



## **Food Labelling Information** **(for producers of sweets and confectionery etc.)**

This information leaflet deals with the labelling requirements for sweets and confectionery.

New legislation, The Food Information for Consumers Regulations 2011, will come into force on 13<sup>th</sup> December 2014 with nutrition information required from 13<sup>th</sup> December 2016.

The amount and type of labelling required will vary depending on how you sell your products.

All pre-packed sweets **MUST** be marked with an indication of net weight in grams. The only exception being sweets traditionally sold by number e.g. sugar mice, lollies etc.

Different labelling requirements apply depending on how you sell your products.

### **1. Sweets sold loose**

All sweets must be marked with a legal name – a recognisable customary name such as liquorice allsorts, pear drops etc. or one that describes the product accurately.

#### **Allergens**

The seller **must** be able to provide details of all allergens from the list below used in the preparation of the food:

- Cereals containing gluten (e.g. wheat, barley etc.),
- Eggs
- Milk
- Lupin flour
- Fish
- Crustaceans
- Molluscs
- Sesame seeds or paste
- Soya
- Tree Nuts (except coconut)
- Peanuts
- Mustard
- Celery
- Sulphur dioxide above 10mg/kg

For loose sales or where you the manufacturer sells directly to the consumer you may be provide this information verbally.

However we recommend that written details of all allergens used in each product are recorded to enable accurate information to be provided to consumers.

If you sell your sweets from a shop or stall and decide to rely on verbal communication of allergen information you must display a notice that is clearly

available to customers stating that information may be obtained from a member of staff.

At least one member of staff must be able to provide this information whenever the shop or stall is operating.

Failure to provide allergen information may be a criminal offence.

You should be able to find allergen information on the ingredients lists of the ingredients you buy in: if no ingredients list is provided request one from your supplier.

Check all of the ingredients used for 'hidden' allergens e.g. almonds in marzipan, egg white described as albumen, groundnut used as an alternative to peanut etc. Dried fruit will probably contain sulphur dioxide

**Remember** that some allergies can have very serious effects.

It is imperative that accurate information is available and that staff are suitably trained to provide the information when asked.

### Colours

There are specific labelling requirements for 6 colours that have been connected with hyperactivity in children.

If you use any of the following colours:

E102	tartrazine	yellow
E104	quinoline yellow	yellow
E110	sunset yellow	yellow
E122	carmoisine	red
E124	ponceau 4R	red
E129	allura red	red

you **must** now include the following warning:

"E ...(insert the E number of the relevant colour)... may have an adverse effect on activity and attention in children"

If you make sweets and sell them on to other shops or caterers for them to sell to the public you must provide information concerning allergens and colours to your customer so they can pass it on.

A good way to do this would be to provide your customers with a full list of the products you supply to them with the necessary allergen and colours information for each.

For your own due diligence procedures it would be a good idea to keep a record of the persons to whom the information has been supplied plus a copy of the list. If new products are added you will need to ensure this information is passed on.

It is **never** sufficient simply to state that 'all products may contain allergens' or similar non specific statements: the information supplied must be specific to each individual product.

Sweets displayed for retail sale are also required to be marked with a price per kg and if pre-packed, a weight and selling price.

## 2. Pre-packed sweets

'Pre-packed' means presented to the consumer in such a way that the contents of the package cannot be altered without opening or changing the packaging. For goods to be pre-packaged they must be placed into the packaging **before** they are offered for sale. Sweets put into packaging at the time of sale at the request of the consumer are not pre-packed.

Where sweets are pre-packed they must be **fully** labelled.

There is an example of a compliant label at the end of this section.

Pre-packed sweets must be marked with **all** of the following mandatory information:

- A **name** that accurately describes the product.  
This can be a customary name such as 'Licorice allsorts' or 'Kola Kubes' or a descriptive name such as 'clotted cream fudge'.  
The name must accurately describe the product and be easily understood by the consumer.
- A full **list of ingredients** given in descending order by weight.  
This list must include a breakdown of all compound ingredients e.g. margarine, glace cherries, butter cream icing etc. You will be able to find information about the ingredients of ingredients on their packaging.

Additives must be declared by reference to their category name (preservative, colour, anti-oxidant etc.) plus an E number or chemical name e.g. colour: E122 or colour: carmoisine

- Where any of the following **allergens or products thereof** are present their presence **must** be clearly indicated in that list and emphasised through a typeset that clearly distinguishes it from the rest of the list: this may be done by *font*, *colour*, style, **boldness** etc.  
Cereals containing gluten (wheat, barley, oats, spelt etc.), eggs, milk (including lactose), lupin, fish, crustaceans, molluscs, sesame seeds or paste, soya, nuts (hazelnuts, walnuts, cashews, pecans, brazils, pistachios and macadamia nuts), peanuts, mustard, celery, sulphur dioxide above 10mg/kg.

The allergen information must be repeated every time an ingredient containing an allergen appears in the ingredients list.

Flour should be identified by its source e.g. wheat flour, rye flour, oat flour. Wheat flour must now include a full list of ingredients including the vitamins used to fortify it. Normal white flour will now need the declaration: plain flour (**wheat** flour, calcium, iron, niacin, thiamine)

Most dried fruit will contain sulphur dioxide.

