

Labelling - Prepacked

'Prepacked food' is defined in Regulation (EU) No 1169/2011 *on the provision of food information to consumers* as:

"... food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging ...".

The definition of prepacked does not cover food packed on the sales premises at the consumer's request, for instance takeaway foods and those foods that are pre-ordered and then prepared etc, these are non-prepacked foods. Nor does it cover foods pre-packed for direct sale (PPDS) as these are foods prepared on the same premises as they are being packaged and sold. For these products, the customer can ask the person who packed the product about allergenic ingredients, for instance a retail shop selling sandwiches they have premade and packed.

This area of food law can sometimes be complex and the labelling must be accurate, clear and not misleading. Please read the following information carefully, do not hesitate to contact us with any queries.

Mandatory information includes the following:

1. the name of the food
2. an ingredient list
3. information relating to allergenic ingredients
4. quantitative ingredient declarations (QUID)
5. a nutritional declaration (if applicable)
6. durability date marking
7. a net quantity declaration
8. the name and address of the manufacturer
9. storage instructions (where required)
10. instructions for use (where required)
11. origin marking
12. alcoholic strength (for beverages containing more than 1.2% by volume)

Presentation

The mandatory information must be clear, legible and indelible. It must be presented on the packaging, on a label attached to the packaging or on a label visible through the packaging.

Mandatory information cannot be hidden in any way; therefore having the information on parts of the packaging that need to be peeled up, unfolded, are only visible when the product is open, etc is not permitted. You can still use these types of packaging but none of the mandatory information can be on them.

Mandatory information must be large enough to be legible so there is a minimum font size of an x-height of 1.2 mm, which means that the lower-case x for whatever font size you are using cannot be smaller than 1.2 mm. This is approximately font size 8 in Times New Roman but will differ from font to font.

In the case of very small products (those whose largest surface is less than 80 cm²) the x-height is reduced to 0.9 mm (approximately font size 6 in Times New Roman).

Mandatory information must be indelible, so you must use ink that will not run or rub off. This is especially important when you are writing use-by and best-before dates by hand; choose a pen that will not run.

All mandatory information must be in English although you can include labelling in other languages in addition to English labelling.

1. Name of the food

All prepacked products must bear a name that accurately describes the product; it must be clearly presented, not misleading, and not broken up by other words or pictures.

There are several types of name and you must choose the one that applies.

Fancy names and brand names

Fancy names and brand names are used to market products but say nothing about the product and have no legal standing; for the purpose of food legislation they are not considered to be names.

If you use fancy names or brand names you will also need to use the most appropriate of the 'legal', 'customary' and 'descriptive' types of name below, usually on the back of the product.

For example:

fancy name: 'Coca-Cola'

descriptive name (back of can): 'Sparkling soft drink with vegetable extracts'

Legal names

If a product has a legal name you must use it. There are relatively few legal names; examples include varieties of potato and melons, and species of fish.

Reserved descriptions and/or regulated product names specify that certain descriptions (jam, chocolate, etc) can only be used if the product contains certain ingredients and in certain amounts. If your product cannot meet the requirements for a reserved description / regulated product name then you cannot describe it as such. However, if your product has been made in compliance with a reserved description / regulated product name then you *must* use it and it becomes a legal name.

Legal names do not need a further descriptive name, although you can use an additional name if you wish.

Customary names

A customary name will often say relatively little about the nature of the product but will be widely understood by consumers without them needing any further explanation; examples of customary names include Chelsea Bun and Bakewell Tart. If using a customary name there is no need to also use a descriptive name, but you can if you wish.

If you want to market your product under a customary name then the name must be predominantly understood by consumers; therefore it would not be possible to market food solely with a customary name if it is only understood within certain communities eg Fattie Cutties. Where that is the case you can still use the customary name but you would also need to use a descriptive name.

Descriptive names

A descriptive name is a name that accurately describes the food. If there is no legal or customary name you must use a descriptive name and it is 'the name' for the field of vision (see below) and other purposes.

The descriptive name must accurately describe the food that people are eating so that they can make an informed choice as to whether they want to eat it. Ingredients, treatments, etc that may affect the decision to purchase should be included in the descriptive name.

