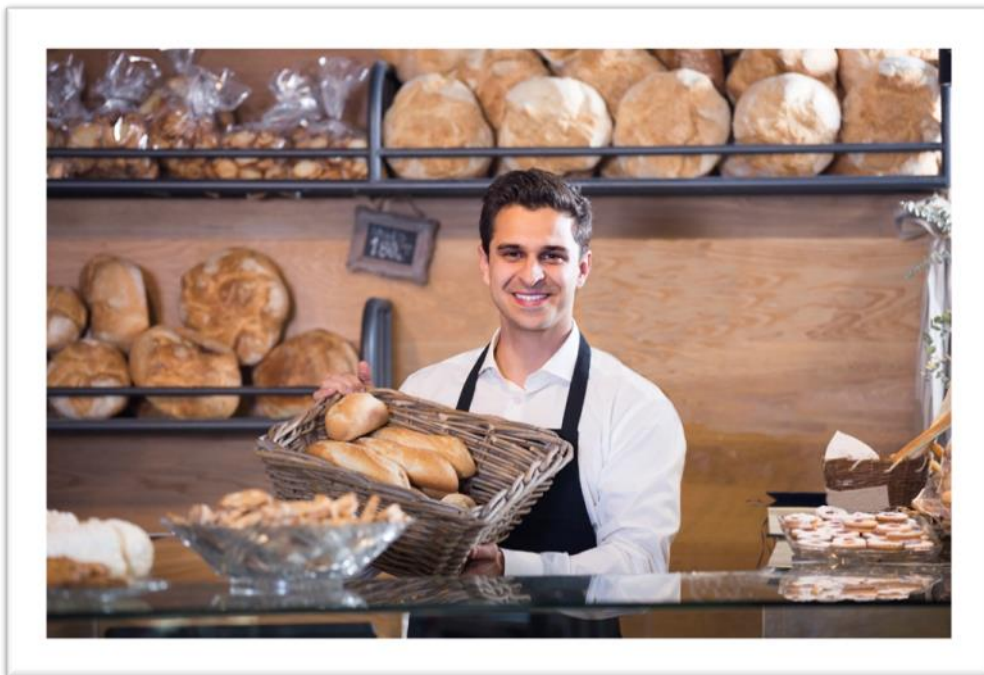


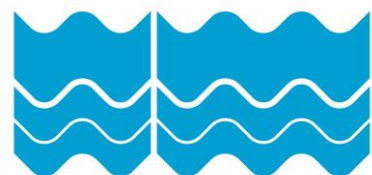


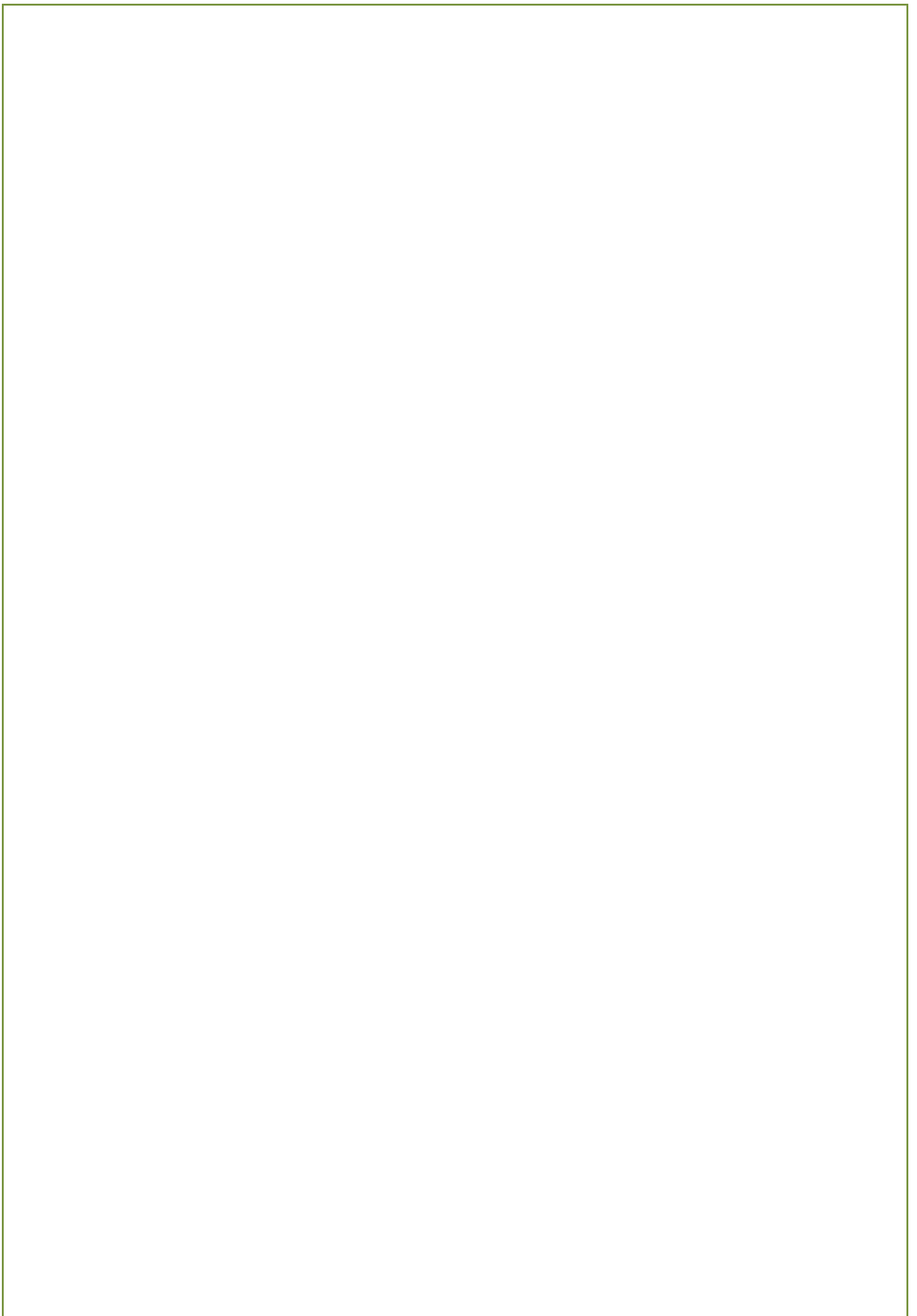
# Trading Standards Assured Advice



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**Rheoliadol**  
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**East Sussex**  
County Council





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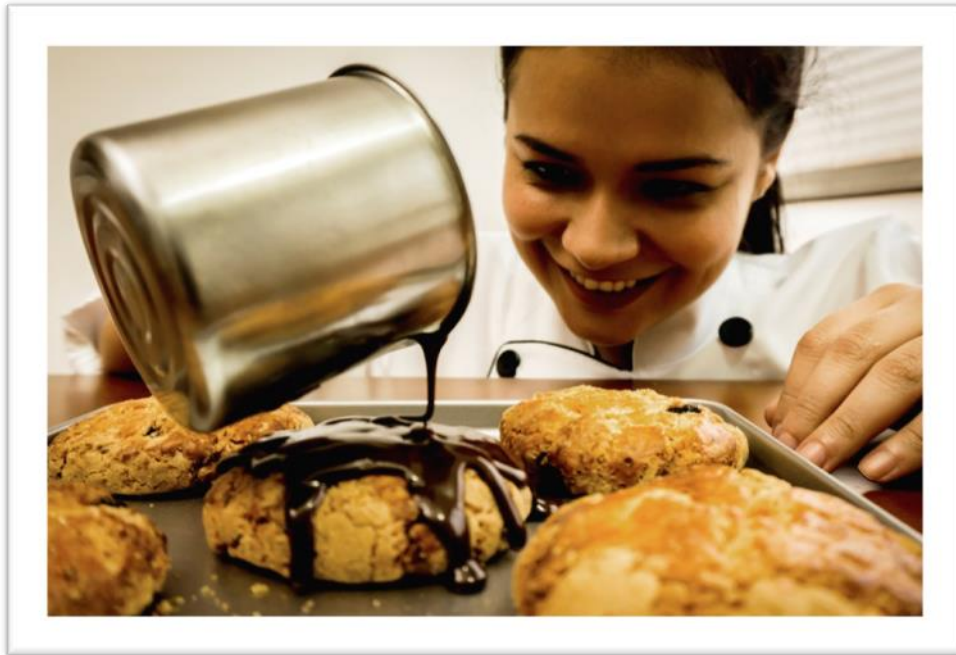
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# Amendments Record

DATE	SECTION	APPROVAL	COMMENTS
17/12/2018	Section 3	Jo Walden	Removed the exemption for bakers selling pre-packaged bread and flour confectionery from their other shops to provide full labelling.
17/12/2018	Section 3	Jo Walden	Clarified the exemption for bakers selling from stalls and vehicles to provide full labelling.
24/05/2022	Title page & section 1.1	Steve Johnson	Change of Primary Authority to East Sussex County Council
24/05/2022	Full document	Steve Johnson	Removal of EU references
24/05/2022	Section 2	Steve Johnson	Removal of references to food pre-packed on site
24/05/2022	Sections 2.2.2 & 4.3.1	Steve Johnson	Removal of exemption of white bread to have a descriptive name
24/05/2022	Section 2.8.1	Steve Johnson	Addition of exemption for loaves less than 300g
24/05/2022	Section 2.9	Steve Johnson	New section on calorie labelling
24/05/2022	Section 3	Steve Johnson	New section – food pre-packed on site
24/05/2022	Section 4	Steve Johnson	Business address and country of origin changes due to leaving the EU
24/05/2022	Section 4.6.4	Steve Johnson	Updated information on statutory fortification of flour

## Contents & Amendments Record

DATE	SECTION	APPROVAL	COMMENTS
24/05/2022	Section 4.7.2	Steve Johnson	Change to example of how to highlight sulphites
24/05/2022	Sections 4.10.1	Steve Johnson	Clarified FTE employees and maximum distance to meet exemption
24/05/2022	Sections 4.10.2	Steve Johnson	Clarified that vitamins and minerals can only be added if in significant quantities
24/05/2022	Sections 4.19	Steve Johnson	Clarified that surface area reference is largest single surface area and added a line relating to 10 – 25cm <sup>2</sup>
24/05/2022	Section 5.1	Steve Johnson	Removal of requirement for conditions of use to be on labels
24/05/2022	Section 8	Steve Johnson	New section - guidance on business names



# 1. Introduction

In this section you will find:

- 1.1. [Assured advice](#)
- 1.2. [How to use this manual](#)

### 1.1. Assured advice

The Craft Bakers Association (CBA) Trading Standards Manual has been devised by Safer Food Scores Ltd and examined by officers from East Sussex County Council and Shared Regulatory Services Bridgend, Cardiff and the Vale of Glamorgan. They agreed that it is a correct interpretation of applicable food information and weights and measures legislation.

The CBA have a primary authority co-ordinated partnership with Horsham District Council (and a Memorandum of Understanding with East Sussex County Council and Shared Regulatory Services Bridgend, Cardiff and the Vale of Glamorgan) which is recognised in law and Government approved.

CBA Members that choose to opt into this partnership will benefit from:

- A practical and comprehensive guide to legal compliance
- More consistent enforcement from trading standards officers throughout the UK
- Assistance from East Sussex County Council (for members in England) and from Shared Regulatory Services Bridgend, Cardiff and the Vale of Glamorgan (for members in Wales) if enforcers disagree with the advice

This assured advice is available to enforcement officers on a central website. Before asking CBA members to take action, they must give it due consideration. If members are following the assured advice and enforcers want them to do something differently, they must liaise with Horsham District Council before they can take action.

Feedback from CBA members and enforcers is welcome and should be sent to:

[reception@craftbakersassociation.co.uk](mailto:reception@craftbakersassociation.co.uk)



# 1.2. How to use this manual

This assured advice should demonstrate that the food information you provide is legally compliant if it is carefully followed. However, remember only the Courts have the power to give an authoritative interpretation of the law.

Food information legislation is concerned with providing customers with sufficient details about food for them to make an informed choice, and with preventing misrepresentation - to ensure consumers are protected and that there is fair competition between businesses and countries. It can also have food safety implications e.g. requirements for use by dates and allergen information on labels.

This guide concentrates on the requirements relating to bakeries and bakery products. Members should be aware that product specific laws may also apply if they manufacture or pack certain products e.g. honey, chocolate, jam and sweets.

As well as what you sell, the law applies differently depending on who you supply food to so you should refer to the relevant section of the guide:

**Section 2**  
Food sold loose or pre-ordered

**Section 3**  
Food pre-packed on the same site it is sold

**Section 4**  
Pre-packed food delivered to retailers

**Section 5**  
Pre-packed food delivered to caterers

## Section 1. Introduction

## Section 2. Food sold loose or pre-ordered



## 2. Food sold loose or pre-ordered

In this section you will find:

- 2.1. [Requirements and exemptions](#)
- 2.2. [Name](#)
- 2.3. [Claims and images](#)
- 2.4. [Allergens](#)
- 2.5. [Percentage of meat](#)
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- 2.7. [Irradiated and GM ingredients](#)
- 2.8. [Weights and volumes](#)
- 2.9. [Calorie labelling \(England only\)](#)

# 2.1. Requirements & exemptions

Bakers selling food loose or pre-ordered are exempt from most labelling requirements.

1. For loose foods, you need to display on a sign or label close to the food:
  - ✓ the name of the food
  - ✓ allergen information (or signposting how it can be obtained)
  - ✓ the weight of your loaves (unless below 300g or sold in multiples of 400g)
  - ✓ the percentage of meat in any meat products
  - ✓ if any of your products contain a genetically modified ingredient
  - ✓ if any of your products or ingredients have been irradiated
  - ✓ calorie information for particular foods sold by large businesses
2. For pre-ordered and distance sold food you need to provide the above information at the point of ordering (e.g. on your website or product lists)
3. For distance sold food, allergen information (or signposting how it can be obtained) and calorie information must also be provided at the time of delivery, for example, on a copy of the price list or menu, or on labels or on tickets so that it is available to the final consumer.

### 2.2. Name

The name may be that protected by law (e.g. Cornish pasty) or a customary name (e.g. Bakewell pudding). If neither of these apply, a descriptive name (e.g. almond biscuit) should be used which indicates the food's true nature and distinguishes it from products with which it could be confused.

#### 2.2.1. Declaring the name of the food

The name of the food must be given on a label attached to the food, or on a notice, ticket or label that is readily discernible and in close proximity to the food.

An example of this would be a pie or cake sold in a bakery with the name of food (e.g. vegetable pie) on a tab at the front of the product.

#### 2.2.2. Bread

Bread, made from wheat flour must have a descriptive name e.g.

- brown bread
- wheatgerm bread (must contain 10% added wheatgerm)
- wholemeal bread (all the cereal flour used must be wholemeal)
- soda bread



It is illegal to use the name 'wheatmeal bread' and brand names such as 'Hovis' and 'Granary' are insufficient on their own.

Other types of bread where the flour is not wholly wheat flour must be appropriately described e.g. rye bread.

## Section 2. Food sold loose or pre-ordered

### 2.2.3. Cakes

Cakes must have a descriptive name which is true and accurate. For example:

The cream in 'cream cakes' must be wholly dairy cream. If any artificial or imitation cream is used, the name of the cake must be qualified accordingly. It is best practice to use the name the ingredient manufacturer has given e.g. cake with whipped buttermilk filling.

### 2.2.4. Savoury products, meat pies & sausage rolls

Savoury products, meat pies, and sausage rolls, must have a name that accurately describes the food.

If any meat product contains added proteins originating from a different animal, this must be stated in the name of the food.

### 2.2.5. Protected food names

Certain food products have been accredited with protected status. Any products using this name must comply with the compositional and/or origin requirements e.g.

- Cornish pasties
- Traditional Bramley apple pie filling
- Melton Mowbray pork pie
- Traditional Cumberland sausage
- Cornish clotted cream
- Parmesan cheese

### 2.3. Claims and images

It is an offence to mislead customers about the food you are serving and therefore you should be careful not to make claims that you cannot prove and substantiate. This is not restricted to food labels but also covers communication tools such as posters, flyers, websites, and word of mouth.

Commonly misdescribed food or ingredients include:

- 'Imitation cheese analogue' described as 'cheese' on pizzas
- 'crab' when the product is made from 'crabsticks'
- 'margarine' described as butter - for example, 'bread and butter'

Images on labels and in advertisements, leaflets and on websites can have a powerful effect on prospective purchasers and may have a greater significance than names and other descriptive material.

These representations should be subject to the same scrutiny and control as the words used.



Care should be taken to ensure that background illustrations and pictures do not mislead the consumer as to the type, quality, or origin of the product.

#### 2.3.1. Fresh, local, seasonal, traditional, homemade, etc

Care should be taken when making claims about the provenance or production of the ingredients used or the final product that you are selling.

## Section 2. Food sold loose or pre-ordered

Best practice guidance on the use of the terms fresh, natural, etc is available on the Food Standards Agency website and includes fresh bread i.e.

Terms such as “freshly baked”, “baked in store” and “oven fresh” may mislead consumers into believing that they are being offered products that have been freshly produced on site from basic raw materials. Some retailers sell bread made from part-baked products that have been packed in an inert atmosphere or frozen off-site then “baked off” at in-store bakeries. Use of terms like “freshly baked”, “baked in store” and “oven fresh” on these products should be avoided.

