

ENVIRONMENTAL HEALTH DEPARTMENT

FACT SHEET



New Food Labelling Regulations: Food Information Regulations 2014

A new EU Regulation on food labelling will amend current food labelling laws in the United Kingdom.

This fact sheet is intended to provide an overview of some of the changes that will affect businesses; it should not be taken as a direct interpretation of the law, as only the courts have this power. Officers of the Isle of Wight Council are able to advise businesses, but the ultimately it is the responsibility of businesses to ensure that they comply with the law.

The new EU Food Information Regulations 1169/2011 (FIR) on the provision of food information to consumers, otherwise known as the Food Information Regulation 2014, will replace the Food Labelling Regulations 1996.

The new Regulation will help to make food labels clearer and also improve nutritional and allergen information to consumers

The Regulation entered in to force on 13 December 2011 and states that the provisions do not have to be applied until the following dates:

- 1 January 2014 – For the rules on the composition and labelling of minced meat (not covered in this fact sheet).
- **13 December 2014** – general labelling rules (including allergens), and if provided, a nutrition declaration must use the format set out in Regulations.
- 13 December 2016 – rules on mandatory nutrition declaration needed for most pre-packed food.

The new Regulation applies to food businesses at all stages of the food chain [Article 3]. It will apply to all food intended for the final consumer, including foods delivered by mass caterers, and food intended for supply to mass caterers.

Basics – Mandatory Information

Many provisions will remain unchanged, there are significant changes being introduced that will mean most Food Business Operators will be affected in some way.

The fundamental principles of providing safe food which is honestly described and presented remains [Article 7] and this information is required in the language where the item is sold [Article 15].

On pre-packed food there is **mandatory information** which must be included [Article 9] although there are some exemptions listed in [Article 16].

- A true name or description of the food [Article 17]
- A list of ingredients, in descending weight order – there are some exemptions [Articles 18-22]
- Information on allergens [Article 21 and Annex II]
- The quantity indication of certain ingredients or categories of ingredients QUID [Article 22]
- The net quantity [Article 23]
- An appropriate date of minimum durability or the 'use by' date [Article 24]
- Any special storage conditions and/or conditions of use, if necessary [Articles 25 and 27]
- A suitable name or address
- Particulars of the county of origin if its absence would mislead [Article 26]
- A nutritional declaration [Section 3, Articles 29 -35]

There are additional rules for specific information declaring whether the food is irradiated or contains genetically modified material or aspartame, high caffeine, sweeteners, packing gases etc. [Annex III].

Alcoholic strength where there is more than 1.2% alcohol by volume [Article 28]

This mandatory information in the case of pre-packed food, shall appear directly on the package or on a label attached thereto [Article 12].

Mandatory food information shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It shall not in any way be hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material [Article 13].

Other information included on a label which is known as **voluntary information** shall not be displayed to the detriment of the space available for the mandatory information [Article 37].

Summary of Changes – Pre-packed Foods

This is an overview of the main changes affecting pre-packed foods.

- **Scope** of the requirements as previously food sold between some businesses was exempt from the labelling requirements. However now all in the supply chain must ensure the mandatory information is available on the food labelling or in a commercial documents [Article 8]
- A **minimum font size** is specified in the legislation for all **mandatory** information; the height of the letter 'x' in the chosen font must not be less than 1.2mm.

x in times new roman 7.5 font

x in Arial 6.5 font

x in verdana 6.5 font

There is an overriding principle that the mandatory information is clear and legible [Annex IV]

- **Allergenic ingredients** must be emphasised in the ingredients list for example by the use of a different font, style or colour. There are currently 14 listed allergens [Annex II]. The use of contains in an allergy box will no longer be permitted. Voluntary statements highlighting the risk of cross contamination with allergens may still be used but these must be risk based [Article 9].

The 14 substances or products causing allergies or intolerances are: fish, crustaceans, molluscs, nuts, peanuts, milk, eggs, soybeans, celery (including celeriac), mustard, sesame seeds, lupin, sulphur dioxide, and sulphites (as a concentration more than 10mg/kg) and certainly containing gluten (wheat, rye, barley, oats, spelt, kamut)

- The **source** of any animal or vegetable oil or fat ingredient must be provided and the description 'fully or partly hydrogenated' if it is [Annex VII]
- **Country of Origin labelling** has been extended to the meat of pigs sheep, goats and poultry [Article 26] these come into force in April 2015 and are contained in Commission Regulation 1337/2013. Beef, fish, honey, olive oil, fresh fruit and vegetables already require this.
- **Distance Selling** – all mandatory information must be provided both before the purchase is concluded (except for the durability date) and at delivery [Article 14].
- The **name of the food** has always had to include a **reference to the physical state** of the food or treatment the food has undergone for example powered, dried, smoked, concentrated but this has been extended to include **defrosted**. This is still in occasions when omission of such information could mislead the purchaser [Annex VI]. The word **formed** must be used when meat of fish products have been made from different pieces of meat and yet have the appearance of a whole piece.
- The **date of first freezing** is required on meat and fishery products [Annex III, Part 6].
- The **field of vision** requirements only include the name of the food, net quantity and alcoholic volume need to be able to be read by the customer from a single viewing point [Article 13(5)].