Examples include:

- a bacon and egg sandwich that contains brown sauce
- a beef and mustard baguette that contains pickled gherkins

While it is not a legal requirement it is good practice to include a reference to significant allergenic ingredients in the descriptive name (bread, nuts, milk, etc) - for example, a descriptive name for a maple cured bacon, lettuce and tomato sandwich would be 'Maple cured smoked British bacon, tomato and lettuce with mayonnaise on malted bread'.

This descriptive name draws attention to the presence of egg (mayonnaise) and gluten (malted bread) and highlights that the bacon has been smoked.

The descriptive name does not have to be on the front of the product.

Field of vision

The 'name' of the food must be in the same field of vision as the net quantity declaration, see below.

This means that you must be able to hold the product so that the name and the net quantity declaration can both be seen at the same time.

Sweeteners

If your product contains sweetener then you must state 'with sweetener' with the name of the food.

If your product contains sugar and sweetener you must state 'with sugar and sweetener' with the name of the food.

This needs to be with the 'name' for the purposes of the legislation; therefore if you are using a descriptive name on the rear of the product then you will not have to make the statement with the fancy name on the front of the pack.

There are other requirements for foods containing sweeteners, artificial colours, caffeine etc If you are unsure please contact us to discuss this further.

2. Ingredients List

The list needs to be headed by the word 'ingredients' followed by a list of all the ingredients in descending order by weight at the mixing bowl stage of production.

This means that the list goes from those ingredients that weighed the most to those ingredients that weighed the least when they were included in the product. There are a few exceptions to this.

Herbs, spices, additives, sweeteners and any other *individual* ingredient that makes up less than 2% of the finished product can be placed at the end of the list.

Compound ingredients

Your prepacked bakes must have an ingredients list that lists all the ingredients in the product. Ingredients that are themselves made up of more than one ingredient (referred to as compound ingredients) and make up more than 2% of the finished product must be broken down into their components in the ingredients list.

All the components of the compound ingredient must be declared in brackets immediately after the compound ingredient appears in the ingredient list; the list should be in descending order of weight. Eg:

Biscoff Spread (Original Caramelised Biscuits 58% (Wheat Flour, Sugar, Vegetable Oils (Palm Oil from Sustainable and Certified Plantations, Rapeseed Oil), Candy Sugar Syrup, Raising Agent (Sodium Hydrogen Carbonate), Soya Flour, Salt, Cinnamon), Rapeseed Oil, Sugar, Emulsifier (Soya Lecithin), Acid (Citric Acid))

Any additives that are in the compound ingredient should be presented at the end of the bracketed list rather than at the end of the main ingredient list.

Any compound ingredient that makes up less than 2% of the finished product does not need to be broken down into its components, but any allergens within these must be declared.

For instance, if you were placing half a glace cherry as a decoration on the top of a cake, the glace cherry would make up less than 2% of the finished product so you do not need to list its compound ingredients, but you would need to state that it contains (Sulphur Dioxide) This also includes compound ingredients with a composition controlled by legislation (chocolate, jam, honey, etc)

The easiest way to list the compound ingredients would be to take the information directly from the label and transfer it to yours.

3. Allergens

There is a list of 14 specific food allergens, the presence of which must always be brought to the attention of the consumer. Failure to do so is a criminal offence and, in the most extreme cases, could cause someone to die.

It is a general requirement of food law that unsafe food must not be placed on the market and any information provided by the business will be taken into consideration when deciding whether the food is unsafe. For people with food allergies, dishes containing the food they react to are 'unsafe' and, as such, you must ensure that you give full and accurate information about which allergens are in the food.

The reason for this is to protect your customers, and consumers in general, from purchasing potentially harmful foods by giving them clear and correct information, which is not misleading, on the foods they are buying and potentially consuming. This enables them to make an informed choice whether to purchase and consume or not.

In addition, by declaring the allergens present in the foods you are selling, you are potentially giving yourself a defence under due diligence from potential criminal and civil court actions which could occur if one of your customers became ill or even died from allegedly eating your food.

By having a documented food safety management system based on the principles of HACCP (Hazard Analysis and Critical Control Point), for instance by adopting and using Cook Safe, you will be able to demonstrate how you ensure the food you purchase, store, prepare, sell etc is safe for your customers. Your allergen policy should be incorporated into your management system and this system, as a whole, will contribute towards any due diligence defence, if ever needed.

