat-reduced drinking chocolate’ as well as products described using any of the permitted reserved descriptions for these products are required to be labelled with an indication of the cocoa butter content.

No specific wording is stipulated for the declaration. The FSA guidance recommends the words 'contains cocoa butter x % minimum' be used.

**Calculation of cocoa solids**
Sugar 48  
Cocoa solids content  
Cocoa solids declared  
Milk solids 820g/80g =25%  
Is calculated on Cocoa solids 2020g/98g =20%  
Vegetable fats 4  
Hazelnut 18  
Lecithin 1  
Vanillin 1  
Total 100g

**Assortments**
Where the designated products are sold in assortment, the reserved description may be replaced by ‘assorted chocolates’, ‘assorted filled chocolates’ or similar statement. The list of ingredients may cover all the products in the assortment, instead of a separate list of ingredients for each product.

Manufacturers may choose to supplement the reserved descriptions ‘chocolate’, ‘milk chocolate’ and ‘couverture chocolate’ with further descriptions that emphasise the quality of the chocolate e.g, extra fine milk chocolate. Where such descriptions are used, the product must meet the following additional requirements:

- Chocolate - not less than 43% dry cocoa solids, including not less than 26% cocoa butter
- Milk chocolate - not less than 30% dry cocoa and not less than 18% dry milk solids
- Couverture chocolate - not less than 16% dry non-fat cocoa solids.

**Seasonal Selection Packs**
If designated products are sold in a seasonal selection pack, the outer packaging is not required to carry any labelling information provided each item in the pack is properly labelled.

**Minimum Durability**
All chocolate food products sold prepacked are subject to the indication of minimum durability requirements of EU Regulation No. 1169/2011.

**Associated Regulations**
- Cocoa and Chocolate Products (Wales) Regulations 2003 (SI No. 3037 (W.285))
- The Food Information (Wales) Regulations 2014 (SI No. 2303 (W.227))
- EC Directive 2000/36/EC relating to cocoa and chocolate products intended for human consumption

**Further Information**
The FSA guidance notes (Revised June 2009) on The Cocoa and Chocolate Products Regulations 2003 should be consulted for further guidance
### SCHEDULE

Annex 1

### SCHEDULE 1

Regulations 2, 3 and 6

### COCOA AND CHOCOLATE PRODUCTS AND THEIR RESERVED DESCRIPTIONS

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reserved descriptions</strong></td>
<td><strong>Designated products</strong></td>
</tr>
<tr>
<td><strong>1.</strong> Cocoa butter</td>
<td>The fat obtained from cocoa beans or parts of cocoa beans with the following characteristics:</td>
</tr>
<tr>
<td></td>
<td>- not more than 1.75 per cent free fatty acid content (expressed as oleic acid); and</td>
</tr>
<tr>
<td></td>
<td>- for press cocoa butter, not more than 0.35 per cent unsaponifiable matter (determined using petroleum ether); or</td>
</tr>
<tr>
<td></td>
<td>- for other cocoa butter, not more than 0.5 per cent unsaponifiable matter (so determined).</td>
</tr>
<tr>
<td><strong>2.</strong></td>
<td><strong>(a)</strong> Cocoa powder or Cocoa</td>
</tr>
<tr>
<td></td>
<td>The product obtained by converting into powder cocoa beans which have been cleaned, shelled and roasted, and which contains not less than 20 per cent cocoa butter, calculated according to the weight of the dry matter, and not more than 9 per cent water.</td>
</tr>
<tr>
<td></td>
<td><strong>(b)</strong> Fat-reduced cocoa or Fat-reduced cocoa powder</td>
</tr>
<tr>
<td></td>
<td>Cocoa powder containing less than 20 per cent cocoa butter, calculated according to the weight of the dry matter.</td>
</tr>
</tbody>
</table>
(c) **Powdered chocolate or Chocolate in powder**

The product consisting of a mixture of cocoa powder and sugars, containing not less than 32 per cent cocoa powder.

(d) **Drinking chocolate or Sweetened cocoa or Sweetened cocoa powder**

The product consisting of a mixture of cocoa powder and sugars, containing not less than 25 per cent cocoa powder.

(e) **Fat-reduced drinking chocolate or Fat-reduced sweetened cocoa or Fat-reduced sweetened cocoa powder**

The product consisting of a mixture of cocoa powder specified at item 2(b) and sugars, containing not less than 25 per cent of such cocoa powder.

3.

(a) **Chocolate**

The product obtained from cocoa products and sugars which, subject to item 3(b), contains not less than 35 per cent total dry cocoa solids, including not less than 18 per cent cocoa butter and not less than 14 per cent of dry non-fat cocoa solids.

(b) *If "Chocolate" is supplemented by*

(i) "vermicelli" or "flakes"

The product presented in the form of granules or flakes containing not less than 32 per cent total dry cocoa solids, including not less than 12 per cent cocoa butter and not less than 14 per cent of dry non-fat cocoa solids.

(ii) "couverture"

The product containing not less than 35 per cent total dry cocoa solids, including not less than 31 per cent cocoa butter and not less than 2.5 per cent of dry non-fat cocoa solids.

(iii) "Gianduja" or one of the derivatives of "Gianduja"

The nut chocolate product obtained (1) from chocolate having a minimum total dry cocoa solids content of 32 per cent including a minimum dry non-fat cocoa solids content of 8
per cent, and (2) from finely ground hazelnuts in such quantities that 100 grams of the product contain not less than 20 grams and not more than 40 grams of hazelnuts; and to which may have been added:

- milk or dry milk solids obtained by evaporation or both, in such proportion that the finished product does not contain more than 5 per cent dry milk solids;

- almonds, hazelnuts and other nut varieties, either whole or broken, in such quantities that, together with the ground hazelnuts, they do not exceed 60 per cent of the total weight of the product.

4. (a) **Milk chocolate**

The product obtained from cocoa products, sugars and milk or milk products which, subject to item 4(b), contains:

- not less than 25 per cent total dry cocoa solids

- not less than 14 per cent dry milk solids obtained by partly or wholly dehydrating whole milk, semi-skimmed or skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat

- not less than 2.5 per cent dry non-fat cocoa solids

- not less than 3.5 per cent milk fat
(b) If "Milk chocolate" is supplemented by -

(i) "vermicelli" or "flakes"

- not less than 25 per cent total fat (cocoa butter and milk fat).

The product presented in the form of granules or flakes containing not less than 20 per cent total dry cocoa solids, not less than 12 per cent dry milk solids obtained by partly or wholly dehydrating whole milk, semi-skimmed or skimmed milk, cream or from partly or wholly dehydrated cream, butter or milk fat and not less than 12 per cent total fat (cocoa butter and milk fat).

(ii) "couverture"

The product containing a minimum total fat (cocoa butter and milk fat) content of 31 per cent.

(iii) "Gianduja" or one of the derivatives of "Gianduja"

The nut milk chocolate product obtained (1) from milk chocolate having a minimum content of 10 per cent dry milk solids, obtained by partly or wholly dehydrating whole milk, semi-skimmed or skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat and (2) from finely ground hazelnuts in such quantities that 100 grams of the produce contain not less than 15 grams and not more than 40 grams of hazelnuts; and to which may have been added almonds, hazelnuts and other nut varieties, either whole or broken, in such quantities that, together with the ground hazelnuts, they do not exceed 60 per cent of the total weight of the product.

(c) If "Milk" is replaced by -

(i) "cream"

The product containing a minimum milk fat content of 5.5 per cent.
<table>
<thead>
<tr>
<th>(ii)</th>
<th>&quot;skimmed milk&quot;</th>
<th>The product containing a milk fat content not greater than 1 per cent.</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.</td>
<td>Family milk chocolate or Milk chocolate</td>
<td>The product obtained from cocoa products, sugars and milk or milk products which contains:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- not less than 20 per cent total dry cocoa solids;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- not less than 20 per cent dry milk solids obtained by partly or wholly dehydrating whole milk, semi-skimmed or skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- not less than 2.5 per cent dry non-fat cocoa solids;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- not less than 5 per cent milk fat;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- not less than 25 per cent total fat (cocoa butter and milk fat).</td>
</tr>
<tr>
<td>6.</td>
<td>White chocolate</td>
<td>The product obtained from cocoa butter, milk or milk products and sugars which contains not less than 20 per cent cocoa butter and not less than 14 per cent dry milk solids obtained by partly or wholly dehydrating whole milk, semi-skimmed or skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat, of which not less than 3.5 per cent is milk fat.</td>
</tr>
<tr>
<td>7.</td>
<td>Filled chocolate or Chocolate with … filling</td>
<td>The filled product, the outer part of which consists of a product specified in column 2 of</td>
</tr>
</tbody>
</table>
or Chocolate with …

centre

item 3, 4, 5 or 6 and constitutes not less than 25 per cent of the total weight of the product, but does not include any filled product, the inside of which consists of bakery products, pastry, biscuit or edible ice.

8. **Chocolate a la taza**

The product obtained from cocoa products, sugars, and flour or starch from wheat, rice or maize, which contains not less than 35 per cent total dry cocoa solids, including not less than 18 per cent cocoa butter and not less than 14 per cent dry non-fat cocoa solids, and not more than 8 per cent flour or starch.

9. **Chocolate familiar a la taza**

The product obtained from cocoa products, sugars, and flour or starch from wheat, rice or maize, which contains not less than 30 per cent total dry cocoa solids, including not less than 18 per cent cocoa butter and not less than 12 per cent dry non-fat cocoa solids, and not more than 18 per cent flour or starch.

10. **A chocolate or A praline**

The product in single mouthful size, consisting of:

(a) the product specified in column 2 of item 7; or

(b) a single chocolate or a combination or a mixture of chocolate within the meaning of any of the definitions specified in column 2 of items 3, 4, 5 and 6 and any other edible substance, provided that the chocolate constitutes not less than 25 per cent of the total weight of the product.
Notes

1. (1) Subject to regulation 3 and paragraph (2) of this Note, other edible substances may also be added to the designated chocolate products specified in column 2 of items 3, 4, 5, 6, 8 and 9:

Provided that this paragraph does not authorise the addition -

(a) of animal fats and their preparations not deriving solely from milk; or
(b) of flours, granular and powdered starch other than in accordance with the definitions specified in column 2 of items 8 and 9; or
(c) of other edible substances in a quantity exceeding 40 per cent of the total weight of the finished product.

(2) Only those flavourings which do not mimic the taste of chocolate or of milk fat may be added to the designated products specified in column 2 of items 2, 3, 4, 5, 6, 8 and 9.

2. (1) The minimum contents of the designated chocolate products specified in column 2 of items 3, 4, 5, 6, 8 and 9 shall be calculated after deduction of the weight of other edible substances provided for in Note 1.

(2) In the case of the designated chocolate products specified in column 2 of items 7 and 10, the minimum contents shall be calculated after deducting the weight of other edible substances provided for in Note 1, as well as the weight of the filling.

(3) The chocolate contents of the designated chocolate products specified in column 2 of items 7 and 10 shall be calculated in relation to the total weight of the finished product, including its filling.

The Country of Origin of Certain Meats (Wales) Regulations 2015 (SI No. 1519 (W. 177))

Scope
These Regulations make provision to enforce Implementing Regulation (EU) No. 1337/2013 (the EU Regulation) laying down rules for the application of Regulation (EU) No. 1169/2011 (FIC) as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry.

Ingredients/Products
The EU Regulation covers prepacked fresh, chilled and frozen meat of swine, sheep, goat and poultry.

Please note: The EU Regulation does not cover non-prepacked or 'loose' product. So if the meat is presented without packaging at the point of sale e.g. on a butchers counter display, origin labelling is not currently required.

Labelling requirements contained in the EU Regulation
Article 5 of this regulation requires that all fresh, chilled and frozen pork, lamb, goat and poultry meat will have to be labelled with an indication of:
   i) the place of rearing;
   ii) place of slaughter of the animal from which the meat is obtained; and
   iii) a batch code identifying the meat at retail
FBO’s must be able to demonstrate that they can establish the link between the meat and the animal at slaughter, evidenced by records showing their country of origin (Article 3).
Each business will be responsible for the maintenance of their records as set out in regulation 5 of the Country of Origin of Certain Meats Regulations (NI) 2015. There is a minimum of a 12 month retention period from the end of the calendar year to ensure compliance.

Mandatory labelling of a batch code identifying the meat at retail
Packs of meat must carry a batch code that clearly identifies the origin of the meat. This means that the code can be referenced with other information to enable food businesses to demonstrate the accuracy of the information on the label (Article 5(1)(c)).

A definition of batch code is:

“Any existing mark on a label or packaging, such as a date mark or lot number, which a food business operator can demonstrate, when cross referenced with other information, allows them to identify the origins of the meat”.

A food business should be able to demonstrate that the batch code chosen is one that is valid for determining the accuracy of the mandatory origin claims.

Article 3: Traceability: Identification of animal
FBO’s must have an identification and registration system in place which must be applied to ensure;
Article 4: Group of animals
The size of a group of animals discussed in Article 3 is to be defined by:
- the number of carcases cut together and constituting one batch for the cutting plant in the case of cutting carcasses;
- It is the number of carcases the meat of which constitutes one batch for the cutting or mincing plant concerned in case of further cutting or mincing.

“Batch” is defined in Article 2(b) as “meat, falling within the Combined Nomenclature codes listed in Annex XI to Regulation (EU) No 1169/2011, obtained from a single species, with or without bone, whether or not cut or minced, that has been cut, minced or packed under practically identical conditions.”

The size of a batch cannot exceed the production of one day.
When constituting a batch, establishments in which meat is cut or minced must ensure that all carcases in a batch correspond to animals whose meat requires identical labelling indications; (except where Article 7 is applied).

Article 5: Labelling of meat – compulsory requirements

Rearing Criteria

Swine
The criteria set out in Article 5(1)(a)(i) determine the place of rearing where;

• The animal is slaughtered older than 6 months, the Member State or Third Country in which the last rearing period of at least 4 months took place;
• The animal is slaughtered younger than 6 months and with a live weight of at least 80 kilograms, the Member State or third country in which the rearing period after the animal had reached 30 kilos took place;
• The animal is slaughtered younger than 6 months and with a live weight of less than 80 kilograms, the Member State or third country in which the whole rearing period took place.

<p>| Member State or Third Country of | Slaughtered ≥ 6 months old | Reared In:Member state or third country in which last rearing period of at least 4 months took place. |</p>
<table>
<thead>
<tr>
<th><strong>Rearing</strong></th>
<th>Slaughtered &lt; 6 months old and at least 80kg liveweight.</th>
<th>Reared In: Member state or third country in which rearing from 30 kgs took place.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Slaughtered &lt; 6 months old and &lt; 80kg liveweight.</td>
<td>Reared In: Member state or third country in which the whole rearing period took place.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Member State or Third Country of Rearing</strong></th>
<th>Slaughtered in: Member State or third country where animal was slaughtered.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Origin Labelling (Voluntary Indication)</strong> Reserved for animals Born, Reared and Slaughtered in a single EU Member state or Third Country</th>
<th>Origin: Member State or Third Country.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Batch Number</strong></th>
<th>Assigned by FBO in accordance with requirements of (EU) No. 1337/2013.</th>
</tr>
</thead>
</table>

### Sheep and goats
For sheep and goats, the criteria set out in Article 5(1)(a)(ii) determine place of rearing where;

- The Member State or third country in which the last rearing period of at least 6 months took place; or the animal is slaughtered younger than 6 months, the Member State or third country in which the whole rearing period took place.

<table>
<thead>
<tr>
<th><strong>Member State/s or Third Country of Rearing</strong></th>
<th>Slaughtered ≥ 6 months old</th>
<th>Reared In: Member state or third country in which last rearing period of at least 6 months took place.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Slaughtered &lt; 6 months old</td>
<td>Reared In: Member state or third country in which whole rearing took place.</td>
</tr>
<tr>
<td>Member State or Third Country of Slaughter</td>
<td>Slaughtered in: Member State or third country where animal was slaughtered.</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Origin Labelling (Voluntary Indication)</td>
<td>Origin: Member State or Third Country.</td>
<td></td>
</tr>
<tr>
<td>Reserved for animals Born, Reared and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slaughtered in a single EU Member state</td>
<td></td>
<td></td>
</tr>
<tr>
<td>or Third Country.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Batch Number</td>
<td>Assigned by FBO in accordance with requirements of (EU) No. 1337/2013.</td>
<td></td>
</tr>
</tbody>
</table>

**Poultry**  
For poultry the criteria are set out in Article 5(1)(a)(iii) to determine place of rearing where:

- The member state or third country in which the last period of at least one month took place or, the animal is slaughtered younger than one month it would be the Member State or third country in which the entire rearing period after the animal was placed for fattening took place.

<table>
<thead>
<tr>
<th>Member State/s or Third Country of Rearing</th>
<th>Slaughter age/weight</th>
<th>Indication on label</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Slaughtered ≥ 1 month old</td>
<td>Reared In: Member state or third country in which last rearing period of at least 1 month took place.</td>
</tr>
<tr>
<td></td>
<td>Slaughtered &lt; 1 month old</td>
<td>Reared In: Member state or third country in which whole rearing took place.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Member State or Third Country of Slaughter</th>
<th>Slaughtered in: Member State or third country where animal was slaughtered.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin Labelling (Voluntary Indication)</td>
<td>Origin: Member State or Third Country.</td>
</tr>
<tr>
<td>Reserved for animals Born, Reared and</td>
<td></td>
</tr>
<tr>
<td>Slaughtered in a single EU Member state</td>
<td></td>
</tr>
<tr>
<td>or Third Country.</td>
<td></td>
</tr>
</tbody>
</table>
When the rearing criteria are not met
Article 5 (1) explains that where the rearing period as explained is not attained in any of the Member States or third countries where the animal was reared then the indication must be replaced by:
- “Reared in: several Member States of the EU”
- “Reared in: several non-EU countries” or
- “Reared in: several EU and non-EU countries”

In the situation where the FBO can prove to the enforcing authority of the Member States or third countries that the animal was reared in then these can be specified:
- “Reared in UK and Ireland” or
- “Reared in UK and Denmark” or
- “Reared in Thailand and Ireland and UK”

These can be used instead of “Reared in several Member States of the EU”

Slaughter labelling as a compulsory requirement
Article 5(1)(b) requires the Member State or third country in which the slaughter took place to be indicated on the label as: “Slaughtered in: (Member State name or third country)”

Origin labelling as a compulsory requirement
Article 5(2) allows the term “Origin: (Name of Member State or third country)” to replace the terms required by Article 5(1)(a) and (b) (reared and slaughtered) if the FBO proves to the satisfaction of the competent authority that the meat has been obtained from animals born, reared and slaughtered in one single Member State or third country.

Several pieces of meat labelling as a compulsory requirement
Article 5(3) requires that where several pieces of meat, (of the same or of different species), are presented in the same pack to the consumer or mass caterer which correspond to different labelling indications in respect of “reared in” and or “slaughtered in”, the label must indicate:
- The list of Member States or third countries in accordance with Article 5(1) or (2) for each species
- The batch code identifying the meat supplied to the consumer or mass caterer

Article 6: Derogation for meat from third countries
Article 6 of Regulation 1337/2013 allows meat referred to in Article 1 imported for placing on the EU market from a non EU source to indicate on the label:
- “Reared in non-EU” and
- “Slaughtered in (name of the third country where the animal was slaughtered)”
where the information in regards to the place of rearing is unavailable.

**Article 7: Derogation for minced meat and trimmings**
Article 7 of 1337/2013 provides a derogation from Articles 5 (1)(a) and (b), 5(2) and 6 for minced meat and trimmings whereby a range of alternative indications may be applied related to “EU” and “Non EU origin”.
For example:
“Origin EU” may be used when the minced meat comes from animals born, reared and slaughtered in different EU Member States or “reared and slaughtered in: non- EU” where minced meat or trimmings are produced exclusively from meat imported into the Union.

**Article 8: Additional Voluntary information**
Under Article 8 of 1337/2013 there are provisions for additional voluntary information to be provided on the label. This voluntary information on the provenance of the meat is allowed as long as it does not contradict the mandatory statements and complies with Chapter V of Regulation (EU) No. 1169/2011
Examples of additional voluntary information:
“Northern Irish”
“British”
“Scottish”

**Enforcement**
The method of enforcement for the EU Regulation will be via improvement notice served under Section 10 of the Food Safety Act 1990 as applied by these Regulations. An improvement notice can also be served under Section 10 for breach of regulation 5 of these regulations (record keeping). Improvement Notices would be used as a part of the hierarchy of enforcement when informal measures are no longer appropriate and the labelling contravention or issue should be elevated to formal action. If the conditions set by an improvement notice are not met then the non-compliance with those conditions will constitute a criminal offence. Improvement Notices can be appealed to Magistrates Court

**Associated Regulations**
The Country of Origin of Certain Meats (Wales) Regulations 2015
Food Safety Act 1990
Coffee Extracts and Chicory Extracts (Wales) Regulations 2001 (SI No. 1440 (W.102))

Scope
The Regulations implement Directive 1999/4/EC and apply to coffee and chicory extracts which are ready for delivery to the ultimate consumer or to a catering establishment. The Regulations do not apply to the product known as café torrefacto soluble. The Regulations prescribe definitions and reserved descriptions for coffee extracts and chicory extracts and restrict the sale of such foods which must be labelled with a reserved description.

Ingredients/Products
The regulations apply to coffee and chicory extracts which are defined as follows:

- Coffee extract: The concentrated product obtained by extraction from roasted coffee beans using water as the only means of extraction (excluding any process of hydrolysis involving the addition of an acid or base) and which contains only the soluble and aromatic constituents of coffee apart from the insoluble substances which it is impossible to remove and insoluble solids derived from coffee.

Chicory extract: The concentrated product obtained by extraction from roasted chicory using only water as the method of extraction (excluding any process of hydrolysis involving the addition of an acid or base).

The use of the reserved descriptions is restricted in the labelling of foodstuffs unless:

- The food is the designated product to which the reserved description relates
- The description is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food
- The description is used in such a context as to indicate explicitly or by clear implication that such food is not and does not contain a designated product.

Annex 1 of the Regulations states the reserved descriptions and designated products of both coffee extracts and chicory extracts. (See attached Schedule)

Labelling Requirements
There are specific labelling requirements for the designated products in addition to the general requirements of the EU Food Information to Consumer Regulation No. 1667/2011

These are:

- A reserved description of the product
• The word 'decaffeinated' for coffee extracts which have been subjected to a decaffeination process and in which the residual anhydrous caffeine content does not exceed 0.30% of its coffee-based dry matter content.

• In the case of coffee and chicory extracts in liquid form in which sugar has been used, the words 'with x', 'preserved with x', 'with added x' or 'roasted with x' as appropriate, x being the name of the sugar product used. The name of the sugar product used must be the reserved description from Specified Sugar Products Regulations 1976 or if no reserved description; the name of the product as if it were itself being sold as a food.

• In the case of coffee/ chicory extracts in paste or liquid form; a declaration of the minimum coffee/ chicory based dry matter content expressed as a percentage.

• In the case of coffee extracts in liquid form containing more than 25% coffee based dry matter and for chicory extracts in liquid form containing more than 45% chicory based dry matter the word 'concentrated' may be added to the reserved description.

• The information required by these regulations must be in a conspicuous place so as to be clearly visible, clearly legible and indelible and easy to understand.

**Associated Regulations**

Coffee Extracts and Chicory Extracts (Wales) Regulations 2001 (SI No. 1440 (W. 102))

The Food Information (Wales) Regulations 2014


EU Food Information to Consumer Regulation No. 1667/2011
### Coffee Extracts and their Reserved Descriptions

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reserved descriptions</strong></td>
<td><strong>Designated Products</strong></td>
</tr>
<tr>
<td>1. Coffee extract <em>or</em> Soluble coffee extract <em>or</em> Instant coffee <em>or</em> Soluble coffee</td>
<td>Coffee extracts in powder, granular, flake, cube or other solid form, of which the coffee-based dry matter content is not less than 95%, containing no substances other than those derived from the extraction of coffee.</td>
</tr>
<tr>
<td>2. Coffee extract <em>supplemented in each case by the word “paste” or the words “in paste form”</em> Soluble coffee extract <em>or</em> Instant coffee <em>or</em> Soluble coffee</td>
<td>Coffee extracts in paste form, of which the coffee-based dry matter content is not more than 85%, and not less than 70%, containing no substances other than those derived from the extraction of coffee.</td>
</tr>
<tr>
<td>3. Coffee extract <em>supplemented in each case by the word “liquid” or the words “in liquid form”</em> Soluble coffee extract <em>or</em> Instant coffee <em>or</em> Soluble coffee</td>
<td>Coffee extracts in liquid form, of which the coffee-based dry matter content is not more than 55%, and not less than 15%.</td>
</tr>
</tbody>
</table>

**NOTE:**

The product may contain added sugar products, whether or not roasted, in a proportion not exceeding...
Part II

Chicory Extracts and their Reserved Descriptions

<table>
<thead>
<tr>
<th>Column 1 Reserved descriptions</th>
<th>Column 2 Designated Products</th>
</tr>
</thead>
</table>
| **1.** Chicory extract or Instant chicory or Soluble chicory | Chicory extracts in powder, granular, flake, cube or other solid form, of which the chicory-based dry matter content is not less than 95%.