- The need to provide **nutritional information** on the labelling, such as energy, fat, carbohydrates, protein and salt. Previously this was only required where a certain claim was made but now by 13 December 2016 will be mandatory. If you provide this information already you will need to amend the label as the regulations require this to be a prescribed order and format [Annex XV] there are some specific exemptions [Annex V].

Summary of Changes – Pre-packed Foods

This is an overview of the main changes affecting food sold loose or sold directly to the consumer by the person packing the food (known previously as prepacked for direct sale) are:

- If the food contains any of the named 14 **allergenic ingredients** provided in the box above this will need to be declared to consumers. This maybe on labels shelf edge, menus or verbally at request by the consumer [Article 21 and 44(1a)]. Guidance is that information should be where the consumer would expect to find it for example menu, blackboard.

It should defiantly on request but does expect an element of providing the information up front, positive communication/effort regarding allergen information. For example statement food allergies – before ordering please speak to a member of our staff if you have any food allergen or intolerance.

Information can be provided verbally if stated to be so, but **MUST** be accurate, consistent and verifiable upon challenge: **Consistent** (always from a nominated person) and **verifiable upon challenge** (with reference to written information, not from memory of off the top of the chef's head).

- The presence of **additives** no longer needs to be declared [Article 44]

Other Considerations

Specific Food Regulations

There are still some foods that are to be controlled by specific regulations, these cover both labeling and composition and include; chocolate, jam, honey, fruit juice, milk , mineral water, meat, fish, eggs, organic products, baby food, bread and flour.

Claims – Health or Nutrition

Foods marked with certain claims must comply with complex rules, the types of claims controlled are; A claim that a food has; tonic properties, can prevent, treat or cure disease, has particular nutritional purpose. In addition to a claim of reduced, low or free energy, sugar, fat, gluten etc. claims

As a **General Principle** nutrition and health claims shall not:

- be false, ambiguous or misleading;
- give rise to doubt about the safety and/or the nutritional adequacy of other foods;
- encourage or condone excess consumption of a food;
- state, suggest or imply that a balanced and varied diet cannot provide appropriate quantities of nutrients in general.

There are some further National measures that are being considered which will determine enforcement provisions and whether to retain certain UK only provisions

What to do?

We strongly recommend that you consider how the above changes affect your business and make plans and changes so that you comply within the time scale. Already labelled items on the 13 December 2013 can be sold, but any new products labelled should comply after this date.

The final page contains a number of links to documents and training to assist your understanding of the general requirements and these changes.

Further Guidance

The Regulation 1169/2011 can be viewed here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0018:0063:EN:PDF>

Further guidance: The Food information Regulations 2014 Guide to Compliance produced by DEFRA https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82663/consult-fic-guidance-20121116.pdf. This is a good document and goes through each the Articles and requirements and issues and provides a guide to compliance.

The Food Standards Agency has produced an online training and reference material <http://www.food.gov.uk/enforcement/enforcetrainfund/onlinetraining/food-labelling-training-online/>

Government website on labeling <https://www.gov.uk/food-standards-labelling-durability-and-composition#overview>

A further source of useful information with examples included in the Reading Law Site that <http://www.reading.ac.uk/foodlaw/label/> this sites intention is to help: small and medium sized food businesses - who may have limited access to legal advice.

Claims: <http://ec.europa.eu/nuhclaims/> Website showing the register for the EU permitted Health and Nutrition Claims.

Allergens:

Please see <http://allergytraining.food.gov.uk/english/default.aspx> an online training programme produced by the Food Standards Agency.

The following document has some examples on how allergens can be highlighted in the ingredients list <http://www.brc.org.uk/downloads/Guidance%20on%20Allergen%20Labelling.pdf>

Some food manufacturers also use voluntary labelling to indicate the possible accidental presence of an allergen in a food – using phrases such as 'may contain nuts'. The Food Standards Agency has produced guidance for the industry on allergen control. This includes advice on how to decide if such advisory labelling is needed and the wording to be used <http://multimedia.food.gov.uk/multimedia/pdfs/maycontainguide.pdf>

This guidance sheet contains basic information only and further advice can be gained by contacting the Environmental Health on 01983 823000 or eh@jow.gov.uk