You must declare if any of the 14 allergens are present in the foods you make and sell:

1. celery,
2. cereals containing gluten (such as barley and oats),
3. crustaceans (such as prawns, crabs and lobsters),
4. eggs,
5. fish,
6. lupin,
7. milk,
8. molluscs (such as mussels and oysters),
9. mustard,
10. peanuts,
11. sesame,
12. soybeans,
13. sulphur dioxide and sulphites (if they are at a concentration of more than ten parts per million), and
14. tree nuts (such as almonds, hazelnuts, walnuts, brazil nuts, cashews, pecans, pistachios and macadamia nuts).

This requirement relates not only to the ingredients (and their components) that are used in the product but to anything that is still present in the final product, even in an altered form. This includes:

- additives present in the ingredients that are carried over into the final product - for example, sulphur dioxide, which is used as a preservative
- processing aids used to assist in the manufacturing process - for example, frying with peanut oil or using it to line trays and moulds
- solvents and media for additives or flavourings - for example, the liquids used to produce a suspension
- any other substances

Prepacked food must have an ingredients list that lists all the ingredients in the product. Ingredients that are themselves made up of more than one ingredient (referred to as compound ingredients) and make up more than 2% of the finished product must be broken down into their components in the ingredients list.

Allergenic ingredients must be emphasised in some way every time they appear in the ingredients list. This is usually achieved through the use of bold text, capital letters or colour; you should choose whichever method you prefer. An example using bold text would be: 'Ingredients: Water, **Mustard** Flour (21%), Sugar, Salt, **Wheat** Flour, Turmeric, Acid (Citric Acid).'

If the same allergen appears in the ingredients list multiple times it must be emphasised each time it appears.

If the name of the allergen appears in the ingredients list then you only need to emphasise the allergenic part of the ingredient - for example: 'Ingredients: **Peanut** Butter (Roasted **Peanuts**, Rapeseed Oil, Sugar, Palm Oil, Salt).'

If the allergen does not appear in the name of the ingredient you must specify the category of allergen in brackets immediately after the ingredient appears in the ingredients list; the category of allergen should be emphasised. To use a beef and ale pie as an example, the list should state 'Ingredients: Beef (35%), Beer (**Barley**)'.

There is an exception to this. Cheese, butter, cream and milk are understood by the public to be a clear reference to milk; as such, the words cheese, butter, etc need to be emphasised but there is no need to add the category of allergen (milk) in brackets - for example, 'Ingredients: **Cheese**'.

Where a named variety is specified (Wensleydale, Mozzarella, etc) you will need to add the category of allergen - for example, 'Ingredients: Mozzarella (**Milk**)'.

Allergen advice statement

It is good practice (but not a requirement) to include a statement on the packaging explaining to customers how allergenic ingredients have been emphasised - for example, 'For allergens see ingredients in **bold**'.

The statement can appear anywhere on the packaging but will have the most impact if it appears close to the ingredients list.

Prepacked foods that do not have an ingredients list

Certain foods (such as alcoholic drinks with an ABV greater than 1.2% or single-ingredient foods) are not required to have an ingredients list; however, you are still required to label the product with the allergens that are present.

The information should be presented in the form 'Contains:' followed by a list of the allergens present in the food.

If the specific allergen appears in the list above then you should list it by name - for example, 'Contains: Wheat, Milk, Eggs'.

If the name of the allergen does not appear in the list above (prawns, for example) you must specify the category of allergen - for example, 'Contains: Crustaceans'.

This is not necessary if the name of the food makes a clear reference to the allergen (milk, peanut butter, etc).

Voluntary precautionary allergen statements

Statements such as 'May contain nuts' and 'Produced in a factory that handles nuts' are voluntary precautionary allergen statements; they warn consumers about the possible presence of allergens that have not been included in the food as an ingredient.

Voluntary precautionary allergen statements are not illegal but their use is discouraged and they should not be used as a blanket disclaimer on all products; they should only be used if you have conducted a documented risk assessment that shows there is a significant risk of allergen cross-contamination and, as such, failure to warn consumers about the possible presence of allergens may put them at risk.

Gluten-free claims

The only claims that may be made in relation to gluten are:

- 'Gluten free' - max 20 mg per kg of gluten
- 'Very low gluten' - max 100 mg per kg of gluten

Statements such as 'No gluten-containing ingredients' are not permitted.