**NOTE:**
This product may contain not more than 1% of substances not derived from chicory.

| **2.** Chicory extract or Instant chicory or Soluble chicory | Chicory extracts in paste form, of which the chicory-based dry matter content is not more than 85%, and not less than 70%.

**NOTE:**
This product may contain not more than 1% of substances not derived from chicory.

| **3.** Chicory extract or Instant chicory or Soluble chicory | Chicory extracts in liquid form, of which the chicory-based dry matter content is not more than

12%. |
<table>
<thead>
<tr>
<th>Soluble chicory form”</th>
<th>55%, and not less than 25%.</th>
</tr>
</thead>
</table>

**NOTE:**

This product may contain added sugar products, whether or not roasted, in a proportion not exceeding 35%.
The Condensed Milk and Dried Milk (Wales) Regulations 2003 (SI No. 3035 (W.291)) (as amended)

Scope

In addition all products covered by the Regulations must also comply with the general provisions of The Food Safety Act 1991, EU Food Information to Consumers Regulation No. 1169/2011, and all other relevant legislation.

Ingredients/Products

The Regulations are intended to make rules governing the labelling of certain preserved milk, and the manufacturing specifications to be adhered to if products are to be described by certain reserved descriptions. As the name implies, these Regulations apply to condensed milk and dried milk, intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment. A full list of these products with their specification is in Annex I of the schedule to these notes.

The products subject to these Regulations are grouped in two classes, partly dehydrated milk and totally dehydrated milk. Partly dehydrated milk can be sweetened (sweetened condensed milk) or unsweetened (unsweetened condensed milk). The two classes are further subdivided by their fat content. This is outlined in Annex I as reproduced in the schedule to these notes.

Labelling Requirements
Reserved Descriptions
Reserved descriptions are used for certain foods which must meet specific product criteria. The reserved descriptions listed in column 1 of Annex 1 are to be used to name all products which comply with the product requirements as described in column 2 of Annex 1 of these notes.

Alternative descriptions, with their respective product requirements are listed in Annex 2 of these notes.

ADDED VITAMINS ARTICLE 3 OF 2001/114/EC
Regulation 2 and Notes to Schedule 1 SI 2003
Added vitamins:

Any condensed milk product or dried milk product may contain any added vitamin as a permitted miscellaneous additive, provided the final product complies with the Food Safety Act 1990, as amended.
Labelling Article 3 of 2001/114/EC

Regulations 5, 6 and Schedule 1 of SI 2003

Condensed milk and dried milk products within the scope of these Regulations are subject to the general rules set by the EU Food Information to Consumer Regulations No.1169/2011. In general, these products should be labelled with the percentage of milk fat expressed by weight in relation to the finished product and the percentage of fat-free milk extract. This information should appear on the label near the trade name of the product. However, there are exceptions.

Totally dehydrated milk (dried high-fat milk or high-fat milk powder, dried whole milk or whole milk powder, dried partly skimmed milk or partly skimmed-milk powder, dried skimmed milk or skimmed-milk powder) must also have the following information on the label:

- details of the fat content of the product when diluted or reconstituted
- recommendations as to the method of dilution or reconstitution
- the product is “not intended as a food for infants under 12 months”

Exceptions

- Skimmed products, that is condensed skimmed milk, sweetened condensed skimmed milk, and dried skimmed milk or skimmed milk powder which do not contain more than 1% fat. Do not need to be labelled with the percentage of milk fat, expressed by weight in relation to the finished product

- Totally dehydrated milk, that is dried high-fat milk or high-fat milk powder, dried whole milk or whole milk powder, dried partly skimmed milk or partly skimmed-milk powder, dried skimmed milk or skimmed milk powder: Do not need to state the percentage of fat-free dried milk extract

- Products caught by these Regulations in pack sizes of less than 20 grams per unit must be labelled with the required designation but all other labelling requirements need only appear on the outer packaging.

Labelling of milk product or dried milk product with added Vitamins used in the production of a compound food, e.g. instant hot chocolate

If fortified milk product or dried milk product constitutes 2% or more of the finished product then the vitamins would need to be included in the ingredients list of the final product.

Additives

Notes for Schedule 1 of SI 2003
Additives that are listed as permitted currently by the Food Additives, Flavourigs, Enzymes and Extraction Solvents (Wales) Regulations 2013 for use in the designated products may continue be used for the foreseeable future.

**Associated Regulations**

- EC Directive 2001/114 relating to certain partly or wholly dehydrated preserved milk for human consumption.

- The Condensed Milk and Dried Milk (Wales) Regulations 2003

- The Food Safety Act 1990

- The Food Information (Wales) Regulations 2014

- Specified Sugar Products (Wales) Regulations 2003

- Condensed Milk and Dried Milk (Wales) (Amendment) Regulations 2008

- Food Hygiene (Wales) Regulations 2006 (as amended)

**Further Information**

Guidance on condensed milk and dried milk

On 26 September 2007, the European Commission published amendments to Directives relating to the Dairy Industry:


Currently, the Agency is responsible for implementing Directive 2001/114/EC through domestic legislation; The Condensed Milk and Dried Milk (Wales) Regulations 2003

The main features of Directive 2007/61/EC are:

- **Protein Standardisation** - Allowing the standardisation of the protein content of preserved milk (dried and condensed milk) in line with internationally agreed standards (CODEX)

- **Definition of partially and totally dehydrated milk** - Removal of the word “directly” from the current definitions

- **Council Regulation 1925/2006/EC on the addition of vitamins and minerals and of certain other substances to foods** - Addition of reference
PARTLY OR WHOLLY DEHYDRATED PRESERVED MILK PRODUCTS
AND THEIR RESERVED DESCRIPTIONS

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reserved description</td>
<td></td>
</tr>
<tr>
<td>1. Partly dehydrated milk</td>
<td></td>
</tr>
<tr>
<td>- Types of unsweetened condensed milk</td>
<td></td>
</tr>
<tr>
<td>(a) Condensed high-fat milk</td>
<td>Partly dehydrated milk containing, by weight, not less than 15% fat, and</td>
</tr>
<tr>
<td></td>
<td>not less than 26.5% total milk solids.</td>
</tr>
<tr>
<td>(b) Condensed milk</td>
<td>Partly dehydrated milk containing, by weight, not less than 7.5% fat, and</td>
</tr>
<tr>
<td></td>
<td>not less than 25% total milk solids.</td>
</tr>
<tr>
<td>(c) Condensed, partly skimmed milk</td>
<td>Partly dehydrated milk containing, by weight, not less than 1% and less</td>
</tr>
<tr>
<td></td>
<td>than 7.5% fat, and not less than 20% total milk solids.</td>
</tr>
<tr>
<td>(d) Condensed skimmed milk</td>
<td>Partly dehydrated milk containing, by weight, not more than 1% fat, and</td>
</tr>
<tr>
<td></td>
<td>not less than 20% total milk solids.</td>
</tr>
<tr>
<td>- Types of sweetened condensed milk</td>
<td></td>
</tr>
<tr>
<td>(e) Sweetened condensed milk</td>
<td>Partly dehydrated milk with an admixture of sucrose* (semi-white sugar,</td>
</tr>
<tr>
<td></td>
<td>white sugar, white sugar or extra white</td>
</tr>
</tbody>
</table>
(f) **Sweetened condensed, partly skimmed milk**

Partly dehydrated milk with an admixture of sucrose* (semi-white sugar, white sugar or extra white sugar) and containing, by weight, not less than 1% and less than 8% fat, and not less than 24% total milk solids.

(g) **Sweetened condensed skimmed milk**

Partly dehydrated milk with an admixture of sucrose* (semi-white sugar, white sugar or extra white sugar) and containing, by weight, not more than 1% fat and not less than 24% total milk solids.

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*as defined by the Specified Sugar Products Regulations (NI) 2003.

<table>
<thead>
<tr>
<th>2. Totally dehydrated milk</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reserved description</strong></td>
<td><strong>Designated product</strong></td>
</tr>
<tr>
<td>(a) Dried high-fat milk or high-fat milk powder</td>
<td>Totally dehydrated milk containing, by weight, not less than 42% fat.</td>
</tr>
<tr>
<td>(b) Dried whole milk or whole milk powder</td>
<td>Totally dehydrated milk containing, by weight, not less than 26% and less than 42% fat.</td>
</tr>
<tr>
<td>(c) Dried partly skimmed milk or partly skimmed-milk powder</td>
<td>Totally dehydrated milk with a fat content of more than 1.5% and less than 26% by weight.</td>
</tr>
<tr>
<td>(d) Dried skimmed milk or skimmed-</td>
<td>Totally dehydrated milk containing, by</td>
</tr>
</tbody>
</table>
Notes:

1. Authorised additions and raw materials:

(a) Any designated product may contain -

(i) Any substance permitted pursuant to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives, and

(ii) Vitamins and minerals in accordance with the requirements Regulation (EC) No. 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods

(b) Authorised raw materials for protein adjustment purposes referred to in Note 4 are:

(i) Milk retentate, which is the product obtained by concentrating milk protein by ultra filtration of milk, partly skimmed milk or skimmed milk;

(ii) Milk permeate, which is the product obtained by removing milk proteins and milk fat from milk, partly skimmed milk or skimmed milk by ultra filtration; and

(iii) Lactose, which is a natural constituent of milk normally obtained from whey with an anhydrous lactose content of not less than 99.0% m/m on a dry basis. It may be anhydrous or contain one molecule of water of crystallisation or be a mixture of both forms.

2. An additional quantity of lactose, not greater than 0.03% by weight of the finished product, may be added in the manufacture of any designated product specified in paragraph 1(e) to (g).


4. Without prejudice to the compositional requirements set out in the table above, the protein content of milk may be adjusted to a minimum content of 34% by weight (expressed on fat-free dry matter) by the addition and/or withdrawal of milk constituents in such a way as not to alter the ratio of whey protein to casein in the milk being adjusted.

5. The levels of dry matter, moisture content, fat, sucrose, lactic acid and lactates and phosphatase activity in the designated products shall be determined in accordance with the methods set out in Directive 79/1067.
Annex II

ALTERNATIVES TO THE RESERVED DESCRIPTIONS SPECIFIED

1. The term ‘evaporated milk’ may be used instead of the term ‘condensed milk’ in the case of partly dehydrated milk containing, by weight, at least 9% fat and 31% total milk solids.

2. The term ‘evaporated semi-skimmed milk’ may be used instead of the term ‘condensed partly skimmed milk’ in the case of partly dehydrated milk containing, by weight, between 4% and 4.5% fat and not less than 24% total milk solids.

3. The term ‘semi-skimmed milk powder’ or ‘dried semi-skimmed milk’ may be used instead of the term ‘dried partly skimmed milk’ or ‘partly skimmed-milk powder’ in the case of totally dehydrated milk with a fat content of between 14% and 16%.
The Contaminants in Food (Wales) Regulations 2013 (SI No. 2493 (W.242))

Scope
These Regulations make provision for the continuing implementation of Council Directive 76/621/EEC relating to the fixing of the maximum level of erucic acid in oils and fats intended as such for human consumption and in foodstuffs containing added oils or fats and of Commission Directive 80/891/EEC relating to the Community method of analysis for determining the erucic acid content in oils and fats intended to be used as such for human consumption and foodstuffs containing added oils or fats.

These Regulations also make provision for the continuing implementation of European Commission Regulation 1881/2006 setting maximum levels for contaminants in food. The regulation as amended sets maximum permitted levels for certain contaminants in foodstuffs.

Ingredients/Products
The rules apply to all foodstuffs including those that are used as ingredients.

Purpose of the regulations
Commission Regulation 1881/2006 (as amended) provides consumers with an increased level of protection through the setting of maximum EC levels for

- specific mycotoxins
- undesirable process and
- environmental contaminants in those foods that are significant contributors to the total dietary exposure by the consumer. The levels are set so that they are toxicologically acceptable and exclude grossly contaminated food from entering the food chain.

Article 1 of Regulation 1881/2006 specifies by means of an annex foods that must not be placed on the market if they contain a listed contaminant in excess of the maximum level. Maximum levels apply to the edible portion of the food.

The annex is divided into different sections covering the following contaminants.

Section 1 – Nitrate
Section 2 – Mycotoxins
- Aflatoxins
- Ochratoxin A
- Patulin
- Deoxynivalenol
- Zearalenone
- Fumonisins
- T-2 and HT-2 Toxin
Section 3 – Metals
- Lead
- Cadmium
- Mercury
- Tin (inorganic)

Section 4 – 3-monochloropropane-1, 2-diol (3-MCPD)

Section 5 – Dioxins and PCB’s

Section 6 – Polycyclic aromatic hydrocarbons – Benzo(a)pyrene

In addition, the Contaminants in Food Regulations also provides for the enforcement of Commission Regulation EC No. 124/2009 setting maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of these substances in non target feed.

The following substances are listed in the Annex to EC Regulation No. 124/2009

- Lasalocid sodium
- Narasin
- Salinomycin sodium
- Monensin sodium
- Semduramicin
- Maduramicin
- Robenidine
- Decoquinate
- Halofuginone
- Nicarbazin and
- Diclazuril

Commission Regulation 165/2010 amending Regulation (EC) 1881/2006 raises the levels for aflatoxin in certain specified foods and aligns EU limits for aflatoxins with those agreed at the Codex Committee on contaminants in food in 2008.

The Contaminants in Food (Wales) Regulations 2013 create the following offences:

- Placing on the market a product in which the level of erucic acid exceeds 5%, calculated on the total level of fatty acids in the fat component
- Placing on the market certain foods that contain contaminants at levels exceeding those specified in the EC Regulation 1881/2006 as amended.
- Using products that do not comply with maximum levels as food ingredients for the production of compound foods.
- Mixing foods that do not comply with the maximum levels.
• In relation to aflatoxins, to mix foods intended for direct consumption with foods that are intended to be sorted or otherwise treated prior to consumption or

• In relation to mycotoxins, to detoxify by chemical treatment food not complying with the maximum limits.

These regulations revoked the Mineral Hydrocarbons in Food Regulations 1966 in their entirety. The Mineral Hydrocarbons in Food Regulations 1966 (SI No 1073) (purely national Regulations) are based on science which is now out of date. In addition the scope of the Regulations is too broad. By generally banning the sale or import of any food containing mineral hydrocarbons, the legislation has the unintended effect of banning the presence of residues of mineral hydrocarbons, which could be tolerated by EU contaminants legislation.

Associated Regulations
Contaminants in Food (Wales) Regulations 2013

Council Directive 76/621/EEC relating to the fixing of the maximum level of erucic acid in oils and fats intended as such for human consumption and in foodstuffs containing added oils or fats


Commission Regulation (EC) No. 565/2008 setting maximum levels for certain contaminants in foodstuffs as regards the establishment of a maximum level for dioxins and PCB’s in fish liver.


Commission Regulation (EC) No. 124/2009 setting maximum levels for the presence of coccidiostats or histomonostats in food resulting from unavoidable carry-over of these substances in non-target feed.

Commission Regulation (EU) No. 105/2010 setting maximum levels for certain contaminants in foodstuffs as regards ochratoxin A
COMMISSION REGULATION (EC) No 401/2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs

COMMISSION REGULATION (EC) No 1882/2006 laying down methods of sampling and analysis for the official control of the levels of nitrates in certain foodstuffs

COMMISSION REGULATION (EC) No 333/2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs


Commission Regulation (EU) No. 836/2011 amending Regulation 337/2007 laying down the methods of sampling and analysis for the official control of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs


Commission Regulation (EU) No 594/2012 amending Regulation (EC) 1881/2006 as regards the maximum levels of the contaminants ochratoxin A, non dioxin-like PCBs and melamine in foodstuffs


Commission Regulation (EU) No 252/2012 laying down methods of sampling and analysis for the official control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs and repealing Regulation (EC) No. 1883/2006

Commission Regulation (EU) No 610/2012 amending Regulation (EC) No 124/2009 setting maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of these substances in non-target feed

Further Information
FSA Guidance on the Contaminants in Food (Wales) Regulations 2009 (SI No.1386 (W.142))
The Fish Labelling (Wales) Regulations 2013 (SI No. 2139 (W.209))

Scope

These Regulations require fish sold at retail to be labelled with all of the following information:

- Commercial name of the fish species (but scientific (Latin) name is optional at retail sale). It requires Member States to establish a list of commercial designations of fish species which are names prescribed by law. A live up-to-date list of accepted names can be found at the link below:
  

- Method of Production (i.e. whether caught at sea, or inland waters or farmed)

- Catch area or Country of Production (i.e. European Member State or third country of origin)

- The need to have the scientific name available to consumers on fish when sold prepacked or loose. In the case of loose fish, the scientific name may appear on a billboard or poster.

- The need to have information available to consumers about whether or not the fish has been previously frozen. There are exemptions from this requirement for fish which has been frozen at sea to preserve it until the vessel reaches port and also for fish defrosted prior to smoking, salting, cooking, pickling, drying or a combination of those processes.

New requirements to provide the consumer with additional information on fishery products at retail stage have been introduced throughout the EU and applied from 13 December 2014. The new requirements will provide information on fishery products to include:

- The equipment used to catch the fish
- The date of minimum durability
**Ingredients/Products**
The regulations apply to the following products:

- Fish pre-packed at retail sale: live fish; fresh, chilled or frozen fish; smoked fish; dried, salted or brined fish; fish fillets (whether minced or not); crustaceans (except crustaceans which are both cooked and peeled); and molluscs (except cooked molluscs).

- Apply also to fish (in the aforementioned presentations) which is sold loose from fish counters or pre-packed for direct sale to the final consumer.

It should be noted that the regulations do not apply to

- fish that has been further processed, preserved treated or cooked e.g. tinned tuna;

- fish to which other ingredients have been added e.g. fish fingers; fish with colouring;

- crabsticks, fish sticks or similar;

- recipe dishes/fish ready meals e.g. fish pies;

- smoked fish with additional ingredients e.g. smoked salmon fillet treated with honey, salmon sandwiches;

- cooked molluscs e.g. cockle meat out of shell or winkle meat with or without shell.

**Traceability requirements**
Traceability information on the commercial designation including scientific name of the fish species, production method and catch area must be available at each stage of marketing of the species (i.e. at all stages of production / first landing, distribution, etc., where the ownership of the produce changes hands). It is generally understood that commercial documentation rather than labelling of the product per se is the usual means of providing traceability information.

**Exemptions**
The Regulations do not apply to sales of small quantities of fish (to the value of less than €20) sold directly to the final consumer by either fisherman (e.g. from the quayside) or aquaculture producers (e.g. from lakes, ponds, etc.).

**Labelling Requirements**
Labelling of Production method
The production method (which specifies the manner in which the fish was harvested) should to be given in one of the following ways:
(a) For products caught at sea or in freshwater - the terms ‘caught’ or ‘caught in freshwater’ should be used.

(b) For products of aquaculture - the terms ‘farmed’ or ‘cultivated’ should be used to indicate that the fishery and aquaculture products have been farmed. In order to ensure that accurate and meaningful information is provided to the consumer, the Agency recommends that the method of production be given prominently with the commercial designation (e.g. ‘farmed Scottish trout’).

Circumstances where the production method need not be indicated
For products caught at sea, the terms ‘caught’ or ‘caught in’ do not have to be used if it is obvious from the commercial designation or the catch area that species have been caught at sea e.g. Sea bass, Pacific sand dab. However, if there is any doubt about the production method, then omitting the terms ‘caught’ or ‘caught in’ is not permitted.

Labelling of catch area
The catch area must be indicated as follows:

(a) **For products caught at sea**, the origin must be indicated by reference to one (or more, if appropriate) of 12 catch areas based on FAO statistical classifications. These are specified in the Annex to 2065/2001.

(b) **For products caught in freshwater**, the origin must give a reference to the Member State or third country of origin. For example, for trout caught in freshwaters of Spain or Norway, reference would need to be made to Spain or Norway respectively.

(c) **For farmed and cultivated products**, the origin must indicate the Member State or third country in which the product underwent final development. So, for example, if a fish started its life farmed in France and Denmark but was ‘finally farmed’ in Iceland, the labelling is required to state ‘Farmed Icelandic fish’.

However, consistency with separate advice on country of origin labelling would suggest that all countries be indicated on the labelling to give consumers accurate and meaningful information on the true place(s) of origin of the fish. So in the above example, the Agency **recommends** the product is labelled as ‘Farmed Icelandic fish reared in France and Denmark’.

Meaning of ‘final development’ for farmed products?
The term ‘final development’ should be taken to mean the stage when the fish is finally ‘harvested’ from the water where it reaches its final size.

Rules for farmed products coming from more than one Member State or third country
The Fish Labelling Regulations (at Regulation 3(5)) permit an indication of the various Member States or third countries for a product that has been farmed in various countries.

**Labelling of products containing a mixture of different species**
The Regulations apply in full to each of the species that go to make up the product combination that is the commercial name, production method and catch area for each and every species must be given.

**Labelling of products containing mixtures of fish of the same species with different production methods and/or obtained from different catch/production areas**

(1) For mixtures of fish of the same species coming from a variety of production methods, the Regulations require that the labelling must state each production method. For example, ‘a mix of farmed Scottish cod and cod caught in the N.E. Atlantic’, in the order in which origin predominates.

(2) For mixtures of fish of the same species coming from different catch areas or fish-farming countries, the origin that is most representative of the batch in terms of quantity must be stated. Processors must decide whether the basis of the labelling is representative and not misleading to the consumer. Hence a batch of ‘farmed salmon steaks’ may originate predominantly in Scotland but also Norway or Chile and could be described as ‘farmed salmon steaks originating from Scotland, Norway and Chile’.

**Labelling of products sold loose (non-prepacked e.g. at supermarket fish counters, fishmongers, etc.)**
The manner of marking for food which is not pre-packed and sold loose should be consistent with general labelling requirements (Regulation 36 of Food Labelling Regulations). That is the name of the food on a label attached to the food or a ticket or notice should be ‘readily discernible by the purchaser at the place where he chooses that food’.

In terms of best practice, the **Agency recommends** that where farmed fish/shellfish is offered for sale, an indication of this production method be indicated on the ticket/label next to the product. This will provide consumers with accurate and meaningful information about the production method and help consumer choice as to whether they wish to purchase a farmed fish product or not.

With regard to the catch area, it is possible for an in-store notice, wall chart/poster, etc., near the fish counter which is ‘readily discernible’ by the purchaser at point of sale to carry this information. For example, ‘all our Icelandic fish is caught in the North-East Atlantic’.
Labelling of products sold in catering establishments
Fish/shellfish sold in catering establishments such as restaurants are outside the scope of the EC fish labelling rules. Provided the product is ready to eat without the need for further preparation, it is regarded as a catering sale and, therefore, does not need to be labelled according to the EC fish labelling rules.

Nevertheless, where a product is specifically named in the catering establishment and there is a name for it prescribed by law, such as a commercial designation laid down in the Regulations, then it must be used to describe the product.

Controls in place for checking traceability
Traceability checks will normally be carried at the point of sale by local authorities when checking the required information. In addition, local authorities may also check traceability information in carrying out their responsibility for fish marketing for products at landing, wholesale chain and transit up to the point of retail sale.

Enforcement
The criminal sanctions for breaching the Regulations have been replaced in all cases with improvement notices except for record keeping and production of records which remain criminal offences. Improvement notices under Article 9 of the Food Safety Act 1990 are modified and applied in these Regulations. Breach of an improvement notice is an offence under the applied Section 10.

Associated Regulations
The Fish Labelling (Wales) Regulations 2013 (SI No. 2139 (W.209))


Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy


Further Information
CN Codes for fish
Fish species list
A pocket guide to the EU’s new fish and aquaculture consumer labels
Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013 (SR No. 2591 (W.255))

Scope
These regulations provide for the continuing enforcement of the following EU Regulations -


The Regulations revoked all existing statutory rules on food additives, flavourings, food enzymes, smoke flavourings and extraction solvents and replaced them with a single consolidated statutory rule.

The main changes in bringing these areas together into one SR is the introduction of improvement notices for non-safety related sanction such as labelling requirements.