### 2.3.2. Suitable for vegetarians and vegans

There is no legal definition of ‘vegetarian’ or ‘vegan’ but the Vegetarian Society state that:

- The term ‘vegetarian’ should not be applied to foods that are or are made from or with the aid of products derived from animals that have died, have been slaughtered, or animals that die as a result of being eaten. Animals means farmed, wild or domestic animals, including for example, livestock poultry, game, fish, shellfish, crustacea, amphibians, tunicates, echinoderms, molluscs, and insects.
- The term ‘vegan’ should not be applied to foods that are or are made from or with the aid of animals or animal products (including products from living animals).

Any vegetarian or vegan dishes must have been produced without any contact or contamination with meat, fish or seafood. This includes using separate oils for frying vegetarian dishes and careful checking of sauce ingredients. Some cheeses contain rennet, which is an animal by-product and may not be suitable.



## Section 2. Food sold loose or pre-ordered

### 2.3.3. Organic

The description 'organic' can only be used to describe foods that are produced and prepared in accordance with detailed standards.

These standards include requirements for record keeping, labelling, marketing, and an inspection and certification system. Products described as organic may not contain any genetically modified or irradiated material.

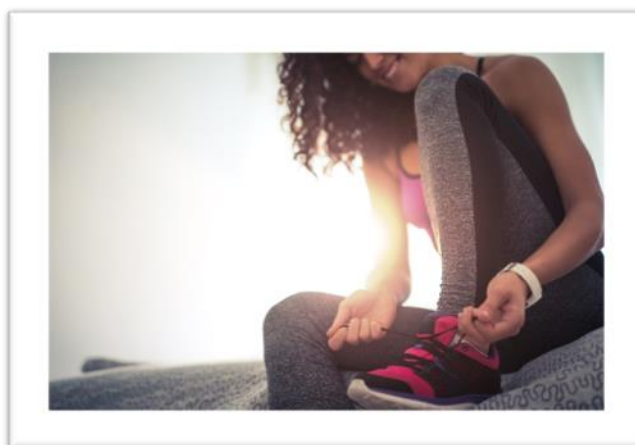
The methods of production, processing, etc. of organic products have to be inspected and certified by an authorised body to ensure that they meet the specified standards before the term organic can be used.

If you wish to describe your business as 'organic' it is not enough to use organic products – the business as well as the products must be certified.

### 2.3.4. Health claims

A health claim is any statement about a relationship between food and health and can be something as simple as 'good for you'.

Only UK Government authorised health claims are allowed to be made. These have been based on scientific evidence and checked to be true e.g.



The health claim 'reducing consumption of sodium contributes to the maintenance of normal blood pressure' is allowed for foods that meet certain criteria relating to their sodium/salt levels.

## Section 2. Food sold loose or pre-ordered

### 2.3.5. Nutrition claims

A nutrition claim states, suggests, or implies that a food has particular beneficial nutritional properties due to:

- The energy (calorific value) it: (a) provides (b) provides at a reduced or increased rate or (c) does not provide
- The nutrients or other substances it: (a) contains (b) contains in reduced or increased proportions or (c) does not contain

Only UK Government authorised nutrition claims are allowed to be made and the food must meet strict particular criteria in order to make them.

For example, the nutrition claim that food is 'low fat' is allowed for foods that contain no more than 3 g of fat per 100 g for solids or 1.5 g of fat per 100 ml for liquids.

### 2.4. Allergens

The 14 most common food allergens have been identified and the law requires that they and their derivatives are declared:

- cereals containing gluten\* i.e. wheat (such as spelt and Khorasan wheat) rye, barley, oats, and their hybridised strains
- peanuts (also called groundnuts)
- nuts\* i.e. almonds, hazelnuts, walnuts, Brazil nuts, cashews, pecans, pistachios, macadamias, and Queensland nuts
- fish
- crustaceans
- molluscs
- sesame seeds
- eggs
- milk and milk products (including lactose)
- soybeans
- celery
- lupin
- mustard
- sulphur dioxide and sulphites at levels above 10mg/kg or 10mg/litre expressed as SO<sub>2</sub>

\* The specific cereal or nut must be declared

Added allergenic ingredients and their components must be declared if they are present in the finished product, even in an altered form, including the following:

- carry over additives
- processing aids
- solvents and media for additives or flavourings
- any other substances used as processing aids

NB. Some allergenic ingredients are specifically exempted and do not have to be declared e.g. barley and wheat based glucose syrups.

## Section 2. Food sold loose or pre-ordered

### 2.4.1. Declaring allergens

Allergen information must be available and easily accessible by consumers at the place where they are making their food choice, including online or over the telephone. Examples of how this could be done include incorporating it into the price list or menu, use of a label or ticket, or, if the food can be ordered online, putting it on the website.

It is also permissible to provide the information verbally, in which case a notice should be displayed informing the customer that allergen information is available on request.

If providing the information verbally, this should also be available in a written format (e.g. an allergen chart) so staff can refer to it and show it to the customer if required. Without this record, it would be difficult to prove due diligence should something go wrong.

Allergen information should be subject to regular review, and a review should also be prompted by any change in supplier or product.

For distance sold food, allergen information (or signposting how it can be obtained) must also be provided at the time of delivery, for example, on a copy of the price list or menu, on labels or on tickets so that it is available to the final consumer.

### 2.4.2. Free from gluten and allergens claims

Particular care should be taken with food described as suitable for allergy sufferers, either via a written description or verbally. You need to exercise extreme caution, particularly in relation to nut and milk allergic consumers who could suffer a fatal reaction from minute levels of contamination.



There are no allowed thresholds for a free from allergens claim (except gluten and sulphites) therefore you should only make these claims on products you make on-site if

## Section 2. Food sold loose or pre-ordered

you have carried out an allergy risk assessment that has determined the risk of cross-contact to be negligible.

By law, if you refer to a product as 'gluten free' it must not have more than 20 parts of gluten per million. Also, products which are always naturally free from gluten cannot be described as 'gluten free' e.g. orange juice.

## 2.5. Percentage of meat

Meat products require a declaration of the percentage of meat that has been used as an ingredient. This should be declared for each type of meat - for example, 'chicken and vegetable pie - contains 7% chicken'.

### 2.5.1. Declaring the meat content

If foods are available for self-service, they should have the name of the product and its meat content displayed on or close to them. Otherwise the names and meat content can be on a price list or notice which should be clearly and conspicuously displayed.

### 2.5.2. Calculating meat content

'Meat' means: *'the skeletal muscle of mammalian or bird species recognised as fit for human consumption with naturally included or adherent tissue'*. Note that this means mechanically recovered meat, heart, tongue, etc are *not* meat for the purposes of calculating meat contents.

There are also limits set for the amount of fat and connective tissue that can be included with the muscle as 'meat', and these are as follows:

Type of meat	Pork	Birds and rabbits	Beef, lamb and other species
Fat	30%	15%	25%
Connective tissue	25%	10%	25%

## Section 2. Food sold loose or pre-ordered

If these limits are exceeded, the 'meat' content should be lowered and the list of ingredients must mention, in addition to the term '... meat', the presence of fat and/or connective tissue.

If you make your own products, ensure that you know, and stick to, the exact recipe and make due allowance for variations in mixing and/or manufacture.

### 2.5.3. Minimum meat content requirements

The minimum meat content requirements in certain products are summarised in the table below.

Please note:

- X is used to refer to a specific type of meat, such as pork in pork pies, etc.
- meat content for these products should be calculated by reference to the weight of uncooked ingredients
- meat includes cured meat

Name of product	Pork only	Birds and rabbits only	Beef, lamb and other species, or other mixtures of meat
Meat pie, meat pudding, X pie, X pudding, game pie, weighing <b>more than 200g</b>	12.5%	12.5%	12.5%
Meat pie, meat pudding, X pie, X pudding, game pie, weighing <b>not more than 200g and not less than 100g</b>	11%	11%	11%
Meat pie, meat pudding, X pie, X pudding, game pie, weighing <b>less than 100g</b>	10%	10%	10%
Scottish pie, Scotch pie	10%	10%	10%

## Section 2. Food sold loose or pre-ordered

Name of product	Pork only	Birds and rabbits only	Beef, lamb and other species, or other mixtures of meat
Meat and something else pie, meat and something else pudding, X and something else pie, X and something else pudding	7%	7%	7%
Something else and meat pie, something else and meat pudding, something else and X pie, something else and X pudding	6%	6%	6%
Pasty, pastie, bridie, sausage roll	6%	6%	6%

### 2.6. Additives

Only food additives (including colours and sweeteners and miscellaneous additives such as preservatives and antioxidants) contained on the UK's permitted list can be used in food.

There are specified conditions of use for additives in foods, including maximum limits and the prohibition of additives in certain foods

You should obtain written confirmation from your supplier that an additive complies with additives legislation and which foods it is allowed to be used in. Always follow the instructions supplied. If there are no instructions or if the instructions are not clear, ask your supplier for further details in writing.

The requirement to indicate additives for loose food is no longer in force. This includes bread additives and the six Southampton colours, which no longer need to be declared on a notice or a ticket at point of sale. However, the CBA supports a Government initiative to reduce the use of the 'Southampton 6 colours' (sunset yellow FCF (E110) quinoline yellow (E104) carmoisine (E122) allura red (E129) tartrazine (E102) ponceau 4R (E124)) which may have an adverse effect on the activity levels of children, and members are therefore encouraged to seek alternative colours, which are readily available.



# 2.7. Irradiated and GM ingredients

## 2.7.1. Declaring irradiated ingredients

Food irradiation is the process of exposing food to a controlled amount of energy called "ionizing radiation." Irradiation can be used to kill bacteria that cause food poisoning such as salmonella, campylobacter and E.coli. It can also delay fruit ripening and help stop vegetables such as potatoes and onions from sprouting.



Certain foods that have been irradiated may be imported into the UK, as long as they comply with certain rules. Products likely to be irradiated are herbs and spices.

You must declare if any of your products or ingredients have been irradiated. If the product is available for self-service, it should have the name of the product and the fact that it has been '*irradiated*' or '*treated with ionising radiation*' on or close to it. Otherwise the name and the fact that it has been '*irradiated*' or '*treated with ionising radiation*' can be on a price list or notice which should be clearly and conspicuously displayed.

## 2.7.2. Declaring GMOs

Genetically modified organisms (GMOs) are created by the transfer of genes from one organism to another, altering the DNA of the host organism in a way that does not occur naturally by mating and/or combination. One feature of this process is that GM crops can be made to be resistant to certain pesticides, insects and herbicides.

## Section 2. Food sold loose or pre-ordered

Currently the only authorised GMO ingredients are cotton, maize, oilseed rape, soybean, sugar beet and swede-rape. The product most likely to be from a GM source is soy-based cooking oil.

You must declare if any of your products contain a GM ingredient. If the product is available for self-service it should have: the name of the product and the GM ingredient it contains on or close to it. Otherwise the names and GM ingredients can be on a price list or notice which should be clearly and conspicuously displayed.

There is no requirement to label meat or poultry products as genetically modified if those animals were fed genetically modified food stuffs.

### 2.7.3. Free from GM ingredients claims

If claims such as 'GM-free' or 'produced from non-GM material' can be substantiated, they are currently permitted.

A tolerance of 0.9% is allowed for small quantities of GM contamination in non-GM foods but only for products from sources that are said not to be genetically modified and that have good control systems throughout the supply chain. This tolerance is only applicable to GM products that already have an UK approval. There is no threshold for any GM product that does not have an UK approval in place.

# 2.8. Weights and volumes

## 2.8.1. Declaring bread weights

If bread is available for self-service, it should have the name of the product and its weight displayed on or close to it. Otherwise its name and weight can be on a price list or notice which should be clearly and conspicuously displayed.



Loaves less than 300g, traditional small (400g), large (800g) and other loaves in multiples of 400g (e.g. 1200g) do not have to have their weights displayed.

## 2.8.2. Average bread weights

Bread may be baked to an average weight, which means that within a group some loaves will be heavier and some slightly lighter than the stated weight.

NB. 'Bread' means bread in the form of single loaves (whether sliced or not) and includes fancy loaves and milk loaves but not bun loaves, fruit loaves, malt loaves or fruited malt loaves.

To comply with average weight requirements the following three rules must be met:

- **Rule 1:** the average weight of a baked batch of a type of bread must not be less than the nominal or stated weight

## Section 2. Food sold loose or pre-ordered

- **Rule 2:** no more than one in 40 loaves of the baked batch may weigh less than the appropriate T1 weight
- **Rule 3:** none of the loaves in the baked batch may weigh less than the appropriate T2 weight

**Note:** T1 and T2 are covered in detail below.

The following is a table of the tolerable negative error (TNE) values that you should use when complying with the three rules.

Nominal quantity (g)	Tolerable negative error
from 200 to 300	9g
from 300 to 500	3% of nominal quantity
from 500 to 1,000	15g
from 1,000 to 10,000	1.5% of nominal quantity

The T1 weight is obtained by subtracting the appropriate TNE from the nominal or stated bread weight.

The T2 weight is obtained by subtracting two times the appropriate TNE from the nominal or stated bread weight.

For a traditional 400g small loaf of bread:

1. the T1 weight is a deficiency of 3% - 388g
2. the T2 weight is a deficiency of 6% - 376g

For a traditional 800g large loaf of bread:

- the T1 weight is a deficiency of 15g - 785g
- the T2 weight is a deficiency of 30g - 770g

Loaves of bread that weigh less than the appropriate T1 weight are called 'non-standard' items.

## Section 2. Food sold loose or pre-ordered

Loaves of bread that weigh less than the appropriate T2 weight are called 'inadequate' items.

It is a strict offence to offer any inadequate weight items for sale to the public.

If bakers wish to make all of their loaves weigh more than the nominal or stated weight, they may do so; this will ensure that they comply with the three rules.

Retailers who finish the baking process for part-baked bread at the shop where it is sold should give written notice to their local trading standards service if they have chosen not to have the bread treated under the average system. In this case all of the bread should weigh at least the nominal or stated weight.

### 2.8.3. Bread weight checks and records

It is a legal requirement for checks to be carried out on the baked loaves before they are offered for sale to ensure that they pass the three rules.

You do not have to weigh all the dough pieces as it is the weight of the finished loaf that counts. However, it is a good idea to do so in order to ensure that the weight of finished loaves is consistent.



It is recommended that the weight for dough pieces for each type of bread be displayed in a chart near to the place of weighing. Tests should be done to find the best weight for each type and size of loaf produced.

A sample of loaves should be taken from each batch that is baked and check weighed.

A record of the check must be kept for the shelf life of the loaf; the exception to this is records of checks made on the weight of unwrapped bread and bread sold in open

## Section 2. Food sold loose or pre-ordered

wrappers, which need not be kept. However it is still a good idea to do so for due diligence purposes.

Check-weighing is carried out by taking a sample of loaves from each baked batch as shown in the following table:

Number of loaves in group / batch	Number of samples that must be weighed
1 - 49	3
50 - 99	5
100 - 199	7
200 and more	11

The results of the sample loaves weighed are used to determine whether the three rules have been complied with.

If any of the three rules are not met the entire baked batch should be weighed and action taken to ensure the batch complies before it can be placed on sale:

- all loaves weighing below the T2 weight must be removed from the batch
- there must be no more than one loaf that is below the T1 weight remaining in the batch
- the average weight of the remaining loaves in the batch must be above the nominal or stated weight and sufficient lighter weight loaves must be removed from the batch if necessary to ensure this.

Loaves that are required to be removed from the baked batch can only be offered for sale if their individual weights are clearly indicated to customers and reduced in price to differentiate them from the correct weight items or else used for other purposes - making sandwiches for example.

## Section 2. Food sold loose or pre-ordered

If excessive variation in finished loaf weights is found to be a problem effort should be focussed on achieving greater uniformity in dough piece weights and sample sizes should be increased until the problem is resolved.

### 2.8.4. Weight loss before sale

If the required, check weighing of samples from baked batches is done on loaves whilst still hot from the oven allowances must be made for the cooling and drying out of loaves whilst on display as they will reduce in weight as they cool down. Batches of bread are required to pass the three rules at all times they are on sale.



The above examples of required bread weights and allowances are based on cooled weight and checks should be made to determine the weight loss (from hot to cold) of each type and size of bread in order to determine enhanced weights to use when check weighing samples of hot bread.

For example, a 400g loaf may lose 30g in weight on cooling whilst an 800g loaf may lose a typical 40g. The actual losses can be determined by weighing each type and size of loaf straight from the oven and again when cold at the end of the selling day; you then add the typical amount of weight loss for each type and size of bread on to the nominal or stated weight to use in assessing compliance with the three rules. The same enhancements should also be given to the values of T1 and T2.

This would mean, for our example 400g loaf, that the average weight of samples weighed hot from the oven should be 430g with no more than one below 418g (T1) and none below 406g (T2). For our 800g loaf example, samples weighed hot from the oven should have an average of 840g with only one below 825g (T1) and none below 810g (T2).

Suitable allowances should be made for extreme weather conditions, especially hot weather, as this will accelerate moisture loss, and therefore have an adverse effect on loaf weights.

### 2.8.5. Weighing equipment

The equipment used to carry out the checks must be suitable for the use to which it is put. This means that it should be 'trade approved', have a reasonable degree of sensitivity and accuracy, measuring to 0.2 units of the TNE for the package you are producing, and be suitable for the environment in which it is used.

A suitable weighing machine for bakery products is one that, if it has an analogue scale (a pointer indicating on a continuous scale), has divisions of no more than 5g or, if the indication is digital, has divisions that are no more than 2g.