In order to make a gluten-free claim you must be able to guarantee that your product contains less than the maximum permitted levels of gluten. As such, you will need procedures in place to prevent contamination with gluten and you will need to conduct regular testing to prove that your products contain less than 20 mg per kg of gluten.

Describing any ingredient as gluten free (gluten-free oats, for example) or any other statement that suggests the product is gluten free is not permitted unless you can guarantee the product contains less than 20 mg per kg of gluten.

Allergen training

The Food Standards Agency, in conjunction with Food Standards Scotland provides free online training on allergens. Although it is not a legal requirement to undertake this training you may wish to consider completing this to assist you with your allergen controls. Please see resources at the end of this document.

4. Quantitative ingredient declaration – QUID

Certain ingredients will need a quantitative ingredient declaration (QUID).

QUID is an indication of how much of the finished product is made up of a certain ingredient; it is always expressed as a percentage.

The QUID must either be given immediately after the ingredient appears in the name of the food or, more commonly, in brackets immediately after the ingredient appears in the ingredient list.

For example – Banana and Nutella Cake:

Banana (30%) and Nutella (10%) Cake;

or

Ingredients: Banana (30%), Nutella (10%) (Sugar, Palm Oil, Hazelnuts (13%), Fat-Reduced Cocoa (7.4%), Skimmed Milk Powder (6.6%), Whey Powder (Milk), Emulsifier: Lecithin (Soya), Vanillin)

When is a QUID required?

Not all ingredients will require a QUID.

Ingredients will need a QUID in the following circumstances.

The ingredient appears in the name of the food.

This applies to all types of name (fancy, customary, descriptive, etc) eg Biscoff Rocky Road – the Biscoff; Banana and Chocolate Cake – the banana and chocolate; Lemon Drizzle Cake – the lemon; Carrot Cake – the carrot etc.

The ingredient is commonly associated with the food by consumers.

If people think of a certain ingredient as being common to the product then you should provide a QUID for it. Examples include beef mince in spaghetti Bolognese and kidney beans in chilli con carne.

The ingredient is emphasised in some way on the product

This applies to emphasis in any form so the name of the ingredient, descriptions of the ingredient, pictures of the ingredient, etc would all trigger the need to provide a QUID.

For example, a strawberry and banana smoothie that has pictures of apples on the packaging would need QUID for the strawberry, the banana and the apple. If you did not provide a QUID then the customer might not be able to distinguish it from products with a similar name or appearance.

For example, 'Tropical fruit juice' and 'Tropical fruit juice drink'. The juice is made from pressed fruit whilst the juice drink is made from concentrates and flavourings; the juice would need a QUID for the fruit content to help consumers see the difference between the two products.

How to calculate the QUID

QUID is calculated at the mixing bowl stage of production.

Calculate the QUID by dividing the weight of the ingredient (X) by the combined weight of all the ingredients (Y) and multiplying by 100; the resulting number will be the percentage of the product that is made up of that ingredient.

Here is an example from the legislation which may help to clarify the calculations: For 'butter cookie', where only butter would require QUID, the calculation must be as follows:

Ingredients weight:

Flour: 100 g

Sugar: 40 g

Butter: 50 g

Eggs: 10 g

Total weight of ingredients in mixing bowl: 200 g

Total weight of the finished product after baking: 170 g

Calculation for QUID of butter as a percentage: $(50/170) \times 100 = 29.4 \%$ butter.

As the calculation for QUID of butter does not exceed 100 %, the QUID for butter must be expressed as a percentage in relation to the finished product (i.e. 29.4 %).

Flour declaration

If you are using flour, you must state what type of flour it is as not all flours contain allergenic ingredients, eg rice flour. If you are using a cereal based flour, such as wheat, it must be highlighted to show that it is an allergen. You do not need to include the name plain or self-raising so long as you declare the allergens and the ingredients in the flour.

In addition, you will see that most wheat flour is fortified and this must also be declared on the label. Here is an example:

Plain flour would read: Wheat Flour (Calcium Carbonate, Iron, Niacin, Thiamin)

and
Self-raising flour would read: Wheat Flour (Calcium Carbonate, Iron, Niacin, Thiamin), Raising Agents: (Monocalcium Phosphate, Sodium Bicarbonate)

You should check the ingredients on the packaging of the flour you are using to ensure that all the ingredients and allergens are declared on your label.