Food Additives
The main impact of the food additives legislation was to:

- Carry forward the community lists of approved food additives (Annex II & III)
- Establish conditions for use of additives encompassing those also acting as enzymes, food flavourings and nutrients.
- Establish rules for labelling food additives sold as such
- Define the carry over principle
- Require labelling specific to the Southampton colours used in food (this doesn't apply to food sold non-prepacked or prepacked for direct sale)
• Establish purity criteria for permitted food additives.

A food additive is defined as any substance not normally consumed as a food in itself and not normally used as a characteristic ingredient of food, whether or not it has nutritive value, the intentional addition of which to food for a technological purpose in the manufacture, processing, preparation, treatment, packaging, transport or storage of such food results, or may be reasonably expected to result, in it or its by-products becoming directly or indirectly a component of such foods.

By virtue of this definition there will be some things that can be excluded e.g.

• Normal food and food ingredients

• Processing aids; There is no legally defined list of approved processing aids but they are regarded to be substances that
  1. Is not consumed as a food by itself;
  2. is intentionally used in the processing of raw materials, foods or their ingredients, to fulfil a certain technological purpose during treatment or processing; and
  3. may result in the unintentional but technically unavoidable presence in the final product of residues of the substance or its derivatives provided they do not present any health risks and do not have any technological effect on the final product.

• Substances added to foods as nutrients, however if they have a dual function. Then the primary purpose for which these are used will determine whether or not the legislation will apply.

• Also excluded are substances added to foods as nutrients e.g. minerals, trace elements or vitamins, substances used for the protection of plants and plant products in conformity with European Union rules on plant health e.g. pesticides, herbicides and substances used for the treatment of water.

• The use of additives in wine must comply with Regulation 1333/2008 and with the provisions in the relevant EU legislation on oenological practices and processes.

Additives are allowed on the approved list when they meet the requirements set out in Regulation 1333/2008, i.e.

• Do not present safety concerns,
• Are technologically justified, and
• Do not mislead the consumer.
Additives should also have advantages and benefits for the consumer such as preserving the nutritional quality of food, enhancing its keeping quality or stability, aiding the manufacture and processing of the product or in its transport or storage. Additional specific conditions are also laid down for colours and sweeteners. Conditions of use for food additives in foods, including restricted uses in specified foods and maximum limits, are set out in Annex II.

The maximum limits in the annexes are based on the food as sold unless otherwise specified. However, for dried and/or concentrated foods (including drinks), the maximum limits apply to the food as reconstituted following manufacturers’ instructions, taking into account the minimum dilution factor. It is recognised that certain substances, for example phosphates and glutamates, are naturally present in certain foods. The quantitative limits apply to the amount of additive added. There is however, an exception in the case of sulphites, as the legislation requires that the specified quantitative limits include sulphites available from all sources and therefore take into account any natural occurrence of the substance.

Where no numerical limit is set for additive use, a level known as quantum satis (QS) is set requiring that it must not be used at a level higher than is necessary to achieve the intended purpose and must not be used in a way that misleads the consumer.

**Carry Over Rule**

“Carry-over” provisions apply to most foods permitted to contain food additives, but not to those specially prepared for infants and young children. These provisions permit the presence of a permitted food additive in a compound food, to the extent that the food additive is allowed by the provisions of Annex II of Regulation 1333/2008 in one of the ingredients of the compound food (Article 18.1 (a) refers).

The level of the additive in the final food should be no greater than would be introduced by the use of the ingredient under proper technological conditions and good manufacturing practice, thus preventing misuse of carry-over.

e.g. If a non-heat treated meat product is used as an ingredient in a compound food (e.g. the cooked bacon in a bacon lettuce and tomato (BLT) sandwich), the presence of nitrate would be permitted in the BLT sandwich up to the limit permitted for the cooked bacon.

**Reverse Carry over Principle**

Permitted food additives may be present in foods (such as intermediary products) in which they would not otherwise be permitted, provided that those foods are to be used solely in the preparation of a compound food that will conform to the provisions of Annex II.

e.g. Annatto (not normally permitted to be used in seasonings) could be added to a seasoning that is intended solely for use in a snack food, provided the level of annatto does not result in the maximum level of annatto permitted for the snack food being exceeded. The annatto would not be permitted to be added to
a seasoning that was intended to be used in a food that is not permitted to contain annatto, such as a minced meat preparation.

Labelling of additives sold as such and business to business sales
Where food additives not intended for sale to the final consumer are sold singly or mixed with each other and/or other food ingredients and/or with other substances added to them, their packaging or containers shall bear the following information:

(a) the name and/or E-number laid down in this Regulation in respect of each food additive or a sales description which includes the name and/or E-number of each food additive;

(b) the statement ‘for food’ or the statement ‘restricted use in food’ or a more specific reference to its intended food use;

(c) if necessary, the special conditions of storage and/or use;

(d) a mark identifying the batch or lot;

(e) instructions for use, if the omission thereof would preclude appropriate use of the food additive;

(f) the name or business name and address of the manufacturer, packager or seller;

(g) an indication of the maximum quantity of each component or group of components subject to quantitative limitation in food and/or appropriate information in clear and easily understandable terms enabling the purchaser to comply with this Regulation or other relevant Community law; where the same limit on quantity applies to a group of components used singly or in combination, the combined percentage may be given as a single figure; the limit on quantity shall be expressed either numerically or by the quantum satis principle;

(h) the net quantity;

(i) the date of minimum durability or use-by-date;

(j) where relevant, information on a food additive or other substances referred to in this Article and listed in Annex I to EU Regulation 1169/2011 as regards the indication of present in foodstuffs.

There are a number of additional labelling requirements for table top sweeteners requiring that the sweetener(s) present is indicated in the sales description (e.g. x based table sweetener). Table top sweeteners containing polyols must carry the warning “excessive consumption may induce laxative effects”, and table top sweeteners containing aspartame or aspartame-acesulfame salt must be marked with the indication “contains a source of phenylalanine”
**Food Colours**

The category of colour in food is a subset of food additives. Only a permitted colour may be used in or on food. The function of such colour is to

(a) restore the original appearance of food of which the colour has been affected by processing, storage, packaging and distribution, whereby visual acceptability may have been impaired;

(b) making food more visually appealing;

(c) giving colour to food otherwise colourless.

Lists of permitted food colours can be found in Annexes II and III of Regulation 1333/2008. Annexes II and III have been populated by way of separate Regulations (Commission Regulations (EU) No’s 1129/2011 and 1130/2011) ‘as amended’.

Conditions of use for food colours in foods, including restricted uses in specified foods and maximum limits, are set out in Annex II.

**Health Marking of certain meat and meat products**

Only the following colours may be used for health marking:
(a) E155 Brown HT
(b) E133 Brilliant Blue FCF
(c) E129 Allura Red AC or

An appropriate mixture of (b) and (c) above.

**Use of colours on Egg Shells**

Only permitted colours can be used for decorative colouring of egg shells or marking of egg shells (as stipulated in Regulation (EC) No.1234 / 2007).

**Sale of colours and food containing colours**

Only permitted colours may be sold or used in or on food. Only specified permitted colours may be sold directly to a consumer:

Specified permitted colours are any permitted colours except:

- E123 Amaranth
- E127 Erythrosine
- E128 Red 2G3
- E154 Brown FK
- E160b Annatto, Bixin, Norbixin
- E173 Aluminium and
- E180 Litholrubine BK
**Southampton colours**
Foods containing Tartrazine (E 102), Ponceau 4 R (E 124), Sunset yellow (E 110), Carmoisine (E 122), Quinoline yellow (E 104) and Allura Red (E 129) are required to be labelled with the following additional information;

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

There is no longer a requirement to indicate additives for food sold non-prepacked or prepacked for direct sale. This would include the the six Southampton colours, which will no longer need to be declared on a notice or a ticket at point of sale.

**Food colourings**
EU guidance has been drawn up to distinguish between food colours, which are subject to EU food additives legislation and colouring food extracts, which are not. The guidance describes the criteria that determine the difference between selective and non-selective extraction for the classification of food extracts/concentrates as food colours or colouring foods and proposes a decision tree and checklist to facilitate this classification.

**Specifications for additives and certain restrictions**
EC Regulation (EU) No. 231/2012 lays down specifications for food additives listed in Annexes II and III of Regulation 1333/2008. It includes a number of technical changes and clarifications whilst specifications for additives, which are no longer permitted, have been removed (e.g. Red 2G).

EC Regulation (EU) No. 232/2012, amends Annex II to restrict the use and levels for three colours – E-124 Ponceau 4R, E 104 Quinoline Yellow and E 110 Sunset Yellow. The levels of these colours are now restricted in a number of food categories, including soft drinks, confectionery, sauces and seasonings and in some cases (for example Ponceau 4R in sauces and seasonings) are no longer permitted. The Regulation includes a use level of 20 mg/l for Sunset Yellow in soft drinks. EC Regulation 232/2012 is directly applicable in Member States’ legislation and applied from 1 June 2013. Foods placed on the market that comply with the provisions of the previous legislation (EC Directive 94/36/EC) can continue to be marketed until stocks are exhausted.

**Smoke Flavourings**
Smoke used to flavour foods contains carcinogenic components that are harmful to health. Whilst smoke flavourings are produced from smoke, these are purified to reduce some harmful components such as polycyclic aromatic hydrocarbons (PAHs). Smoke flavourings can be used in the production of smoked food (e.g. smoked bacon, smoked salmon) and are also used to provide a smoky/BBQ flavour to snack foods and sauces.

These Regulations formally designate the Food Standards Agency as the national competent authority to receive applications for the authorisation of new
primary smoke condensates and primary tar fractions for use as such in or on foods, or in the production of derived smoke flavourings for use in or on foods.

The regulations:

1. Prohibit the marketing of smoke flavourings not listed in the authorised list or use outside the criteria and conditions of the authorisation. Commission Regulation (EU) No. 1321/2013 established the Union List of authorised smoke flavouring primary products for use as such in or on foods and/or for the production of derived smoke flavourings.

2. Prohibit the use of treated wood unless the treatment agent used does not give rise to toxic substances when combusted.


4. Require users to adhere to conditions and restrictions on use of the flavourings specified in the authorisation.

5. Require manufacturers to inform the Commission of any new evidence that casts doubt on the safety of the smoke flavouring for which authorisation was granted.

6. Require systems in place to identify suppliers and customers who received their product.

There are no specific labelling provisions set out in Regulation (EC) No. 2065/2003. The labelling requirement in 1334/2008 (on sale of flavourings to consumers and Business to Business labelling) apply to smoke flavourings. Additionally the EU Food Information for Consumers Regulation (No.11699/2011) state that if smoke flavouring impart a smoky taste to food then the ingredients list should have “smoke flavouring(s)”, or “smoke flavouring(s) produced from “food(s) or food category or source(s)”.

Smoke flavourings which fail to meet the criteria stated in points 1, 2, 3, 4 and 5 can be treated as failing the food safety requirement and as such may be seized and condemned by an order of the justice of the peace.

Transitional periods were specified in the Smoke Flavouring Regulation 2065/2003 (Article 20). This states that any foods (including compound flavourings) which contain primary products that are not on the Union list may stay on the market for 12 months after the date of application of the Union list (this will be 1st January 2015).

The 12 month transitional period will allow industry time to adapt to the proposed measures and potentially reduce their impact. In addition, foods which are lawfully placed on the market before the end of transitional period may remain on the market until stocks are exhausted. Once the Union list applies, unapproved primary products cannot be sold in the EU.
**Flavourings**
Flavourings mean products not intended to be consumed as such which are added to food in order to impart or modify odour and or taste. They are made of or consist of the following categories:

- Flavouring substances
- Flavouring preparations
- Thermal process flavourings
- Smoke flavourings
- Flavour precursors or
- Other flavourings

The definition does not include fresh, dried or frozen spices and or herbs, mixtures of tea and mixtures of infusion as such as long as they have not been used as an ingredient. Substances which have exclusively a sweet, sour or salty taste are outside the scope of the Flavouring Regulation (EC) No.1334/2008.

**Legal Requirements**
Article 4: Only flavourings or food ingredients with flavouring properties which do not pose a safety risk to the consumer and do not mislead the consumer may be used in food.

Article 5: A person must not place on the market flavourings or food ingredients with flavouring properties unless they comply with this regulation. Article 6.1: Substances listed in Part A of Annex III shall not be added as such to food.

Article 6.2: The maximum levels of certain substances naturally present in flavourings and or food ingredients with flavouring properties in the compound foods listed in Part B of Annex III must not be exceeded.

Provision is made to allow for derogation for safrole, methyleugenol and estragole. “The maximum levels shall not apply where a compound food contains no added flavourings and the only food ingredients with flavouring properties which have been added are fresh, dried or frozen herbs and spices. After consultation with the Member States and the Authority, based on data made available by the Member States and on the newest scientific information, and taking into account the use of herbs and spices and natural flavouring preparations, the Commission, if appropriate, proposes amendments to this derogation.”

For dried or concentrated food which needs to be re constituted, the maximum level shall apply to the food as re-constituted according to the instructions on the label taking into consideration the minimum dilution factor.

Article 7: Source materials listed in Part A of Annex IV must not be used for the production of flavourings and or ingredients with flavouring properties.

Flavourings and or food ingredients with flavouring properties listed in Part B Annex IV may be used under the conditions specified.
Article 10: Only approved flavourings and source materials may be placed on the market and used in or on food under the conditions of use specified.

**Labelling Requirements for flavourings**

Article 14 (1): Flavourings not intended for sale to the final consumer may only be marketed with the labelling provided for in Articles 15 and 16, which must be easily visible, clearly legible and indelible.

The information provided for in Article 15 shall be in a language easily understandable to purchasers.

The information set out in Article 15 relating to packaging and containers are as follows:

(a) the sales description: either the word ‘flavouring’ or a more specific name or description of the flavouring;

(b) the statement either ‘for food’ or the statement ‘restricted use in food’ or a more specific reference to its intended food use;

(c) if necessary, the special conditions for storage and/or use;

(d) a mark identifying the batch or lot;

(e) in descending order of weight, a list of:
   (i) the categories of flavourings present and
   (ii) the names of each of the other substances or materials in the product or where appropriate, their E-number;

(f) the name or business name and address of the manufacturer, packager or seller;

(g) an indication of the maximum quantity of each component or group of components subject to quantitative limitation in food and/or appropriate information in clear and easily understandable terms enabling the purchaser to comply with this Regulation or other relevant Community law;

(h) the net quantity;

(i) a date of minimum durability or use-by-date;

(j) where relevant, information on a flavouring or other substances referred to in this Article and listed in Annex III a to Directive 2000/13/EC as regards the indication of the ingredients present in foodstuffs (e.g. Allergen content).
Article 16 relates to the use of the term “Natural” requiring that the term ‘natural’ for the description of a flavouring may only be used if the flavouring component comprises only flavouring preparations and/or natural flavouring substances.

The term ‘natural flavouring substance(s)’ may only be used for flavourings in which the flavouring component contains exclusively natural flavouring substances.

The term 'natural' may only be used in combination with a reference to a food, food category or a vegetable or animal flavouring source if the flavouring component has been obtained exclusively or by at least 95 % by w/w from the source material referred to.

Article 16: The description must read ‘natural “food(s) or food category or source(s)” flavouring’.

The term ‘natural “food(s) or food category or source(s)” flavouring with other natural flavourings’ may only be used if the flavouring component is partially derived from the source material referred to, the flavour of which can easily be recognised.

The term ‘natural flavouring’ may only be used if the flavouring component is derived from different source materials and where a reference to the source materials would not reflect their flavour or taste.

Article 17: Labelling of flavourings intended for the final consumer: Flavourings sold singly or mixed with each other and/or with other food ingredients and/or to which other substances are added and which are intended for sale to the final consumer may be marketed only if their packaging contains the statement either ‘for food’ or ‘restricted use in food’ or a more specific reference to their intended food use, which must be easily visible, clearly legible and indelible. Use of the term “Natural” must comply with the requirements of Article 16.

Other provisions

Article 19: This article imposes a requirement for a producer of flavouring to re submit an application for a substance already approved if there is a modified production method or characteristics. There is also an obligation to inform the Commission when there is new scientific or technical evidence regarding the safety of an approved flavouring substance.

Food Enzymes

Enzymes are substances (usually proteins) that can increase the rate of chemical reactions. They are useful in food production achieving results that might be too time consuming by other methods.

Through Regulation EC 1332/2008 the following controls are introduced:

- Restriction on placing on the market and use of food enzymes not on the approved Union list.
• Restriction on placing on the market of non-compliant food enzymes or foods containing such enzymes.

• Introduction of labelling requirements for food enzymes and preparations intended for sale to the final consumer

• A producer or user of a food enzyme shall inform the Commission immediately of any new scientific or technical information which might affect the assessment of the safety of the food enzyme.

• For a food enzyme already approved under this Regulation which is prepared by production methods or using starting materials significantly different from those included in the risk assessment of the European Food Safety Authority (hereinafter referred to as the Authority), a producer or user shall, before marketing the food enzyme, submit to the Commission the necessary data to allow an evaluation of the food enzyme with regard to the modified production method or characteristics to be undertaken by the Authority.

The Union (positive) list is still being developed and will not be in place for several years. It is anticipated that the application period to be in the first Union list is March 2015.

**Labelling requirements for Enzymes**

1. Where food enzymes and their preparations not intended for sale to the final consumer are sold singly or mixed with each other and/or other food ingredients, their packaging or containers must bear the following information:

   (a) the name laid down under this Regulation in respect of each food enzyme or a sales description which includes the name of each food enzyme or in the absence of such a name, the accepted name.

   (b) the statement ‘for food’ or the statement ‘restricted use in food’ or a more specific reference to its intended food use;

   (c) if necessary, the special conditions of storage and/or use;

   (d) a mark identifying the batch or lot;

   (e) instructions for use, if the omission thereof would preclude appropriate use of the food enzyme;

   (f) the name or business name and address of the manufacturer, packager or seller;

   (g) an indication of the maximum quantity of each component or group of components subject to quantitative limitation in food and/or appropriate information in clear and easily understandable terms enabling the purchaser to comply with this Regulation or other relevant Community
law; where the same limit on quantity applies to a group of components used singly or in combination, the combined percentage may be given as a single figure; the limit on quantity shall be expressed either numerically or by the quantum satis principle;

(h) the net quantity;

(i) the activity of the food enzyme(s);

(j) the date of minimum durability or use-by-date;

(k) where relevant, information on a food enzyme or other substances as referred to in Article 11 and listed in Annex II to EU Regulation 1169/2011.

2. Where food enzymes and/or food enzyme preparations are sold mixed with each other and/or with other food ingredients, their packaging or containers shall bear a list of all ingredients in descending order of their percentage by weight of the total.

3. The packaging or containers of food enzyme preparations must bear a list of all components in descending order of their percentage by weight of the total.

4. By way of derogation from paragraphs 1, 2 and 3, the information required in paragraph 1 points (e) to (g) and in paragraphs 2 and 3 may appear merely on the documents relating to the consignment which are to be supplied with or prior to the delivery, provided that the indication ‘not for retail sale’ appears on an easily visible part of the packaging or container of the product in question.

5. By way of derogation from paragraphs 1, 2 and 3, where food enzymes and food enzyme preparations are supplied in tankers all of the information may appear merely on the accompanying documents relating to the consignment which are to be supplied with the delivery.

6. In addition, without prejudice to EU Regulation 1169/2011, Council Directive 89/396/EEC of 14 June 1989 on indications or marks identifying the lot to which a foodstuff belongs (1) and Regulation (EC) No 1829/2003, food enzymes and food enzyme preparations sold singly or mixed with each other and/or other food ingredients intended for sale to the final consumer may be marketed only if their packaging contains the following information:

(a) the name laid down under this Regulation in respect of each food enzyme or a sales description which includes the name of each food enzyme or in the absence of such a name, the accepted name.

(b) the statement ‘for food’ or the statement ‘restricted use in food’ or a more specific reference to its intended food use.
7. For the information provided for in paragraph 1 of this Article 12 of EC Regulation 1332/2008. Article 8 of EU Regulation 1169/2011 shall apply accordingly.

Extraction Solvents
An extraction solvent is defined as any solvent which is used or intended to be used in an extraction procedure. Examples of extraction solvents include propane, butane, ethanol, and methanol. A full list is available in Annex I of Directive 2009/32. The Regulations also require that certain information be given with permitted extraction solvents on sale or imported into Wales from outside the EC.

Annex I Part 2 of Directive 2009/32 of the Regulations defines foods in which only certain extraction solvents may be used and the certain purposes for which they can be used.

Annex I Part 3 of Directive 2009/32 gives maximum permissible residue levels for named extraction solvents when used to prepare flavourings.

Labelling information for extraction solvents
The labelling information required includes:

- prescribing the name of the permitted extraction solvent;
- a clear statement that the solvent is of suitable quality;
- a batch or lot number for identification purposes;
- name and address of manufacturer or packer;
- net quantity by volume;
- any special storage conditions or conditions for use.

Condemnation of Food
Where the Public Analyst certifies food as contravening these regulations that food may be treated for the purposes of Article 8 of the Food Safety Act 1990 (under which the food may be seized and destroyed under an order of the Justice of the Peace) as failing to comply with the food safety requirement.

Enforcement
The criminal sanctions for breaching the Regulations have been replaced in all cases with improvement notices except for record keeping and production of records which remain criminal offences. Improvement notices under Article 9 of the Food Safety Act 1990 are modified and applied in these Regulations. Breach of an improvement notice is an offence under the applied Article 9.

Enzymes
Officers would need to pay particular attention to ensure that enzymes are used in practice strictly for the purpose for which they have been approved.

Flavourings
Flavourings used in bakeries should be monitored and samples taken as necessary. Flavourings are often complex mixtures. Natural flavourings can be much more expensive than their “nature” identical equivalents, and some may be differentiated by analysis (easier if the flavouring is submitted rather than the compound food containing it). Please enquire before sampling.

**Extraction Solvents**
Extraction solvents tend not to present many issues regarding food composition. The solvents can be used to take caffeine out of decaffeinated coffee. Today it is more likely that high pressure carbon dioxide would be used to remove caffeine and in consequence there tends to be no residue issues.

**Associated Regulations**

- Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013 (SI No. 2591 (W.255))
- Regulation EC 1333/2008 (as amended) of the European Parliament and of the Council on food additives
- Regulation (EC) No. 2065/2003 on smoke flavourings used or intended for use in or on foods
- Regulation for positive list of smoke flavourings Commission Implementing Regulation 1321/2013
- Regulation EC No 1332/2008 on Food Enzymes
- Commission Directive 2009/32/EC on extraction solvents used in the production of foodstuffs and food ingredients

**Further Information**
FSA Guidance on the labelling of certain food colours as set out in Regulation 1333/2008

Current EU approved additives and their E numbers

Lists of authorised food additives

Guidelines on approaches to the replacement of Tartrazine, Allura Red, Ponceau 4R, Quinoline Yellow, Sunset Yellow and Carmoisine in food and beverages
The Food Irradiation (Wales) Regulations 2009 (SI No. 1795 (W.162))

Scope
These regulations deal with the treatment, storage, transport and sale of food that has been irradiated. The regulations implement the European Directives 1999/2/EEC and 1999/3/EC.

The regulations do not apply to
1. irradiation by measuring or inspection devices at a maximum level of
   a. 10 MeV in the case of X-rays
   b. 14 MeV in the case of neutrons or
   c. 5 MeV in other cases

Where the dose of ionising radiation absorbed does not exceed 0.01 Gy in the case of inspection devices which utilise neutrons and 0.5 Gy in other cases.

2. irradiation of food prepared under medical supervision for patients requiring sterile diets.

Ingredients/Products
Not all foods can be irradiated. The regulations identify the following foods that may be irradiated and the maximum dose which they may receive.

<table>
<thead>
<tr>
<th>Food Type</th>
<th>Further qualification</th>
<th>Level deemed to be over irradiated *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fruit</td>
<td>Includes fungi, tomatoes and rhubarb</td>
<td>2kGy</td>
</tr>
<tr>
<td>Vegetables</td>
<td>Excludes fruit, cereals, bulbs and tubers, and dried aromatic herbs, spices and vegetable seasoning but includes pulses</td>
<td>1kGy</td>
</tr>
<tr>
<td>Cereals</td>
<td></td>
<td>1kGy</td>
</tr>
<tr>
<td>Bulbs and tubers</td>
<td>Means potatoes, yams, onions shallots and garlic.</td>
<td>0.2 kGy</td>
</tr>
<tr>
<td>Dried aromatic herbs, spices and vegetable seasoning</td>
<td></td>
<td>10kGy</td>
</tr>
<tr>
<td>Fish and shellfish</td>
<td>Includes eels, crustacean and molluscs</td>
<td>3kGy</td>
</tr>
<tr>
<td>Poultry</td>
<td><strong>Includes domestic fowl, geese, ducks, guinea fowl, pigeons, quails and turkeys</strong></td>
<td>7kGy</td>
</tr>
</tbody>
</table>
*(Food is deemed to be over irradiated when the “overall average dosage” calculated for a batch of food exceeds that given in the table; or when the maximum dose of ionising radiation absorbed by any food in a batch of which it forms a part is when so measured a dose of kGy higher than the lower of 3X and 1.5 Y where “X” is the minimum dose absorbed by any of the food in the batch in kGy and “Y” is the overall average dosage in kGy given in the table.)*

Regarding the table, an average dose is calculated for the whole batch of food (called the “overall average dose”) and this overall average dose must not exceed the values given. However, there are also constraints on the minimum and maximum doses received by any part of that batch, namely that the maximum dose received by any part of the batch must not be

• more than 3 times the minimum dose received by any other part of the batch or
• more than 1.5 times the dose values given.