If you use vegetable oil you must identify its source e.g. rapeseed oil, palm oil, groundnut oil etc.

If you use fats that are hydrogenated this must be declared eg hydrogenated palm oil.

A separate allergens box is not a legal requirement and must not be used although one may be used for signposting eg for allergens see ingredients in **bold**.

- **QUID: the quantity of ingredients declaration.**

You must declare the percentage of any ingredient where the name of that ingredient appears in the name of the food

- % clotted cream in clotted cream fudge
- % nut and raisins in fruit and nut toffee

The QUID rules do not apply if you use an ingredient in small quantities (less than 2%) as a flavouring. So if you use vanilla essence there is no legal requirement to QUID that flavouring.

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E110	sunset yellow	yellow
E122	carmoisine	red
E124	ponceau 4R	red
E129	allura red	red

you must include the following warning :

"E .... (include the E number of the colour used).....may have an adverse effect on activity and attention in children".

If you do not wish to mark your products with the warning a number of alternative colours both natural and artificial are available.

- **An indication of durability**

Most confectionery will need a 'best before' date to indicate when it can be eaten at its best.

The date should be in the form 'best before: day month and year'.

A 'use by' date is needed on products that will deteriorate quickly and carry the risk of food poisoning if they are not eaten by the stated date e.g. fresh cream cakes

The date should be in the form 'use by: day month and year'.

It is a criminal offence to sell goods after their 'use by' date.

Sweets will not normally require a 'use by' date due to their high sugar content.

- **The name and address of the packer.**

All food must be marked with the name and address of the person who is responsible for the labelling information.

The address needs to be sufficiently full to ensure that a letter sent to that address will arrive at its destination. If a name and postcode will reach you that will be sufficient address details.

A telephone number and/or email address may be given as well as an address but not instead of an address.

- Storage conditions and instructions for use are required where relevant. Storage conditions must be in immediate proximity to the durability mark.
- Country of origin or place of provenance if it might be misleading to omit the information. For example if you describe your fudge as a 'made with Cornish clotted cream' the cream must be from Cornwall – if it is not the true country of origin must be made clear.
- Nutrition information will be required on all pre-packed food from 13<sup>th</sup> December 2016. A separate leaflet is available to explain these requirements.

All of this mandatory information must be in print which is at least 1.2mm (Arial 8 point) in height and printed in a way that is clearly legible.

There must be a clear contrast between the printing and the background.

Beware of white, brown or yellow printing on clear packaging as it is not legible against fudge or toffee!

If the largest surface of the packaging is less than 80cm<sup>2</sup> then the print must be at least 0.9mm in height.

**Additional labelling requirements:**

- i) foods whose durability is extended by packaging gases must be marked 'packaged in a protective atmosphere'
- ii) foods containing sweeteners must be marked 'with sweetener'. This declaration must accompany the name of the food e.g. 'fruit and nut toffee with sweetener'
- iii) foods containing both sugars and sweeteners must be marked 'with sugars and sweeteners'. This declaration must accompany the name of the food e.g. 'fruit and nut toffee with sugar and sweeteners'
- iv) You cannot use pictures or words for a flavour unless that flavour is derived fully or mainly from the ingredient shown or described.

E.g. a strawberry bonbon with pictures of strawberries MUST derive its flavour from strawberries or natural strawberry flavouring, a lemon cake must derive its flavour from real lemons etc.  
The term 'nature identical' can no longer be used for flavourings.

If you do not use the 'real' ingredient you cannot use pictures and the name of the food must reflect the true source of flavour  
e.g. artificial lemon flavour cake

An example of a compliant label is given below:

**Walnut toffee**<sup>1</sup>

Ingredients: sugar, margarine<sup>2</sup> (sunflower oil<sup>3</sup>, water, salt, emulsifiers: E 471<sup>4</sup>, **soya**<sup>5</sup> lecithin, flavouring, colour: E160a<sup>4</sup>, Vit D), **walnuts**<sup>5,6</sup> (9%) , cream (from **milk**)<sup>5</sup> , salt.

Best Before: 07/07/17

Top Toffee, Country Road, Worcester WR4 6YH

Explanatory Notes:

- 1 Descriptive name
- 2 Margarine is a compound ingredient listed with full breakdown of constituents
- 3 Source of oil identified
- 4 Additive identified by category name and E number
- 5 Allergens identified in bold
- 6 The % walnuts given as 'walnut appears in the name of the food

All allergens have been highlighted in **bold** to contrast them with the remainder of the ingredients list

#### **4. Additional information.**

**Gluten free** – there are specific rules covering the use of the words 'gluten free'. If your products contain less than 20mg/kg of gluten you may label them 'gluten free'.

If your products are made with ingredients that have been specially treated to reduce the gluten content to less than 100mg/kg they may be labelled 'very low gluten'.

**Free from** – such forms of labelling have become more prevalent in the last few years. They have been introduced with a view to helping consumers with a variety of intolerances and allergies select food which is suitable for their needs. There are no specific laws that cover 'free from' labelling.

Producers must be very careful when making 'free from' claims as these maybe relied upon by consumers suffering from intolerances.

If 'free from' claims are incorrect due to inadvertent cross contamination in the production area or from utensils or other there may be serious consequences for the consumer – and for the business if it can be proven that the claim was incorrect and consumption of the food led to the allergic reaction.

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