Additives

You may not consider some ingredients to be additives; however, if an ingredient has been included for a 'technological purpose' (that is, for what it does rather than how it tastes or the nutrients it provides) then you should declare it as an additive.

For example, baking powder would be declared as: ' Raising Agents (E 450 (Diphosphates), E 500 (Sodium Carbonates)), Maize Starch.

However, if an additive makes up more than 2% of the finished product it must be declared in descending weight order as above. For additives that make up less than 2% of the finished product it is best practice to group them all together at the end of the list.

You can also choose to use either just the additive name or just the additive E number or both.

For example: Baking Powder:

Raising Agents (E 450 (Diphosphates), E 500 (Sodium Carbonates)), Maize Starch

or

Raising Agents (E 450, E 500), Maize Starch;

or

Raising Agents (Diphosphates, Sodium Carbonates), Maize Starch

5. Nutritional declaration

Exemption for small manufacturers

Regulation (EU) No 1169/2011 has a further exemption, which is specific to small scale manufacturers:

"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" (our emphasis).

There are several parts to this exemption; you need to be able to meet all the parts to be able to use it.

'Directly supplied' means you (the manufacturer) are selling your product straight to the consumer, or to local businesses for sale to the consumer, without it being processed in any way.

'Manufacturer of small quantities' means a micro business with fewer than 10 employees and a turnover / balance sheet of less than €2 million (approximately £1.75 million).

'Local retail establishments' means shops within your (the manufacturer's) own county, shops in the neighbouring county, or shops within counties whose border is within 30 m (50 km) of the boundary of your county (whichever is greater). Therefore 'local' can be a large area. For products made within Orkney, this would mean, Orkney, Shetland and Highland Council areas.

If you are using the internet to sell your products, the exemption applies if you are selling directly to the final consumer. However, if you sell online to other retailers, you cannot satisfy the definition of 'local' as they could be based anywhere; as such, the exemption does not apply.

As above, if you make any nutrition claims you must include a nutrition declaration even if you meet the requirements of the exemption.

Additional Exemptions to Nutritional Declarations

The following products do not need to have a nutrition declaration:

- beverages with an alcoholic strength greater than 1.2%
- products with a single ingredient (or category of ingredients, such as fruit) that has not been processed OR the only process it has been subjected to is maturing
- water, where the only added ingredients are carbon dioxide and/or flavourings
- herbs and spices (including mixtures)
- salt and salt substitutes
- table-top sweeteners
- coffee (caffeinated and decaffeinated), including coffee beans (milled and ground) and instant / soluble coffee and chicory products
- all forms of tea and herbal and fruit infusions that do not contain any added ingredients that would change the nutritional value
- vinegar with no added ingredients other than flavours
- chewing gum
- small products (where the largest surface has an area of less than 25 cm²)

Please note that if you make any nutrition or health claim on your product (for example, low fat) then it triggers the requirement for a nutrition declaration regardless of whether the product would normally need one. The declaration will need to include the mandatory information (energy, fat, saturates, etc) and the nutrient, vitamin or mineral to which the claim refers.

If the substance to which the claim refers cannot be included in the nutrition declaration (see the list above) then the amount per 100 g / ml must be stated separately in the same field of vision* as (and preferably close to) the nutrition declaration.

[*'Same field of vision' means that you must be able to hold the product so that both pieces of information can be seen at the same time.]

The nutrition declaration – if applicable – see exemptions above

Most prepacked food will need a nutrition declaration that summarises how much of the product is made up of certain nutrients.

The nutritional declaration should be presented as a table. If there is not enough room on the label for a tabular format then the information can be presented as a list.

If the reason that there is not enough room for a table is because voluntary information has been included (please refer to the section on '**Presentation**' in 'Labelling of prepacked foods: general' for an explanation of mandatory and voluntary information) you will need to remove or reduce the voluntary information to make room for a table.

The following nutrients must be included:

- energy
- fat
- saturates
- carbohydrate
- sugars
- protein
- salt

If you wish you can also include:

- monounsaturates
- polyunsaturates
- polyols
- starch
- fibre
- vitamins and minerals (see below)

You cannot include anything else except those stated on the list above in the nutritional declaration and everything that you do declare must be presented in a single table.