For information, the first of the bullet points above is actually a constraint on the minimum dose to ensure no part of the food is under irradiated but it is stated the other way for consistency.

**Prohibition on Treatment without a licence (Regulation 4)**
The regulation prohibits any person from subjecting food to treatment by ionising radiation unless the person

• Holds a licence to do so
• Food is in a wholesome state and
• Treatment is in accordance with licence conditions

**Restrictions on Importation (Regulation 5)**
The regulations restrict the import of irradiated foods unless

• It falls within a permitted category
• It was irradiated in one of the approved facilities
• It was properly irradiated

If the food comes from another Member State of the EU it must be accompanied with the following details

• Name and address of irradiation facility and Official Reference Number
• For each batch
  • Nature and quantities
  • Batch number
  • Name and address of consignors and consignees
  • Date irradiated
  • Overall average dose applied

If the food comes from a 3rd Country it must be accompanied with the following

• Name and address of irradiation facility
• Nature and quantities
• Batch number
• Name and address of consignors and consignees
• Date irradiated
• Overall average dose applied
• Microbiological information relating to the batch
• Type of food packaging used during irradiation
• Temperature of food before irradiation (where appropriate)
• Maximum, minimum and overall dose of ionising radiation
• Type of ionising radiation
• Data used for control of the irradiation

For foods other than dried aromatic herbs, spices and vegetable seasoning, they must be irradiated by
• A person approved under a reference by which the approval can be identified by the competent authority in the country in which it was irradiated.
• The approval requires the method of measurement specified in Schedule 1.
• Legislation in the originating 3rd Country is of equivalent standard as the EU.
• Complies with conditions applied to the food.

The requirement applies to food which has (as well as has not) become an ingredient of another food.

Storage and Transportation restrictions (Regulation 6)
Only persons holding a licence may store or transport irradiated food, however, storage and transport is permitted for irradiated food that has been imported and is accompanied with the necessary documentation. The provision applies to food which has (as well as has not) become an ingredient of another food.

Restrictions on Sale (Regulation 7)
Irradiated food can not be sold in Wales unless
• It was irradiated in a UK facility complying with the licence provisions
• It was imported and was accompanied with the required information set out in regulation 5 and
• It was stored and transported in accordance with regulation 6
• In the case of both of the latter two bullet points it was stored and transported in accordance with regulation 6

Documentation for food not ready for a final sale (Regulation 8)
Documentation for irradiated foods, or food with an irradiated ingredient or food ingredients that have been irradiated which are not ready for delivery to the ultimate consumer or catering establishment must bear
• The words “Irradiated” or “Treated with ionising radiation”
• Name and address of facility or Official Reference Number of the facility that conducted the irradiation

Enforcement (Regulation 9)
The FSA and local authorities have different roles and responsibilities in relation to enforcement of the regulations. In general it will be the FSA who licence irradiation facilities in the UK.
Labelling Requirements
Regulation (EU) No. 1169/2011 requires that a food or food ingredient must bear the treatment description e.g. “Irradiated” or “Treated with ionising radiation”.

There is a range of different techniques (PSL, TL, ESR) which may be used to determine if food has been irradiated.

Associated Regulations
Food Irradiation (Wales) Regulations 2009 (SI No. 1795 (W.162)) (as amended)
Food Irradiation (Wales) (Amendment) Regulations 2010 (SI No. 2289 (W.201))
Food Irradiation Provisions (Wales) Regulations 2001 (SI No. 1232 (W.66))
Directive 1999/2/EC Food ingredients treated with ionising radiation
Directive 1999/3/EC Establishment of Community list of irradiated foods and food ingredients

Further information
Europa Website
At present there are 7 EC approved facilities in 3rd Countries that can irradiate foods i.e 3 in South Africa, 1 in Turkey, 1 in Switzerland and 2 in Thailand.
The Fruit Juices and Fruit Nectars (Wales) Regulations 2013 (SI No. 2750 W. 267))

Scope

The regulations control the use of the names fruit juice, fruit juice from concentrate, concentrated fruit juice, water extracted fruit juice, dehydrated fruit juice and powdered fruit juice and fruit nectar and take account of developments in international standards dealing with quality and labelling. The amended text is needed to reflect new rules on authorised ingredients.

The rules set out what additional ingredients and substances may be added to regulated products and what treatments the products may undergo in their manufacture.

The following particulars must be indicated when trading in regulated products;

• Indication of the kinds of fruits or the number of kinds of fruits used.

• Indication of whether extra pulp or cells have been added to a fruit juice

• A requirement for a fruit juice made from a mixture of fruit juice and fruit juice from concentrates to indicate that it is partially made from concentrate/s.

• A requirement to indicate any added lemon juice, lime juice or acidifying agents in a concentrated fruit juice that is not intended for delivery to the final consumer and

• Indication of the fruit content for a fruit nectar.

Regulation 3 deals with definitions of the different terms such as fruit puree, authorised treatment etc. used in the regulation.

The rules also make provision for the manner in which the particulars are marked and labelled.

Ingredients/Products

Regulated products
The following table identifies the types of regulated product showing how they should be described.
<table>
<thead>
<tr>
<th>Product Name</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fruit juice</td>
<td>“x” juice</td>
</tr>
<tr>
<td>Fruit juice from concentrate</td>
<td>“x” juice from concentrate</td>
</tr>
<tr>
<td>Concentrated fruit juice</td>
<td>Concentrated “x” juice</td>
</tr>
<tr>
<td>Water extracted fruit juice</td>
<td>Water extracted “x” juice</td>
</tr>
<tr>
<td>Dehydrated/powdered fruit juice</td>
<td>Dehydrated “x” juice or powdered “x” juice</td>
</tr>
<tr>
<td>Fruit nectar</td>
<td>“x” nectar</td>
</tr>
</tbody>
</table>

1. **Kinds of fruit for regulated products**
   A person must not trade in a regulated product unless the product indicates the kind of fruit from which it has come. e.g.
   
   (a) A single fruit – “x” = named fruit
   (b) 2 kinds of fruit – “x” = list of fruit e.g. apple and blackberry
   (c) 3 or more kinds of fruit – “x” = list of fruit in the product name
   
   There are 3 options available
   
   - A list of the names of fruits e.g. apple, pear or blackcurrant
   - the words “several fruits” or
   - the number of kinds of fruits
   These need to be in descending order by volume

2. **Specification of fruit Column 2 Schedule 13**

<table>
<thead>
<tr>
<th></th>
<th>Use the Common or botanical name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fruit Juice</td>
<td></td>
</tr>
<tr>
<td>Fruit Puree</td>
<td></td>
</tr>
<tr>
<td>Fruit Nectar</td>
<td></td>
</tr>
</tbody>
</table>

3. **Other specification of fruit**

<table>
<thead>
<tr>
<th></th>
<th>Use the Common or botanical name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fruit Juice</td>
<td></td>
</tr>
<tr>
<td>Fruit Puree</td>
<td></td>
</tr>
<tr>
<td>Fruit Nectar</td>
<td></td>
</tr>
</tbody>
</table>

**Labelling Requirements**

- **Indication of added extra pulp or cells**
  If a fruit juice product contains extra pulp/cells the label must indicate this.

- **Labelling of Fruit juice partially made from concentrate**
  Must be labelled “partially from concentrate” or “partially from concentrates”
• **Labelling of concentrated fruit juice not intended for final consumer**

Must indicate presence and quantity on its packaging, on a label attached to its packaging or on a trade document:
- added lemon juice
- added lime juice, and
- acidifying agents permitted by Regulation 1333/2008

• **Labelling of a fruit nectar**

- Label must indicate minimum content of fruit juice, fruit puree or mixture of fruit juice and fruit puree by “fruit content x”% minimum in the same field of vision as the product name.

  - A fruit nectar obtained wholly from one or more concentrated products must be labelled “from concentrate” or “from concentrates”. The words must appear close to the product name clearly visible and stand out well from the background against which appears.

  - A fruit nectar obtained partly from one or more concentrated products must bear the words “partially from concentrate” or “partially from concentrates”. The words must appear close to the product name clearly visible and stand out well from the background against which appears.

• Claims that sugars not added to a fruit nectar means does not contain added monosaccharides or disaccharides or any other sweetening properties including sweeteners as defined in Regulation 1333/2008.

• Where sugars are naturally present in a nectar the words “containing naturally occurring sugars” must also appear on the label.

**Enforcement**

Existing frontline criminal sanctions for breaching the regulations are replaced with improvement notices applied under Article 9 of the Food Safety Act 1990 which provide for a criminal offence for a failure to comply with such notices. Breach of an improvement notice is an offence under the applied Section 10 of the Act.

**Associated Regulations**

*The Fruit Juices and Fruit Nectars (Wales) Regulations 2013 (SI No. 2750 (W.267))*

*Council Directive 2001/112/EC on fruit juices and similar products*

Further Information
The British Soft Drinks Association provides guidance to their members on a range of fruit juice issues.

The British Fruit Juice Importers Association provides advice and guidance on juice.

British Soft Drinks Association

FSA Guidance on Fruit Juices and Nectars Regulations 2003
Product Specifications

1. **Fruit Juice**

   Fruit juice is the fermentable but unfermented product obtained from the edible part of fruit which is sound, ripe and fresh or preserved by chilling or freezing of one or more kinds mixed together having the characteristic colour, flavour and taste typical of the juice of the fruit from which it comes.

   The fruit juice may contain any of the following—(but see also Schedule 11) an authorised additional ingredient/substance; restored flavour, pulp and cells (or any one or more of them) obtained by suitable physical means from the same species of fruit. In the case of grape juice, restored salts of tartaric acids; and in the case of tomato juice, salt, spices and aromatic herbs.

   In the case of citrus fruits, except for lime, the fruit juice must come from the endocarp. In the case of lime juice, the fruit juices must come from the endocarp or the whole fruit. Where a juice is processed from a fruit with pips, seeds and peel, parts or components of pips, seeds and peel must not be incorporated in the juice. Subject to good manufacturing practice. Fruit juice may be mixed with fruit purée in the production of the fruit juice.

   No treatment, except for an authorised treatment, may be used in the manufacture of a fruit juice. The Brix level of the product must be the Brix level of the juice as extracted from the fruit and must not be modified, except by blending with the juice of the same species of fruit.

2. **Fruit Juice from Concentrate**

   Fruit juice from concentrate is the product obtained by reconstituting concentrated fruit juice with potable water.

   In a case where a fruit juice from concentrate is manufactured from a fruit specified in column 2 of Schedule 13, the soluble solids content of the finished product must have a Brix level of at least the level specified in the corresponding entry in column 3 of that Schedule, as read together with the Notes to that Schedule.

   In a case where a fruit juice from concentrate is manufactured from a fruit that is not specified in column 2 of Schedule 13, the soluble solids content of the finished product must have a Brix level of the juice as extracted from the fruit used to make the concentrate.

   The product must be prepared by suitable processes that maintain the essential physical, chemical, organoleptical and nutritional characteristics of an average type of juice of the fruit from which it comes.
In the production of the product, concentrated fruit juice, or both fruit juice and concentrated fruit juice, may be mixed with -
(a) fruit purée;
(b) concentrated fruit purée; or
(c) both fruit purée and concentrated fruit purée.

The product may contain any of the following -
(a) an authorised additional ingredient/substance;
(b) restored flavour, pulp and cells (or any one or more of them) obtained by suitable physical means from the same species of fruit; and
(c) in the case of tomato juice from concentrate, salt, spices and aromatic herbs.

No treatment, except for an authorised treatment, may be used in the manufacture of a product and any reference to a Brix level in this section is a reference to the Brix level of a juice exclusive of the soluble solids of any added optional ingredients and additives.

3. Concentrated Fruit Juice

Concentrated fruit juice is the product obtained from fruit juice of one or more fruit species by the physical removal of a specific proportion of its water content.

Where the product is intended for direct consumption, the proportion of water content removed must be at least 50%.

As well as the ingredients mentioned in paragraph 1, the product may contain any of the following -
(a) an authorised additional ingredient/substance and;
(b) restored flavour, pulp and cells (or any one or more of them) obtained by suitable physical means from the same species of fruit.

No treatment, except for an authorised treatment, may be used in the manufacture of a product.

4. Water extracted fruit juice

Water extracted fruit juice is the product obtained by diffusion with water of -
(a) pulpy whole fruit whose juice cannot be extracted by any physical means; or
(b) dehydrated whole fruit.

The product may contain either, or both, of an authorised additional ingredient/substance. No treatment, except for an authorised treatment, may be used in the manufacture of a product.
5. **Dehydrated or Powdered Fruit Juice**

Dehydrated fruit juice or powdered fruit juice is the product obtained from fruit juice of one or more fruit species by the physical removal of virtually all of its water content.

The product may contain either, or both, of an authorised additional ingredient/substance No treatment, except for an authorised treatment, may be used in the manufacture of a product.

6. **Fruit Nectar**

Fruit nectar is the fermentable but unfermented product that is obtained by adding water to a juice listed below either with or without sugar or honey.

The juices are -
- fruit juice;
- fruit juice from concentrate;
- concentrated fruit juice;
- water extracted fruit juice;
- dehydrated fruit juice;
- powdered fruit juice;
- fruit purée;
- concentrated fruit purée; and
- any mixture of the products mentioned above

The amount of sugars or honey, or sugars and honey, added to the product must not exceed 20% of the total weight of the finished product. The product must contain the minimum content of fruit juice, fruit purée, or a mixture of such juice and purée, specified in Part 2 of Schedule 7

Where the product is manufactured without added sugar or with reduced energy value, sugars may be replaced wholly or partially by sweeteners in accordance with the requirements of Regulation 1333/2008.

The product may contain any of the following
(a) an authorised additional ingredient/substance;
(b) restored flavour, pulp and cells (or any one or more of them) obtained by suitable physical means from the same species of fruit; and
(c) sweeteners (which may be added in addition to any sugar or honey added.

No treatment, except for an authorised treatment, may be used in the manufacture of a product.

Part 2 of Schedule 7 sets out the different minimum % juice, puree and juice and puree content by volume for finished nectar products
Authorised additional ingredients
These are defined in Schedule 8 as any vitamin or mineral authorised in accordance with Regulation (EC) No 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods. Any food additive authorised in accordance with Regulation 1333/2008 and any one or more of the following juices (expressed as anhydrous citric acid) added for the purpose of regulating acidic taste if the total amount of such added juice does not exceed 3 grams per litre of the product -
(a) lemon juice;
(b) lime juice;
(c) concentrated lemon juice;
(d) concentrated lime juice.

Authorised additional substances
These are defined in Schedule 9 as the following
- Enzyme preparations meeting the requirements of Regulation (EC) No 1332/2008 -
  (a) pectinases, for the breakdown of pectin;
  (b) proteinases, for the breakdown of proteins; and
  (c) amylases, for the breakdown of starch.
- Edible gelatine.
- Tannins.
- Silica sol.
- Charcoal.
- Nitrogen.
  Bentonite as an adsorbent clay.
- Chemically inert filtration aids and precipitation agents, including perlite, washed diatomite, cellulose, insoluble polyamide, polyvinylpolypyrrolidone, and polystyrene, which comply with Regulation 1935/2004.
- Chemically inert adsorption aids which comply with Regulation 1935/2004 and which are used to reduce the limonoid and naringin content of citrus juice without significantly affecting the limonoid glucosides, acid, sugars (including oligosaccharides) or mineral content of such juice.

Authorised Treatments
These are defined in Schedule 10 as
- Mechanical extraction processes.
- The usual physical processes, including in-line water extraction (diffusion) of the edible part of the fruit used in the manufacture of a concentrated fruit juice (except in-line water extraction (diffusion) in relation to grapes used in the manufacture of a concentrated fruit juice), if the fruit juice obtained in this way complies with -

(a) in the case of fruit juice, the requirements in Schedule 2; and
(b) in the case of fruit juice from concentrate, the requirements in Schedule 3.

• In the production of grape juice where sulphitation of the grapes with sulphur dioxide has been used, desulphitation by physical means if the total quantity of sulphur dioxide in the finished product does not exceed 10 mg per litre of the juice.
The Genetically Modified Food (Wales) Regulations 2004 (SI No. 3220 (W.276))

Scope
These Regulations provide for the enforcement and execution of certain specified provisions (relating to food) of Regulation (EC) No. 1829/2003 of the European Parliament and of the Council on genetically modified (GM) food and feed.

In particular these Regulations formally designate the Food Standards Agency as the national competent authority to receive applications for the authorisation of new genetically modified organisms for food use, food containing or consisting of genetically modified organisms, or food produced from or containing ingredients produced from genetically modified organisms (GMO).

The regulations:

1. Prohibit the placing on the market of a GM food unless it has received an appropriate authorisation.

2. Require that products without authorisation be withdrawn from the market.

3. Require an authorisation holder to comply with conditions or restrictions imposed on an authorisation and post marketing requirements.

4. Authorisation holders must inform the Commission if scientific information raises doubts on the safety of the product.

5. Stipulates certain labelling requirements.

Under these regulations, authorised officers have power to detain food which fails to comply with this EC Regulation. The officer may also seize the food and apply for an order from a justice of the peace for it to be condemned and destroyed or disposed of to prevent its use in food or animal feed.

In the case of incorrectly labelled food, the justice of the peace may at their discretion order that the food be properly labelled and released to the operator.

Associated Regulations
Regulation (EC) No. 1829/2003

Further Information
European Food Safety Authority EFSA

Register of GM Food and Feed

GM Food Debate
Guidance note for sampling food and feed to determine the presence of genetically modified material.

GMO Compass
The Honey (Wales) Regulations 2015 (SI No.1507 (W.174))

Scope

Ingredients/Products
The Regulations apply to honey and different types of honey defined in Regulation 2.

Honey and different types of Honey – Regulation 2

“Honey”
Honey means the natural sweet substance produced by Apis mellifera bees from the nectar of plants or from the secretions of living parts of plants or excretions of plant sucking insects on the living parts of plants which the bees collect, transform by combining with specific substances of their own deposit, dehydrate, store and leave in honeycombs to ripen and mature.

“Baker’s honey”
Baker’s honey is defined as honey that is ‘suitable for industrial uses or as an ingredient in other foodstuffs which are then processed.

Baker’s honey will normally be subjected to further processing for use in bakery products or other processed products. Therefore, the specific criteria laid down for moisture content, free acid, diastase activity and Hydroxy Methyl Furfuraldehyde (HMF) content are more generous for baker’s honey. There are also additional labelling provisions specific to baker’s honey. These are described further on in this guidance note.

“Blossom honey” & “Nectar honey”
Honey that is obtained from the nectar of plants.

“Chunk honey” & “Cut comb in honey”
Honey that contains one or more pieces of comb honey.

“Comb honey”
Honey that is stored by bees in the cells of freshly built broodless combs or thin comb foundation sheets made solely of beeswax and sold in sealed whole combs or sections of such combs.

“Drained honey”
Honey obtained by draining de-capped broodless combs.

“Extracted honey”
Honey obtained by centrifuging de-capped broodless combs.
“Filtered honey”
Honey obtained by removing foreign inorganic or organic matters in such a way as to result in the significant removal of pollen.

“Honeydew honey”
Honey obtained mainly from excretions of plant sucking insects (Hemiptera) on the living part of plants or secretions of living parts of plants.

“Pressed Honey”
Honey obtained by pressing broodless combs with or without the application of moderate heat not exceeding 45°Celsius.

Compositional requirements
Regulation 16 and Schedule 1 prescribe compositional criteria with which Honey and different types of Honey” must comply when placed on the market. Please see below requirements:

- The honey consists of essentially different sugars, predominantly fructose and glucose as well as other substances such as organic acids, enzymes and solid particulars derived from honey collection.
- The colour varies from nearly colourless to dark brown
- The consistency can be fluid, viscous or partly or entirely crystallised
- The flavour and aroma are derived from the plant origin
- No food ingredient has been added
- No addition to the honey except for other honey
- It must be free as far as possible from organic or inorganic matters foreign to its composition
- With the exception of bakers honey it must not have:
  - foreign tastes or odours
  - started to ferment
  - an artificially changed acidity
  - been heated in a way that has destroyed/significantly inactivated natural enzymes
- With the exception of filtered honey no pollen or constituent particular to honey may be removed except where this is unavoidable in the removal of foreign inorganic/organic matter

The table in Schedule 1 contains additional compositional criteria for honey and different types of honey:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Sugar Content</td>
<td></td>
</tr>
<tr>
<td>1(1) Fructose and glucose content</td>
<td>(sum of both)</td>
</tr>
<tr>
<td>- blossom honey</td>
<td>not less than 60 g/100 g</td>
</tr>
<tr>
<td>1.2. Sucrose content</td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>- in general</td>
<td>not more than 5 g/100 g</td>
</tr>
<tr>
<td>- false acacia <em>(Robinia pseudoacacia)</em>, alfalfa <em>(Medicago sativa)</em>, Menzies Banksia <em>(Banksia menziesii)</em>, French honeysuckle <em>(Hedysarum)</em>, red gum <em>(Eucalyptus camaldulensis)</em>, leatherwood <em>(Eucryphia lucida, Eucryphia milliganii)</em>, Citrus spp.</td>
<td>not more than 10 g/100 g</td>
</tr>
<tr>
<td>- lavender <em>(Lavandula spp.)</em>, borage <em>(Borago officinalis)</em></td>
<td>not more than 15 g/100 g</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Moisture content</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>- all honey except for honey specified in paragraph (b), (c) or (d) and baker’s honey except for baker’s honey from heather <em>(Calluna)</em></td>
<td>not more than 20%</td>
</tr>
<tr>
<td>- honey from heather <em>(Calluna)</em></td>
<td>not more than 23%</td>
</tr>
<tr>
<td>- baker’s honey from heather <em>(Calluna)</em></td>
<td>not more than 25%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Water–insoluble content</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>- all honey except pressed honey</td>
<td>not more than 0.1 g/100 g</td>
</tr>
<tr>
<td>- pressed honey</td>
<td>not more than 0.5 g/100 g</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. Electrical conductivity</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>- honey not listed below and blends of these honeys</td>
<td>not more than 0.8 mS/cm *not less than 0.8 mS/cm</td>
</tr>
</tbody>
</table>
- honeydew and chestnut honey and blends of these except with those listed below

- exceptions: strawberry tree (*Arbutus unedo*), bell heather (*Erica*), eucalyptus, lime (*Tilia* spp.), ling heather (*Calluna vulgaris*), manuka or jelly bush (*Leptospermum*), tea tree (*Melaleuca* spp.)

not more than 0.8 mS/cm *not less than 0.8 mS/cm

5. Free acid
- all honey except for baker’s honey
- baker’s honey

not more than 50 milli-equivalents acid per 1000 grammes

not more than 80 milli-equivalents acid per 1000 grammes

6. Diastase activity and HMF content determined after processing and blending

(a) Diastase activity (Schade scale)
- all honey except baker’s honey and honey specified in sub paragraph (ii)

Not less than 8

(ii) honey with low natural enzyme content (e.g. Citrus honeys) and an HMF content of not more than 15mg/kg

Not less than 3

(b) HMF
- all honey except baker’s honey and honey specified in sub paragraph
(ii) honeys of declared origin from regions with tropical climate and blends of these honeys

| Not more than 40mg/kg (subject to the provisions of (a), second indent |
| Not more than 80mg/kg |

**Labelling Requirements**

A person must use the name for the type of honey but must not use that name if it as defined in the regulations does not meet the compositional requirements (see regulations 6(3), 7(2), 8(2), 9(2), 10(2), 11(2), 12(2), 13(2), 14(2) and 15(2)).

As well as the specific labelling provisions of the Regulations, honey products are also subject to the general labelling rules of the EU Food Information to Consumers Regulation No. 1169/2011. In particular, this includes the requirement to give a ‘best before’ date and any special storage instructions on the label of honey products.