New scales should be CE or UKCA marked and also have stickers, one of which shows the letter 'M'.

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You may still use old scales, but they must be 'crown stamped' as fit for trade use. This may include a traditional baker's scale designed to be used with trade-approved weights.

Equipment must be accurate and details of any repairs or alterations must be retained. There is no requirement to have an outside company check the accuracy of your weighing scales. You can check their accuracy yourself using calibrated reference weights.

It is best practice to check the scales at least monthly and keep a record of those checks.



### 2.9. Calorie labelling (England only)

The Calorie Labelling (Out of Home Sector) (England) Regulations 2021 require that the calorie content per serving of certain foods and drinks are displayed for consumers.

They apply to food businesses operating in the out of home sector and which have 250 or more employees. This is generally considered to be any business where food is prepared in a way that means it is ready for immediate consumption, both on and/or off site e.g. restaurants, hotels, takeaways, bakeries. By having this information available, the intention is that consumers will be able to make healthier choices about food purchased from the out of home sector.

Welsh food businesses with the qualifying number of employees operating across several premises will need to comply at English premises only.

NB. At the time of publication the Welsh Government are conducting a consultation exercise to introduce a similar (but not necessarily identical) legislation for Wales.

#### 2.9.1. What foods are included?

Food and drink that is non-prepacked and which is offered for sale in a form which is suitable for immediate consumption.

This includes foods without packaging and food packed at the consumers request.

Examples include hot beverages, sausage rolls, pies, pasties, pizza slices, breakfast rolls, sandwiches, toasties, pastries, biscuits, and cakes.



### 2.9.2. Exemptions

Food business operators with less than 250 full or part-time employees are not required to display calories per serving.

Food business operators serving food 'in-house' such as a canteen at a workplace providing food to employees. Unless this food is provided by an external catering company with 250 or more employees, in which case it will need to be displayed.

Certain foods are exempt such as:

- ✓ Foods sold temporarily i.e. for less than 30 consecutive days and a total of 30 days in any year
- ✓ Food not on a product list/menu or otherwise offered for sale but is expressly requested by the consumer to be prepared differently to usual
- ✓ Alcoholic drinks over 1.2% ABV (alcohol by volume)
- ✓ Condiments added by the consumer e.g. ketchup, mustard etc.
- ✓ Loaves of bread or baguettes (but not rolls or buns)
- ✓ Fish, meat, or cheese (but not if added to multi-ingredient products e.g. chicken sandwiches)
- ✓ Fresh fruit or vegetables and other unprocessed products such as nuts, or seeds (but not if added to multi-ingredient products e.g. fruit salads)

### 2.9.3. How to display the calorie information

Businesses selling food in scope of the Regulations must:

- ✓ display the energy content of the food in kilocalories (kcal)
- ✓ include the size of the portion to which the calorie information relates
- ✓ display the statement that '*adults need around 2000 kcal a day*'. This statement is not required on children's menus.
- ✓ This information must be displayed clearly and prominently at the 'points of choice' e.g. on menus\* (including online menus) and at food displays such as grab and go fridges and display counters.
- ✓ Food ordered online or by telephone is considered 'distance selling' so as well as at the point of choice, calorie information must also be provided at the point of delivery e.g. by enclosing menus or by placing labels on food containers.

\* A customer can request that a menu is provided without calories.

### 2.9.4. Portion sizes

A serving size must always be given when declaring calorie information. This should be a single serving of the food and must relate to the format that the food is in. This could be the individual item such as 'per sandwich' or 'per cake' or it could be where a whole item has been portioned e.g. per slice.

For self-service counters it is more useful to use the serving utensil size e.g. 'per spoonful' or 'per scoop'.

## Section 2. Food sold loose or pre-ordered

If a serving of the food serves more than one person such as a sharing platter, or a sharing dessert, the calorie information for whole item should be given along with how many it serves.

### 2.9.5. Calculating calories

Calories can be calculated in a number of different ways:

- ✓ from the manufacturer's analysis of the food
- ✓ by calculation from the known or average values of the ingredients used
- ✓ by calculation from generally established and accepted data (in the UK this usually refers to the McCance and Widdowson's Composition of Foods dataset)
- ✓ by nutritional analysis at a laboratory
- ✓ with a computer software package

A combination of these methods is permissible for the same menu, or even the same product if it is made up of different constituent parts.

There is a tolerance of 20% on displayed values to allow for variations in ingredients information, production, and the accuracy of portion sizes.



## 3. Food pre-packed on the same site as it is sold (Natasha's Law)

In this section you will find:

- 3.1. [Requirements and exemptions](#)
- 3.2. [Name](#)
- 3.3. [Claims and images](#)
- 3.4. [Percentage of meat](#)
- 3.5. [Ingredients list](#)
- 3.6. [Allergens](#)
- 3.7. [Additives](#)
- 3.8. [Irradiated and GM ingredients](#)
- 3.9. [Weights and volumes](#)
- 3.10. [Calorie labelling](#)
- 3.11. [Presentation of information](#)
- 3.12. [Font size](#)
- 3.13. [Food specific requirements](#)

## 3.1. Requirements & exemptions

Bakers selling food that is pre-packed on the same site as is sold (pre-packed for direct sale) are exempt from some but not all labelling requirements.

A product is pre-packed for direct sale (PPDS) if:

- ✓ It is packed before the customer orders or selects it
- ✓ It is packed on the same site as it is sold
- ✓ Foods packaged and then sold elsewhere by the same operator at a market stall or mobile site \*
- ✓ The food is packaged so that:
  - the food is fully or partly enclosed by packaging; and
  - the food cannot be altered without opening or changing the packaging in some way; and
  - the food must be ready for final sale to the consumer.

\* Food packaged and sold elsewhere other than market stalls or mobile sites are likely to require full labelling (see Section 4)

Examples of PPDS foods:

- ✓ Sandwiches prepared, packaged, and sold on the same site or premises
- ✓ Foods packaged on site but sold from the business's market stall or van
- ✓ Bakery items packaged into bags and placed on display shelving
- ✓ Products pre-packed and offered for sale behind the counter

## Section 3. Food pre-packed on the same site as it is sold

You need to label PPDS foods with:

- ✓ The name of the food
- ✓ An ingredient list (in descending order of weight at time of production)

The ingredients list must also include:

- ✓ the allergenic ingredient emphasised in some way e.g. bold, italics, capitals.
- ✓ additives along with the additive class (the technological function of the additive in that product) followed by either the additive name or its E number e.g.  
Preservative: potassium sorbate or Preservative: E203
- ✓ any ingredients containing genetically modified or irradiated ingredients
- ✓ percentage of meat in meat products (see Section 3.6)

## 3.2. Name

The name may be that protected by law (e.g. Cornish pasty) or a customary name (e.g. Bakewell pudding). If neither of these apply, a descriptive name (e.g. almond biscuit) should be used which indicates the food's true nature and distinguishes it from products with which it could be confused.

### 3.2.1. Declaring the name of the food

The name of the food must be given on the packaging or on a label attached to the food.

## Section 3. Food pre-packed on the same site as it is sold

### 3.2.2. Bread

Bread, made from wheat flour must have a descriptive name e.g.

- brown bread
- wheatgerm bread (must contain 10% added wheatgerm)
- wholemeal bread (all the cereal flour used must be wholemeal)
- soda bread

It is illegal to use the name 'wheatmeal bread' and brand names such as 'Hovis' and 'Granary' are insufficient on their own.

Other types of bread where the flour is not wholly wheat flour must be appropriately described e.g. rye bread.

### 3.2.3. Cakes

Cakes must have a descriptive name which is true and accurate. For example:

- The cream in 'cream cakes' must be wholly dairy cream. If any artificial or imitation cream is used, the name of the cake must be qualified accordingly. It is best practice to use the name the ingredient manufacturer has given e.g. cake with whipped buttermilk filling.

### 3.2.4. Savoury products, meat pies & sausage rolls

Savoury products, meat pies, and sausage rolls, must have a name that accurately describes the food.

If any meat product contains added proteins originating from a different animal, this must be stated in the name of the food.



### 3.2.5. Protected food names

Certain food products have been accredited with protected status. Any products using this name must comply with the compositional and/or origin requirements e.g.

- Cornish pasties
- Traditional Bramley apple pie filling
- Melton Mowbray pork pie
- Traditional Cumberland sausage
- Cornish clotted cream
- Parmesan cheese

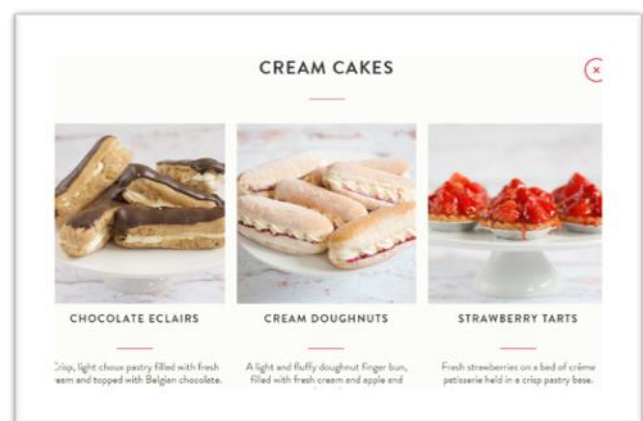
## 3.3. Claims and images

It is an offence to mislead customers about the food you are serving and therefore you should be careful not to make claims that you cannot prove and substantiate. This is not restricted to food labels but also covers communication tools such as posters, flyers, websites, and word of mouth.

Commonly misdescribed food or ingredients include:

- 'Imitation cheese analogue' described as 'cheese' on pizzas
- 'crab' when the product is made from 'crabsticks'
- 'margarine' described as butter - for example, 'bread and butter'

Images on labels and in advertisements, leaflets and on websites can have a powerful effect on prospective purchasers and may have a greater significance than names and other descriptive material.



## Section 3. Food pre-packed on the same site as it is sold

These representations should be subject to the same scrutiny and control as the words used.

Care should be taken to ensure that background illustrations and pictures do not mislead the consumer as to the type, quality or origin of the product.

### 3.3.1. Fresh, local, seasonal, traditional, homemade, etc

Care should be taken when making claims about the provenance or production of the ingredients used or the final product that you are selling.

Best practice guidance on the use of the terms fresh, natural, etc is available on the Food Standards Agency website and includes fresh bread i.e.

Terms such as “freshly baked”, “baked in store” and “oven fresh” may mislead consumers into believing that they are being offered products that have been freshly produced on site from basic raw materials. Some retailers sell bread made from part-baked products that have been packed in an inert atmosphere or frozen off-site then “baked off” at in-store bakeries. Use of terms like “freshly baked”, “baked in store” and “oven fresh” on these products should be avoided.

### 3.3.2. Suitable for vegetarians and vegans

There is no legal definition of ‘vegetarian’ or ‘vegan’ but the Vegetarian Society state that:

- The term ‘vegetarian’ should not be applied to foods that are or are made from or with the aid of products derived from animals that have died, have been slaughtered, or animals that die as a result of being eaten. Animals means farmed,

## Section 3. Food pre-packed on the same site as it is sold

wild or domestic animals, including for example, livestock poultry, game, fish, shellfish, crustacea, amphibians, tunicates, echinoderms, molluscs, and insects.

- The term 'vegan' should not be applied to foods that are or are made from or with the aid of animals or animal products (including products from living animals).

Any vegetarian or vegan dishes must have been produced without any contact or contamination with meat, fish, or seafood. This includes using separate oils for frying vegetarian dishes and careful checking of sauce ingredients. Some cheeses contain rennet, which is an animal by-product and may not be suitable.

### 3.3.3. Organic

The description 'organic' can only be used to describe foods that are produced and prepared in accordance with detailed standards.

These standards include requirements for record keeping, labelling, marketing, and an inspection and certification system. Products described as organic may not contain any genetically modified or irradiated material.

The methods of production, processing, etc. of organic products have to be inspected and certified by an authorised body to ensure that they meet the specified standards before the term organic can be used.

If you wish to describe your business as 'organic' it is not enough to use organic products – the business as well as the products must be certified.

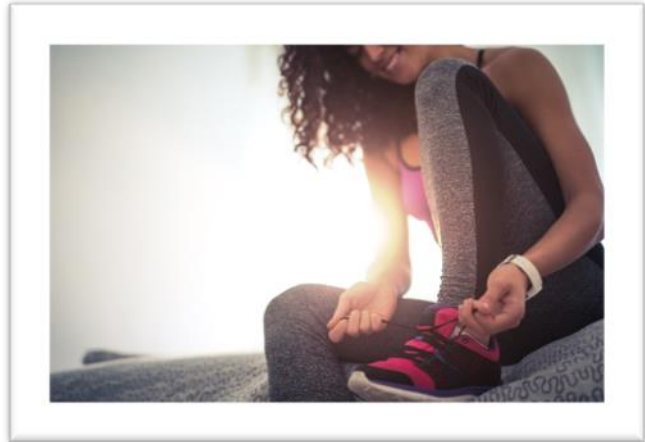
### 3.3.4. Health claims

A health claim is any statement about a relationship between food and health and can be something as simple as 'good for you'.

## Section 3. Food pre-packed on the same site as it is sold

Only UK Government authorised health claims are allowed to be made. These have been based on scientific evidence and checked to be true e.g.

The health claim 'reducing consumption of sodium contributes to the maintenance of normal blood pressure' is allowed for foods that meet certain criteria relating to their sodium/salt levels.



### 3.3.5. Nutrition claims

A nutrition claim states, suggests, or implies that a food has particular beneficial nutritional properties due to:

- The energy (calorific value) it: (a) provides (b) provides at a reduced or increased rate or (c) does not provide
- The nutrients or other substances it: (a) contains (b) contains in reduced or increased proportions or (c) does not contain

Only UK Government authorised nutrition claims are allowed to be made and the food must meet strict particular criteria in order to make them.

For example, the nutrition claim that food is 'low fat' is allowed for foods that contain no more than 3 g of fat per 100 g for solids or 1.5 g of fat per 100 ml for liquids.

## 3.4. Ingredients list

### 3.4.1. Exemptions

A list of ingredients is needed on all pre-packed for direct sale foods apart from:

- ✓ products on which no side of the packaging or container has a surface area larger than 10 cm squared. For these products only the name of the food and any allergens contained e.g. fruit & nut cookie (contains almond) need to be on the label. The ingredients list has to be available by other means or on request.
- ✓ products consisting of a single ingredient where the name of the food is the same as the name of the ingredient or clearly identifies what the ingredient is (e.g. a bag of unsalted peanuts or sugar)
- ✓ fresh fruit and vegetables that haven't been peeled, cut, or similarly treated
- ✓ carbonated water that is labelled as 'carbonated water'
- ✓ fermented vinegars derived from single, basic product (e.g. white wine) with no added ingredients
- ✓ cheese, butter, fermented milk, or cream if its only ingredients are lactic products, food enzymes and micro-organism cultures essential to its manufacture
- ✓ products in glass bottles for reuse that have food information indelibly marked on them and have no other labelling (e.g. milk bottles)
- ✓ any alcoholic drink containing over 1.2% alcohol by volume

### 3.4.2. Format of the ingredients list

- ✓ You must put the ingredients list under a heading that contains the word 'ingredients'.
- ✓ The name of ingredients should follow the rules set out for the name of the food. For example, you must only call an ingredient 'jam' if it meets the compositional standards for jam.
- ✓ You must list the ingredients in descending order of inclusion by weight (based on the ingredient weights at the time of manufacture).

### 3.4.3. Compound ingredients

A compound ingredient is an ingredient, which contains other ingredients, for example, a yogurt flavoured coating on a flapjack.

When listing the constituent ingredients of a compound ingredient, this can be done by listing each constituent ingredient as ingredients of the whole product, or by listing the constituent ingredients immediately after the compound ingredient e.g. Yogurt flavour coating (palm kernel oil, sugar, **milk**, whey(**milk**), dried yogurt (**milk**))

With the exception of allergenic ingredients, the ingredients of a compound ingredient (with the exception of additives) do not have to be given where:

- the compound ingredient is defined in legislative provisions (where specific compositional requirements are laid out for products e.g. jam or chocolate) and makes up less than 2% of the overall product
- A mixture of spices and/or herbs making up less than 2% of the overall product
- Where the compound ingredients would not require an ingredients list as a product on its own e.g. cheese.

## Section 3. Food pre-packed on the same site as it is sold

### 3.4.4. Wheat flour

White and brown wheat flour used for products intended for the UK market has statutory nutrients added to it and is therefore considered a compound ingredient. It should be declared as white flour (**wheat** flour, calcium carbonate, iron, niacin, and thiamin) in the ingredients list.

Wholemeal wheat flour and other flours such as gluten free flours are not required to have statutory nutrients added.

White and brown wheat flours are permitted to be produced without statutory ingredients but only if the flour or products made from it are to be exported to the EU.

Avoid using the term 'fortified' when referring to the nutrients added to UK produced wheat flour, as the prescribed quantities do not meet the minimum levels required under UK law relating to the addition of vitamins, minerals, and other substances.