Units of measurement

Energy must be declared in kilojoules (kJ) and kilocalories (kcal)

Other nutrients must be declared in grams (g) regardless of whether the product is solid or liquid. The amounts that you declare must always be per 100 g (or per 100 ml if the product is a liquid).

Per portion declaration

You can declare how much of each nutrient is present in each portion of the product (best achieved with a separate column in the table) but this must be in addition to the amounts per 100 g / ml and you must state how many portions are contained in the pack (and preferably the size of portion in g / ml) somewhere close to the table.

The portions you specify must be reasonable and realistic (you could not say that a small packet of crisps or a standard sized chocolate bar was two or three portions, for example).

Percentage of daily reference intake

The 'daily reference intake' (RI) is how much of each nutrient, vitamin and mineral that a typical adult needs each day to stay fit and healthy. The RIs can be found in Annex XIII to Regulation (EC) 1169/2011 (see link in '**Key legislation**' below).

You can state what percentage of the RI is made up by each nutrient; if you do then you need to state the following somewhere close to the table: 'Reference intake of an average adult (8,400 kJ / 2,000 kcal)'.

Vitamins and minerals

Only certain vitamins and minerals can be included in the nutrition declaration, and each will have to be declared in either milligrams (mg) or micrograms (μg). The list is as follows:

- vitamin A (μg)
- vitamin D (μg)
- vitamin E (mg)
- vitamin K (μg)
- vitamin C (mg)
- thiamin (mg)
- riboflavin (mg)
- niacin (mg)
- vitamin B6 (mg)
- folic acid (μg)
- vitamin B12 (μg)
- biotin (μg)
- pantothenic acid (mg)
- potassium (mg)
- chloride (mg)
- calcium (mg)
- phosphorus (mg)
- magnesium (mg)
- iron (mg)
- zinc (mg)
- copper (mg)
- manganese (mg)
- fluoride (mg)
- selenium (μg)
- chromium (μg)
- molybdenum (μg)

- iodine (µg)

You can pick and choose which items you wish to declare so you don't have to include everything on the list.

Significant amounts

You can only include a vitamin or mineral in the declaration if the food contains a large enough amount of it that consumers will get a benefit from eating it. This is referred to as a 'significant amount'.

The significant amount for food is 15% of RI per 100 g / ml of product consumed. The significant amount for beverages is 7.5% of RI per 100 ml of product consumed.

You will need to check the RI in Annex XIII to Regulation (EC) 1169/2011 for each vitamin and mineral you want to declare. If it isn't present in a significant amount then you cannot include it in the declaration.

Front-of-pack labelling

You can give a further nutrition declaration that appears somewhere else on the label (normally front-of-pack) in addition to the full declaration.

The information that must be given in the additional declaration is either:
energy, fat, saturated fat, sugar, salt

... or

energy only

This declaration does not have to be in a table format

Calculating the nutrition declaration

The nutrition declaration can be based on average nutritional values of food. A large database of average values is publicly available through the composition of foods integrated dataset, CoFID ([Composition of foods integrated dataset \(CoFID\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/composition-of-foods-integrated-dataset-cofid)); you can use the information in CoFID to calculate the nutritional declaration. Another option is to use MenuCal, a free tool to help business [MenuCal | Food Standards Scotland](https://www.menucal.com/)

Calculating the declaration in this manner can be difficult and you may wish to consider engaging a test house, registered nutritionist or registered dietician to produce the declaration for you. An internet search of 'food nutrition analysis lab testing' / 'registered nutritionist' / 'registered dietician' will produce a number of results.

6. Durability date

Most prepacked food will require a durability date; either a use-by or a best-before date depending on the nature of the food and how long it can be expected to stay edible.

Use-by-Dates are about safety and apply to highly perishable foods and include:

- fresh meat, fish and poultry
- cooked meat

- dairy products, such as fresh cream cakes
- ready-made meals
- salads
- soft cheeses, including cream cheese icing

These types of food are high risk and may contain and support the growth of bacteria which could cause food poisoning.