**Additional Labelling requirements (Regulation 17)**


An exception to this is provided for honey sold in blends which may be from more than one country and where it would be unwieldy and meaningless to have to list various countries. The regulations therefore provide for an alternative phraseology which highlight whether the blend is from EU countries and which may be more meaningful to consumers. The Regulations prescribe that one of three statements may be used, as appropriate:

**Old Regulations (2003)**

“blend of EC honeys”
“blend of non-EC honeys”
“blend of EC and non-EC honeys”

**New Regulations (2015)**

“blend of EU honeys”
“blend of non-EU honeys”
“blend of EU and non-EU honeys”

It is not enough simply to provide a manufacturers address on the label as this is not sufficient as a declaration of country of origin. It is the Agency’s view that country could represent the UK or the individual country Wales, England, Scotland, Northern Ireland. A precise form of words is not laid down therefore statements such as “produce of Wales”, “Welsh honey”, or “made from honey harvested in Wales” would be acceptable.

With the exception of baker’s honey and filtered honey the product name of a relevant honey may be supplemented by information relating to its:
• **Floral or vegetable origin:** provided that the honey is derived wholly or mainly from the indicated source, and that it meets the specifications relevant to the floral or vegetable source in question

• **Regional, territorial or topographical origin:** provided that the honey comes entirely from the indicated source.

• **Specific quality criteria:** this provision relates to additional descriptions that emphasise the quality of the product.

Directive 2014/63/EU which amended Directive 2001/110/EC recognises that pollen, being a natural constituent particular to honey, *should not* be considered an ingredient of honey.

**Labelling provisions specific to baker’s honey and filtered honey (Regulations 14 and 15)**

(i) Baker’s honey and filtered honey may not be labelled with additional information relating to floral or vegetable origin; its regional, territorial or topographical origin or its specific quality criteria.

(ii) Where baker’s honey or filtered honey is sold in bulk containers or packs, the full product name must appear on both the container and on any accompanying trade documents. In effect, this means that baker’s honey and filtered honey sold in this way may not simply be labelled as ‘honey’.

(iii) Baker’s honey is sold as food in its own right, it must be labelled with the words ‘intended for cooking only’ close to the product name.

(iv) In the case of a food product containing baker’s honey as an ingredient, the ‘name of the food’ may include a reference to simply ‘honey’ rather than ‘baker’s honey’, the full reserved description. Hence a product may be called ‘honey cake’ rather than ‘baker’s honey cake’, but ‘baker’s honey’ must appear on the list of ingredients. Where ‘honey’ is not used in the name of the food the list of ingredients must identify the honey ingredient as ‘bakers honey’ if it is the ingredient used.

**Voluntary labelling**

Since 1996 the British Honey Importers and Packers Association (BHIPA) have adhered to a voluntary labelling code whereby all honey on retail sale includes a warning statement that ‘**honey should not be given to infants under 12 months of age**’. This is as a precautionary measure against possible infant botulism which could potentially arise from the presence of Clostridium botulinum spores in honey.

**Enforcement**

The method of enforcement will be via improvement notice served under Section 10 of the Food Safety Act 1990 as applied by these regulations. An
improvement notice can also be served under Section 10 for breach of any of regulations 6-17.

Improvement Notices would be used as a part of the hierarchy of enforcement when informal measures are no longer appropriate and the labelling contravention or issue should be elevated to formal action. If the conditions set by an improvement notice are not met then the non-compliance with those conditions will constitute a criminal offence. Improvement Notices can be appealed to a Magistrates Court.

**Associated Regulations**

EC Directive 2001/110 relating to honey


Honey (Wales) Regulations 2015

**Further Information**

Honey Association
The Jam and Similar Products (Wales) 2004 (SI No. 553 (W.56))

Scope
The Regulations implement the provisions of EC Directive 2001/113 relating to fruit jams, jellies and marmalades and sweetened chestnut puree intended for human consumption. The Regulations also contain national measures to control mincemeat and fruit curds which are not covered by the Directive.

Ingredients/Products
The Regulations apply to a specified jam or similar product that is intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment.

A ‘specified jam or similar product’ means a food covered by the reserved descriptions in Schedule 1 to the Regulations. The Regulations do not apply to specified products intended for use in the manufacture of fine bakery wares, pastries and biscuits as they normally require the addition of certain additives and flavourings to enable them to withstand food processing in bakeries.

Reserved descriptions - General
Reserved descriptions are controlled sales names that apply to specified products and include descriptions of the composition of e.g. ‘jam’, ‘extra jam’, ‘jelly’ etc. A food may not be described using one of the reserved descriptions unless it meets the relevant compositional criteria laid down in the Schedule. Reserved descriptions are ‘names prescribed by law’ for the purposes of Article 17 of EU Food Information to Consumers Regulation No. 1169/2011. The name under which a specified product is sold must be (or include) a reserved description.

The reserved descriptions may also be used in the name of a food in the following circumstances:

(a) Where it is clear that the specified product to which the reserved description relates is only an ingredient of the food. (e.g., ‘jam sandwich’).

(b) Where it is clear that the food is not, and does not contain, the specified product to which the reserved description relates.

(c) Where the reserved description is used in a customary name for another food product, including relishes and savoury foods, and its use is not liable to mislead the consumer (e.g., ‘aspic jelly’, ‘jelly beans’ etc.).

Point (c) above will also allow the name ‘jelly’ to be used to describe table jelly - i.e., the type of fruit flavour jelly commonly used for desserts

Reserved descriptions - Fruit curds and mincemeat
These products are not controlled by Directive 2001/113 and because they are a different kind of product to jam, jelly and marmalade and some of the general
provisions of the Regulations affect them in a slightly different way, as described below:

(i)  **Permitted ingredients and treatments:** The restrictions on the ingredients and treatments that may be used in the preparation of specified products do not apply to fruit curds and mincemeat.

(ii) **Soluble solids content:** The minimum required soluble solids content for fruit curds and mincemeat is 65% (this compares with 60% for the rest of the specified products).

(iii) **Labelling:** Fruit curds and mincemeat are exempt from some of the labelling provisions such as the requirement to label their fruit and sugar content, but are still subject to general labelling provisions.

The compositional requirements for fruit curds and mincemeat do not apply to foods imported from other EU Member States. However, if a product made elsewhere in the EEA and sold here is substantially similar to mincemeat so that it could be confused with mincemeat by a consumer, it should make clear (by its labelling) that it is something other than mincemeat as understood in the UK.

**Reserved Descriptions - ‘conserve’ and ‘preserve’**

The words “Preserve” and “Conserve” are not mentioned in the regulations and the jam regulations do not control the use of the terms preserve and conserve. However, this was more an oversight on the part of the UK as the terms were previously synonymous with jam and extra jam in the old jam regulations. The trade association representing the jams industry are aware but were keen to see the synonymous use retained so their Industry Code recommends that the term preserve should not be used unless the product is jam and conserve unless extra jam. In the FSA guidance we do not highlight this discrepancy as we support the industry approach. However clearly legally the regulations do not require it. It is also worth noting that the Codex standard for such products does recognise the terms preserve and conserve and that they are synonymous with jam/extra jam respectively. i.e.

The terms, “preserve” or “conserve” are sometimes used to represent products covered by this Standard. The use of the terms “preserve” and “conserve” are thereby required to comply with the requirements for jam and/or extra jam as set out in this Standard.

In summary, the regulations do not specifically control the use of the terms preserve and conserve but there is a certain consumer expectation that these names are synonymous with products meeting the requirements of a jam or extra jam. In addition under Codex rules such term are synonymous and FSA would therefore encourage appropriate usage of the terms.

The terms ‘conserve’ and ‘preserve’ can still be used with an appropriate reserved description i.e. ‘jam’ or ‘extra jam’, if the product meets the relevant specifications for jam and extra jam, but where the terms ‘conserve’ and
‘preserve’ are used without a reserved description there are no longer any compositional requirements relating to the use of these terms.

**Compositional Requirements for specified products**

Reserved descriptions - compositional requirements
The compositional requirements for specified products are set out in Schedules 1 and 2. The requirements fall into three categories:

(i) *Minimum content requirements:* Schedule 1 stipulates the minimum amounts of certain ingredients that must be used in the manufacture of specified products (e.g. fruit, sugar etc). Where jam, extra jam, jelly and extra jelly are produced from two or more types of fruit, the minimum content for each fruit type must be adjusted to take account of this and a quantitative declaration for each of the fruits may be necessary on the label.

Extra jam is required to be made from fruit pulp only. However, an exception is made to permit seedless extra jams, whereby such jams made from raspberries, blackberries, blackcurrants, blueberries or redcurrants may be made using only fruit puree (see Schedule 1, item 2).

(ii) *Permitted additional ingredients:* Only those ingredients specified in Schedule 2 may be added to jam, extra jam, jelly, extra jelly, marmalade and jelly marmalade - in addition to the ‘core’ ingredients of fruit, sugar and water. However, if ingredients other than those specified in Schedule 2 are added to jam etc. rendering it unable to meet the compositional requirements for a specified product, the name of the food could include the words ‘conserve’ or ‘preserve’. For example, a product made of raspberry jam and cider (which is not covered in the list of permitted additional ingredients) could be called ‘raspberry and cider conserve’. Manufacturers must take care to ensure that the labelling does not mislead consumers into believing that these products are specified products.

(iii) *Permitted treatments:* Only the treatments set out in items 2-4 of Schedule 2 may be used in the production of jam, extra jam, jelly, extra jelly, marmalade and jelly marmalade. Citrus peel is permitted to be subjected to these permitted treatments but may also additionally be preserved in brine.

**NB** - The provisions relating to permitted additional ingredients, and permitted treatments do not apply to mincemeat and fruit curds i.e. any added ingredient may be used in those products (subject to the general provisions of food law).

**Required fruit content in mixed fruit products**
In the case of jam, extra jam, jelly and extra jelly, the minimum required amount of fruit ingredients differ depending on the type of fruit used. The Regulations require that where a mixture of fruits is used, these minima must be ‘reduced in proportion to the relative quantities of the types of fruit used’. Reduced Sugar
Products Jam, extra jam, jelly, extra jelly, marmalade, jelly marmalade and sweetened chestnut puree should have a sugars content (expressed as soluble dry matter content) of at least 60%. However, there are two exceptions:

(i) For products where the sugar has been wholly or partly replaced by permitted sweeteners and

(ii) For products labelled as ‘reduced sugar’: The total soluble dry matter in reduced sugar jams must not be less than 25% and must not exceed 50%.

**Labelling Requirements**

**Labelling of Specified Products**

Regulation 5 provides the labelling requirements for specified products. In addition, EU FIC 1169/2011 provides further labelling requirements for specified products containing permitted sweeteners.

**Required Labelling Information**

Regulation 5 requires that specified products must be labelled with the following information:

All specified products:
- A reserved description - this will be the ‘name prescribed by law’ (i.e. the legal name) of the product for the purposes of Article 17 of EU FIC 1169/2011.
- Sulphur dioxide content - where a specified product has a residual sulphur dioxide content of more than 10mg per kg, this must be declared as ‘sulphur dioxide’ in the products list of ingredients. The general rules relating to the ordering of the ingredients list will still apply, i.e. its position in the list must be determined according to the weight of the residue in the final product.

All specified products other than fruit curds and mincemeat:
- The total sugar content - this declaration must be given in the form ‘total sugar content: Yg per 100g’. The proportion of sugar declared represents the total soluble solids content determined by refractometer at 20 centigrade (accurate to +/- 3 refractometric degrees).

In the case of a nutritional claim such as ‘reduced sugar’ and the product is labelled with nutritional information in accordance with Article 30 of EU FIC 1169/2011, the total sugar content declaration required by the Jams Regulations need not be provided. Products which provide nutritional information on a voluntary basis will still be required to contain a sugar content declaration as required by the Jam Regulations in the form of total sugar content: Xg/100g.

It should be noted that in products where the nutritional information is provided on a voluntary basis, the numerical sugar value given in the
table of nutritional information might appear different from the value given under the Jam Regulations i.e. Xg/100g. As a result two different values may appear on the product label and enforcement officers should note this possible anomaly.

Jam, Extra jam, Jelly, Extra jelly, Marmalade, Jelly marmalade:

• The type of fruit used in the preparation of the food - where the product contains two or more types of fruit, the fruit in question must be declared in descending order of weight used in the preparation. Where three or more types of fruit have been used, the words ‘mixed fruit’ (or a similar wording) may be used or alternatively the number of types of fruit used.

• The proportion of fruit used in the preparation of the product - this declaration must be given in the form ‘prepared with Xg of fruit per 100g’. It is important to note that this proportion relates to the amount of fruit from which the fruit ingredients are derived. For example - in the case of a product made using fruit pulp, the declaration should relate to the weight of whole fruit used to make the fruit pulp not the weight of the fruit pulp itself.

NB - in the case of jam made from stone fruits, the fruit content calculated for the purposes of the labelling declaration required under regulation 52(b) may not be the same as the fruit content calculated to ensure that product meets the compositional requirements of Schedule 1. This is because the former relates to the amount of whole fruit used (including the stones), while the latter relate to the minimum amount of edible fruit (i.e. puree or pulp), which will no longer contain any peel or stones.

The declarations of both the fruit and sugar contents must appear in the same field of vision as the name of the product in clearly visible characters. The name of the product may also appear elsewhere on the labelling, and it is not necessary for the total fruit and total sugar content declarations to accompany the name of the product where it is in the largest type.

Specified products containing permitted sweeteners
EC Regulation No. 1333/2008 allows a range of sweeteners to be used in the manufacture of jams, jellies and marmalades, where those products are:

(i) ‘Energy reduced’ - An energy-reduced product must have an energy value reduced by at least 30% in comparison with the original food or a similar food.

(ii) ‘No added sugar’ - A product with 'no added sugar' may not contain any added monosaccharide or disaccharide, or other food added for its sweetening properties.

Annex III of EU FIC 1669/2011 requires that a specified product containing a permitted sweetener must be labelled with the following information:
i) The words ‘with sweetener(s)’. This declaration must accompany the name of the food. e.g. "strawberry jam, with sweeteners".

ii) The words ‘with sugar(s) and sweeteners(s). This declaration must accompany the name of the food if the food contains both an added sugar or sugars and a sweetener or sweeteners.

iii) Where the specified product contains aspartame, the words ‘contains aspartame (a source of phenylalanine)’.

iv) Where the specified product contains more than 10% added polyols, the words ‘excessive consumption may produce laxative effects’.

Pre-packed for direct sale

Products which fall within this category will be subject to certain exemptions by virtue of Article 44 of EU FIC and the Food Information Regulations (NI) 2014. This applies to jams and similar products that have been prepared and packed on the same premises from which they are being sold.”

Associated Regulations

The Jam and Similar Products (Wales) Regulations 2004 (SI No. 553 (W.56))

EC Directive 2001/113 relating to fruit jams, jellies and marmalades and sweetened chestnut puree intended for human consumption.

Further Information

FSA Guidance note ‘The Jam and Similar Products Regulations 2003’

Quick Guide to Jam
Food (Lot Marking) Regulations 1996 (SI No. 1502)

Scope

The Regulations require that food which has been produced, prepared or packaged as part of a lot is so marked or labelled as to enable the lot to be identified.

The following are useful definitions contained in the Regulations:

• Lot: a batch of sales units of food produced, manufactured or packaged under similar conditions.

• Lot marking indication: an indication which allows identification of the lot to which a sales unit of food belongs.

Ingredients/Products
The regulations apply to the sale of all foodstuffs intended for sale for human consumption, including wines and spirits. Subject to the exemptions specified below, the sale of food forming part of a lot is not permitted unless it is accompanied by a lot mark.

Size of lot
The producer, manufacturer, packer or first seller within the EC must determine the size of lot most appropriate to the operational pattern. It will be necessary to consider the production, practicality and implications of a lot mark based on a large run to avoid having to recall more food than is necessary.

Labelling Requirements
The lot marking indication must appear in such a way as to be easily visible, clearly legible and indelible, however, it does not have to be understood by the consumer provided that the indication can be clearly identified. If the lot identification is not clearly distinguishable from other information it should be prefixed by the letter ‘L’. Code edging, another form of lot identification is permitted provided a reader key would not be necessary to identify the mark clearly. It is possible that another mark appearing on the package could serve a secondary purpose as a lot mark, in which case this would need to be made clearly distinguishable by prefixing it with the letter ‘L’.

In the case of pre-packed food, the lot mark is required to appear on the pre-packaging or on a label attached. Pre-packaging includes bottles and the lot mark could appear on the rear of the label if clearly visible through the bottle (as in the case of some bottles of alcoholic spirit), or on a seal. Manufacturers, packers, etc., may need to consider whether there are any circumstances whereby removal of the seal would impede a product recall. It would not be acceptable for a lot mark to appear on a cork or any other part of the packaging which was enclosed and thus not easily visible.
Exemptions
The following foods do not require a lot mark:

• Agricultural products which, on leaving the agricultural premises of production, are either sold or delivered to temporary storage, preparation or packaging stations or to producers' organisations; or collected for immediate use in an operational preparation or processing system. The term ‘agricultural product’ applies only to primary agricultural products (i.e. products of the soil, stock farming or fisheries which have not undergone initial processing). Examples could be harvested vegetables delivered to grading or packing stations, fresh fruit provided for canning operations.

• Individual items of food which at point of sale to the ultimate consumer are not pre-packed, such as loose sweets, fruit and vegetables.

• Foods sold to the ultimate consumer which are pre-packed for direct sale (for example bread baked on the premises for direct sale) or which are pre-packed at the request of the purchaser.

• Individual goods not intended to be sold separately, such as single tea bags or chocolates.

• Foods which are in a package or container, of which the largest side has a surface area of less than 10 square centimetres.

• Individual portions intended as an accompaniment to another food provided at a catering establishment for immediate consumption, such as sachets of salt, sauce or sugar. Also excluded are tea bags, coffee etc. provided as part of another service, for example drink making facilities in hotel rooms.

• Individual portions of ice cream and other edible ices.

Use of a date mark as a lot mark
A date mark (‘best before’, ‘best before end’ or ‘use by’) which appears on a product may be used as a lot mark whether or not EU Food Information to Consumers Regulation No. 1169/2011 (EU FIC) require the product to carry a date mark. For the date mark to qualify as a lot mark, it must be given in accordance with the requirements of EU FIC.

However, it may be necessary to consider whether the size of the resulting batch is suitable. For example, using a ‘best before end’ date as a form of lot mark could result in a batch consisting of at least one month’s production being withdrawn. ‘Best before end’ dates are acceptable as lot marks as the indication of the day and month (as required by the Regulations) is implicit (e.g. ‘best before end October 1997’ means best before 31 October 1997).
Bulk packaging
The lot mark of a sales unit contained in bulk packaging, for example retail packs enclosed in a wholesale pack, should appear on the outer container in addition to those retail packs. A lot mark for items exempt by virtue of the provisions and identified by an asterisk ‘*’ only should be indicated on any outer container, for example it should appear on the outer catering pack which contains catering sachets. Goods that are not pre-packed that are supplied in bulk containers are required to carry a lot mark, but this may appear on the container in which the sales units are contained or on a commercial document accompanying the container.

Where a pre-package is enclosed in an outer container, such as bottles within a presentation box or tins inside a cardboard sleeve, consideration should be given as to whether the mark should also appear on the outer container. This arrangement would assist product recall as the entire stock of outer cartons would not have to be opened in order to identify the lot mark on the enclosed pre-package. This approach would seem particularly practical in circumstances when only a small number of items of the total stock need to be withdrawn. In some circumstances it may be possible to narrow the batch down in the event of recall if there was a ‘broader’ indication on the outer package - such as a seasonal package or date mark.

Associated Regulations
Food (Lot Marking) Regulations 1996 (SI No. 1502)


Further Information
FSA Guidance on Lot Marking
The Materials and Articles in Contact with Food (Wales) Regulations 2012 (SI No. 2705 (W.291))

Scope
The Regulations consolidate into one Statutory Instrument nearly all existing legislation on materials and articles intended to come into contact with food, with the exception of the Plastic Kitchenware (Conditions on Imports from China) (Wales) Regulations 2011 and provide for the enforcement of the provisions of Commission Regulation (EU) No. 10/2011 of 14 January 2011, on plastic materials and articles intended to come into contact with food.

The Regulations also revoke the following four sets of Regulations:

• The Plastic Materials and Articles in Contact with Food (Wales) Regulations 2009
• The Plastic Materials and Articles in Contact with Food (Wales) (Amendment) Regulations 2011
• The Materials and Articles in Contact with Food (Wales) Regulations 2010; and

There will be new Regulations by 2018 on recycled materials and articles in contact with food to allow for enforcement of Commission Regulations (EC) No 282/2008

Ingredients/Products
The regulations contain provisions for materials and articles that fall under the following general classifications:

• General requirements for all materials and articles in contact with food
• Requirements on active and intelligent materials and articles
• Ceramic articles
• Regenerated cellulose film
• Plastic materials and articles
• Requirements on certain epoxy derivatives
• Vinyl chloride

The regulations do not apply to:

• Materials and articles supplied as antiques
• Covering or coating materials such as cheese rinds, prepared meat products or fruits which form part of the food and may be consumed together with the food.
• Fixed public or private water supply equipment

**General requirements for all Materials and Articles in contact with food**

The regulations apply to all materials and articles which in their finished state:

• Are intended to be brought into contact with food or
• Are already in contact with food and were intended for that purpose or
• Can reasonably be expected to be brought into contact with food or to transfer their constituents to food under normal foreseeable conditions of use.

It is an offence for a person to place on the market or use in the course of a business in connection with the storage, preparation, packaging sale or service of food any material or article that does not meet the general safety requirements set out in Article 3(1) of EC Regulation 1935/2004.

It is also an offence for a business operator to use an authorised substance or material or article outside any conditions or restrictions specified in the authorisation.

There is also a general requirement on manufacturers to ensure traceability at all stages.

There are specific labelling provisions for all materials and articles in contact with food set out in Article 15 of EC Regulation 1935/2004.

• Materials and articles should be labelled with the words “for food contact” or a specific indication as to their use. A symbol as given in Annex II of 1935/2004 may be used. Also special instructions to be observed for safe use e.g. “not suitable for microwaving” etc.

• The name or trade name and address or registered office of manufacturer, processor or seller responsible for placing the item on the market.

• Adequate labelling to identify traceability

• In the case of active and intelligent materials and articles, information on the permitted use or uses e.g. name and quantities of substances released by the active component to enable a food business operator to ensure that the food will comply with other relevant Community legislation such as the rules on levels of permitted additives etc.

• Labelling information must be conspicuous, clearly legible and indelible
• Labelling information must be in a language understood by purchasers.

• At retail level labelling information must be displayed on the actual material or article or on their packaging or labels affixed to the materials and articles or to their packaging or on a notice in immediate vicinity

• At the marketing stages other than retail the required labelling information must be displayed on accompanying documents or labels or packaging or on the materials and articles.

The regulations also require that the business operators must comply with Article 4 of Regulation EC 2023/2006 (Conformity with good manufacturing practice).

Business operators must ensure that the manufacturing operations are in accordance with:

1. General rules on Good Manufacturing practice (GMP). These are detailed in Article 5 Conformity with Quality Assurance System Article 6 Quality control systems, and Article 7 Documentation.


Requirements on active and intelligent materials and articles
Active materials and articles means materials and articles that are intended to extend the shelf-life or to maintain or improve the condition of packaged food; they are designed to deliberately incorporate components that would release or absorb substances into or from the packaged food or the environment surrounding the food.

Intelligent materials and articles means materials and articles which monitor the condition of packaged food or the environment surrounding the food.

A person must not place on the market an active or intelligent food contact material that

• Alters the composition of food to the extent that it would contravene food law e.g. additives rules or bring about unacceptable changes to the composition or organoleptic characteristics of the food that would mask spoilage.

• Give misleading information about the condition of food

• Has not been labelled that it is not edible

• Has not been labelled to identify that it is an active/intelligent material or article.
Ceramic Articles
The specific requirements for Ceramic materials are contained in EC Directive 84/500.

Regulation 9 of SR 2012 No. 384 defines ‘ceramic article’ as an item made from a mixture of inorganic materials with a generally high argillaceous or silicate content to which small quantities of organic materials may have been added. The item may be glazed, enamelled or decorated.

Regulation 10 of SR 2012 No. 384 limits the quantities of lead and cadmium which may be transferred by a ceramic article. The levels of lead and cadmium permitted are set out in Article 2(4) as read with Article 2(3) and (5) which refers to 3 categories of ceramic ware.

Annexes I and II of Directive 84/500 sets out how an article is to be tested.

Regulation 10 requires a written declaration of compliance to accompany a ceramic article which is not yet in contact with food at all marketing stages up to the retail stage. The details of the declaration are set out in Annex III.