## 3.5. Allergens

The 14 most common food allergens have been identified and the law requires that they and their derivatives are declared:

- cereals containing gluten\* i.e. wheat (such as spelt and Khorasan wheat) rye, barley, oats, and their hybridised strains
- peanuts (also called groundnuts)
- nuts\* i.e. almonds, hazelnuts, walnuts, Brazil nuts, cashews, pecans, pistachios, macadamias and Queensland nuts
- fish
- crustaceans
- molluscs
- sesame seeds
- eggs
- milk and milk products (including lactose)
- soya beans
- celery
- lupin
- mustard
- sulphur dioxide and sulphites at levels above 10mg/kg or 10mg/litre expressed as SO<sub>2</sub>

\* The specific cereal or nut must be declared

Added allergenic ingredients and their components must be declared if they are present in the finished product, even in an altered form, including the following:

- carry over additives
- processing aids
- solvents and media for additives or flavourings
- any other substances used as processing aids

NB. Some allergenic ingredients are specifically exempted and do not have to be declared e.g. barley and wheat-based glucose syrups.



## Section 3. Food pre-packed on the same site as it is sold

### 3.5.1. Exemptions

Allergen labelling rules override any existing exemptions from ingredients-listing for certain foods, including foods in small packaging and beverages containing more than 1.2% by volume of alcohol.

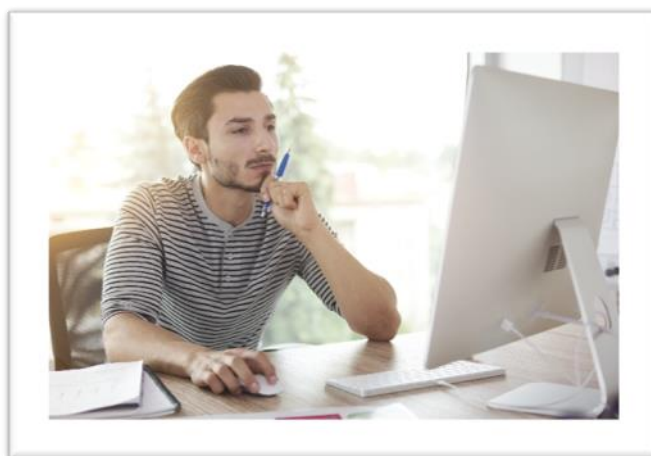
The presence of any specified allergenic ingredient in these foods or drinks must be indicated by the word 'contains' followed by the name of the ingredient.

### 3.5.2. Declaring allergens on PPDS foods

Where the allergenic ingredient is clearly identified in the name of the food - 'peanut butter' for example - no further information is required.

With foods where the ingredients do not have to be listed - such as cheese and yoghurt - the presence of the allergenic ingredient should be declared by using the words 'contains' followed by the name of the allergen. Otherwise allergens must be highlighted in the ingredients list of food labels.

If you are distance selling, allergen information must be available and easily accessible by consumers at the place where they are making their food choice e.g. if your customers can order online, allergen information should be available on your website.



The allergens in the ingredients list should be emphasised through a typeset that clearly distinguishes it from the rest of the list of ingredients, for example by means of the font style or background colour. Bold is the preferred option.

## Section 3. Food pre-packed on the same site as it is sold

If more than one ingredient contains the same allergen, the indication of its presence must still be provided for each separate ingredient.

Here are some examples of the best way to declare allergens in an ingredient list.

### Nuts

These should be listed by their specific name in the ingredients list and the word 'nuts' does not need to be put in brackets. Pecans and macadamias should be declared as pecan nuts and macadamia nuts. Example:

INGREDIENTS: **almonds, hazelnuts, pecan nuts**, sugar

### Fish

'**Fish**' should be declared in brackets after every fish even common species such as salmon or cod unless a species such as swordfish which could be declared as **swordfish** or swordfish (**fish**). Example:

INGREDIENTS: tilapia (**fish**), salt

### Crustaceans and molluscs

The words 'crustacean' or 'mollusc' should be declared in brackets after each. Example:

INGREDIENTS: prawns (**crustaceans**), oysters (**molluscs**)

### Milk

For all ingredients containing or derived from milk, '**milk**' should be declared in brackets. However if the ingredient name contains the word milk, it should be highlighted only in the name of the ingredient and not repeated in brackets. Example:

INGREDIENTS: cheese (**milk**), dried skimmed **milk**

### Cereals containing gluten

These should be declared using the specific name of the cereal. There should be no reference to gluten except when it is used as an ingredient in its own right. Example:

INGREDIENTS: malted **barley** flour, **oats, wheat** gluten

## Section 3. Food pre-packed on the same site as it is sold

### Sulphites and sulphur dioxide

Concentrations of more than 10mg/kg or 10mg/litre in the final product must be declared. If they are performing an additive function they must be declared by their chemical name and if they are present as a processing aid, they can be declared as sulphites. Example:  
INGREDIENTS: Water, **sulphites**, preservative (sodium metabisulphite)

### Foods sold as such

If foods are sold with nothing added, they do not require an ingredient list, so companies may also use a 'contains' statement. Examples:  
Sea Bass (contains **fish**), Scallops (contains **molluscs**), Butter (contains **milk**)

### 3.5.3. Allergy advice

Allergens need to be included in the ingredients list and not listed separately but it is acceptable to also include either of these statements:

- Allergy Advice  
For allergens, including cereals containing gluten, see ingredients in **bold**
- Allergy Advice  
For allergens, see ingredients in **bold**

### 3.5.4. Cross-contact statements

If after undertaking an allergen risk assessment there is potential for particular allergens being present, this should be communicated with a cross-contact statement such as 'may contain' or 'not suitable for' message on the label but these allergens should not be highlighted in bold. EXAMPLE:

- Not suitable for customers with peanut allergy

## Section 3. Food pre-packed on the same site as it is sold

- May contain soya and egg

Information in allergy advice or cross-contact statements should be in a font at least as big as that used in the ingredient list.

### 3.5.5. Free from gluten and allergens claims

Particular care should be taken with food described as suitable for allergy sufferers, either via a written description or verbally. You need to exercise extreme caution, particularly in relation to nut and milk allergic consumers who could suffer a fatal reaction from minute levels of contamination.



There are no allowed thresholds for a free from allergens claim (except gluten and sulphites) therefore you should only make these claims on products you make on-site if you have carried out an allergy risk assessment that has determined the risk of cross-contact to be negligible.

By law, if you refer to a product as 'gluten free' it must not have more than 20 parts of gluten per million. Also, products which are always naturally free from gluten cannot be described as 'gluten free' e.g. orange juice.

## 3.6. Percentage of meat

Only the percentage of meat in a meat product requires a declaration when it has been used as an ingredient. e.g. burger, sausage rolls, meat pies.

The meat content is not required to be declared in:

- sandwiches, filled rolls and similar (burgers, however, are not exempt)
- pizzas and similar
- broth, gravy, and soup
- individual portions sold/provided to the final consumer, that are assembled of a meat product and at least one other ingredient, and that will be consumed without further processing e.g. chicken salad.

### 3.6.1. Declaring the meat content

This can be declared:

- ✓ In the ingredients list, next to each type of meat - for example, '...carrots, chicken (7%), onion,' or
- ✓ In the ingredients list, next to the name of the food - Sausage roll (80% pork)
- ✓ Or on label or notice next to the food

## Section 3. Food pre-packed on the same site as it is sold

### 3.6.2. Calculating meat content

'Meat' means: *'the skeletal muscle of mammalian or bird species recognised as fit for human consumption with naturally included or adherent tissue'*. Note that this means mechanically recovered meat, heart, tongue, etc are *not* meat for the purposes of calculating meat contents.

There are also limits set for the amount of fat and connective tissue that can be included with the muscle as 'meat', and these are as follows:

Type of meat	Pork	Birds and rabbits	Beef, lamb and other species
Fat	30%	15%	25%
Connective tissue	25%	10%	25%

If these limits are exceeded, the 'meat' content should be lowered and the list of ingredients must mention, in addition to the term '... meat', the presence of fat and/or connective tissue.

If you make your own products, ensure that you know, and stick to, the exact recipe and make due allowance for variations in mixing and/or manufacture.

### 3.6.3. Minimum meat content requirements

The minimum meat content requirements in certain products are summarised in the table below.

Please note:

- X is used to refer to a specific type of meat, such as pork in pork pies, etc.
- meat content for these products should be calculated by reference to the weight of uncooked ingredients
- meat includes cured meat

## Section 3. Food pre-packed on the same site as it is sold

Name of product	Pork only	Birds and rabbits only	Beef, lamb and other species, or other mixtures of meat
Meat pie, meat pudding, X pie, X pudding, game pie, weighing <b>more than 200g</b>	12.5%	12.5%	12.5%
Meat pie, meat pudding, X pie, X pudding, game pie, weighing <b>not more than 200g and not less than 100g</b>	11%	11%	11%
Meat pie, meat pudding, X pie, X pudding, game pie, weighing <b>less than 100g</b>	10%	10%	10%
Scottish pie, Scotch pie	10%	10%	10%
Meat and something else pie, meat and something else pudding, X and something else pie, X and something else pudding	7%	7%	7%
Something else and meat pie, something else and meat pudding, something else and X pie, something else and X pudding	6%	6%	6%
Pasty, pastie, bridie, sausage roll	6%	6%	6%

### 3.7. Additives

Only food additives (including colours and sweeteners and miscellaneous additives such as preservatives and antioxidants) contained on the UK's permitted list can be used in food.

There are specified conditions of use for additives in foods, including maximum limits and the prohibition of additives in certain foods

You should obtain written confirmation from your supplier that an additive complies with additives legislation and which foods it is allowed to be used in. Always follow the instructions supplied. If there are no instructions or if the instructions are not clear, ask your supplier for further details in writing.

#### 3.7.1. Exemptions

Food additives do not have to be included in the ingredients list if:

- their presence is solely due to the fact that they were contained in one or more ingredients, and they have no technological function in the finished product e.g. as a stabiliser or preservative; or
- they are used only as a processing aid

#### 3.7.2. Additive declarations

Additives must be declared in the ingredients list of pre-packed food for direct sale.



## Section 3. Food pre-packed on the same site as it is sold

You must state the additive class (the technological function of the additive in that product) followed by either the additive name or its E number e.g.

Preservative: potassium sorbate or Preservative: E203

### 3.7.3. Permitted colours

The law allows only certain colours to be used in food, restricts the use of colours, and sets maximum levels for some colours. The use of these colours in food is controlled because excessive consumption has been linked to allergic reactions and sickness.

A compulsory warning is required on the food label, if your products contain any of the Southampton 6 colours:

- E 102 – Tartrazine
- E 104 - Quinoline Yellow
- E 110 - Sunset Yellow FCF
- E 122 - Carmoisine
- E 124 - Ponceau 4R
- E 129 - Allura Red

This warning should state:

*Contains [name or E number of the colour(s)]. This may have an adverse effect on activity and attention in children'*

The CBA supports a Government initiative to reduce the use of the 'Southampton 6 colours' (sunset yellow FCF (E110) quinoline yellow (E104) carmoisine (E122) allura red (E129) tartrazine (E102) ponceau 4R (E124)) which may have an adverse effect on the activity levels of children, and members are therefore encouraged to seek alternative colours, which are readily available.

## 3.8. Irradiated and GM ingredients

### 3.8.1. Declaring irradiated ingredients

Food irradiation is the process of exposing food to a controlled amount of energy called "ionizing radiation." Irradiation can be used to kill bacteria that cause food poisoning such as salmonella, campylobacter and E.coli. It can also delay fruit ripening and help stop vegetables such as potatoes and onions from sprouting.



Certain foods that have been irradiated may be imported into the UK, as long as they comply with certain rules. Products likely to be irradiated are herbs and spices.

You must state if any of your products have been irradiated. The wording '*Irradiated*' or '*treated with ionising radiation*' should be close to the product name.

If an ingredient has been irradiated this should be put in brackets in the ingredient list e.g. Potatoes (treated with ionising radiation) or potatoes (irradiated).

You must also show if an ingredient has been irradiated, even if it's a compound ingredient (e.g. cheese) which has had one of its constituent parts irradiated (e.g. the milk used to make the cheese).

### 3.8.2. Declaring GMOs

Genetically modified organisms (GMOs) are created by the transfer of genes from one organism to another, altering the DNA of the host organism in a way that does not occur naturally by mating and/or combination. One feature of this process is that GM crops can be made to be resistant to certain pesticides, insects, and herbicides.

The words 'this product contains genetically modified organisms', or 'this product contains genetically modified (name of organism(s))' must appear on the label.



Where the food consists of more than one ingredient the words 'genetically modified' or 'produced from genetically modified (name of the ingredient)', must appear in brackets immediately after the name of the ingredient concerned. For example, a biscuit containing soya flour derived from GM soya must be labelled 'contains soya flour from genetically modified soya'.

Where ingredients are designated by a category the designation must be completed by the words 'contains genetically modified (name of organism)' or 'contains (name of ingredient) produced from genetically modified (name of organism)', must appear in the list of ingredients.

For example, for 'vegetable oils' containing rape seed oil produced from genetically modified rape, the reference 'contains rape oil from genetically modified rape' must appear in the list of ingredients.

## Section 3. Food pre-packed on the same site as it is sold

For both of these the indications may appear in a footnote to the list of ingredients, provided that they are printed in a font of at least the same size as the list of ingredients. Where there is no list of ingredients, they must appear clearly on the labelling.

There is no requirement to label meat or poultry products as genetically modified if those animals were fed genetically modified food stuffs.

### 3.8.3. Free from GM ingredients claims

If claims such as 'GM-free' or 'produced from non-GM material' can be substantiated, they are currently permitted.

A tolerance of 0.9% is allowed for small quantities of GM contamination in non-GM foods but only for products from sources that are said not to be genetically modified and that have good control systems throughout the supply chain. This tolerance is only applicable to GM products that already have an UK approval. There is no threshold for any GM product that does not have an UK approval in place.

### 3.9. Weights and volumes

The net (not including packaging) quantity of pre-packed food must be directly on the package or an attached label. Foods packed in a liquid medium must display both the drained net weight and the net weight.

The correct symbol for the unit of measurement should be used i.e.

- Drinks should be expressed as litres (l or L), centilitres (cl or cL) or millilitres (ml or mL)
- Foods should be expressed as kilograms (kg) or grams (g).

The quantity should be the actual weight or the average weight.

#### 3.9.1. Exemptions

As a general guide, weight marking is not required on the label of these pre-packed for direct sale foods:

- Loaves less than 300g
- Sandwiches
- Biscuits not exceeding 100g (although wafer biscuits not cream filled are marked with the number instead, irrespective of weight)
- Shortbread not exceeding 50g; or a piece(s) of shortbread each weighing 200g or more (provided the number is countable through packaging or marked on it)
- Sugar or chocolate confectionery less than 50g
- Very small items of less than 5g or 5ml
- Foods normally sold by number e.g. bread rolls, flour confectionery, individual pies and pasties. However, if the number of items cannot be clearly seen and easily counted from the outside, the number of items must be indicated on the labelling.

## Section 3. Food pre-packed on the same site as it is sold

### 3.9.2. Average weights

The Regulations that cover the average quantity system control the overall average quantity of batches of packaged goods. They apply to packages that are made up without the customer being present, in pre-determined constant quantities, by weight or volume.

Whilst the information given below is a general guide, CBA Members are urged to seek specific tailored advice from their local Trading Standards Service due to the variability of products and processes.

#### Packers rules

A batch of packaged goods must, at the time of production, comply with the following three rules:

- **Rule 1:** the actual contents of the packages must not be less, on average, than the nominal quantity
- **Rule 2:** the proportion of packages that are below the nominal quantity by a defined amount - the 'tolerable negative error' or TNE - must be less than a specified level, in general no more than 2.5%
- **Rule 3:** no package should be below the nominal quantity by more than twice the TNE

The following is a table of the tolerable negative error (TNE) values that you should use when complying with the three rules.

Nominal quantity (g)	Tolerable negative error
from 200 to 300	9g
from 300 to 500	3% of nominal quantity
from 500 to 1,000	15g
from 1,000 to 10,000	1.5% of nominal quantity

## Section 3. Food pre-packed on the same site as it is sold

### Weight checking

Packers have a duty to carry out sufficiently rigorous checks to ensure that all three of the packers' rules are met. This means you should establish a system that:

- is formalised and controls the production process
- sets up effective sampling and checking plans
- stipulates an appropriate target quantity
- controls limits
- uses and maintains appropriate equipment for checking
- trains staff
- keeps appropriate records

You have a duty to ensure that the quantity of product in packages meets the requirements of the three rules by either:

- measuring the content of each package using suitable equipment; or
- checking statistically selected samples of packages from the production using suitable equipment and keeping records of the results

### Weighing equipment

The equipment used to carry out the checks must be suitable for the use to which it is put. This means that it should have a reasonable degree of sensitivity and accuracy, measuring to 0.2 units of the TNE for the package you are producing, and be suitable for the environment in which it is used. Equipment must be calibrated and accurate and details of any repairs / alterations must be retained. The equipment used to check the final product must be verified (except automatic check weighing instruments).

### Weight of packaging

The actual content of a package (the net weight or volume) is the total gross weight of the package (packaging material plus contents) minus the weight of the packaging material.

## Section 3. Food pre-packed on the same site as it is sold

The weight of the packaging material without the contents is known as the 'tare weight'. Tare weights may be assumed to be constant if the variation in packaging weight is within acceptable limits, in which case the actual content of the packages is easy to determine by simple subtraction.

However, where the tare weight varies from pack to pack, an allowance must be made for this by establishing the heaviest weight that a package might be and adjusting the target weight of the package accordingly.

If the packaging material cannot be guaranteed to be of a consistent weight, final checks on packages will have to be carried out by 'destructive testing', which involves opening packages in order to determine their actual quantity by weighing or measuring the contents. In order to avoid destructive testing you should specify to your packaging material supplier that variability in packaging weight must be sufficient so that gross weighing and simple subtraction of a standard tare weight can be employed.