If you are selling high risk foods, you must ensure that:

- Your storage conditions maintain the food safety integrity of the product, ensuring that it is safe to eat
- Your use by date is proportionate to the safety of the product. Generally, these types of foods have short use by dates
- You have appropriate storage and usage conditions on the packaging informing your customer of safe storage and usage
- The use-by date should be given in the format: “use by: day / month. For example, 'Use by: 23 January'. You may add the year if you wish.

Best-Before dates (sometimes shown as Best-Before-End, BBE) are about quality. The food will be safe to eat after this date but the quality, taste, texture, flavour etc, would have diminished. These types of foods include:

- Biscuits
- Tinned foods
- Frozen foods
- Some cakes and pastries
- Dried foods

However, the Best-Before date will only be accurate if the food is stored according to the storage information and instructions on the packaging.

The Best-Before date should be given in the format: “Best-Before: day / month”
Eg: Best-Before: 23 January'. You may add the year if you wish.

7. Net quantity

All prepacked foods (other than a few exemptions) are required to have a net quantity indication expressed in grams. However, if the packaging that you are using enables the customer to visually see through the packaging at the number of products they're purchasing, which must be more than one, then you do not need to add a net quantity to your label.

8. Name and address of manufacturer

Prepacked foods are required to bear the name and address of a food business operator that takes responsibility for the food.

The appropriate name and address is normally that of the manufacturer. If the product is marketed under the name of a food business then the name and address of that business should appear on the product. But, if you manufacture goods for another business to sell under their name then you will need to put their details on the label.

The food business under whose name the food is marketed is the business that is ultimately responsible for the food.

The name must be that of the appropriate legal entity (sole trader, limited company, etc) and the address must be a postal address in the UK that is sufficiently detailed for legal documents to reach the business.

You may provide a supplementary email address / web address / telephone number, but these must be in addition to a postal address.

9. Storage instructions

You will only need to include storage instructions if they are necessary to ensure that the food continues to be edible and maintains its safety and quality until the durability date that you have put on the food - for example, 'Keep refrigerated', 'Store in a cool dry place', 'Refrigerate after opening', 'Consume on day of purchase' 'Once opened store in an airtight container and consume by Best-Before date' etc.

Storage instructions should be close to either the durability date or information indicating where the durability date can be found - for example, 'For best-before see base of pack - refrigerate after opening', etc.

10. Instructions for use

You will only need to include instructions for use if the consumer would find it difficult to use the product correctly without them. Examples include cooking times for ready meals that need to be cooked in a microwave and mixing instructions for powdered products etc.

There are no specific requirements but instructions for use should be clear and not misleading.

11. Origin marking

Country or place of origin labelling will only be required in the following circumstances:

- Consumers might be misled if you don't state the origin.
The whole product must be considered when deciding whether the label is misleading. Examples include:
 - descriptions - for example, 'Traditional Italian recipe' may mislead consumers into thinking the product originated in Italy
 - designs - for example, a Union Flag may mislead consumers into thinking the product originated in the UK

- colours - for example, red white and blue stripes may mislead consumers into thinking the product originated in France

If the label is potentially misleading you must state the country or place of origin of the product - for example, 'Product of Wales'.

Where a country or place of origin has been named but the primary ingredient is from somewhere else.

'Primary ingredient' means an ingredient that makes up 50% or more of the product or is usually associated with the product by the consumer - for example,

'Swedish meatballs made with British pork and beef'; in this case the description 'Swedish' relates to the recipe rather than the origin of the meat.

In cases such as this you must either:

state the country or place of origin of the primary ingredient

... or

state that the country or place of origin of the primary ingredient is different to the origin of the product

For example:

'Swedish meatballs' 'Made using UK pork and beef'

'Swedish meatballs' 'Meat produced in the EU'

'Swedish meatballs' 'Using meat produced in countries other than Sweden'

Where the primary ingredient is sourced from multiple countries you do not need to list them all but any statement you make must not be misleading - for example, 'Product of various countries' or 'Product of meat from EU countries'.

There are specific origin labelling requirements for beef. For more information please contact the environmental health team.

UK products must no longer be labelled as 'Product of the EU', 'Produced in the EU', etc.