The written declaration must contain the following information:

• The identity of the manufacturer and if applicable the importer
• The identity of the ceramic article
• Date of the declaration
• The declaration must be renewed if the article undergoes substantial change which alters the lead and cadmium migration

The Regulation also requires the manufacturer or importer of ceramic articles into the Community to keep documentation showing that the requirements of Annex I of 84/500/EEC have been met and the tests in Annex II of 84/500/EEC have been carried out.

Regulation 4 will apply to ceramic articles where it would be an offence to place on the market or use in the course of a business in connection with the storage, preparation, packaging sale or service of food any material or article that does not meet the general safety requirements set out in Article 3(1) of EC Regulation 1935/2004.

Regenerated Cellulose Film
“Regenerated cellulose film” means a thin sheet material obtained from refined cellulose derived from unrecycled wood or cotton, with or without the addition of suitable substances, either in the mass or on one or both surfaces, but does not include synthetic casings of regenerated cellulose. There are different forms of the material e.g.

- URCF means uncoated regenerated cellulose film;
- CRCF means coated regenerated cellulose film with coating derived from cellulose; and
- PRCF means coated regenerated cellulose film with coating consisting of plastics

URCF and CRCF may be manufactured using only the authorised substances or groups of substances listed in Annex II and subject to the restrictions set out.

PRCF may be manufactured, prior to coating, using only approved substances or groups of substances listed in the first part of Annex II and subject to the restrictions set out. The coating to be applied to PRCF may be manufactured using only approved substances or groups of substances listed in Annex I to Regulation 10/2011 and subject to the restrictions.

Materials and articles made of PRCF must comply with Article 12 (overall migration limit) as read with Articles 17 (expression of migration test results) and Article 18 (rules for assessing compliance with migration limits) of Regulation 10/2011.

Printed surfaces of regenerated cellulose film must not come into contact with foodstuffs. Any material or article made of regenerated cellulose film that is not by its nature clearly intended to come into contact with food must, at a marketing stage other than the retail stage, be accompanied by a written declaration attesting that it complies with the legislation applicable to it.

Where special conditions of use are indicated, the material or article made of regenerated cellulose film must be labelled accordingly.

A person must not place on the market any regenerated cellulose film which does not meet these requirements.

**Plastic Materials and Articles**

Commission Regulation 10/2011 sets out the requirements for plastic materials and articles in contact with food.

Article 2 identifies what is regarded as a plastic material e.g.

(a) materials and articles and parts thereof consisting exclusively of plastics;
(b) plastic multi-layer materials and articles held together by adhesives or by other means;
(c) materials and articles referred to in points a) or b) that are printed and/or covered by a coating;

(d) plastic layers or plastic coatings, forming gaskets in caps and closures, that together with those caps and closures compose a set of two or more layers of different types of materials;

(e) plastic layers in multi-material multi-layer materials and articles.

The term “Plastic” means a polymer to which additives or other substances may have been added, which is capable of functioning as a main structural component of final materials and articles; and a “Polymer” is any macromolecular substance obtained by:

(a) a polymerisation process such as polyaddition or polycondensation, or by any other similar process of monomers and other starting substances; or
(b) chemical modification of natural or synthetic macromolecules; or
(c) microbial fermentation;

Regulation 14 (Schedule 1) creates the following offences in relation to placing on the market plastic materials and articles

| Article 4(e), as read with Articles 17 and 18 | Prohibition on placing on the market plastic materials or articles if they do not meet specified compositional and declaration requirements |
| Article 5(1) and Annex I, as read with Article 6 | Requirement, subject to certain derogations, to use only authorised substances in the manufacture of plastic layers in plastic materials and articles |
| Article 8, first sentence | General quality and purity standards that must be observed for substances used in the manufacture of plastic layers in plastic materials and articles |
| Article 9 as read with Annex I | Particular restrictions and specifications for substances used in the manufacture of plastic layers in plastic materials and articles |
| Article 10 as read with Annex II | General restrictions on plastic materials and articles |
| Article 11(1) and (2) and Annex I, as read with Article 11(3) | Specific limits on the degree to which constituents of plastic materials and articles are permitted to migrate into foods |
### Article 12
Overall limits on the permitted level of migration of the constituents of plastic materials and articles into food simulants

### Article 13(1),(3),(4) and (5) and Annex I as read with Article 13(2)
Particular restrictions and specifications for the composition of each plastic layer in plastic multi-layer materials and articles

### Article 14(1) and (5) and Annex I, as read with Article 14(2),(3) and (4)
Particular restrictions and specifications for the composition of each plastic layer in multi-material multi-layer materials and articles

### Article 15 and Annex IV
Requirements that written declaration of compliance for plastic materials and articles, for products from the intermediate stages of their manufacture and for substances intended for the manufacture of those materials or articles should be available at the marketing stages other than the retail stage

In addition it is also an offence to fail to comply with Article 8 which requires that substances used in the manufacture of plastic layers in plastic materials and articles shall be of a technical quality and a purity suitable for the intended and foreseeable use of the materials or articles. The composition shall be known to the manufacturer of the substance and made available to the competent authorities on request.

Regulation 14 also requires that appropriate documentation to demonstrate that the materials and articles, products from intermediate stages of their manufacturing as well as the substances intended for the manufacturing of those materials and articles comply with the requirements of this Regulation (Regulation EU 10/2011) must be made available by the business operator to the national competent authorities on request.

That documentation must contain the conditions and results of testing, calculations, including modelling, other analysis, and evidence on the safety or reasoning demonstrating compliance. Rules for experimental demonstration of compliance are set out in Chapter V.

As per Regulation 4; it is an offence for a person to place on the market or use in the course of a business in connection with the storage, preparation, packaging sale or service of food any material or article that does not meet the general safety requirements set out in Article 3(1) of EC Regulation 1935/2004

**Epoxy Derivatives (BADGE, BFDGE and NOGE)**
e.g. (‘BADGE’ i.e. Bisphenol-A DiGlycidyl Ether), bis(hydroxyphenyl)methane bis (2,3-epoxypropyl) ethers (‘BFDGE’ i.e. Bisphenol-F DiGlycidyl Ether) and novolac glycidyl ethers (NOGE).

Regulation 16 requires that a person must not place on the market or use, in the course of a business in connection with the storage, preparation, packaging, sale or service of food -

any material or article in contravention of Article 3 which prohibits the use or presence of BFDGE in food contact materials or Article 4 which prohibits the use or presence of NOGE or

any material or article that fails to comply with the restrictions contained in Article 2(BADGE) as read with Annex I dealing with specific migration limit for BADGE and certain of its derivatives.

A person must not place on the market any material or article which fails to comply with the requirements of Article 5 concerning written declarations. At the marketing stages other than the retail stages, materials and articles containing BADGE and its derivatives shall be accompanied by a written declaration in accordance with Article 16 of Regulation (EC) No 1935/2004. Appropriate documentation shall be available to demonstrate such compliance. That documentation shall be made available to the competent authorities on demand.

**Vinyl Chloride**

In addition Regulation 18 requires that materials and articles, other than those materials and articles controlled by Regulation 10/2011, which are manufactured with vinyl chloride polymers or copolymers must not contain vinyl chloride monomer in a quantity exceeding 1 milligram per kilogram of the material or article; and

must be manufactured in such a way that they do not transfer to foods with which they are in contact any quantity of vinyl chloride exceeding 0.01 milligrams of vinyl chloride per kilogram of food.

A person must not place on the market; or use in the course of a business in connection with the storage, preparation, packaging, selling or service of food, any material or article that does not comply with these requirements.

**Active materials and articles in contact with food**

**Ceramic articles**
Checks can be made to ensure that the glazes used are not high in lead or cadmium. If there are heavy metals in the glaze then the levels should not be excessive.
In catering establishments checks should be made to ensure that the ceramics are food grade and not merely ornamental wear e.g. Chinese ornamental ceramic ware or similar items sold in budget stores.

**Associated Regulations**

*The Materials and Articles in Contact with Food (Wales) Regulations 2012 (SI No 2705 (W.291))*

**Council Directive 84/500/EEC** on the approximation of the laws of the Member States relating to ceramic articles intended to come into contact with foodstuffs as amended by Commission Directive 2005/31/EC regarding a declaration of compliance and performance criteria of the analytical method for ceramic articles intended to come into contact with foodstuffs

**General Product Safety Regulations 2005**

**Further Information**

*Food Standards Agency Guidance notes*

*Guidance on Ceramic articles in contact with food*

*EU Guidance to the Commission Regulation (EC) No 450/2009 of 29 May 2009 on active and intelligent materials and articles intended to come into contact with food*

*Commission Regulation EC No. 1935/2004*

*Commission Regulation (EC) No. 1895/2005*

*Commission Regulation EC No. 2023/2006*

*Commission Directive 2007/42/EC*

*Commission Directive 2002/72/EC*

*Commission Regulation (EC) 450/2009*


*Commission Directive 93/8/EC*


*Commission Directive 2004/1/EC*

*Commission Directive 2004/19/EC*


*Commission Directive 2007/19/EC*
Commission Directive 2011/8/EU
Commission Regulation 1183/2012
Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015 SI No. 1867 (W.274)

Scope
The regulations control the exploitation and marketing of natural mineral waters, spring water and bottled drinking water. These Regulations implement and enforce the following European instruments:

- **Council Directive 98/83/EC** on the quality of water intended for human consumption in relation to water intended to be labelled and sold as “spring water” and “bottled drinking water”

- **Commission Directive 2003/40/EC** establishing the list, concentration limits and labelling requirements for the constituents of natural mineral waters and the conditions for using ozone-enriched air for the treatment of natural mineral waters and spring waters.


- **Commission Regulation (EU) No 115/2010** laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and water bottled and labelled as “spring water”.

- **Council directive 2013/51/Euratom** laying down the requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption.

Ingredients/Products
The regulations cover the exploitation and marketing of *three distinct types* of bottled product described under the EU regime e.g.

**Natural Mineral Water:** as defined in regulation 2(1) and recognised in accordance with regulation 4(2)

**Water bottled and labelled spring water** in accordance with regulation 14 and schedule 7

**Bottled drinking water:** Water which is bottled in accordance with regulation 19 and schedule 7

Exemptions
Exemptions apply to:
- water which is a medicinal product within the meaning of Directive 2001/83;
- water not intended for human consumption;
- packed ice used for cooling food;
- natural mineral water used at source for curative purposes in thermal and hydro-mineral establishments; and
- natural mineral water exported to a country other than an EEA.

**Recognition of Natural Mineral Water (Regulation 4)**
Natural mineral water may only be sold as natural mineral water if it is extracted from the ground in:

- **Wales** and the local authority has granted recognition in accordance with Schedule 1 Part 1.
- The **United Kingdom** and the responsible authority recognises it pursuant to Directive 2009/54
- A **Non EEA state** and the Agency grants recognition in accordance with Part 2 of Schedule 1 or it has an equivalent recognition given by a responsible authority of another part of the United Kingdom or non EEA State
- an **EEA State** (other than the UK), and has been officially recognised by a responsible authority of that EEA State pursuant to EC Directive 2009/54.

(EU web page link - [http://ec.europa.eu/food/food/labellingnutrition/water/index_en.htm](http://ec.europa.eu/food/food/labellingnutrition/water/index_en.htm))

**Schedule 1 Part 1**: Recognition of a Natural Mineral Water in Wales and **Schedule 1 Part 2**: Natural mineral water extracted from the ground in a country other than an EEA state require the local authority (part 1) or the FSA (part 2) publish an announcement of such recognition and the grounds on which it has been granted in the London Gazette (part 1) or the London, Edinburgh and Belfast Gazette (part 2) ( Recognised Sources).

Requirements and criteria for recognition as a natural mineral water are set out in **Schedule 1 Part 3** and include:

- a geological and hydrogeological surveys
- the physical, chemical and physico-chemical surveys
- microbiological analyses
- clinical and pharmacological analysis

**Declining to grant or withdrawing recognition (Regulation 5)**
The local authority or FSA can withdraw recognition on the grounds that the minimum requirements are not being met. Where a local authority or the FSA declines to grant or withdraws recognition the person who exploits (or wishes to exploit) the spring from which that water emerges (or if different the land owner on which the spring is situated) may within 6 months of being notified of the decision, seek a review of the decision by a person appointed by the Agency.

The review by the appointed person must be completed within 3 months in writing with recommended action.

The Agency must confirm the decision with reasons or direct the local authority to grant or restore or itself restore recognition.
If a local authority is directed by the Agency to grant or restore recognition then they must comply immediately.

**Application to withdraw recognition (Regulation 6)**
A person who exploits recognised natural mineral water from a spring may apply to have that recognition withdrawn.

**Notification of Changes (Regulation 7)**
A local authority must immediately notify the Agency if it grants, stores or withdraws a recognition or it is notified of any change to the trade description or name of the spring from which the natural mineral water is extracted.

**Exploitation of natural mineral water springs and treatment (Regulation 8)**
Only water recognised as a natural mineral water can be so described and can only be exploited after permission is granted and the requirements of Schedule 4 are met.

**Treatments and additions for natural mineral water (Regulation 9)**
There are four treatments that are allowed for natural mineral water
- filtration or decanting (subject to the limitations set out in regulation 9(1)(a)(i);
- physical elimination of free carbon dioxide;
- fluoride removal authorized in accordance with Schedule 2;
- ozone-enriched air oxidation authorized in accordance with Schedule 3.

Details of these treatments and under what circumstances they are allowed to be carried out are contained in the Regulations.

No other treatments are permitted if you want to sell the water as Natural Mineral Water. In particular, no process that reduces the viable colony count (the amount of bacteria in the water) is permitted.

**Natural mineral water used as an ingredient in a soft drink (Regulation 9 (2))**
Regulation 9(2) permits the use of natural mineral water in the manufacture of soft drinks.

**Bottling of natural mineral water (Regulation 10)**
Regulation 10 and Schedules 4 & 5 set out the requirements for bottling natural mineral water. They include a requirement that natural mineral water can only be transported from the spring to the bottling plant in containers authorised for distribution to the ultimate consumer unless it was transported in containers not for distribution to the ultimate consumer (e.g. tankers) on or before 17th July 1980. Schedule 5 sets out maximum limits for certain constituents of natural mineral water which must not be exceeded at time of bottling.

**Labelling requirements for natural mineral water (Regulation 11)**
A trade description is the description under which the natural mineral water is sold, and may include brand names, trademarks and other descriptors.
Labelling requirements include (regulation 11(1)):

- a trade description must not include the name of the locality unless it refers to a natural mineral water spring exploited at the place indicated and is not misleading
- a trade description must not have a different name of the spring or place of exploitation unless the name of the spring or place of exploitation is also labelled using letters x 1.5 height and width of largest letters used for the trade description
- must not contain any indication, picture etc. use of which suggests a characteristic which the water does not possess.

**Permitted indications on the label of natural mineral water (Regulation 11(1)(f) and (g))**
The indications ‘may be diuretic’, ‘may be laxative’, ‘stimulates digestion’ and ‘may facilitate hepato-biliary functions’ are permitted if the natural mineral water has been properly assessed as possessing the property attributed by the indication in accordance with the physico-chemical analysis and pharmalogical, physio-chemical analysis and clinical examination as appropriate.

**Bottled water from a natural mineral water source can only be marked with the Following sales descriptions which are defined in regulation 11(2):**

- natural mineral water
- naturally carbonated natural mineral water
- natural mineral water fortified with gas from the spring
- carbonated natural mineral water

**Further mandatory labelling requirements for natural mineral waters (Regulation 11(3))**

- Statement of the analytical composition indicating the characteristic constituents;
- Name of the spring and the place of its exploitation;
- Indication “fully de-carbonated” or “partially de-carbonated” regulation when appropriate;
- Indication “water subjected to an authorised ozone-enriched air oxidation technique” in proximity to the analytical composition when appropriate;
- Indication when fluoride concentrations > 1.5 mg/l, “contains more than 1.5 mg/l of fluoride; not suitable for infants and children under 7 years of age” and the presentation of actual fluoride content in the location specified in the regulations.

**Mandatory requirements for advertising natural mineral water (Regulation 12)**
In accordance with the source name labelling requirements of Regulation 11, the same requirements apply to written advertisements; equal prominence must be given to either the place of exploitation or the name of the spring as is given to the trade description.

**Sale of natural mineral water (Regulation 13)**
Requirements for sale of water bottled and labelled “natural mineral water” including the microbiological criteria that natural mineral water is required to meet when placed on sale are set out in Regulation 13 and Schedule 4.

**Brand names and sources (Regulation 13(4))**
It is forbidden to sell natural mineral water from one and the same spring under more than one trade description.

**WATER INTENDED TO SOLD AS “SPRING WATER”**

Requirements for exploitation of springs and bottling of water intended to be labelled and sold as “spring water” are set out in Regulation 14 Schedule 4 and 7.

Water sold as “Spring water” must meet stringent analytical requirements but is not required to have essential characteristics of constant chemical composition or have formal recognition as required in the case of a natural mineral water. It must be extracted from a spring, bottled at source intended for human consumption in its natural state and comply with the requirements of Schedule 4 and 7.

“Spring water” may only be transported from the spring to the bottling plant in containers authorised for distribution to the ultimate consumer unless it was transported in containers not for distribution to the ultimate consumer (eg tankers) from that spring on or before 13 December 1996.

The right to tanker is linked to the spring, not the bottler.

**Treatments and additions for water intended to be labelled and sold as “spring water” (Regulation 15)**

There are four treatments that are allowed for spring water
- filtration or decanting (subject to the limitations set out in regulation 15(1)(a)(i))
- physical elimination of free carbon dioxide;
- fluoride removal authorised in accordance with Schedule 2
- ozone-enriched air oxidation authorised in accordance with Schedule 3

Details of how these treatments are allowed to be carried out are contained in the Regulations.

You may introduce or re-introduce carbon dioxide to make water bottled and labelled as “sparkling spring water” or use water bottled and labelled as “spring water” in the manufacture of soft drinks.
In Wales and Northern Ireland, no other treatments are permitted if you want to sell the water bottled and labelled as spring water. In particular, no process that reduces the viable colony count (the amount of bacteria in the water) is permitted.

**Labelling of water as “spring water” (Regulation 16)**

The water in a bottle labelled “spring water” must meet the requirements of regulation 14(1) and if treated the treatment must be permitted by regulation 15.

**Labelling description for spring water (Regulation 16(2)(a) & (b))**

If a bottle of water is labelled as “Spring Water”:
- a trade description must not include the name of the locality unless it refers to water the spring of which is exploited at the place indicated and is not misleading
- a trade description must not have a different name of the spring or place of exploitation unless the name of the spring or place of exploitation is also labelled using letters x 1.5 height and width of largest letters used for the trade description.

**Regulation 16(3)**
Water marked and labelled as “Spring water” is required to state the name of the spring and the place of its exploitation on the label and where it has undergone an ozone enriched air treatment the prescribed wording must appear on the label.

**Advertising of water as “spring water” (Regulation 17)**
In accordance with the source name labelling requirements of Regulation 16; the same requirements apply to written advertisements; equal prominence must be given to either the place of exploitation or the name of the spring as is given to the trade description.

**Sale of water as “spring water” – (Regulation 18)**
Sets out restrictions on the sale of water as “spring water”. It is forbidden to sell water bottled and labelled as “spring water” from one and the same spring under more than one trade description.

**BOTTLED DRINKING WATER**

**Bottling of bottled drinking water (Regulation 19)**
Bottled drinking water must satisfy the requirements of Schedule 7. There are no other restrictions on specific treatments of bottled drinking water in these regulations

**Labelling, marketing and trade description of bottled drinking water (Regulations 20, 21 & 22)**
There are no restrictions on the selling of bottled drinking water under more than one trade description. However, these descriptions should not be liable to cause confusion of the water with a natural mineral water. The description “mineral water” must not appear. The labels must also comply with EU Food Information to Consumers Regulation No. 1169/2011.

MONITORING AND SAMPLING REQUIREMENTS

EU requirements for monitoring of radioactivity in water

The Directive sets out parametric values, and frequencies and performance characteristics for analytical methods for monitoring radioactive substances in water intended for human consumption. This includes water as defined in the scope of the Drinking Water Directive 98/83/EC for drinking, cooking, food preparation or other domestic purposes supplied from a distribution network, tanker or in bottles or containers. It also includes all water used in any food production undertaking for the manufacture, processing, preservation or marketing of products or substances intended for human consumption. Natural mineral waters are exempt from the requirements of the Directive (See regulation 25(1)(b) and Schedule 11).

Monitoring and sampling (Natural Mineral water) (Regulation 23)
Periodic checks must be carried out to ensure that the composition, temperature and other essential characteristics of the water remain stable within the limits of natural fluctuation, are unaffected by variations in the rate of flow, that viable colony count at source is constant and satisfies Schedule 1 Part 1 and also the requirements of Schedule 4 are met.

Monitoring of water bottled and labelled as “spring water” and bottled drinking water (Regulation 24)
Regular monitoring of the quality of the water must be carried out to ensure it satisfies the requirements of Directive 98/83 and complies with the parametric values set in accordance with Schedule 7 and any disinfection treatment for bottled mineral water is effective. Local authorities must carry out monitoring in accordance with Schedule 8 or 9 as appropriate.

Additional monitoring must be carried out on a case-by-case basis in relation to any property, element, substance or organism other than a parameter specified in Schedule 7, if the local authority has reason to suspect that it may be present in the water concerned in an amount or number which constitutes a potential danger to human health.

Sampling and analysis (Regulation 25) - water bottled and labelled as “spring water” and bottled drinking water
Each local authority must take samples at the point at which the water is bottled when carrying out their sampling regime.
For the purpose of monitoring water bottled and labelled as “spring water” and bottled drinking water, each local authority must carry out sampling and analysis in accordance with Schedule 10 to check compliance with the parametric values specified in Parts 2 and 3 of Schedule 7; and sampling and analysis in accordance with Schedule 11 to check compliance with the parametric value for indicative dose specified in Part 4 of Schedule 7.

**Remedial action (Regulation 26) - water bottled and labelled as “spring water” and bottled drinking water**

If a local authority determines that water bottled and labelled as “spring water” or bottled drinking water does not comply with the parametric concentrations or values specified in the sampling and analysis as above (Schedule 7) they must:

- immediately investigate the non-compliance in order to identify the cause;
- assess whether the non-compliance poses a risk to human health which requires action;
- require the business operator to take remedial action as soon as possible to restore the quality of the water where that is necessary to protect human health;
- in respect of any parameter (indicator, microbiological or chemical) specified in Parts 2 and 3 of Schedule 7, notify the general public of the remedial action taken, unless the local authority considers that non-compliance with the parametric value is trivial.
- In respect of any parameter specified in Part 4 of Schedule 7 (Parametric Radon, tritium and ID), notify the general public of the risks and remedial action taken and advise the general public on any additional precautionary measures that may be needed for the protection of human health in respect of radioactive substances.

If water bottled and labelled as “spring water” or bottled drinking water constitutes a potential danger to human health, irrespective of whether it meets the relevant parametric values in Schedule 7, the local authority must—

- prohibit or restrict the supply of that water in its area or take such other action as is necessary to protect human health;
- inform the general public promptly of that fact and provide advice where necessary.

In prohibiting or restricting the supply of that water which constitutes danger to human health the local authority must have regard to any risks to human health which would be caused by an interruption of the supply or a restriction in the use of water intended for human consumption.

**Treatments monitoring (Regulation 27)**

Each local authority must carry out periodic checks on any fluoride removal treatment and ozone-enriched air treatment which it has authorised to ensure that the relevant requirements are satisfied.
Sampling (Regulation 28)
The local authority must ensure that each sample is representative of the quality of the water concerned consumed throughout the year in which the sample is taken.

Notification and Analysis by the Government Chemist – see regulations 30 and 31

Enforcement
The method of enforcement will be via improvement notice served under Section 10 of the Food Safety Act 1990 as applied by these regulations. An improvement notice can also be served under Section 10 for breach of any of regulations 8-22 and certain provisions of Commission Regulation (EU) 115/2010 specified in Schedule 12 paragraph 1 of these regulations.

Improvement Notices would be used as a part of the hierarchy of enforcement when informal measures are no longer appropriate and the labelling contravention or issue should be elevated to formal action. If the conditions set by an improvement notice are not met then the non-compliance with those conditions will constitute a criminal offence. Improvement Notices can be appealed to a Magistrates Court

Associated Regulations

Council Directive 98/83/EC relating to the quality of water intended for human consumption (OJ No L330, 3,11,98, p.32) so far as it applies to water intended to be labelled and sold as “spring water” and bottled drinking water.