If you use a filling machine, variability within the packing process (the standard deviation) impacts the required settings. The larger the standard deviation, the higher the filling machine will need to be set in order to meet the 3 Packer's Rules.

If you test less than 50 items in a production run then a sampling allowance must be added to the target quantity - that is, increase the fill quantity. A production run is the time taken to produce 10,000 packages (with a minimum of one hour and a maximum of one normal day). Different products demand differing levels of checking and testing.

### Records

If you are checking packages by statistical sampling, you must make records of the checks you have carried out.

These records must show that you have complied with the three packers' rules. It is recommended that, as a minimum, you should record the product, the batch number, the date, the number of packs in the batch, the number checked, the results of the check and any actions you take.



## Section 3. Food pre-packed on the same site as it is sold

A record must also be made of the corrections and adjustments that the checks have shown to be necessary. The records must be kept for 12 months from the time the packages leave your possession or the shelf life of the product, whichever is the earliest.



### Weight Markings

Required markings need to be easily legible and visible under normal conditions of presentation. This means taking into consideration the use of colour and contrast and ensuring that it is at least the minimum font size of other mandatory information.

Whether the visibility requirement is met will be a matter of fact but remember that the name of the food and the net quantity (weight or volume) must appear in the same field of vision.

The e-mark is a declaration of metrological conformity. You may mark the packs with the E-mark only on packages of at least 5g or 5ml and not exceeding 10kg or 10l. It must be indelible, easily legible and appear in the same field of vision as the statement of quantity.

e

E-marked packages must have their weight declaration in a larger font than non-e-marked packages. For example, an 800g loaf which is not e-marked will have to have the weight marked in characters at least 1.2mm on the x-height. If it is e-marked the required height increases to 4 mm.

Nominal quantity in g or ml	Minimum height of figures
Less than 50	2 mm
≥ 50 - 200	3 mm
≥ 200 - 1000	4 mm

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Nominal quantity in g or ml	Minimum height of figures
≥ 1,000 to 10,000	6 mm

### 3.9.3. Declaring bread weights

See Sub-section 2.8 for advice specific to bread.

## 3.10. Calorie Labelling

The Calorie Labelling (Out of Home Sector) (England) Regulations 2021 require that the calorie content per serving of certain foods and drinks are displayed for consumers.

They apply to food businesses with 250 or more employees in the out of home sector. This is generally considered to be any business where food is prepared in a way that means it is ready for immediate consumption, both on and/or off site e.g. restaurants, hotels, takeaways, bakeries.

By having this information available, the intention is that consumers will be able to make healthier choices about food purchased from the out of home sector.

### 3.10.1. What foods are included?

Food and drink that is prepacked on the same site that it is sold (prepacked for direct sale) and which is offered for sale in a form which is suitable for immediate consumption.



## Section 3. Food pre-packed on the same site as it is sold

Examples include hot beverages, sausage rolls, pies, pasties, pizza slices, breakfast rolls, sandwiches, toasties, pastries, biscuits, and cakes.

### 3.10.2. Exemptions

Food business operators with less than 250 full or part-time employees are not required to display calories per serving.

Food business operators serving food 'in-house' such as a canteen at a workplace providing food to employees. Unless this food is provided by an external catering company with 250 or more employees, in which case it will need to be displayed.

Certain foods are exempt such as:

- ✓ Foods sold temporarily i.e. for less than 30 consecutive days and a total of 30 days in any year
- ✓ Food not on a product list/menu or otherwise offered for sale but is expressly requested by the consumer to be prepared differently to usual
- ✓ Alcoholic drinks over 1.2% ABV (alcohol by volume)
- ✓ Condiments added by the consumer e.g. ketchup, mustard etc.
- ✓ Loaves of bread or baguettes (but not rolls or buns)
- ✓ Fish, meat, or cheese (but not if added to multi-ingredient products e.g. chicken sandwiches)
- ✓ Fresh fruit or vegetables and other unprocessed products such as nuts, or seeds (but not if added to multi-ingredient products e.g. fruit salads)

### 3.10.3. How to display the calorie information

Businesses selling food in scope of the Regulations must:

- ✓ display the energy content of the food in kilocalories (kcal)
- ✓ include the size of the portion to which the calorie information relates
- ✓ display the statement that '*adults need around 2000 kcal a day*'. This statement is not required on children's menus.
- ✓ This information must be displayed clearly and prominently at the 'points of choice' e.g. on shelf edge labels, on menus\* (including online menus) and at food displays such as grab and go fridges and display counters.
- ✓ Food ordered online or by telephone is considered 'distance selling' so as well as at the point of choice, calorie information must also be provided at the point of delivery e.g. by enclosing menus or by placing labels on food containers.

\* A customer can request that a menu is provided without calories.

### 3.10.4. Portion sizes

A serving size must always be given when declaring calorie information. This should be a single serving of the food and must relate to the format that the food is in. This could be the individual item such as 'per sandwich' or 'per cake' or it could be where a whole item has been portioned e.g. per slice.

If a serving of the food serves more than one person such as a sharing platter, or a sharing dessert, the calorie information for whole item should be given along with how many it serves.

### 3.10.5. Calculating Calories

Calories can be calculated in a number of different ways:

- ✓ from the manufacturer's analysis of the food
- ✓ by calculation from the known or average values of the ingredients used
- ✓ by calculation from generally established and accepted data (in the UK this usually refers to the McCance and Widdowson's Composition of Foods dataset)
- ✓ by nutritional analysis at a laboratory
- ✓ with a computer software package

A combination of these methods is permissible for the same menu, or even the same product if it is made up of different constituent parts.

There is a tolerance of 20% on displayed values to allow for variations in ingredients information, production processes and the accuracy of portion sizes.

## 3.11. Presentation of information

Mandatory food information must be in a conspicuous place, be easily visible, clearly legible and indelible, where appropriate.

It must not be in any way hidden, obscured, detracted from or interrupted by any other written or pictorial matter.

## 3.12. Font size

Mandatory information must be printed on the package or on a label using a font size where the x-height is dependent on the size of the largest surface of the pack according to the following table:

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Largest single surface area of the pack	Minimum required x-height
greater than or equal to 80cm <sup>2</sup>	1.2 mm
between 10cm <sup>2</sup> and 80cm <sup>2</sup>	0.9 mm
less than 10cm <sup>2</sup>	0.9 mm for name, allergens, and net quantity – ingredients list to be available by other means or on request.

The x-height is the distance from the upper to the lower edge of a lower case letter 'x'. In the diagram below, this is shown by arrow number 6.



### 3.13. Food specific requirements

Some foods have specific additional labelling requirements. For example:

- jam requires a fruit and sugar (soluble solids) content declaration
- chocolate requires a percentage-cocoa-solids declaration and milk chocolate requires a percentage-milk-solids and percentage cocoa solids declaration
- beef is required to be labelled with specific origin and traceability information

### Section 3. Food pre-packed on the same site as it is sold

- baby food requires a statement of the minimum age of child for which it is suitable
- raw milk that has not been heat-treated is required to be marked with a warning
- certain frozen foods must be marked with their date of first freezing
- certain reformed meat and fish products need to state that they are 'formed' in the name, and added water may need to be declared if the product has the appearance of real meat or fish
- if food has had its shelf life increased by being packaged in certain gases, it must be marked 'packaged in a protective atmosphere'
- foods that contain liquorice, sweeteners, both sweeteners and sugar, aspartame, or polyols are required to have specific labelling declarations alongside the food name
- foods with a high caffeine content must be marked as not suitable for children, pregnant or breast-feeding women
- products consisting of skimmed milk together with non-milk fat that are not specifically formulated for babies and young children must be labelled with a warning that the product is not suitable for feeding babies.

## Section 3. Food pre-packed on the same site as it is sold





# 4. Pre-packed food delivered to retailers

In this section you will find:

- 4.1. [Requirements and exemptions](#)
- 4.2. [Quick guide to labelling](#)
- 4.3. [Name](#)
- 4.4. [Claims and images](#)
- 4.5. [Percentage quantity indications](#)
- 4.6. [Ingredients list](#)
- 4.7. [Allergens](#)
- 4.8. [Additives](#)
- 4.9. [Irradiated and GM ingredients](#)
- 4.10. [Nutrition](#)
- 4.11. [Weights and volumes](#)
- 4.12. [Use by and best before dates](#)
- 4.13. [Batch number](#)
- 4.14. [Name and address](#)
- 4.15. [Place of origin](#)
- 4.16. [Storage instructions](#)
- 4.17. [Usage instructions](#)
- 4.18. [Presentation of information](#)
- 4.19. [Font size](#)
- 4.20. [Food specific requirements](#)

### 4.1. Requirements & exemptions

Bakers delivering pre-packed foods<sup>1</sup> to their own off-site shops or other retailers must comply with the full provisions of the labelling legislation.

However, bakers delivering and selling pre-packed food from a stall or vehicle operated by them only need to provide minimal information as described in Section 3. To qualify for this exemption however, there must be a person present in the stall or vehicle who made the foods so that they are able to answer any questions from the customer.

Prior to 2014, bakers delivering pre-packed bread and flour confectionery to their own off-site shops (trading under the same name) only needed to provide minimal information, but this exemption no longer applies.

*<sup>1</sup>. Pre-packed food is any food that's put into packaging before being put on sale and that cannot be altered without opening or changing the packaging.*

### 4.2. Quick guide to labelling

Subject to certain exemptions that are detailed in the relevant sub-section, information on the label of pre-packed foods must include:

- ✓ the name of the food (customary, legal or descriptive) [S.4.3](#)
- ✓ the percentage of certain ingredients [S.4.5](#)
- ✓ an ingredients list [S.4.6](#)
- ✓ any specified allergens contained [S.4.7](#)
- ✓ any additives contained [S.4.8](#)
- ✓ if it contains a genetically modified ingredient [S.4.9](#)
- ✓ if any of the ingredients have been irradiated [S.4.9](#)
- ✓ the nutritional content [S.4.10](#)
- ✓ the weight, volume or quantity [S.4.11](#)
- ✓ use by or best before date [S.4.12](#)
- ✓ a batch or lot number [S.4.13](#)
- ✓ name and address [S.4.14](#)
- ✓ place of origin if omission could mislead [S.4.15](#)
- ✓ any special storage instructions [S.4.16](#)
- ✓ any instructions for use [S.4.17](#)
- ✓ food specific requirements e.g. warnings [S.4.20](#)

### 4.3. Name

The name may be that protected by law (e.g. Cornish pasty) or a customary name (e.g. Bakewell pudding). If neither of these apply, a descriptive name (e.g. almond biscuit) should be used which indicates the food's true nature and distinguishes it from products with which it could be confused.



#### 4.3.1. Bread

Bread, made from wheat flour must have a descriptive name e.g.

- brown bread
- wheatgerm bread (must contain 10% added wheatgerm)
- wholemeal bread (all the cereal flour used must be wholemeal)
- soda bread

It is illegal to use the name 'wheatmeal bread' and brand names such as 'Hovis' and 'Granary' are insufficient on their own.

Other types of bread where the flour is not wholly wheat flour must be appropriately described e.g. rye bread.

## Section 4. Pre-packed food delivered to retailers

### 4.3.2. Cakes

Cakes must have a descriptive name which is true and accurate. For example:

The cream in 'cream cakes' must be wholly dairy cream. If any artificial or imitation cream is used, the name of the cake must be qualified accordingly. It is best practice to use the name the ingredient manufacturer has given e.g. cake with whipped buttermilk filling.

### 4.3.3. Savoury products, meat pies & sausage rolls

Savoury products, meat pies, and sausage rolls, must have a name that accurately describes the food.

If any meat product contains added proteins originating from a different animal, this must be stated in the name of the food.

### 4.3.4. Protected food names

Certain food products have been accredited with protected status. Any products using this name must comply with the compositional and/or origin requirements e.g.

- Cornish pasties
- Traditional Bramley apple pie filling
- Melton Mowbray pork pie
- Traditional Cumberland sausage
- Cornish clotted cream
- Parmesan cheese

### 4.4. Claims and images

It is an offence to mislead customers about the food you are serving and therefore you should be careful not to make claims that you cannot prove and substantiate. This is not restricted to food labels but also covers communication tools such as posters, flyers, websites, and word of mouth.

Commonly misdescribed food or ingredients include:

- 'Imitation cheese analogue' described as 'cheese' on pizzas
- 'crab' when the product is made from 'crabsticks'
- 'margarine' described as butter - for example, 'bread and butter'

Images on labels and in advertisements, leaflets and on websites can have a powerful effect on prospective purchasers and may have a greater significance than names and other descriptive material.

These representations should be subject to the same scrutiny and control as the words used.



Care should be taken to ensure that background illustrations and pictures do not mislead the consumer as to the type, quality or origin of the product.

#### 4.4.1. Fresh, local, seasonal, traditional, homemade, etc

Care should be taken when making claims about the provenance or production of the ingredients used or the final product that you are selling.

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Best practice guidance on the use of the terms fresh, natural, etc is available on the Food Standards Agency website and includes fresh bread i.e.

Terms such as “freshly baked”, “baked in store” and “oven fresh” may mislead consumers into believing that they are being offered products that have been freshly produced on site from basic raw materials. Some retailers sell bread made from part-baked products that have been packed in an inert atmosphere or frozen off-site then “baked off” at in-store bakeries. Use of terms like “freshly baked”, “baked in store” and “oven fresh” on these products should be avoided.

### 4.4.2. Suitable for vegetarians and vegans

There is no legal definition of ‘vegetarian’ or ‘vegan’ but the Vegetarian Society state that:

- The term ‘vegetarian’ should not be applied to foods that are or are made from or with the aid of products derived from animals that have died, have been slaughtered, or animals that die as a result of being eaten. Animals means farmed, wild or domestic animals, including for example, livestock poultry, game, fish, shellfish, crustacea, amphibians, tunicates, echinoderms, molluscs, and insects.
- The term ‘vegan’ should not be applied to foods that are, or are made from or with the aid of animals or animal products (including products from living animals).

Any vegetarian or vegan dishes must have been produced without any contact or contamination with meat, fish or seafood. This includes using separate oils for frying vegetarian dishes and careful checking of sauce ingredients. Some cheeses contain rennet, which is an animal by-product and may not be suitable.

## Section 4. Pre-packed food delivered to retailers

### 4.4.3. Organic

The description 'organic' can only be used to describe foods that are produced and prepared in accordance with detailed standards.

These standards include requirements for record keeping, labelling, marketing, and an inspection and certification system. Products described as organic may not contain any genetically modified or irradiated material.

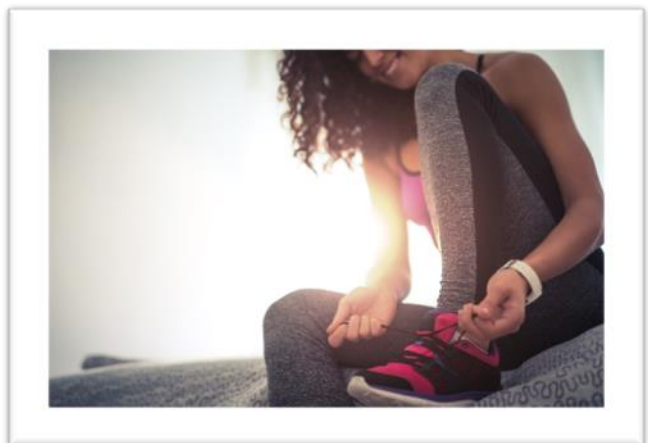
The methods of production, processing, etc. of organic products have to be inspected and certified by an authorised body to ensure that they meet the specified standards before the term organic can be used.

If you wish to describe your business as 'organic' it is not enough to use organic products – the business as well as the products must be certified.

### 4.4.4. Health claims

A health claim is any statement about a relationship between food and health and can be something as simple as 'good for you'.

Only UK Government authorised health claims are allowed to be made. These have been based on scientific evidence and checked to be true e.g.



The health claim 'reducing consumption of sodium contributes to the maintenance of normal blood pressure' is allowed for foods that meet certain criteria relating to their sodium/salt levels.



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### 4.4.5. Nutrition claims

A nutrition claim states, suggests, or implies that a food has particular beneficial nutritional properties due to:

- The energy (calorific value) it: (a) provides (b) provides at a reduced or increased rate or (c) does not provide
- The nutrients or other substances it: (a) contains (b) contains in reduced or increased proportions or (c) does not contain

Only UK Government authorised nutrition claims are allowed to be made and the food must meet strict particular criteria in order to make them.

For example, the nutrition claim that food is 'low fat' is allowed for foods that contain no more than 3 g of fat per 100 g for solids or 1.5 g of fat per 100 ml for liquids.

## 4.5. Percentage quantity indications

The QUID (quantitative ingredients declaration) tells a customer the percentage of particular ingredients contained in a food product.

### 4.5.1. When a QUID is needed

All meat products require a percentage declaration for the meat content. You must also include a QUID on the packaging if the ingredient:

- is in the name (e.g. the 'blackberry' and 'apple' in a blackberry and apple pie)
- is usually associated with that name (e.g. 'mutton' in a Lancashire hotpot)

## Section 4. Pre-packed food delivered to retailers

- is emphasised by words, pictures, or graphics (e.g. picture of blackberries on the label)
- characterises a food and distinguishes it from products with a similar name or appearance.

