

LABELLING AND MARKING OF PRE- PACKED FOOD

1. FOOD TO WHICH THIS LEAFLET APPLIES

This leaflet applies to the labelling and marking of pre-packed food ie which is ready for delivery to the ultimate consumer or to a catering establishment. It does not apply to food which is packed on the premises from which it is sold.

2. WHAT ARE THE GENERAL MARKING REQUIREMENTS?

Pre-packed food must be labelled with the following information:

(i) Name of the Food

If there is a name prescribed by law, that name must be used. However certain reserved descriptions cannot be used unless the food satisfies appropriate compositional requirements eg meat pies, sausages, jam, chocolate, fish etc.

Or

If there is no name prescribed by law then a customary name may be used. The name must be customary ie in common usage, in the area in which the food is sold. This does not apply if the name is only used by a section of an area's population. Examples of customary names are Yorkshire pudding, Shepherds Pie, Spaghetti, Bakewell Tart.

Or

If there is no name prescribed by law, and no customary name, then the name used must be sufficiently precise to inform a purchaser of the true nature of the food and to enable the food to be distinguished from products with which it could be confused. This means giving a clear and accurate description of the characteristics of the food. Some food producers such as meat manufacturers and fish processors work to commonly accepted Codes of Practice when naming foods.

A trade mark, brand name or fancy name **cannot** be substituted for the name of the food.

Where food has been subjected to a treatment, the name of the food must include or be accompanied by an indication of that treatment, eg dried, frozen.

(ii) A list of Ingredients

Foods consisting of two or more ingredients, including water, must be marked with a list of the ingredients headed "Ingredients". They must be listed in descending order of weight determined at the time of their use in the preparation of the food. Any ingredients at less than 2% of the whole product by weight can be listed in any order, after the other ingredients.

Where the ingredient is mentioned in the name of the food or it characterises the food or is emphasised on the label the % of that ingredient in the food must appear in the ingredients list or with the food name (QUID). A specific guidance note is available on QUID.

The name used for the ingredient is the name that would be used if it were sold by itself as a food.

Some foods contain compound ingredients (ie the ingredient itself has ingredients) eg bread, chicken roll, sausage, mayonnaise etc.

Water added as an ingredient of a food has to be declared in the list of ingredients unless that water does not exceed five per cent of the finished product or it is used solely for the reconstitution of dried ingredients.

Constituents of a compound ingredient are listed as follows;

- by stating the constituents individually in the appropriate places in the list of ingredients, or
- by stating the name of the compound ingredient in the appropriate place in the list of ingredients followed in brackets by a list of its constituents eg mayonnaise (pasteurised egg, corn oil, salt, pepper), or
- the name used for the compound ingredient is a generic name which is permitted by the regulations e.g. cheese. In which case only the name of the compound ingredient is required.
- If the ingredient has been subjected to a significant treatment eg dried, smoked, irradiated, this must be stated.

A limited number of foods are exempt from ingredients listing. The principal exemption is drink with an ABV of more than 1.2 per cent.

Allergenic Ingredients

Foods containing allergenic ingredients or ingredients derived from allergenic ingredients must be labelled with a clear reference to the name of the allergenic ingredient concerned.

The specified allergenic ingredients are cereals containing gluten (wheat, rye, barley, oats, spelt, kamut and their hybrids), crustaceans, eggs, fish, peanuts, soybeans, milk, certain nuts (i.e. almond, hazelnut, walnut, cashew, pecan nut, brazil nut, pistachio nut, Macadamia nut and Queensland nut), celery, mustard, sesame seeds, sulphur dioxide and sulphites (at more than 10mg/kg or 10mg/litre).

Sweeteners

If the food contains sweeteners permitted by the Sweeteners in Food (NI) Regulations 1996 it must be labelled "with sweeteners" in addition to the list of ingredients. Similarly where it contains both added sugar(s) and sweetener(s) it must be marked or labelled "with sugar(s) and sweetener(s)".

If it contains Aspartame it must be labelled "contains a source of phenylalanine".

If it contains more than 10% polyols (eg sorbitol) it must be labelled "excessive consumption may produce laxative effects".

(iii) The Appropriate Durability Indication

Pre-packed food (with some exceptions such as fresh fruit and vegetables, alcoholic beverages of 10% ABV or more, vinegar and cooking salt) must be marked with a durability indication either in the form:

USE BY: Food which, from the microbiological point of view, is highly perishable **and** in consequence likely after a short period to constitute an immediate danger to human health must be marked USE BY. The use by date shall be expressed as either

a day and a month or a day, a month and a year. In addition, this indication must have associated with it the appropriate storage conditions.