Commission Directive 2003/40/EC establishing the list, concentration limits and labelling requirements for the constituents of natural mineral waters and the conditions for using ozone-enriched air for the treatment of natural mineral waters and water bottled and labelled as “spring water” (OJ No. L 126, 22.5.03 p34)

Commission Regulation (EU) No. 115/2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters

Council directive 2013/51/Euratom laying down the requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption (OJ No L 296, 7.1113, p12)

The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015
Further Information
Zam Zam water

EC Recognised Natural Mineral Water Sources
Novel Foods and Novel Food Ingredients Regulations 1997 (SI No. 1335) (as amended)

Scope
These Regulations provide for the enforcement and execution of certain specified provisions of Regulation (EC) No. 258/97 of the European Parliament and of the Council concerning novel foods and novel food ingredients.

New Novel Foods Regulations are due to come into operation in early 2018 which will revoke these regulations. The new Regulations will implement EU Regulation No 2015/2283, which introduces a centralised EU risk assessment by EFSA for Novel Foods, simplifies notification procedures and introduces improvement notices.

Ingredients/Products
Under the Novel Foods Regulation a novel food is defined as a food that does not have a significant history of consumption within the EU prior to 15th May 1997.

The definition will include new products obtained from natural sources (animals, plants, micro-organisms) and by chemical synthesis. Regulation (EC) 258/97 does not apply to food additives, flavourings, extraction solvents or processing aids.

A company wishing to market a novel food or novel food ingredient in the EU must submit an application to the Competent Authority in the Member State where it first intends to market their product. Novel foods are subject to a pre-market safety assessment before a decision is made on EU-wide authorisation.

These Regulations designate the Food Standards Agency as the food assessment body for the purposes of Regulation (EC) No. 258/97 and appoint local authorities to enforce the provisions of Regulation (EC) No 258/97 and these Regulations.

Full application - Initial assessment
A company wishing to market a novel food must submit an application dossier to one of the 27 Member States (MS) consisting of a request accompanied by a summary. Information on manufacturing process may be kept confidential, as stated in Regulation 1852/2001. A copy of the request is sent to the European Commission (EC). (Guidance on presentation of data required for the safety assessment was published by the European Commission Recommendation 97/618/EC). An initial assessment report will be compiled in 90 days. This timescale may be extended if the evaluation raises questions, which require the submission of further information from the applicant.

The EC will distribute to other Member States the initial assessment report for comment (60 days). If all Member States are agreed, the applicant is informed by the EC of the decision and if not, a decision is taken by majority vote. Before
any vote, any outstanding technical or scientific issues are examined by the European Food Safety Authority (EFSA).

Substantial equivalence - simplified procedure
This procedure applies to novel foods that are very similar (‘substantially equivalent’) to existing foods in terms of (a) composition, (b) nutritional value, (c) metabolism, (d) intended use and (e) the level of undesirable substances.

Commission Recommendation 97/168/EC includes a section on substantial equivalence and offers general guidance (section 3.3).

In this procedure an application dossier is submitted to one of the 27 Member States and an opinion on substantial equivalence is issued to the applicant (no timescale). The applicant notifies the European Commission when the product is first marketed. The UK has published national guidance on data requirements (see Advisory Committee on Novel Foods and Novel Food Processes (ACNFP) report 2004 - Annex XIV). There is no EU guidance on the procedure.

UK practice
The Food Standards Agency (FSA) is the responsible body in the UK for the purpose of novel food applications. The fees for a full application are £4000 whilst a request for a substantial equivalence will cost £1725.

The risk assessment is conducted by the Advisory Committee on Novel Foods and Processes (ACNFP). The FSA will discuss with the applicant before the dossier is submitted and each application will be published for public comment (28 days). Committee papers and minutes are also published and a draft assessment report is also published for public comment (10 days).

Associated Regulations
Novel Foods and Novel Food Ingredients Regulations 1997 (SI No. 1335) (as amended)


Further Information
Advisory committee on Novel Foods and Processes

European Food Safety Authority (EFSA)

Advisory Committee on Novel Food Processes

More than 60 applications have been made for novel foods since 1997. The majority of the applications were for non GM foods. About a third have been accepted, another third have been rejected or withdrawn by applicants and the remainder are currently under evaluation.

ACNFP Full Application List
Examples of products refused approval by the European Commission include:

- Betaine
- Nangai Nuts and
- Stevia Rebaudiana Bertoni

Commission Novel Food Catalogue
The Plastic Kitchenware (Conditions on Imports from China) (Wales) Regulations 2011 (Sl. 2011 No. 1605 (W.186))

Scope
These regulations were made under the Food Safety Order 1990 to implement the provisions of Commission Regulation (EU) No. 284/2011 (“the EU Kitchenware Regulation”) that lays down specific conditions and detailed procedures for the import of polyamide (“Nylon”) and melamine plastic kitchenware originating in or consigned from the People’s Republic of China and Hong Kong Administrative Region, China (together referred to hereafter as “China”).

The Regulation was introduced by the EU because of concern about the presence in polyamide kitchenware of detectable levels of primary aromatic amines (PAAs) some of which are carcinogenic and due to the incidence and levels found of formaldehyde migrating from Chinese melamine kitchenware at levels greater than the Specific Migration Limit (SML) of 15mg/kg.

Ingredients/Products
The products covered typically include Nylon Kitchenware such as kitchen spoons, spatulas, fish slices and similar catering implements and Melamineware like bowls and mugs. Within the context of the regulations “plastic kitchenware” means plastic materials as described in paragraphs 1 and 2 of Article 1 of Directive 2002/72/EC and falling within CN code ex 39241000. It should be noted that the requirements for plastic materials and articles intended for food contact given in Regulation 10/2011, which superseded Directive 2002/72/EC, are now applicable under Article 21 of the Regulation as of 1 May 2011.

Regulations
These prohibit the placing on the market of polyamide and melamine plastic kitchenware from China that does not comply with the regulations conditions or has not undergone import checks and certification (Regulation 3).

It is an offence under Regulation 4 to breach any prohibition.

The regulations are enforced by local authorities, as set out in Regulation 5 and the local authority must execute and enforce the Regulation and inform the FSA where products analysed under the Regulations do not comply (Regulation 6).

Regulation 7 provides for expenses incurred by local authorities in carrying out their official controls to be recovered from the importer in accordance with certain provisions of Regulation (EU) No. 882/2004 on the official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

Regulation 8 specifies the measures to be taken by local authorities where a consignment is not accompanied by the required documentation or is otherwise non-compliant.
An importer can appeal the decision of an authorised officer of a local authority, as set out in Regulation 9. Regulation 10 provides for FSA, if satisfied that the continued operation of a first point of introduction designated under Article 5 presents a serious risk to public health, to suspend that designation.

**Associated Regulations**

- Plastic Kitchenware (Conditions on Imports from China) (Wales) Regulations 2011 (SI No. 1605 (W.186))
- EC Directive 2002/72/EC
- Commission Guidance: EU guidelines for the import of polyamide and melamine kitchenware
- Commission Guidance: Technical guidelines concerning polyamide and melamine kitchenware
The Preserved Sardines (Marketing Standards) Regulations 1990 (SI No. 1084)

Scope
This regulation implements the provisions of EC Directive 2136/89 relating to the marketing of preserved sardines.

Ingredients/Products
A preserved sardine is described as a product:

• Covered by CN codes 1604 13 10 and ex 1604 20 50
• Exclusively from the species Sardinia Pilchardus Walbaum
• Pre-packed in an appropriate cover medium and hermetically sealed
• Sterilised by appropriate treatment

In accordance with good manufacturing practice sardines must be trimmed of head, gills, caudal fin, and internal organs other than the ova, milt, kidney and according to the marketing presentation concerned, the backbone and skin.

Labelling Requirements
There are 6 marketing presentations described in Article 4 of the Directive.

1. Sardines (basic)
2. Sardines without bones
3. Sardines without skin and bones
4. Sardine Fillets
5. Sardine Trunks
6. Any other form of presentation not covered in 1-5 above

For the purpose of trade descriptions Article 5 sets out different descriptions for cover media:

1. Olive oil
2. Refined vegetable oil
3. Tomato sauce
4. Natural juice, saline solution or water
5. Marinade with or without wine
6. Other cover media not covered by 1-5 above.

Cover media may be mixed but olive oil may not be mixed with other oils.

The final appearance for preserved sardines is set out in Article 6. Without prejudice to other EC rules the trade descriptions on pre-packed preserved sardines must correspond to the ratio between the weight of sardines in the container after sterilisation and the net weight expressed in grams.

The ratio between cover media and sardine is given in the table below.

<table>
<thead>
<tr>
<th>Cover media</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olive oil, vegetable oil, natural juice or marinade</td>
<td>70%</td>
</tr>
</tbody>
</table>

190
The designation of the cover medium must form an integral part of the trade description.
Oil media must be described as one of the following:

- 'in olive oil'
- 'in vegetable oil'
- 'in ...oil' indicating the nature of the oil

Preparations using homogenised sardine flesh involving the disappearance of muscle structure may contain flesh of other fish which have undergone the same treatment provided that the proportion of sardines is at least 25%.

**Associated Regulations**
Preserved Sardines (Marketing Standards) Regulations 1990 (SI No. 1084)

EC Directive 2136/89 on provisions relating to marketing of preserved sardines.

The Preserved Tuna and Bonito (Marketing Standards) Regulations 1994 (SI No. 2127)

Scope
The regulations implement the provisions of Council Regulation No. 1536/92 relating to the marketing of preserved tuna and bonito.

The EC regulation sets out specific compositional standards and outlines how tuna and bonito should be described when preserved.

Ingredients/Products
The definitions for each species are as follows:

<table>
<thead>
<tr>
<th>Tuna</th>
<th>Bonito</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Falls within CN code 1604 14 10 ex 1604 20 70</td>
<td>• Falls within CN code 1604 14 90, ex 1604 20 50, 1604 19 30 ex 1604 20 70, ex 1604 19 99 and 1604 20 90</td>
</tr>
<tr>
<td>• Prepared from the species genus thunnus</td>
<td>• Prepared from the species genus Sarda</td>
</tr>
<tr>
<td>Albacore or longfin</td>
<td>Atlantic bonito</td>
</tr>
<tr>
<td>Yellow fin</td>
<td>Pacific bonito</td>
</tr>
<tr>
<td>Blue fin</td>
<td>Oriental bonito</td>
</tr>
<tr>
<td>Big eye</td>
<td></td>
</tr>
<tr>
<td>• Skip jack</td>
<td>• Prepared from the species genus euthynnus</td>
</tr>
<tr>
<td></td>
<td>Atlantic little tuna</td>
</tr>
<tr>
<td></td>
<td>Eastern little tuna</td>
</tr>
<tr>
<td></td>
<td>Black skip jack</td>
</tr>
<tr>
<td></td>
<td>• Prepared from the species genus auxix</td>
</tr>
<tr>
<td></td>
<td>Frigate mackerel</td>
</tr>
<tr>
<td></td>
<td>Auxis Rochei</td>
</tr>
</tbody>
</table>

Different species may not be mixed in the same container, however, culinary preparations using tuna and bonito flesh without muscle structure may contain the flesh of other fish provided 25% of the net weight consists of tuna or bonito.

Labelling Requirements
Forms of ‘Commercial Presentation’ are set out in Article 3 as follows:
• Solid - 18% presence of flake is tolerated but when canned raw the presence of flake is prohibited

• Chunks - Fragments of flesh not less than 1.2 cm. 30% flake can be tolerated

• Fillets - Consist of longitudinal strips of flesh taken from along the vertebral column or strips of muscle from the abdominal wall

• Flakes - Fragments of flesh with muscle structure maintained

• Grated/shredded tuna - Separate particles that do not constitute a paste.

Any presentation falling outside these definitions may be used provided it is clearly identified in the Trade Description.

Terms used to describe the cover medium as used in the Trade Description are set out in Article 4 and include:

• 'in olive oil'
• 'Natural' (reserved for product using the natural juice, saline solution or water)
• 'in vegetable oil'
• If some other medium is used it must be clearly indicated.

**Article 5 Trade Descriptions**

The trade description should state:

• The type of fish (tuna, bonito)
• The presentation in which marketed e.g. solid, chunk, flake etc
• The description of the cover medium.

In all other cases of presentation:

• The type of fish (tuna, bonito)
• The nature of the culinary preparation

Trade descriptions must not associate the words Tuna and Bonito.

Article 6 sets out additional compositional requirements for product presented as ‘solid’ (article 3(1)). The ratio between the weight of fish after sterilisation and the net weight in grams must be as follows:

<table>
<thead>
<tr>
<th>Type of media</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>In olive oil</td>
<td>70%</td>
</tr>
<tr>
<td>In vegetable oil</td>
<td></td>
</tr>
</tbody>
</table>

193
In the case of culinary preparations the ratio is 25%.

**Associated Regulations**

The Preserved Tuna and Bonito (Marketing Standards) Regulations (NI) 1994 (SR No. 425)

_**Council Regulation No. 1536/92 relating to the marketing of preserved tuna and bonito.**_
Products Containing Meat (Wales) Regulations 2014 (SI No. 1396 (W.141))

Scope
These regulations revoke and replace the Meat Products (Wales) Regulations 2004 (MPR). The main differences are that the Products Containing Meat etc. (Wales) Regulations 2014 (PMR 2014) update and simplify the provisions contained in the MPR in a way that is compatible with the EU Food Information to Consumers Regulation No. 1169/2011 (EU FIC).

The PMR 2014 applies to food which is ready for delivery to the ultimate consumer or to a catering establishment. The regulations do not apply to any food not intended for sale for human consumption or labelled clearly that it is intended exclusively for consumption by babies or young children.

The Regulations cover the following:

• Reserved descriptions i.e. the minimum compositional criteria that meat products must meet in order to be described using the reserved descriptions (e.g. sausages, etc.).

• Compositional requirements i.e. the prohibition on the use of some parts of the carcase in uncooked meat products.

Generic Definition of Meat for the purposes of labelling meat ingredients in meat products
The EU definition of ‘meat’ (for labelling purposes) is laid down in EU FIC (Annex VII, Part B, point 17). The definition has been carried over from Directive 2001/101/EC. It is the relevant definition when calculating meat content.

The definition:

• Restricts the generic term ‘meat’ (as well as the species name such as ‘beef’, ‘pork’, ‘chicken’ etc.) to skeletal muscle with naturally included or adherent fat and connective tissue.

• Includes maximum numerical limits for associated fat and connective tissue, depending on the species of the meat. Any fat or connective tissue in excess of these limits cannot be counted towards the meat content and must be declared separately in the ingredients list (although a QUID declaration will not be required for this fat and connective tissue).

• Excludes mechanically recovered meat (MRM), which must already be declared separately in the ingredients list. MRM may not be counted towards the ‘meat’ content (see note below regarding use of the term “MRM”).
• Requires other parts of the carcase such as liver, kidney, heart etc to be labelled as such. The generic term ‘offal’ may not be used. In addition, these parts of the carcase may not be counted towards the QUID declaration for any meat ingredient.

**Percentage Limits on Fat and Collagen/Meat protein ratio**

<table>
<thead>
<tr>
<th>Species</th>
<th>% Fat</th>
<th>% Collagen/Meat protein ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pork</td>
<td>30</td>
<td>25</td>
</tr>
<tr>
<td>Birds and Rabbits</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>All other red meats and mixtures</td>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>

The definition does not in itself prohibit the use of any meat ingredients. It should be noted the European definition does not apply to raw meat and cuts of meat which are not ingredients of composite meat products.

**Ingredients/Products**

The PMR 2014 applies to any product containing meat, mechanically separated meat or other parts of the carcase.

**Compositional requirements**

Specific parts of a carcase cannot be used in the preparation of uncooked meat products. The specific parts are: brains, feet, large and small intestine, lungs, oesophagus, rectum, spinal cord, spleen, stomach, testicles and udder. In the PMR 2014 it states that “uncooked” in relation to a food, means a food that has not been subjected to a process of cooking throughout the whole food so that the food is sold on the basis that it will need further cooking before consumption.

Large or small intestines can be used solely to produce skin for sausages. 'Sausage' in this context includes frankfurters, salami, black pudding and any similar products.

**Labelling Requirements**

Reserved Descriptions

The regulations require that a product containing meat etc. offered for sale to the ultimate consumer or to a catering establishment may not be described using one of the reserved descriptions unless it meets the relevant compositional criteria laid down in Schedule 1 of the PMR 2014. The schedule lays down minimum required meat contents for products described using the reserved descriptions. The minimum meat content for the reserved description products is based on the EC definition of meat. (Schedule 1 of the Regulations can be found in Annex 1 of this guide).
Labelling requirements under EU FIC

Name of Food of Meat Products Having the Appearance of a Cut, Joint, Slice, etc.

For products containing meat which look like a cut, joint, slice, portion or carcase of fresh meat the MPR required that the presence of added water and other added ingredients be declared in the name of the food. Such foods include ‘Bacon with added water’ and ‘Chicken with pork proteins’. These requirements are now regulated by the directly applicable EU FIC and so are not contained within the PMR 2014.

QUID Requirement

The quantifying of meat in the labelling of meat products falls within the provisions of the EU FIC and is based on the EC meat definition. Therefore, the quantitative ingredient declaration (QUID) will be required for meat products sold pre-packed; any excess fat or connective tissue present in the product cannot count towards the QUID declaration of meat content and must be declared separately in the list of ingredients.

Regulation 7 of the Food Information Regulations (NI) 2014 requires that foods containing meat and other ingredients sold loose or pre-packed for direct sale (e.g. by butchers, delicatessens, etc.) are marked with the QUID declaration of the meat ingredient(s). QUID declarations are required only for those ingredients that fall within the EC definition of ‘meat’. There is no requirement to mark or label the meat content of meat products sold loose or pre-packed for direct sale from catering establishments.

For foods sold loose, the QUID declaration will be given in the form ‘x% pork’ and will appear alongside the name of the food either on a ticket or notice or on the food itself. However, Schedule 3 of the Food Information Regulations (NI) 2014 specifies foods which do not require any QUID declaration for the meat content of meat products sold loose.

These are:

1. Raw meat to which no ingredient other than proteolytic enzymes has been added.

2. Frozen and quick-frozen chicken to which Article 15 of Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultry meat applies and the water content of which does not exceed the technically unavoidable values determined as provided for in that Article.

poultrymeat applies and the water content of which does not exceed the technically unavoidable values determined as provided for in that Article.

4. Sandwiches, filled rolls and filled products of a similar nature to sandwiches and filled rolls, which are ready for consumption without further processing, except for products containing meat which are sold under the name (whether or not qualified by other words) “burger”, “economy burger” or “hamburger”.

5. Pizzas and similar topped products.

6. Any food for which the name is “broth”, “gravy” or “soup”, whether or not qualified by other words.

7. A food consisting of an assemblage of two or more ingredients that has not been subjected to any processing or treatment once it has been assembled, and which is sold to the final consumer as an individual portion intended to be consumed without further processing or treatment.

**Enforcement**

The PMR 2014 introduces new and simpler enforcement provisions. The front line measure for the provisions of the PMR 2014 will be an improvement notice. This would be used as part of the hierarchy of enforcement when informal measures are no longer appropriate and the labelling contravention or issue should be elevated to formal enforcement action. If the conditions set by an improvement notice are not met this will be a criminal offence. Businesses will have the opportunity to appeal against an improvement notice. Appeals will be heard by a court of summary jurisdiction.

**Associated Regulations**

- **Products Containing Meat etc. (Wales) Regulations 2014**
- **Regulation EU No. 1169/2011 on the provision of food information to consumers**
- **Food Information (Wales) Regulations 2014**

**Further Information**

- **Eurofins meat calculator (for pre-packed meat products)**
- **FSA Meat content calculator**

**Desinewed meat**

On 4 April 2012 the Food Standards Agency (FSA) announced a moratorium on the production and use of desinewed meat (DSM). Desinewed meat is produced using a low pressure technique to remove meat from animal bones. DSM is not a term recognised by EU food law.
DSM produced by mechanically separating residual meat from animal bones must be regarded as Mechanically Separated Meat (MSM), a product that cannot, under the provisions of European law, be produced from cattle, sheep and goat bones.
### Annex 1

#### SCHEDULE 1

**Regulation 4**

### RESERVED DESCRIPTIONS

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of food</td>
<td>Meat or cured meat content requirements</td>
<td>Additional requirements</td>
</tr>
<tr>
<td>The food must contain not less than the indicated percentage of meat, where the meat ingredient consists of the following:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meat or, as the case may be, cured meat from pigs only</td>
<td>Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only</td>
<td>Meat or, as the case may be, cured meat from other species or other mixtures of meat</td>
</tr>
<tr>
<td>1. <strong>Burger</strong> - whether or not forming part of another word, but excluding any name falling within items 2 or 3 of this table</td>
<td>67%</td>
<td>55%</td>
</tr>
<tr>
<td>1. Where the name “burger” is qualified by the name of a type of cured meat, the food must contain a percentage of meat of the type from which the named type of cured meat is prepared at least equal to the minimum required meat content for that food</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Where the name “burger” is qualified by the name of a type of meat, the food must contain a percentage of that named meat at least equal to the minimum required meat content for that food</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Where the name “burger” is used to refer to a compound ingredient consisting of a meat mixture and other ingredients, such as a bread roll, these requirements apply only to the meat mixture, as if the meat mixture were the regulated product in the labelling or advertising of which the name was used as the name of the food</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. <strong>Economy Burger</strong> -</td>
<td>50%</td>
<td>41%</td>
</tr>
<tr>
<td>1. Where the name “economy burger” is</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
whether or not “burger” forms part of another word

<table>
<thead>
<tr>
<th></th>
<th>67%</th>
<th>Not applicable</th>
<th>62%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3. Hamburger</strong> - whether or not forming part of another word</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Where the name “hamburger” is used, the meat used in the preparation of the food must be beef, pork or a mixture of both.
2. Where the name “hamburger” is qualified by the name of a type of meat, the food must contain a percentage of that named meat at least equal to the minimum required meat content for that food.
3. Where the name “hamburger” is used to refer to a compound ingredient consisting of a meat mixture and other ingredients, such as a bread roll, these requirements apply only to the meat mixture, as if the meat mixture were the regulated product in the labelling or advertising of which the name was used as the name of the food.

qualified by the name of a type of cured meat, the food must contain a percentage of meat of the type from which the named type of cured meat is prepared at least equal to the minimum required meat content for that food.
2. Where the name “economy burger” is qualified by the name of a type of meat, the food must contain a percentage of that named meat at least equal to the minimum required meat content for that food.
3. Where the name “economy burger” is used to refer to a compound ingredient consisting of a meat mixture and other ingredients, such as a bread roll, these requirements apply only to the meat mixture, as if the meat mixture were the regulated product in the labelling or advertising of which the name was used as the name of the food.
<table>
<thead>
<tr>
<th>4. Chopped X, there being inserted in place of “X” the name “meat” or “cured meat” or the name of a type of meat or cured meat, whether or not there is also included the name of a type of meat</th>
<th>75%</th>
<th>62%</th>
<th>70%</th>
<th>No additional requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Corned X, there being inserted in place of “X” the name “meat” or the name of a type of meat, unless qualified by words which include the name of a food other than meat</td>
<td>120%</td>
<td>120%</td>
<td>120%</td>
<td>1. The food must consist wholly of meat that has been corned 2. Where the name of the food includes the name of a type of meat, the meat used in the preparation of the food must be wholly of the named type 3. The total fat content of the food must not exceed 15%</td>
</tr>
<tr>
<td>6. Luncheon meat or luncheon X, there being inserted in place of “X” the name of a type of meat or cured meat</td>
<td>67%</td>
<td>55%</td>
<td>62%</td>
<td>No additional requirement</td>
</tr>
<tr>
<td>7. Meat pie or meat pudding - the name “pie” or “pudding” qualified by the name of a type of meat or cured meat unless qualified also by the name of a food other than meat or cured meat—</td>
<td></td>
<td></td>
<td></td>
<td>No additional requirement</td>
</tr>
<tr>
<td>(a) based on the weight of the ingredients when the food is uncooked</td>
<td>12.5%</td>
<td>12.5%</td>
<td>12.5%</td>
<td></td>
</tr>
<tr>
<td>(b) but if the food weighs— (i) not more than 200 g and not less than 100 g</td>
<td>11%</td>
<td>11%</td>
<td>11%</td>
<td></td>
</tr>
<tr>
<td>(ii) less than 100 g</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td></td>
</tr>
<tr>
<td><strong>Game pie</strong>—</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) based on the weight of the ingredients when the food is uncooked</td>
<td>12.5%</td>
<td>12.5%</td>
<td>12.5%</td>
<td></td>
</tr>
<tr>
<td>(b) but if the food weighs—</td>
<td>11%</td>
<td>11%</td>
<td>11%</td>
<td></td>
</tr>
<tr>
<td>(i) not more than 200 g and not less than 100 g</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) less than 100 g</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
<td></td>
</tr>
<tr>
<td><strong>8. Scottish pie or Scotch pie</strong> -</td>
<td>10%</td>
<td>10%</td>
<td>10%</td>
<td></td>
</tr>
<tr>
<td>based on the weight of the ingredients when the food is uncooked</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>9. The name “pie” or “pudding” qualified by the words “meat” or “cured meat” or by the name of a type of meat or cured meat and also qualified by the name of a food other than meat or cured meat—</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) where the former (meat-related) qualification precedes the latter</td>
<td>7%</td>
<td>7%</td>
<td>7%</td>
<td></td>
</tr>
<tr>
<td>(b) where the latter (non-meat-related) qualification precedes the former Based, in both cases, on the weight of the ingredients when the food is uncooked</td>
<td>6%</td>
<td>6%</td>
<td>6%</td>
<td></td>
</tr>
<tr>
<td><strong>10. Pasty, pastie</strong></td>
<td>6%</td>
<td>6%</td>
<td>6%</td>
<td></td>
</tr>
<tr>
<td>No additional requirement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Bridie or sausage roll -

Based on the weight of the ingredients when the food is uncooked

<table>
<thead>
<tr>
<th>11. Sausage (excluding the name “sausage” when qualified by the words “liver” or “tongue” or both), chipolata, link or sausage meat—</th>
<th>No additional requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) where the name is qualified by the name “pork” but not by the name of any other type of meat</td>
<td>42%</td>
</tr>
<tr>
<td>(b) in all other cases</td>
<td>32%</td>
</tr>
</tbody>
</table>

**Notes**

1. In relation to items 4, 5 and 6, the percentages in column 2 are based on the weight of the raw meat used to make the food (“the raw meat ingredient”) as a percentage of the weight of the cooked finished product. In relation to the other items, the percentages are based on the weight of the raw meat ingredient used to make the food as a percentage of the total weight of all the ingredients used to make the food (including the raw meat ingredient) at the time of their use as an ingredient.