### 4.5.2. When a QUID is not needed

You don't need to give a QUID if the ingredients:

- have only been used in small quantities as flavouring (less than 2% of the finished dish would be considered a 'small quantity')
- are used in varying proportions (e.g. fruit, vegetables, herbs, or spices) \*
- already have a quantity shown on the label as a 'drained net weight'
- can vary in quantity without altering the character of the food or distinguishing it from similar foods (e.g. for flour in a flour tortilla)

\* In these cases, it is important to make this clear in the ingredient listing e.g. fruit (in varying proportions – apples, pears, kiwi)

### 4.5.3. Declaring the QUID

You must give this information either:

- in brackets in the ingredients list after the name of the ingredient, e.g. 'pork (80%)'
- in or next to the name of the food, e.g. 'containing 80% pork'

### 4.5.4. Calculating meat content

'Meat' means: *'the skeletal muscle of mammalian or bird species recognised as fit for human consumption with naturally included or adherent tissue'*. Note that this means mechanically recovered meat, heart, tongue, etc are *not* meat for the purposes of calculating meat contents.

## Section 4. Pre-packed food delivered to retailers

There are also limits set for the amount of fat and connective tissue that can be included with the muscle as 'meat', and these are as follows:

Type of meat	Pork	Birds and rabbits	Beef, lamb and other species
Fat	30%	15%	25%
Connective tissue	25%	10%	25%

If these limits are exceeded, the 'meat' content should be lowered and the list of ingredients must mention, in addition to the term '... meat', the presence of fat and/or connective tissue.

If you make your own products, ensure that you know, and stick to, the exact recipe and make do allowance for variations in mixing and/or manufacture.

### 4.5.5. Minimum meat content requirements

The minimum meat content requirements in certain products are summarised in the table below.

Please note:

- X is used to refer to a specific type of meat, such as pork in pork pies, etc.
- meat content for these products should be calculated by reference to the weight of uncooked ingredients
- meat includes cured meat

Name of product	Pork only	Birds and rabbits only	Beef, lamb and other species, or other mixtures of meat
Meat pie, meat pudding, X pie, X pudding, game pie, weighing <b>more than 200g</b>	12.5%	12.5%	12.5%

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Name of product	Pork only	Birds and rabbits only	Beef, lamb and other species, or other mixtures of meat
Meat pie, meat pudding, X pie, X pudding, game pie, weighing <b>not more than 200g and not less than 100g</b>	11%	11%	11%
Meat pie, meat pudding, X pie, X pudding, game pie, weighing <b>less than 100g</b>	10%	10%	10%
Scottish pie, Scotch pie	10%	10%	10%
Meat and something else pie, meat and something else pudding, X and something else pie, X and something else pudding	7%	7%	7%
Something else and meat pie, something else and meat pudding, something else and X pie, something else and X pudding	6%	6%	6%
Pasty, pastie, bridie, sausage roll	6%	6%	6%

## 4.6. Ingredients list

### 4.6.1. Exemptions

A list of ingredients is needed on all pre-packed foods apart from:

- ✓ products on which no side of the packaging or container has a surface area larger than 10 cm squared. For these products only the name of the



## Section 4. Pre-packed food delivered to retailers

food, allergens, quantity indication and durability date are needed on the label. The ingredients list has to be available by other means or on request.

- ✓ products consisting of a single ingredient where the name of the food is the same as the name of the ingredient or clearly identifies what the ingredient is (e.g. peanuts or eggs)
- ✓ fresh fruit and vegetables that haven't been peeled, cut or similarly treated
- ✓ carbonated water that is labelled as 'carbonated water'
- ✓ fermented vinegars derived from single, basic product (e.g. white wine) with no added ingredients
- ✓ cheese, butter, fermented milk or cream if its only ingredients are lactic products, food enzymes and micro-organism cultures essential to its manufacture
- ✓ products in glass bottles for reuse that have food information indelibly marked on them and have no other labelling (e.g. milk bottles)
- ✓ any alcoholic drink containing over 1.2% alcohol by volume

### 4.6.2. Format of the ingredients list

- ✓ You must put the ingredients list under a heading that contains the word 'ingredients'.
- ✓ The name of ingredients should follow the rules set out for the name of the food. For example, you must only call an ingredient 'jam' if it meets the compositional standards for jam.
- ✓ You must list the ingredients in descending order of inclusion by weight (based on the ingredient weights at the time of manufacture).

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### 4.6.3. Compound ingredients

A compound ingredient is an ingredient, which contains other ingredients, for example, a yogurt flavoured coating on a flapjack.

When listing the constituent ingredients of a compound ingredient, this can be done by listing each constituent ingredient as ingredients of the whole product, or by listing the constituent ingredients immediately after the compound ingredient e.g. Yogurt flavour coating 30% (palm kernel oil, sugar, **milk**, whey(**milk**), dried yogurt (**milk**))

With the exception of allergenic ingredients, the ingredients of a compound ingredient (with the exception of additives) do not have to be given where:

- the compound ingredient is defined (where specific compositional requirements are laid out for products e.g. jam or chocolate) and makes up less than 2% of the overall product
- A mixture of spices and/or herbs making up less than 2% of the overall product
- Where the compound ingredients would not require an ingredients list as a product on its own e.g. cheese.

### 4.6.4. Wheat flour

White and brown wheat flour used for products intended for the UK market has statutory nutrients added to it and is therefore considered a compound ingredient. It should be declared as white flour (**wheat** flour, calcium carbonate, iron, niacin and thiamin) in the ingredients list.

Wholemeal wheat flour and other flours such as gluten free flours are not required to have statutory nutrients added.

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White and brown wheat flour are permitted to be produced without statutory ingredients but only if the flour or products made from it are to be exported to the EU.

Avoid using the term 'fortified' when referring to the nutrients added to UK produced wheat flour, as the prescribed quantities do not meet some of the minimum levels required under UK law relating to the addition of vitamins, minerals, and other substances.



### 4.7. Allergens

The 14 most common food allergens have been identified and the law requires that they and their derivatives are declared:

- ✓ cereals containing gluten\* i.e. wheat (such as spelt and Khorasan wheat) rye, barley, oats, and their hybridised strains
- ✓ peanuts (also called groundnuts)
- ✓ nuts\* i.e. almonds, hazelnuts, walnuts, Brazil nuts, cashews, pecans, pistachios, macadamias, and Queensland nuts
- ✓ fish
- ✓ crustaceans
- ✓ molluscs
- ✓ sesame seeds
- ✓ eggs
- ✓ milk and milk products (including lactose)
- ✓ soybeans
- ✓ celery
- ✓ lupin
- ✓ mustard
- ✓ sulphur dioxide and sulphites at levels above 10mg/kg or 10mg/litre expressed as SO<sub>2</sub>

\* The specific cereal or nut must be declared

All added allergenic ingredients and their components must be declared if they are present in the finished product, even in an altered form, including the following:

- carry over additives
- processing aids
- solvents and media for additives or flavourings
- any other substances used as processing aids



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### 4.7.1. Exemptions

Allergen labelling rules override any existing exemptions from ingredients-listing for certain foods, including foods in small packaging and beverages containing more than 1.2% by volume of alcohol.

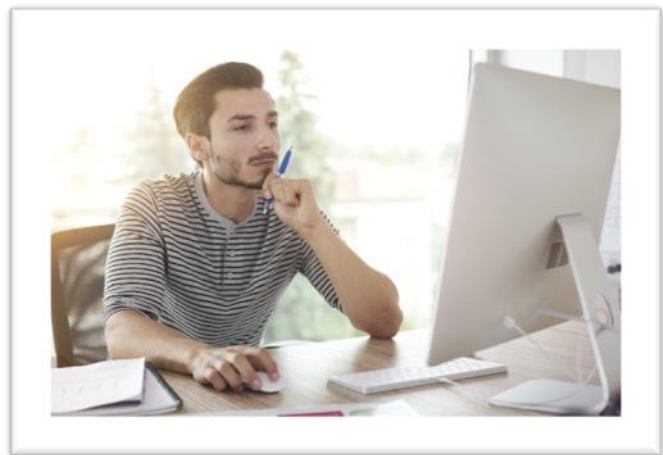
The presence of any specified allergenic ingredient in these foods or drinks must be indicated by the word 'contains' followed by the name of the ingredient.

### 4.7.2. Declaring allergens

Where the allergenic ingredient is clearly identified in the name of the food - 'peanut butter' for example - no further information is required.

With foods where the ingredients do not have to be listed - such as cheese and yoghurt - the presence of the allergenic ingredient should be declared by using the words 'contains' followed by the name of the allergen. Otherwise allergens must be highlighted in the ingredients list of food labels.

If you are distance selling, allergen information must be available and easily accessible by consumers at the place where they are making their food choice e.g. if your customers can order online, allergen information should be available on your website.



The allergens in the ingredients list should be emphasised through a typeset that clearly distinguishes it from the rest of the list of ingredients, for example by means of the font style or background colour. Bold is the preferred option.

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If more than one ingredient contains the same allergen, the indication of its presence must still be provided for each separate ingredient.

Here are some examples of the best way to declare allergens in an ingredient list.

### Nuts

These should be listed by their specific name in the ingredients list and the word 'nuts' does not need to be put in brackets. Pecans and macadamias should be declared as pecan nuts and macadamia nuts. Example:

INGREDIENTS: **almonds, hazelnuts, pecan nuts**, sugar

### Fish

'**Fish**' should be declared in brackets after every fish even common species such as salmon or cod unless a species such as swordfish which could be declared as **swordfish** or swordfish (**fish**). Example:

INGREDIENTS: tilapia (**fish**), salt

### Crustaceans and molluscs

The words 'crustacean' or 'mollusc' should be declared in brackets after each. Example:

INGREDIENTS: prawns (**crustaceans**), oysters (**molluscs**)

### Milk

For all ingredients containing or derived from milk, '**milk**' should be declared in brackets. However if the ingredient name contains the word milk, it should be highlighted only in the name of the ingredient and not repeated in brackets. Example:

INGREDIENTS: cheese (**milk**), dried skimmed **milk**

### Cereals containing gluten

These should be declared using the specific name of the cereal. There should be no reference to gluten except when it is used as an ingredient in its own right. Example:

INGREDIENTS: malted **barley** flour, **oats, wheat** gluten

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### Sulphites and sulphur dioxide

Concentrations of more than 10mg/kg or 10mg/litre in the final product must be declared. If they are performing an additive function they must be declared by their chemical name and if they are present as a processing aid, they can be declared as sulphites. Example:  
INGREDIENTS: Water, **sulphites**, preservative (sodium metabisulphite)

### Foods sold as such

If foods are sold with nothing added, they do not require an ingredient list, so companies may also use a 'contains' statement. Examples:

Sea Bass (contains **fish**), Scallops (contains **molluscs**), Butter (contains **milk**)

### 4.7.3. Allergy advice

Allergens need to be included in the ingredients list and not listed separately but it is acceptable to also include either of these statements:

- Allergy Advice  
For allergens, including cereals containing gluten, see ingredients in **bold**
- Allergy Advice  
For allergens, see ingredients in **bold**

### 4.7.4. Cross-contact statements

If after undertaking an allergen risk assessment there is potential for particular allergens being present, this should be communicated with a cross-contact statement such as 'may contain' or 'not suitable for' message on the label but these allergens should not be highlighted in bold. EXAMPLE:

- Not suitable for customers with peanut allergy
- May contain soya and egg

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Information in allergy advice or cross-contact statements should be in a font at least as big as that used in the ingredient list.

### 4.7.5. Free from gluten and allergens claims

Particular care should be taken with food described as suitable for allergy sufferers. You need to exercise extreme caution, particularly in relation to nut allergic consumers who could suffer a fatal reaction from minute levels of contamination.

There are no allowed thresholds for a free from allergens claim (except gluten and sulphites) therefore you should only make these claims on products you make on-site if you have carried out an allergy risk assessment that has determined the risk of cross-contact to be negligible.

By law, if you refer to a product as 'gluten free' foods must not have more than 20 parts of gluten per million. Also, products which are always naturally free from gluten cannot be described as 'gluten free' e.g. orange juice.

## 4.8. Additives

Only food additives (including colours and sweeteners and miscellaneous additives such as preservatives and antioxidants) contained on the UK's permitted list can be used in food.

There are specified conditions of use for additives in foods, including maximum limits and the prohibition of additives in certain foods

You should obtain written confirmation from your supplier that an additive complies with additives legislation and which foods it is allowed to be used in. Always follow the

## Section 4. Pre-packed food delivered to retailers

instructions supplied. If there are no instructions or if the instructions are not clear, ask your supplier for further details in writing.

### 4.8.1. Exemptions

Food additives do not have to be included in the ingredients list if:

- their presence is solely due to the fact that they were contained in one or more ingredients, and they have no technological function in the finished product e.g. as a stabiliser or preservative; or
- they are used only as a processing aid

### 4.8.2. Additive declarations

Additives must be declared in the ingredients list of pre-packed foods.

You must state the additive class (the technological function of the additive in that product) followed by either the additive name or its E number e.g.

Preservative: potassium sorbate or Preservative: E203

### 4.8.3. Permitted colours

The law allows only certain colours to be used in food, restricts the use of colours, and sets maximum levels for some colours. The use of these colours in food is controlled because excessive consumption has been linked to allergic reactions and sickness.

A compulsory warning is required on the food label, if your products contain any of the Southampton 6 colours:

- E 102 – Tartrazine

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- E 104 - Quinoline Yellow
- E 110 - Sunset Yellow FCF
- E 122 - Carmoisine
- E 124 - Ponceau 4R
- E 129 - Allura Red

This warning should state:

*Contains [name or E number of the colour(s)]. This may have an adverse effect on activity and attention in children'*

The CBA supports a Government initiative to reduce the use of the 'Southampton 6 colours' (sunset yellow FCF (E110) quinoline yellow (E104) carmoisine (E122) allura red (E129) tartrazine (E102) ponceau 4R (E124)) which may have an adverse effect on the activity levels of children, and members are therefore encouraged to seek alternative colours, which are readily available.

## 4.9. Irradiated and GM ingredients

### 4.9.1. Declaring irradiated ingredients

Food irradiation is the process of exposing food to a controlled amount of energy called "ionizing radiation." Irradiation can be used to kill bacteria that cause food poisoning such as salmonella, campylobacter and E.coli. It can also delay fruit ripening and help stop vegetables such as potatoes and onions from sprouting. Products likely to be irradiated are herbs and spices.

Certain foods that have been irradiated may be imported into the UK, as long as they comply with certain rules.

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You must state if any of your products have been irradiated. The wording 'Irradiated' or 'treated with ionising radiation' should be close to the product name.

If an ingredient has been irradiated this should be put in brackets in the ingredient list e.g. Potatoes (treated with ionising radiation) or potatoes (irradiated).

You must also show if an ingredient has been irradiated, even if it's a compound ingredient (e.g. cheese) which has had one of its constituent parts irradiated (e.g. the milk used to make the cheese).

### 4.9.2. Declaring GMOs

Genetically modified organisms (GMOs) are created by the transfer of genes from one organism to another, altering the DNA of the host organism in a way that does not occur naturally by mating and/or combination. One feature of this process is that GM crops can be made to be resistant to certain pesticides, insects and herbicides.

The words 'this product contains genetically modified organisms', or 'this product contains genetically modified (name of organism(s))' must appear on the label.

Where the food consists of more than one ingredient the words 'genetically modified' or 'produced from genetically modified (name of the ingredient)', must appear in brackets immediately after the name of the ingredient concerned. For example, a biscuit containing soya flour derived from GM soya must be labelled 'contains soya flour from genetically modified soya'.



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Where ingredients are designated by a category the designation must be completed by the words 'contains genetically modified (name of organism)' or 'contains (name of ingredient) produced from genetically modified (name of organism)', must appear in the list of ingredients.

For example, for 'vegetable oils' containing rape seed oil produced from genetically modified rape, the reference 'contains rape oil from genetically modified rape' must appear in the list of ingredients.

For both of these the indications may appear in a footnote to the list of ingredients, provided that they are printed in a font of at least the same size as the list of ingredients. Where there is no list of ingredients, they must appear clearly on the labelling.

There is no requirement to label meat or poultry products as genetically modified if those animals were fed genetically modified food stuffs.

### 4.9.3. Free from GM ingredients claims

If claims such as 'GM-free' or 'produced from non-GM material' can be substantiated, they are currently permitted.

A tolerance of 0.9% is allowed for small quantities of GM contamination in non-GM foods but only for products from sources that are said not to be genetically modified and that have good control systems throughout the supply chain. This tolerance is only applicable to GM products that already have UK approval. There is no threshold for any GM product that does not have UK approval in place.



### 4.10. Nutrition

Most pre-packed foods require nutritional information on their labels.

#### 4.10.1. Exemptions

Nutritional information is not required for:

- Foods where the largest surface of the packaging is less than 25 cm<sup>2</sup>
- Specified foods that are mainly minimally processed or have little nutritional value
- Manufacturers supplying small quantities to final consumers or local retailers

In the latter case, businesses will be exempt if:

- They have less than 10 FTE (full-time equivalent) employees and a turnover or balance sheet total of less than the sterling equivalent of 2 million euros; and
- They are only selling (including distance selling) these pre-packed foods through their own shops (trading in the same name) or to third party retailers within the same county, or the adjoining county, or within 35 miles from the same county border (whichever is the greater)



If you decide to provide any nutritional information voluntarily, you must follow the rules laid out in the regulations. These detail what must be declared and in what format.