12. Alcoholic strength

For beverages containing more than 1.2% by volume

Please contact the environmental health team for further advice

Additional Labelling Requirements

Traceability and Product recall

You may have already developed a traceability system for your bakes. This is not something that affects consumer choice but, as a food business operator, you should be able to identify the person or business that supplied you with ingredients/food which you subsequently use as an ingredient in the products that you sell. The aim

of the regulations is to establish a system of traceability within businesses which allows for targeted and accurate withdrawals.

For example, if you decant dry goods such as flour or dried fruits from their original packaging into a storage jar or sealed container, you must transfer any relevant information over. For instance, product name, manufacturer, address, best before dates, batch codes etc.

Keeping this information will facilitate you identifying any of your ingredients implicated in a product recall. So, if the brand of flour you use was recalled because there was a risk of contamination with small shards of metal, the company would issue a product recall stating the best before date/batch codes affected. If you did not have this information and you used the product being recalled, you would have to throw it out as a precaution.

This also highlights the point made above in that you, in the capacity of a food business operator, have a responsibility to carrying out a product recall of your goods if they contain an ingredient that has been officially recalled due to safety concerns. Therefore, you should be able to identify, where possible, the businesses and/or consumers you sold your product to alert them of any potential risk to health.

Product recall notices are displayed in supermarkets and wholesalers. You can also subscribe to national product recalls and alerts on the Food Standard Scotland's website. Here is the link:

[Food Standards Scotland | Food Allergy Alerts and Recalls | Food Standards Scotland](#)

Food contact material

As you are packaging food yourself, you must ensure that the packaging used is suitable for food use. Suitable packaging will be marked 'for food contact' or have a symbol on it that looks like a wine glass and a fork. If it does not, you should ask the business supplying you with the packaging to supply written evidence that the materials comply with the relevant requirements. If they cannot do this then it is unlikely that the packaging is safe and suitable for food use and you must find a compliant alternative.

Miscellaneous labelling

If you are using marshmallows and they make up less than 2% of the finished product, you do not need to include the compound ingredients, only any allergens present, as detailed above. However, if they contain gelatine, you may wish to declare this on your label eg contains pork/beef gelatine as this will give your customers more information and a clearer choice.

It is good practice (but not a requirement) to include a statement on the packaging explaining to customers how allergenic ingredients have been emphasised - for example, 'For allergens see ingredients in bold'

Conclusion.

We appreciate that the above is a lot to take in and can be quite overwhelming, labelling is a complex topic and unfortunately there is no easy way around it.

You may find it helpful to look at other similar product labels from large suppliers, for instance you can search products on any supermarket/web based retailers online shopping website and look at the ingredient's labels, whilst there is no guarantee these will be perfect it gives you a good start.

Resources

Some additional online resources which may also be of assistance:

[Food labelling regulations & composition | Food Standard Scotland | Food Standards Scotland](#)

[Food allergy regulations for business | Food Standards Scotland | Food Standards Scotland](#)

[Business Information - Food Hygiene Information Scheme | Food Standards Scotland | Food Standards Scotland](#)

<https://www.foodstandards.gov.scot/business-and-industry/safety-and-regulation/fhis-info-for-businesses>

[Packaging and labelling | Food Standards Agency](#)

[Food date labelling | WRAP](#)

[Business guidance | Food Standards Agency](#)

[CookSafe Manual | Food Standards Scotland](#)

[Guidance on "Free-From" allergen claims | The Food & Drink Federation \(fdf.org.uk\)](#)

[Gluten free and the law - Coeliac UK](#)

[Elementary Food Hygiene by e learning | REHIS](#)

Key legislation

- [Food Safety Act 1990](#)
- [The Food Hygiene \(Scotland\) Regulations 2006 \(legislation.gov.uk\)](#)

- [Regulation \(EC\) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs \(legislation.gov.uk\)](#)
- [Regulation \(EC\) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety \(legislation.gov.uk\)](#)
- [Food \(Lot Marking\) Regulations 1996](#)
- [Regulation \(EU\) No 1169/2011 on the provision of food information to consumers](#)
- [The Food Information \(Scotland\) Regulations 2014 \(legislation.gov.uk\)](#)
- [Bread and Flour Regulations 1998](#)
- [Regulation \(EC\) No 1333/2008 on food additives](#)
- [The Products Containing Meat etc. \(Scotland\) Regulations 2014 \(legislation.gov.uk\)](#)
- [Regulation \(EC\) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods \(legislation.gov.uk\)](#)

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