2. The quantity of meat specified in the table is to be determined taking into account the provisions relating to total fat and connective tissue content in point 17 of Part B of Annex VII to FIC, including any downward adjustment needed in a case where the total fat and connective tissue content in the regulated product exceeds the values indicated in the table in point 17 of Part B of Annex VII to FIC.
Quick Frozen Foodstuffs (Wales) Regulations 2007 (SI No.389 (W.40))

Scope

The purpose of the regulations is to protect the quality of quick frozen foods (QFF) throughout the distribution chain. The regulations apply to all businesses that manufacture, transport (including rail), store and retail quick frozen foods (but see exempted businesses below).

Ingredients/Products
What is a Quick Frozen Food?

A quick frozen foodstuff is defined in the Regulations as a food which has undergone a freezing process known as ‘quick freezing’ whereby the zone of maximum crystallisation is crossed as rapidly as possible, depending on the type of product and it is labelled to indicate that it has undergone that process. QFF does not include ice cream or any other edible ice. ‘Quick frozen’ is an optional description, so legal requirements only apply to foods that have undergone a quick freezing process and if they are labelled as ‘quick frozen’.

Conditions required for QFF to be placed on the market for human consumption

Schedule 2 of the Regulations specifies conditions that have to be satisfied for a quick frozen food to be placed on the market for human consumption. Conditions are:

• The quick frozen food must be made from raw materials of sound, genuine and merchantable quality

• The preparation and quick freezing of the product must be carried out promptly and by the use of appropriate technical equipment to minimise any chemical, biochemical and microbiological changes to the food

• The authorised cryogenic medium must be one or more of air, nitrogen, or carbon dioxide

• The temperature on thermal stabilization must be -18oc or colder. This temperature has to be maintained, except for brief periods during transport (including local distribution) where it may reach not warmer than -15oc, and when in retail display cabinets where it may reach not warmer than -12oc.

Other conditions that have to be satisfied for QFF are specified in regulation 4 of the Regulations, namely that any QFF intended for the ultimate consumer must have been packed by its manufacturer or packer in such pre-packaging as to protect it from microbial and other forms of external contamination and against
dehydration, and the QFF must remain in such pre-packaging up to the time of placing on the market.

**Labelling Requirements**

Quick frozen foods that are to be supplied (without further processing) to the ultimate consumer or a catering establishment must show the following information (in addition to the name of the food) on the label:

- The description 'quick frozen'
- The date of minimum durability - a 'best before date'
- An indication of the maximum advisable storage period
- An indication of the temperature and /or the equipment that should be used to store it
- A batch or lot mark
- A message such as 'do not refreeze after defrosting'

Other QFF products destined for further processing must be labelled with:

- The description 'quick frozen'
- A batch or lot mark
- The name (or business name) and address of the manufacturer, packer, or seller in the EU

**Temperature Monitoring - Schedule 1**

All new temperature monitoring instruments used in transport (including rail), warehousing and storage of quick frozen foods must comply with relevant European standards (EN 12830, EN 13485 and EN 13486) from 1st January 2006.

Existing instruments (installed before 1 January 2006) complying with previous legislation may continue to be used until 31st December 2009. All instruments must comply with the European Standards from 1st January 2010. Food operators must keep all relevant documents permitting verification that equipment/ instruments conform to the relevant European Standard(s).

Temperature recording details must be dated and kept by the food operator for at least one year or for longer depending on the nature and shelf-life of the QFF.

**Exemptions**

There are exemptions to this requirement of air temperature monitoring during storage in retail display cabinets and during local distribution. In these cases, the air temperature needs to be measured by at least one easily visible thermometer only.

For open retail display cabinets, the maximum load level line must be clearly marked and the thermometer must measure the air temperature at this line at air return side. The cabinet should not be filled above the load line.
In addition, the air temperature of cold store facilities of less than 10m3 for stock in retail outlets can continue to be measured by an easily visible thermometer. Where the above exemptions apply, there is no requirement to keep temperature records.

**Enforcement**

The regulations are enforced by the local authority. The Regulations require that where there are reasonable grounds to believe that quick frozen foods have not been kept at the required temperatures, the quick frozen food and temperatures must be further inspected in accordance with the provisions of Directive 92/2. Specific procedures for this inspection are included in the existing Food Law Code of Practice and associated Practice Guidance for Wales which is due to be reviewed shortly. The Food Law Code of Practice and associated Practice Guidance are produced for enforcers.

**Associated Regulations**

*Quick Frozen Foodstuffs (Wales) Regulations 2007 (SI No. 389 (W.40))*

European Commission legislation:


**Further Information**

EN Standards

- EN12830
- EN13485
- EN13486
Specified Products from China (Restriction on First Placing on the Market) (Wales) Regulations 2008 (SI No. 1080 (W.114))

Scope
Initially these regulations implemented Commission Decision 2008/289/EC on emergency measures regarding non-authorized genetically modified rice Bt 63. This decision was later repealed and replaced by Commission Implementing Decision 2011/884/EU on Emergency measures requiring unauthorized genetically modified (GM) rice in rice products originating in China. Details of the list of products to which the decision applies are set out in Annex 1 of the Decision.

The national regulations and subsequent amending rules (The Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2012 (SI No. 64 (W.15)) and The Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2013 (SI No. 1653 (W.154)) are enforced by local authorities in relation to food and feed.

Ingredients/products
The regulations relate to the first placing on the market of unauthorized genetically modified rice in rice products originating from China. The national regulations implement article 5 of the decision concerning official controls i.e.

The competent authority of a Member State shall ensure that all the products within the scope of the decision are subject to documentary checks to ensure compliance with import conditions. Where a consignment of products other than those described in Article 4(2) (not containing, consisting of or produced from rice) is not accompanied by a health certificate and the analytical report provided for in Article 4, the consignment shall be re-dispatched to the country of origin or destroyed.

Where a consignment is accompanied by the health certificate and the analytical report provided for in Article 4 the competent authority shall take a sample for analysis in accordance with Annex II for the presence of unauthorized GMOs with a frequency of 100 %. If the consignment consists of several lots, each lot shall be submitted to sampling and analysis.

The competent authority may authorise onward transportation of the consignment pending the results of the physical checks. In such a case the consignment shall remain under the continuous control of the competent authorities pending the results of the physical checks.

The release for free circulation of consignments shall only be allowed when, following sampling and analyses performed in accordance with Annex II, all lots of that consignment are considered compliant with Union Law.

And the first sentence of Article 7; Consignments shall not be split until all official controls have been completed by the competent authorities.
The amendment regulations also allow for the Department and local authorities to recover costs of official controls pursuant to Article 8. All costs resulting from the official controls including sampling, analysis, storage and any measures taken following non-compliance, shall be borne by the food and feed business operators.

The regulations also make some transitional provisions.

**The Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2013 (SI No. 1653 (W.154))**

These regulations implemented Commission Implementing Decision 2013/287/EU. The 2013 decision strengthens the 2011 decision by requiring:

- The presentation of specific import entry documents to the Border Inspection Port or the Designated Point of Entry at least one working day prior to the physical arrival of a consignment; and
- Revised sampling and analysis procedures

**Associated Regulations**

- **The Specified Products from China (Restriction on First Placing on the Market) (Wales) Regulations 2008 (SI No. 1080 (W.114))**
- **The Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2012 (SI No. 64 (W.15))**
- **The Specified Products from China (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2013 (SI No. 1653 (W.154))**

**Further Information**

- **COMMISSION IMPLEMENTING DECISION 2011/884 of 22 December 2011 on emergency measures regarding unauthorised genetically modified rice in rice products originating from China and repealing Decision 2008/289/EC**
- **COMMISSION DECISION 2008/289 of 3 April 2008 on emergency measures regarding the unauthorised genetically modified organism ‘Bt 63’ in rice products**
- **Commission Implementing Decision 2013/287 of 13 June 2013 amending Commission Implementing Decision 2011/884 on emergency measures regarding unauthorised genetically modified rice in rice products originating from China**
The Specified Sugar Products (Wales) Regulations 2003
(SI No. 3047 (W.290))

Scope
The Regulations implement the provisions of EC Directive 2001/111 relating to certain sugars intended for human consumption. The Regulations lay down reserved descriptions for the sugar products they cover and provide additional labelling requirements for these products. The Regulations also implement Commission Directive 79/796/EEC on methods of analysis for testing certain sugars.

Ingredients/Products
The Regulations apply to specified sugar products intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment. A ‘specified sugar product’ means one of the sugar products covered by the reserved descriptions in Schedule 1 of the Regulations. Icing sugars, candy sugars and sugar in loaf form (as defined in Regulation 2) are not covered by the scope of the Regulations. (Schedule 1 is reproduced in Annex 1 of these notes).

Reserved descriptions
A product may not be described using one of the reserved descriptions unless it meets the relevant compositional criteria laid down in Schedule 1. The name under which a specified sugar product is sold must be (or include) a reserved description. The reserved descriptions may also be used in the name of a food in the following circumstances:

(a) Where it is clear that the sugar product to which the reserved description relates is only an ingredient of the food (e.g. ‘sugar mouse’, ‘barley sugar’)

(b) Where it is clear that the food is not, and does not contain, the sugar product to which the reserved description relates (e.g. ‘sugar-free gum’, ‘sugar snap peas’)

(c) Where it is clear that the term is being used as a customary name for a food product and is not liable to mislead the consumer (e.g. ‘icing sugar’).

Under the general rules of the EU Food Information to Consumers Regulation No. 1169/2011 relating to ingredient listing, where a specified sugar product is used as an ingredient in another food, an appropriate reserved description must be used to describe that product in the list of ingredients.

Methods of analysis
The compositional and quality criteria for the specified sugar products are determined using the methods of analysis specified in Schedule 2. The Schedule stipulates which method is to be used in respect of each of the compositional criteria.
Labelling Requirements
Labelling of Specified Sugar Products
Regulation 5 provides the labelling requirements for specified sugar products. There are also a number of additional labelling provisions set out in the notes to Schedule 1, some of which are optional.

As well as the specific labelling requirements of the Regulations, specified sugar products are subject to the general labelling rules of EU FIC. In addition, Regulation 6 requires that any labelling information required by the Regulations must be provided according to the manner of marking provisions in EU FIC.

Mandatory Labelling Provisions (Regulation 5 and Schedule 1, Notes 2 and 3)
The Regulations provide the following mandatory labelling provisions for specified sugar products:

(a) **Reserved descriptions:** Any specified sugar product must be an appropriate reserved description for that product.

(b) **Dry matter content:** Sugar solution, invert sugar solution and invert sugar syrup must be labelled with the dry matter content of the product.

(c) **Invert sugar content:** Sugar solution, invert sugar solution and invert sugar syrup must also be labelled with the invert sugar content of the product.

(d) **Crystallised invert sugar syrup:** Where invert sugar syrup contains crystals in the solution, the term ‘crystallised’ must be added to the description of the product e.g. ‘crystallised invert syrup’.

(e) **Glucose syrup:** Where glucose syrup or dried glucose syrup contains more than 5% fructose, the reserved description used must reflect this. The reserved description must be either ‘glucose-fructose syrup’ or ‘fructose-glucose syrup’ (or ‘dried glucose-fructose syrup’ or ‘dried fructose-glucose syrup’ if appropriate), where the sugar component which is in the greater proportion is mentioned first.

Annex VII of EU FIC provides generic names that may be used to describe categories of ingredients in the list of ingredients. The Schedule provides that the name ‘glucose syrup’ may be used to describe both glucose syrup and anhydrous glucose syrup where they appear in an ingredients list. This flexibility does not cover glucose syrup with more than 5% fructose; these products must be labelled as described above.

Additional optional labelling provisions (Schedule 1, Notes 1, 4, 5 and 6)
The Regulations also provide a number of optional labelling provisions. These allow the reserved descriptions to be modified or supplemented with additional terms, where the product meets certain requirements, as follows:
(a) **Extra-white sugar:** A product meeting the requirements for the reserved description ‘extra-white sugar’ may alternatively carry the reserved description ‘sugar’ or ‘white sugar’.

(b) **Additional qualifying terms:** Any specified sugar product may be labelled with commonly used qualifying terms in addition to the reserved description, providing this labelling is not misleading. e.g. ‘granulated sugar’, ‘fructose: fruit sugar’.

(c) **White sugar solution:** The description ‘white’ may be used in the labelling of ‘sugar solution’ where the product has a colour of not more than 25 ICUMSA units. (ICUMSA stands for International Commission for Uniform Methods of Sugar Analysis).

(d) **White invert sugar solution or syrup:** The description ‘white’ may be used in the labelling of invert sugar solution or invert sugar syrup where the product has a colour of not more than 25 ICUMSA units and an ash content of not more than 0.1%.

**Associated Regulations**

*The Specified Sugar Products (Wales) Regulations 2003 (SI No. 3047 (W.290))*

*The Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013 (SI No. 2591 (W.255))*

*EC Directive 2001/111* relating to certain sugars intended for human consumption

**Further Information**

*FSA Guidance on specified sugar products*

*Sugar Traders Association*
**Annex 1**

**SPECIFIED SUGAR PRODUCTS AND THEIR RESERVED DESCRIPTIONS**

| **1. Semi–white sugar** | Purified and crystallised sucrose of sound and fair marketable quality with the following characteristics:  
(a) polarisation not less than 99.5°Z  
(b) invert sugar content not more than 0.1% by weight  
(c) loss on drying not more than 0.1% by weight |
|-------------------------|--------------------------------------------------------------------------------------------------|
| **2. Sugar or white sugar** | Purified and crystallised sucrose of sound and fair marketable quality with the following characteristics:  
(a) polarisation not less than 99.7°Z  
(b) invert sugar content not more than 0.04% by weight  
(c) loss on drying not more than 0.06% by weight  
(d) type of colour not more than nine points determined in accordance with paragraph (2) of Schedule 2 |
| **3. Extra–white sugar** | The product having the characteristics referred to in paragraph 2(a), (b) and (c) of this Schedule and in respect of which the total number of points determined according to the provisions of paragraphs 2 to 4 of Schedule 2 does not exceed eight, and not more than:  
– four for the colour type,  
– six for the ash content,  
– three for the colour in solution |
| **4. Sugar solution** | The aqueous solution of sucrose with the following characteristics:  
(a) dry matter not less than 62% by weight  
(b) invert sugar content (ratio of fructose to dextrose = 1.0 +/- 0.2) not more than 3% by weight of dry matter  
(c) conductivity ash not more than 0.1% by weight of dry matter, determined in accordance with paragraph 3 of Schedule 2 |
| **5. Invert sugar solution** | The aqueous solution of sucrose partially inverted by hydrolysis, in which the proportion of invert sugar does not predominate, with the following characteristics: 
(a) dry matter not less than 62% by weight 
(b) invert sugar content (ratio of fructose to dextrose = 1.0 +/- 0.1) more than 3% but not more than 50% by weight of dry matter 
(c) conductivity ash not more than 0.4% by weight of dry matter, determined in accordance with paragraph 3 of Schedule 2 |
| **6. Invert sugar syrup** | The aqueous solution, whether or not crystallised, of sucrose that has been partly inverted via hydrolysis, in which the invert sugar content (fructose/dextrose quotient = 1.0 +/- 0.1), must exceed 50% by weight of dry matter, but which must otherwise meet the requirements laid down in paragraph 5(a) and (c) of this Schedule. |
| **7. Glucose syrup** | The purified and concentrated aqueous solution of nutritive saccharides obtained from starch and/or inulin, with the following characteristics: 
(a) dry matter not less than 70% by weight 
(b) dextrose equivalent not less than 20% by weight of dry matter and expressed as D–glucose 
(c) sulphated ash not more than 1% by weight of dry matter |
| **8. Dried glucose syrup** | Partially dried glucose syrup with at least 93% by weight of dry matter, but which must otherwise meet the requirements laid down in paragraph 7(b) and (c) of this Schedule. |
| **9. Dextrose or dextrose** | Purified and crystallised D–glucose containing one molecule of water of crystallisation, with the following characteristics: |
| **monohydrate** | (a) dextrose (D–glucose) not less than 99.5% by weight of dry matter  
(b) dry matter not less than 90% by weight  
(c) sulphated ash not more than 0.25% by weight of dry matter |
| **10. Dextrose or dextrose anhydrous** | Purified and crystallised D–glucose not containing water of crystallisation, with at least 98% by weight of dry matter, but which must otherwise meet the requirements laid down in paragraph 9(a) and (c) of this Schedule. |
| **11. Fructose** | Purified crystallised D–fructose with the following characteristics:  
fructose content 98% minimum  
glucose content 0.5% maximum  
loss on drying not more than 0.5% by weight  
conductivity ash not more than 0.1% by weight determined in accordance with paragraph (3) of Schedule 2 |
**Scope**

These regulations provide for the execution and enforcement, of certain provisions of Regulation (EU) No.1308/2013 establishing a common organisation of the markets in agricultural products.


The provisions of the EU Regulation include:

(a) the requirement that milk and milk products marketed for human consumption must comply with certain specifications as to names and composition (Article 78(1)(c) and Part III of Annex VII); and

(b) the requirement that certain spreadable fats intended for human consumption must comply with specifications relating to their sales description, labelling and presentation, and use of terminology (Article 78 (1)(f) and Part VII of Annex VII).

**Ingredients/Products**

The EU Regulation defines ‘milk’ as the normal mammary secretion obtained from one or more milkings without any additions or extractions. The term can be used to describe standardised milk.

Milk products means products derived exclusively from milk on the understanding that substances may be added for manufacture, but not used to replace in whole or in part any milk constituent.

The following terms are reserved exclusively for milk products:

- Whey
- Anhydrovs milkfat (AMF)
- Cream
- Cheese
- Butter
- Yogurt
- Buttermilk
- Kepher (a fermented milk drink)
- Butteroil
- Koumiss (a fermented milk drink)
- Caseins
- Viili/fil
- Fil

The term ‘milk’ and the designations used for ‘milk products’ may also be used in association with a word or words to designate composite products.

The origin of the milk must be stated if it is not bovine.

This Regulation protects consumers from the possibility of confusing butter, margarine and other spreadable fats (e.g. minarines etc) by differentiating them according to their percentage of fat content and their animal or vegetable origin.

Spreadable fats are products with a fat content of at least 10% but less than 90% by weight and which remain solid at a temperature of 20c (complete
definition in Part VII of 1308/2013). To avoid any possible confusion, the regulation limits use of the terms ‘butter’ and ‘margarine’ to products with a fat content of not less than 80%.

‘Reduced fat’ claims
The term can be used for Spreadable fats with a fat content of more than 41% but not more than 62%. This term may also be used to replace the term “Three Quarter Fat”.

Under the terms of the Regulation, the fact that the product has a reduced fat content must be mentioned clearly in the product designation. The Regulation therefore permits the use of nutritional claims which underlie that the product has a reduced fat content. (Such claims consist of information relating to labelling, presentation and advertising which inform consumers about the characteristics of a foodstuff or food ingredient).

‘Low fat / Light’ claims
The term can be used for Spreadable fats with a fat content of 41% or less. This term may also be used to replace the term “Half Fat”.

Please note that the Regulation sets out specific criteria for the use of nutrition claims on spreadable fats. The Commission has not yet indicated when they are likely to amend these Regulations to bring the criteria for claims on Spreadable fats in line with Council Regulation (EC) No 1924/2006 on nutrition and health claims made on foods. Therefore, Food Business Operators should continue to comply with the criteria outlined in EU Regulation No 1308/2013.

Labelling Requirements
No label, commercial document, publicity material or any form of advertising or presentation may be used which claims, implies or suggests that a product is a dairy product if it falls outside the definition of milk and milk products as set out in the EC Regulation.

Sales and import descriptions
The various sales descriptions which are permitted, such as "minarine", "butter", "cream" or the terms "vegetable" or "traditional" are defined in Part VII of 1308/2013.

Spreadable fats which are imported from non-Community countries are subject to the same requirements as those manufactured in the European Union (EU).

The different compositional standards are set out in the schedule to these notes.

Issues
There have been reports that the term Soya “milk” has been used and described as milk in some catering establishments. Soya milk is not a permitted description under the Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008 (SI No. 1341 (W.141)).
Foodstuffs intended for human consumption may only be marketed as milk and milk products if they comply with the definitions and designations laid down in Annex XII of EC Regulation No.1234/2007.

These have been documented in guidance issued by the Food Standards Agency. Coconut milk is an example of one such derogation; however, “soya milk” does not qualify for such derogation because it competes directly with cows’ milk.

**Associated Regulations**

- The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008 (SI No.1341 (W.141))

- The Food Information (Wales) Regulations 2014 (SI No. 2303 (W. 227))

- REGULATION (EU) No 1308/2013 of 17 December 2013 establishing a common organisation of the markets in agricultural products

- FSA Guidance on legislation for spreadable fats and other yellow fat spreads

- FSA Guidance on legislation on the protection of definitions and designations in respect of milk and milk products

SCHEDULE
**Compositional standards set out in Appendix II to Regulation (EU) No. 1308/2013**

<table>
<thead>
<tr>
<th>Fat Group</th>
<th>Sales Description</th>
<th>Additional description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Milk fats</td>
<td>Products in the form of a solid, malleable emulsion, principally of the water-in-oil type, derived exclusively from milk and/or certain milk products, for which the fat is the essential constituent of value. However, other substances necessary for their manufacture may be added, provided those substances are not used for the purpose of replacing, either in whole or in part, any milk constituents.</td>
<td>1. Butter</td>
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<td></td>
<td></td>
<td>2. Three-quarter-fat butter (*)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Half-fat butter (**)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Dairy spread X %</td>
</tr>
<tr>
<td>B. Fats</td>
<td>Products in the form of a solid, malleable emulsion, principally of the water-in-oil type, derived from solid and/or liquid vegetable and/or animal fats suitable for human consumption, with a milk-fat content of not more than 3% of the fat content.</td>
<td>1. Margarine</td>
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<td></td>
<td></td>
<td>2. Three-quarter-fat margarine (*)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Half-fat margarine (**)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. Fat spreads X %</td>
</tr>
<tr>
<td>C. Fats composed of plant and/or animal products</td>
<td>Products in the form of a solid, malleable emulsion, principally of the water-</td>
<td>1. Blend</td>
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<tr>
<td>1.</td>
<td>in-oil type, derived from solid and/or liquid vegetable and/or animal fats suitable for human consumption, with a milk-fat content of between 10% and 80% of the fat content.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Three-quarter-fat blend (*)</td>
<td>The product obtained from a mixture of vegetable and/or animal fats with a fat content of not less than 60% but less than 62%.</td>
</tr>
<tr>
<td>3.</td>
<td>Half-fat blend (**)</td>
<td>The product obtained from a mixture of vegetable and/or animal fats with a fat content of not less than 39% but less than 41%.</td>
</tr>
</tbody>
</table>
| 4. | Blended spread X % | The product obtained from a mixture of vegetable and/or animal fats with the following fat contents:  
• less than 39%,  
• more than 41% but less than 60%,  
• more than 62% but less than 80%. |