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### 4.10.2. Nutrition declarations

You must declare the following items:

- Energy value (in both kilojoules and kilocalories); and
- The amounts (in grams) of fat, saturates, carbohydrate, sugars, protein, and salt

This table shows mandatory items (in black) and supplementary items (in green).

#### Nutrition information:

	Per 100ml/g
Energy	kJ / kcal
Fat	g
of which	
- saturates	g
- mono-unsaturates	g
- polyunsaturates	g
Carbohydrate	g
of which	
- sugars	g
- polyols	g
- starch	g
Fibre	g
Protein	g
Salt	g
Vitamins and minerals	Specified units

You can add one or more supplementary items voluntarily, but you must include them if you make any nutrition or health claims in respect of them. You cannot, however, add vitamins and minerals unless they are present in significant quantities.

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The nutrients must be given in this order and no other nutrient or substance can be declared.

The 'per 100g or 100ml amount' must be given, and it must be the first column in your table. You could add a supplementary column for 'per portion' as long as you quantify the portion (e.g. rather than 'per slice', use 'per 45g slice').

The table can be provided on any surface of your packaging, but it must accompany the other mandatory labelling information and meet the minimum font size requirements i.e. an 'x-height' of at least 1.2mm (or 0.9mm if the largest area is less than 80 cm<sup>2</sup>).

If you cannot fit the nutritional information on your label as a table, a linear declaration is acceptable, however you cannot choose to give marketing information, logos, etc, priority over the table.

If you offer pre-packed food for sale by means of, for example a website or brochure, you must make nutritional information available before the sale is made. This could be on the website, in the brochure or by making available a free telephone information line.

You can obtain nutritional values to put in your tables from:

- Information provided by the manufacturer's analysis of the food.
- Known or actual averages of the ingredients (obtained by lab analysis)
- Calculations from generally established and accepted data which can include software systems designed for this purpose.



### 4.11. Weights and volumes

The net (not including packaging) quantity of pre-packed food must be directly on the package or an attached label. Foods packed in a liquid medium must display both the drained net weight and the net weight.

The correct symbol for the unit of measurement should be used i.e.

- Drinks should be expressed as litres (l or L), centilitres (cl or cL) or millilitres (ml or mL)
- Foods should be expressed as kilograms (kg) or grams (g).

The quantity should be the actual weight or the average weight.

#### 4.11.1. Exemptions

As a general guide, weight marking is not required on the label of these pre-packaged foods:

- Very small items of less than 5g or 5ml (unless they are herbs or spices)
- Foods normally sold by number e.g. bread rolls, flour confectionery, individual pies and pasties. However, if the number of items cannot be clearly seen and easily counted from the outside, the number of items must be indicated on the labelling.

#### 4.11.2. Average weights

The Regulations that cover the average quantity system control the overall average quantity of batches of packaged goods. They apply to packages that are made up without the customer being present, in pre-determined constant quantities, by weight or volume.

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Whilst the information given below is a general guide, CBA Members are urged to seek specific tailored advice from their local Trading Standards Service due to the variability of products and processes.

### Packers rules

A batch of packaged goods must, at the time of production, comply with the following three rules:

- **Rule 1:** the actual contents of the packages must not be less, on average, than the nominal quantity
- **Rule 2:** the proportion of packages that are below the nominal quantity by a defined amount - the 'tolerable negative error' or TNE - must be less than a specified level, in general no more than 2.5%
- **Rule 3:** no package should be below the nominal quantity by more than twice the TNE

The following is a table of the tolerable negative error (TNE) values that you should use when complying with the three rules.

Nominal quantity (g)	Tolerable negative error
from 200 to 300	9g
from 300 to 500	3% of nominal quantity
from 500 to 1,000	15g
from 1,000 to 10,000	1.5% of nominal quantity

### Weight checking

Packers have a duty to carry out sufficiently rigorous checks to ensure that all three of the packers' rules are met. This means you should establish a system that:

- is formalised and controls the production process

## Section 4. Pre-packed food delivered to retailers

- sets up effective sampling and checking plans
- stipulates an appropriate target quantity
- controls limits
- uses and maintains appropriate equipment for checking
- trains staff
- keeps appropriate records

You have a duty to ensure that the quantity of product in packages meets the requirements of the three rules by either:

- measuring the content of each package using suitable equipment; or
- checking statistically selected samples of packages from the production using suitable equipment and keeping records of the results

### **Weighing equipment**

The equipment used to carry out the checks must be suitable for the use to which it is put. This means that it should have a reasonable degree of sensitivity and accuracy, measuring to 0.2 units of the TNE for the package you are producing, and be suitable for the environment in which it is used. Equipment must be calibrated and accurate and details of any repairs / alterations must be retained. The equipment used to check the final product must be verified (except automatic check weighing instruments).

### **Weight of packaging**

The actual content of a package (the net weight or volume) is the total gross weight of the package (packaging material plus contents) minus the weight of the packaging material.

The weight of the packaging material without the contents is known as the 'tare weight'. Tare weights may be assumed to be constant if the variation in packaging weight is within acceptable limits, in which case the actual content of the packages is easy to determine by simple subtraction.

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However, where the tare weight varies from pack to pack, an allowance must be made for this by establishing the heaviest weight that a package might be and adjusting the target weight of the package accordingly.

If the packaging material cannot be guaranteed to be of a consistent weight, final checks on packages will have to be carried out by 'destructive testing', which involves opening packages in order to determine their actual quantity by weighing or measuring the contents. In order to avoid destructive testing you should specify to your packaging material supplier that variability in packaging weight must be sufficient so that gross weighing and simple subtraction of a standard tare weight can be employed.

If you use a filling machine, variability within the packing process (the standard deviation) impacts the required settings. The larger the standard deviation, the higher the filling machine will need to be set in order to meet the 3 Packer's Rules.

If you test less than 50 items in a production run then a sampling allowance must be added to the target quantity - that is, increase the fill quantity. A production run is the time taken to produce 10,000 packages (with a minimum of one hour and a maximum of one normal day). Different products demand differing levels of checking and testing.

### Records

If you are checking packages by statistical sampling, you must make records of the checks you have carried out.

These records must show that you have complied with the three packers' rules. It is recommended that, as a minimum, you should record the product, the batch number, the date, the number of packs in the batch, the number checked, the results of the check and any actions you take.



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A record must also be made of the corrections and adjustments that the checks have shown to be necessary. The records must be kept for 12 months from the time the packages leave your possession or the shelf life of the product, whichever is the earliest.

### Weight Markings

Required markings need to be easily legible and visible under normal conditions of presentation. This means taking into consideration the use of colour and contrast and ensuring that it is at least the minimum font size of other mandatory information.

Whether the visibility requirement is met will be a matter of fact but remember that the name of the food and the net quantity (weight or volume) must appear in the same field of vision.

The e-mark is a declaration of metrological conformity. You may mark the packs with the E-mark only on packages of at least 5g or 5ml and not exceeding 10kg or 10l. It must be indelible, easily legible and appear in the same field of vision as the statement of quantity.



E-marked packages must have their weight declaration in a larger font than non-e-marked packages. For example, an 800g loaf which is not e-marked will have to have the weight marked in characters at least 1.2mm on the x-height. If it is e-marked the required height increases to 4 mm.

Nominal quantity in g or ml	Minimum height of figures
Less than 50	2 mm
≥ 50 - 200	3 mm
≥ 200 - 1000	4 mm
≥ 1,000 to 10,000	6 mm



### 4.11.3. Declaring bread weights

See Sub-section 2.8 for advice specific to bread.

## 4.12. Use by and best before dates

Pre-packed food labels must include either a use by or a best before date.

The date marking on prepacked foods should be clearly legible, easily visible and indelible. It should not be obscured, or partly obscured, by price stickers or in any other manner.

### 4.12.1. Exemptions

- Any flour confectionery and bread which, given the nature of its content, is normally consumed within 24 hours of its preparation
- Fresh fruit and vegetables, including potatoes, but not including sprouting seeds and similar products such as legume sprouts, which have not been peeled, cut or similarly treated
- Food sold in indelibly marked glass bottles
- Wine, liqueur wine, sparkling wine, aromatised wine and any similar drink
- Any drink with an alcoholic strength by volume of 10 per cent or more
- Any soft drink, fruit juice or fruit nectar or alcoholic drink, sold in a container containing more than 5 litres and intended for supply to catering establishments
- Vinegar
- Cooking and table salt

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- Solid sugar and products consisting almost solely of flavoured or coloured sugars
- Chewing gums and similar products
- Edible ices in individual portions

### 4.12.2. Best before dates

For most foods, the 'best before' date mark is appropriate. It relates to the quality of the food and is an indication of the period for which a food can reasonably be expected to retain its optimal condition.

Foods intended to have a shelf life of three months or less - for example, bread or hard cheeses - are required to be marked with a day and a month - for example, 'Best before 4 February'. A year is not required but may be included if desired.

Best-before may also be applied to foods with a shelf life of between three months and 18 months, provided it is marked with 'a day', 'a month' and 'a year' - for example, 'Best before 22 June 2017'.

These foods may also be marked with best-before-end. This should be applied to foods intended to have a shelf life in excess of three months, such as frozen and tinned foods. They are required to be marked with a month and a year - for example, 'Best before end May 2016'.

Alternatively for products with a shelf life of over eighteen months, this indication may be in the form of a year only - for example, 'Best before end 2016'.

Wherever possible it is advisable to use letters (rather than numbers) for the month so as to avoid any possible confusion - for example, '06 12' can be interpreted as 6 December or as June 2012.

Foods marked with best-before or best-before-end dates may be sold after their marked dates, provided that they remain of good quality and are fit for human consumption. In

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these circumstances it is advisable to ensure that customers know that the date has expired before they make the decision to buy.

### 4.12.3. Use by dates

This should be applied to foods that, from the microbiological point of view, are highly perishable and are therefore likely, after a short period, to constitute an immediate danger to human health. These types of food include fresh meat, fish, poultry, cooked meat, pate, dairy products, ready-made meals, salads, and soft cheeses.

They are required to be marked with 'a day' and 'a month', such as 'Use by 28 December'. Packers may also add a year should they wish to do so - for example, 'Use by 28 December 2016'. The date must appear in that order and not in a coded form. If the product consists of individual prepacked portions, the use-by date must appear on each portion.

### 4.12.4. Sell by and display until dates

Products may still be labelled with 'sell by' and 'display until' dates, but these are not required by law and are used mainly for stock control purposes within business premises. However, these dates confuse customers and lead to increased food waste so should be avoided.

The only exception is eggs, which must be removed from sale by their sell-by or display-until date. If this is not stated, they must be removed from sale seven days before their best-before date.

### 4.12.5. Sale or return items

If you stock 'sale or return' items that are checked on site and removed by your supplier, you still need to check these yourself as it is an offence to sell food passed its 'use by' date.

### 4.13. Batch number

Most prepacked foods intended for human consumption must carry lot or batch marking (unless specifically exempted). This is to enable a product to be traced and/or recalled, if necessary, with the maximum efficiency.

#### 4.13.1. Exemptions

- Where a product bears a date mark that consists of at least the day and the month (in that order)
- Foods that are in a package or container of which the largest size has a surface of less than 10 sq. cm
- Individual portions intended as an accompaniment to another food provided at catering establishments for immediate consumption - for example, sachets of salt, sugar, or sauces
- Individual portions of ice cream and other edible ices

#### 4.13.2. Batch marking

It is not necessary for the consumer to understand the lot/batch mark provided the indication can be clearly identified. The mark may have to be prefixed by the letter 'L' if it is not clearly distinguishable from other information, and must be clearly visible, clearly legible, and indelible.

Lot marking should be visible on the exterior packaging, such as where retail packs are sold wholesale in boxes or shrink-wrapped trays.

Where individual products sold at retail level are sold in additional packaging (for example, sealed cakes in a presentation box) it is good practice to put the lot marking on the external retail packaging (the box) as well as the label of the bottle on the inside. This is so that the correct items can be identified for recall without opening all of the individual boxes.

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Bearing in mind any possible need for a product recall, the manufacturer / packer must decide on the size of the batch to be given the specific lot mark. Large batches could result in more products having to be recalled than is perhaps necessary.

### 4.13.3. Traceability

Some foods, such as beef and honey, have specific labelling requirements for traceability. Otherwise you just need to follow general guidelines to ensure that you know which supplier individual foods come from, and to whom you have supplied your goods if they go to another business. Recording batch numbers of ingredients can be helpful in narrowing down which products are affected in a recall situation.

## 4.14. Name and address

Pre-packed foods must contain the name or business name and address of the food business operator i.e. the operator under whose name or business name the food is marketed or, if that operator is not established in the UK, the importer.

Foods placed on the UK market must have a UK address for the importer on the label.

This cannot be just a website address, but a name and a postcode would be sufficient as long as the post would reach the business. Usually this means a house or unit number as well as the postcode would be needed.

### 4.15. Place of origin

The country of origin or place of provenance must be detailed on the label where failure to do so might mislead the consumer in particular if the label implies that the food has a different place of origin

Fresh, chilled, or frozen beef, pork, mutton, lamb, goat or poultry must always be labelled with the country of rearing and the country of slaughter (or the country of origin where they are the same)

Food produced in the UK can no longer be labelled as origin EU, with the exception of Northern Ireland. Where the product is made in NI, it must also state 'UK(NI)' or 'United Kingdom (Northern Ireland)'.

### 4.16. Storage instructions

You should include on the label any special storage conditions and/or conditions of use that need to be observed for the food to keep until either the use by or the best before date

e.g. *Store refrigerated and use within 2 days of opening.*

## 4.17. Usage instructions

You should include instructions for use where it would be difficult to make appropriate use of the food in the absence of such instructions

*e.g. Add ½ litre of water, whisk, place in a 15 cm baking tin and cook in the oven at 180°C for 30 minutes.*

## 4.18. Presentation of information

Mandatory food information must be in a conspicuous place, be easily visible, clearly legible, and indelible, where appropriate.

It must not be in any way hidden, obscured, detracted from or interrupted by any other written or pictorial matter.

The name of the food and the net quantity (weight or volume) must appear in the same field of vision (unless on a product on which no side of the packaging or container has a surface area larger than 10 cm squared).

## 4.19. Font size

Mandatory information must be printed on the package using a font size where the x-height is dependent on the size of the largest surface of the pack according to the following table:

Largest single surface area of the pack	Minimum required x-height
greater than or equal to 80cm <sup>2</sup>	1.2 mm
between 25cm <sup>2</sup> and 80cm <sup>2</sup>	0.9 mm
between 10cm <sup>2</sup> and 25cm <sup>2</sup>	0.9 mm but exempt from mandatory nutrition declaration
less than 10cm <sup>2</sup>	0.9 mm for name, allergens, durability date and net quantity – ingredients list to be available by other means or on request.

The x-height is the distance from the upper to the lower edge of a lower-case letter 'x'. In the diagram below, this is shown by arrow number 6.

x-HEIGHT





### 4.20. Food specific requirements

Some foods have specific additional labelling requirements. For example:

- jam requires a fruit and sugar (soluble solids) content declaration
- chocolate requires a percentage-cocoa-solids declaration and milk chocolate requires a percentage-milk-solids and percentage cocoa solids declaration
- beef is required to be labelled with specific origin and traceability information
- baby food requires a statement of the minimum age of child for which it is suitable
- raw milk that has not been heat-treated is required to be marked with a warning
- certain frozen foods must be marked with their date of first freezing
- certain reformed meat and fish products need to state that they are 'formed' in the name, and added water may need to be declared if the product has the appearance of real meat or fish
- if food has had its shelf life increased by being packaged in certain gases, it must be marked 'packaged in a protective atmosphere'
- foods that contain liquorice, sweeteners, both sweeteners and sugar, aspartame, or polyols are required to have specific labelling declarations alongside the food name
- foods with a high caffeine content must be marked as not suitable for children, pregnant or breast-feeding women

## Section 4. Pre-packed food delivered to retailers

- products consisting of skimmed milk together with non-milk fat that are not specifically formulated for babies and young children must be labelled with a warning that the product is not suitable for feeding babies.



## 5. Pre-packed food delivered to caterers

In this section you will find:

- 5.1. [Requirements and exemptions](#)
- 5.2. [Outer packaging](#)
- 5.3. [Commercial documents](#)

### 5.1. Requirements and exemptions

Subject to certain exemptions that are detailed in the relevant sub-section, information on the label of pre-packed foods sold to caterers (that they unpack for sale or service) must include:

- ✓ the name of the food (customary, legal, or descriptive) [S.4.3](#)
- ✓ use by or best before date [S.4.12](#)
- ✓ name and address of the manufacturer [S.4.14](#)
- ✓ any special storage instructions and/or conditions of use [S.4.16](#)

All the other mandatory requirements can then be supplied on the commercial documents that accompany the food or were sent before.

### 5.2. Outer packaging

If you supply pre-packed food within outer packaging, each individual pack does not have to be labelled if the outer has the 5 particulars detailed in Section 5.1. The other mandatory requirements can then be supplied in commercial documents either prior to supply or at the time of delivery.

If you supply fully labelled prepacked food in a sealed outer, the 5 particulars shown above must still be on the outer box.

## 5.3. Commercial documents

These can be delivery notes, catalogues or product specifications that accompany the delivery or were sent (or e-mailed) before.

## Section 5. Pre-packed food delivered to caterers



## 6. Price marking

In this section you will find:

- 6.1. [Requirements](#)
- 6.2. [Location of price](#)
- 6.3. [Unit prices](#)

### 6.1. Requirements

Where foods are offered for sale to consumers, they must have their price clearly indicated, legible, unambiguous, easily identifiable, in sterling, and inclusive of VAT and any additional taxes.