BEST BEFORE: Most other food should be marked “best before” followed by the date up to and including that which the food can retain its specific properties and any storage conditions which need to be observed if the food is to retain its specific properties until that date.

The date must be expressed in terms of a day, month and year (in that order), except that where a food has a shelf life:

<u>Shelf Life</u>	<u>Indication</u>
Less than 3 months	Best Before (day) + (month)
3 – 18 months	Best Before End (month) + (Year)
18 + Months	Best Before End (year)

The durability indication must be marked in the same field of vision as the food name and the quantity marking.

(iv) Any Special Storage Conditions or Condition of Use

Special storage conditions or conditions of use should be given if the consumer needs to observe certain practices once the packaging of the food has been opened; eg Once opened keep refrigerated and consume within 3 days.

(v) The Name or Business Name and Address or Registered Address of

- The manufacturer or packer or
- A seller established within the EC

(vi) Place of Origin or Provenance

If a purchaser could be misled as to the true origin or provenance of the food then such information must be given.

(vii) Instructions for Use

Instructions for use should be marked if it would be difficult to make appropriate use of the food in the absence of such instructions.

2 ADDITIONAL LABELLING REQUIREMENTS

(a) “QUID” – Indication of Quantities of Certain Ingredients or Categories of Ingredients

The quantity of an ingredient or category of ingredients used in the preparation of a food shall be indicated where:

- that ingredient or category of ingredients appears in the name of the food or is usually associated with that name by the consumer;

- that ingredient or category of ingredients is emphasised on the labelling in words, pictures and graphics; or
- that ingredient or category of ingredients is essential to characterise a food and to distinguish it from products with which it could be confused because of its name or appearance.

However, there are certain exemptions to the above, for example where an ingredient is used in small quantities as a flavouring.

Normally the indication must be expressed as a percentage determined at the time of the use of the ingredient or category of ingredients in the preparation of the food. The percentage indication must appear either in or next to the name of the food, or in the list of ingredients.

This is only a brief resume of the "QUID" requirements. Further information on QUID declarations is contained the QUID Guidance Note.

(b) Special Claims

Any claim made in relation to food must be justified eg "Low Calorie", "Diet", "Rich in Vitamins", "High Protein", "Low Cholesterol" and the food must also comply with prescribed criteria for its composition and labelling. If you think these requirements may apply to your product, please seek further advice from your local environmental health department.

(c) Nutrition Labelling and Vitamin or Mineral Claims

Nutrition labelling is not compulsory. However, if food manufacturers decide to label food with nutrition information, or make nutrition claims, the prescribed format must be used.

If vitamin or mineral claims are made, they must comply with the recommended daily amounts (RDA) laid down in the Food Labelling Regulations (Northern Ireland) 1996.

A separate guidance note is available on nutrition labelling.

(d) Foods Packed in a Protective Atmosphere

If a food's shelf life has been extended by the use of a packaging gas then a declaration in the form "*packaged in a protective atmosphere*" must be given.

(e) The Food (Lot Marking) Regulations (Northern Ireland) 1996

The purpose of these regulations is to identify the batch from which a particular food product originates. The lot mark must appear on the label or packaging. The form of the lot mark should enable easy traceability for the manufacturer and is normally a letter "L" followed by figures and/or letters which indicate from which batch an individual package originates.

A "best before" or "use by" indication complying with the Food Labelling Regulations, which can identify the batch from which the package originates, satisfies the lot marking requirement.

(f) Prohibited and Restricted Claims

Medicinal and tonic claims are prohibited. Other terms can only be used in certain circumstances eg alcohol-free, milk, and cream. Avoid using descriptive terms such as fresh, pure, natural, traditional etc unless you can substantiate them.

3 HOW SHOULD PRE-PACKED FOOD BE MARKED OR LABELLED?

The required marking and labelling must be easy to understand in a conspicuous place, clearly legible, indelible and in no way hidden obscured or interrupted by anything else. Any pictorial representation of food on a label must accurately reflect the contents.

Re-labelling of Pre-packed Food

If you are re-labelling food, you must ensure that all the details required above are accurate. **Do not** remove or alter date codes unless you have written permission from the manufacturer. No one else can give this permission, particularly not a food broker. The permission must be specifically for the batch of food concerned not a general permission for food of that type.

4 ADVICE ON LABELS

Your local Environmental Health Department can consider draft labels before they are printed and offer advice on the labelling requirements.

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