The selling price and - where appropriate - the unit price (for example, 65p per 100g) must be shown.

### 6.2. Location of price

Pricing information must be given close to the product, or in the case of distance selling (for example, online or mail order sales) and advertisements, close to a picture or written description of the product.

Postage, packing or delivery charges may be shown separately as long as they are unambiguous, easily identifiable, and clearly legible.

Prices can be shown:

- on food packaging
- on a ticket or notice near to the food
- grouped together with other prices on a list or catalogue(s) in close proximity to the food. If counter catalogues are used there should be sufficient copies for consumers to refer to

Pricing information must be available - that is, clearly visible to consumers without them having to ask for assistance in order to see it.



## Section 6. Price marking

Foods that are kept out of the consumer's sight are exempt from price marking until an indication is given that they are for sale.

### 6.3. Unit prices

Small shops that have a retail area of less than 280m<sup>2</sup> do not need to display unit prices.

Larger shops must give a unit price (for example, 65p per 100g) when foods are either:

- sold loose from bulk (for example, fruit and vegetables, meat, and fish) or
- required to be marked with an indication of weight or volume (i.e. prepacked)

The standard unit price for food is kg but many foods are allowed to be 100g and herbs and spices can be 10g.

The standard unit price for liquids is 100ml but some liquids have different permitted units e.g. flavourings and colourings (10ml) and wines (75cl).

For solid food products in a liquid medium (that is, water, brine, vinegar, syrups and fruit or vegetable juice) the unit price must refer to the net drained weight of the product.

Where the unit price falls below £1 it must be given to the nearest 0.1p. If it is above £1 it may be given to the nearest 1p or 0.1p.

#### 6.3.1. Exemptions for unit price

The following do not require an indication of the unit price:

- foods that have had the price reduced due to damage or are due to deteriorate
- an assortment of different items sold in a single package
- where the item's selling price is equal to its unit price

## Section 6. Price marking

- foods pre-packed in a constant quantity and bread weighing 400g (or multiples thereof) that are sold from any of the following:
  - a mobile trader (such as selling from a stall, barrow, etc)
  - a vending machine
  - shops with a floor area or display not exceeding 280 m<sup>2</sup>

### 6.3.2. Promotion

Promotional offers should be unit-priced to reflect the single standard product.

Retailers may give additional information if they wish (for example, the reduced unit price if purchasing a multi-buy offer may be shown) as long as it is clear to which products it relates.

Limited period promotions (such as 10% extra free) that relate to individual products may retain the unit price of the standard product for the period of the offer. Retailers may give additional information if they wish - for example, they may show the unit prices of both the standard and promotional products, but they must be absolutely clear to which products they relate.



# 7. Disposal of food

In this section you will find:

- 7.1. [Animal by-products](#)
- 7.2. [Surplus animal by-products](#)
- 7.3. [Animal feed](#)

### 7.1. Animal by-products

There are laws affecting retailers, distributors, wholesalers & manufacturers (and to a lesser degree caterers) that are left with food material consisting of or containing materials of animal origin that are no longer intended for human consumption.

Materials of animal origin become an animal by-product (ABP) when the business decides that the product is no longer to be used for human consumption.

The rules for the collection, handling, transport, storage, and disposal of animal by-products aim to control the risks, including disease, to both animals and the public.

### 7.2. Surplus animal by-products

The following two types of food products fall into Category 3 of animal by-products must be collected and disposed of by prescribed methods at approved premises.

#### **Raw meat and fish**

Products that require cooking before consumption, including meat and fish off-cuts - for example, scampi, fish fingers, raw sausages, chicken Kiev, bacon.

#### **Uncooked and lightly cooked meat and fish**

Uncooked and lightly cooked meat, poultry and fish products that are no longer intended for human consumption e.g. rare meat, beef jerky, Parma and Serrano ham, raw eggs, and smoked salmon.

## Section 7. Disposal of food

### 7.2.1. Exemption for small quantities

Small quantities of Category 3 ABP from retailers', distributors', or manufacturers' premises (up to 20kg) may be disposed of to landfill as normal business waste, with no requirement for commercial documentation or labelling.

This derogation applies to businesses generating no more than 20kg of Category 3 ABP a week. This does not mean that a business generating 50kg a week can put 20kg in landfill and then treat the remaining 30kg as ABP. The 20kg derogation is a weekly limit, not an average limit over a number of weeks.

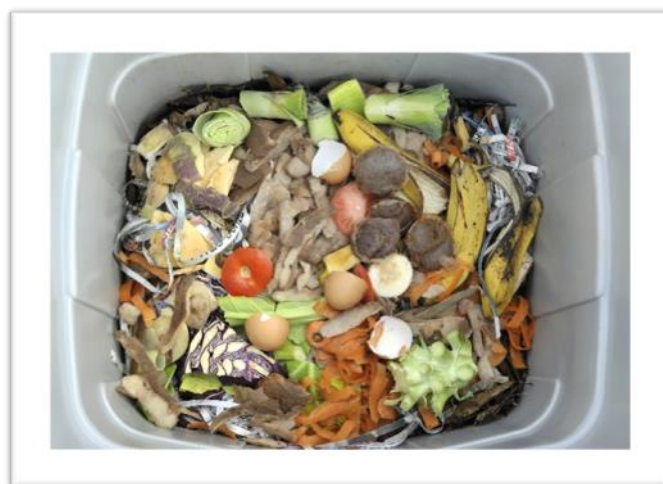
Any small business taking advantage of this derogation will need to keep detailed records to show the type and total weight of each batch of Category 3 material sent to landfill each week - for example, '17/11/2016 - five bags of raw mince weighing in total 15kg'.

In certain, strictly controlled, circumstances ABPs can be used to make pet food.

### 7.2.2. Exemptions for catering waste

Catering waste means all surplus food (including used cooking oils) originating in restaurants, catering facilities and kitchens, including domestic kitchens.

Catering waste can be disposed of as business waste in the normal way, but it must not be fed to livestock or used in the manufacture of pet food.



If a wholesale or retail baker also has a catering operation on site, then the non-catering waste must still be disposed of as set out below.

## Section 7. Disposal of food

### 7.2.3. Storage of ABPs not going to landfill

Store all Category 3 animal by-products covered in a safe place, separately from other foodstuffs and away from vermin, wild birds, or livestock.

It should be stored in a clean, lidded, leakproof container and must be labelled 'Not for human consumption'. After each collection you must thoroughly clean and disinfect the container.

### 7.2.4. Collection of ABPs not going to landfill

Collection of Category 3 animal by-products must be by a licensed carrier who will take it to an approved premises for the correct method of disposal.

The carrier must give you a commercial document specifying as a minimum:

- date of transport\*
- description of the material and the category description\*
- quantity
- name and address of origin of material
- name and address of transporter\*
- name and address of destination and approval / registration number (if applicable) \*
- signature of responsible person (generally the person producing the document)

### 7.2.5. Records of ABPs not going to landfill

As a consignor of animal by-product material you must keep a record showing the bullet points asterisked\* above. In most cases, the copy of the commercial document can serve as your record. Both the commercial documents and records are required to be kept for two years and must be available for inspection by an authorised inspector.

## Section 7. Disposal of food

### 7.2.6. Sale or return foods

You can continue your normal practices with your supplier. However, you cannot use them to dispose of other former foodstuffs - for example, out of date/damaged canned or dried meat products. If the decision is made that they are an ABP, they should be collected/disposed of as detailed above.

Special care and provisions should be taken with 'sale or return' items if you are intending to supply any material into the feed chain. Strict feed safety and hygiene provisions apply to material destined for the animal feed chain.

### 7.2.7. Removing ABP packaging

You should check whether your collector will accept animal by-products in their packaging. If not, then packaging must be properly emptied before the carrier collects the Category 3 materials and the empty and clean packaging is sent to landfill or recycling, as appropriate. Any packaging which has been in direct contact with the ABP and cannot be adequately cleaned (e.g. cardboard) must itself be treated as contaminated and disposed of accordingly.

## 7.3. Animal feed

There are strict hygiene laws in place in relation to animal feed so surplus food destined for use as animal feed must never be regarded as waste.

In some instances surplus food may be used for feeding to livestock as long as this process is controlled to prevent cross-contamination with animal by-products (e.g. if bread is supplied it cannot have come into contact with sausage rolls).

## Section 7. Disposal of food

Products that may be fed to farmed animals may include eligible bakery, biscuit and confectionery products, and fruit and vegetables, subject to very strict controls.

Bakers who wish to send surplus food for feeding to livestock must have a system based on HACCP (Hazard Analysis and Critical Control Points) principles in place.

The HACCP system should be designed to effectively control the separation, identification, and storage of this feed material in order to prevent cross-contamination and unsafe feed materials from entering the feed chain. An unsafe feed is one that could have an adverse effect on human/animal health or the environment; or make the food from food-producing animals unsafe for human consumption.

All surplus food to be used as animal feed must be safe and wholesome for the intended species and must not be mouldy or contaminated with foreign bodies etc.

All stages in the chain need to be registered with their local authority. This includes the baker, the haulier and the farmer. Contact your local Trading Standards Service to register.







# 8. Business names

In this section you will find:

- 8.1 [Sole traders and partnerships](#)
- 8.2 [Companies](#)
- 8.3 [Limited liability partnerships](#)

# 8. Business names

There are requirements relating to the name a business chooses to trade under and rules to prevent the use of names that could mislead the public.

This legislation gives detailed requirements regarding names that businesses can choose to trade under and how particular details about businesses have to be disclosed to their customers. The provisions apply to:

- individuals who trade under a name that is not their own
- partnerships that do not operate under the names of the individual partners
- companies / limited liability partnerships

## 8.1. Sole traders and partnerships

Sole traders and partnerships that are not registered companies are required to display and disclose detailed information about their businesses when they use a business name that is not their surname (with or without forenames or initials), or one that does not use the names of all the partners.

For example, if John Smith has a shop called Happy Family Bakers the disclosure requirements would apply to him; were he to call his business Mr Smith, John Smith, or J Smith, they would not. The same would apply to a partnership. If John Smith and David Jones have a business partnership called Happy Bakers the disclosure requirements would apply; were they to call their business J Smith and D Jones, or Smith and Jones, they would not.

As well as the above, the disclosure requirements do not apply when a business is continuing the trade of a former owner, and the new name includes both the former and current owners - for example, 'Mr Smith (formerly Mr Jones)'.

## Section 8. Business names

### 8.1.1. Business names display

Where a sole trader or partnership carries on business under a name that is not that of the proprietor or partners their details must be fully disclosed to customers and suppliers in order to make it clear who they are doing business with.

The information that is required to be disclosed is:

- the full name of the proprietor or all of the partners
- an address at which the business can be contacted and have legal documents formally served on it

The required information must be:

- displayed in a prominent position in all business premises where customers and suppliers have access
- included legibly on all business documents:
  - letters
  - written orders for goods or services
  - invoices and receipts
  - written demands for payment
  - business websites (a requirement under the Electronic Commerce (EC Directive) Regulations 2002)
- given immediately in writing to any customer or supplier who requests business details information

Partnerships of more than 20 persons are not required to disclose details all of the partners in business documents if:

- a list of the names of all the partners is maintained at the principal place of business
- none of the partner's names appears in documents except in the text or as a signatory
- documents state legibly the address of the partnership's principal place of business and that the list of the partners' names is open to inspection there

- the list of the partners' names is available for inspection during office hours

## 8.2. Companies

The following requirements apply only to companies that are registered with Companies House.

There are specific rules in the legislation concerning company incorporation and names that can be used and registered with Companies House, full guidance on which can be found on the GOV.UK website.

Briefly, the rules concerning company names include:

- having a maximum of 160 characters
- not being the same as a current registered company
- not infringing registered trademarks
- containing only permitted characters, punctuation, abbreviations, signs, and symbols
- not using words or expressions that are banned or need approval from the Secretary of State, such as:
  - 'association'
  - 'royal'
  - 'English'
  - 'council'

### 8.2.1. Registered name

Active companies must display their full registered company name at:

- their registered office

## Section 8. Business names

- all other locations at which they carry on business except those used primarily for living accommodation
- an inspection place at which required company records are kept available for inspection

This requirement does not apply to companies where the residential address of every individual director cannot be disclosed by the Registrar of Companies to a credit reference agency. In this situation, the company does not have to display its registered name at any location apart from the company's registered office or an inspection place for the company's records.

### 8.2.2. Manner of display

Where business premises are shared by up to five companies the registered name must be:

- easily seen by visitors
- continuously displayed

Where business premises are shared by six or more companies each company must ensure that their registered name is either:

- displayed for at least fifteen continuous seconds at least once every three minutes  
... or
- available for inspection by visitors

### 8.2.3. Registered name to appear in communications

Companies must disclose their registered name on:

- business letters
- notices
- official publications
- websites
- bills of exchange

## Section 8. Business names

- promissory notes
- endorsements
- order forms
- cheques signed by or on behalf of the company
- orders for money, goods or services signed by or on behalf of the company
- bills of parcels
- invoices
- demands for payment
- receipts
- letters of credit
- applications for licences to carry on a trade or activity
- all other forms of their business correspondence and documentation

### 8.2.4. Further particulars to be disclosed

Companies must disclose the following particulars on their business letters, order forms and websites:

- the part of the United Kingdom in which the company is registered
- the company's registered number
- the address of the company's registered office
- that they are a limited company (for companies exempt from the obligation to use the word 'limited')
- that they are a limited company (for community interest companies that are not public companies)
- that they are an investment company (where appropriate)

If companies disclose the amount of share capital in those places the disclosure must be as to paid-up share capital.

### 8.2.5. Disclosure of names of directors

Where a company's business letters include the names of any individual or corporate director of the company, other than in the text or as a signatory, the letter must disclose the names of every director of the company.

### 8.2.6 Requests for company information

Within five working days of receiving a written request for company information from anyone it deals with in the course of business, companies must send a written reply disclosing:

- their registered office address
- the location of any inspection place
- the type of company records that are kept at that those places

### 8.2.7 Legibility of displays and disclosures

All information that is required to be displayed or disclosed must be clearly legible.

## 8.3. Limited liability partnerships

The requirements for limited liability partnerships (LLPs) are similar to those for companies.

Two or more individuals or companies can set up (incorporate) as an LLP to operate a business. An LLP has a separate legal personality, and its members are not personally liable for the debts of the business.

There are specific rules in the legislation concerning LLP incorporation and names that can be used and registered with Companies House, full guidance on which can be found on the GOV.UK website.

## Section 8. Business names

Briefly, the rules concerning LLP names include:

- the name must end with 'limited liability partnership', 'llp' or 'LLP' (if the registered office is situated in Wales, the name must end with 'limited liability partnership' and 'partneriaeth atebolwydd cyfyngedig', or one of 'llp', 'LLP', 'pac' and 'PAC')
- having a maximum of 160 characters
- not being the same as, or 'too like', an existing LLP
- not infringing registered trade marks
- containing only permitted characters, punctuation, abbreviations, signs and symbols
- not using words or expressions that are banned or need approval from the Secretary of State, such as:
  - 'association'
  - 'royal'
  - 'English'
  - 'council'

### 8.3.1. Registered name

Every active LLP must display its full registered name at:

- its registered office
- all other locations at which it carries on business except those used primarily for living accommodation
- an inspection place at which required LLP records are kept available for inspection

If the residential addresses of every member of the LLP cannot be disclosed by the Registrar of Companies to a credit reference agency, then the LLP does not have to display its registered name at any location apart from the LLP's registered office or an inspection place for the LLP's records.



## Section 8. Business names

### 8.3.2. Manner of display

Where business premises are shared by up to five LLPs the registered name must be:

- easily seen by visitors
- continuously displayed

Where business premises are shared by six or more LLPs each LLP must ensure that their registered name is either:

- displayed for at least fifteen continuous seconds at least once every three minutes  
... or
- available for inspection by visitors

### 8.3.3. Registered name to appear in communications

LLPs must disclose their registered name on:

- business letters
- notices
- official publications
- websites
- bills of exchange
- promissory notes
- endorsements
- order forms
- cheques signed by or on behalf of the LLP
- orders for money, goods or services signed by or on behalf of the LLP
- bills of parcels
- invoices
- demands for payment
- receipts
- letters of credit
- applications for licences to carry on a trade or activity
- all other forms of their business correspondence and documentation

## Section 8. Business names

### 8.3.4. Further particulars to be disclosed

LLPs must disclose the following particulars on their business letters, order forms and websites:

- the part of the United Kingdom in which the LLP is registered
- the LLP's registered number
- the address of the LLP's registered office
- where the LLP name ends with the abbreviation LLP, llp, or the Welsh equivalent, the fact that it is a limited liability partnership or the Welsh equivalents

### 8.3.5. Disclosure of members' names

Where an LLP's business letters include the names of any member of the LLP, other than in the text or as a signatory, the letter must disclose all the members' names. If the LLP has more than 20 members as long as it keeps a list of all the members' names at its principal place of business, and the document states that the list is available for inspection, then it need not show the members' names.

### 8.3.6. Requests for information

Within five working days of receiving a written request for information about the LLP from anyone it deals with in the course of business, the LLP must send a written reply disclosing:

- its registered office address
- the address of any inspection place
- the type of LLP records that are kept at that those places

### 8.3.7. Legibility of displays and disclosures

All information that is required to be displayed or disclosed must be clearly legible.