

Labelling of prepacked-for-direct-sale foods

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Note: although the United Kingdom has left the European Union, certain pieces of legislation (formally known as 'retained EU law') will still apply until such time as they are replaced by new UK legislation; this means that you will still see references to EU regulations in our guidance.

This guidance is for England and Wales

This guidance relates to food that is prepacked for direct sale (PPDS).

The Food Information Regulations 2014 place fewer labelling requirements on prepacked for direct sale foods than on prepacked foods .

This guidance includes the requirements (particularly related to ingredient and allergen labelling) of 'Natasha's law' which was brought into force on 1 October by the Food Information (Amendment) (England) Regulations 2019 and the Food Information (Wales) (Amendment) (No. 2) Regulations 2020.

Definitions

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

'Single item' means a single item of the product as sold. For example, a multipack of crisps is a single item despite containing six packets of crisps because the customer is purchasing a single multipack of crisps. Conversely, a large cake that is to be cut into slices before being sold is not a single item because it will not be sold as such; in this example each slice would be a single item, and the cake would only be a single item if it was to be sold whole.

'Prepacked for direct sale' means food that is placed into packaging (prepacked) before being offered for sale and sold / offered for sale or supply from the premises on which it was packed by that business, or

from a mobile stall or vehicle used by that business - for example, sandwiches that are packaged in the shop from which they will be sold.

If packaged food is purchased by a separate business for later sale to the final consumer, the food will be considered prepacked, rather than prepacked for direct sale.

The requirement that food is packaged in such a way that the contents cannot be altered without opening or changing the packaging is important. Packaging can completely or partially enclose the product. However, if you can alter the product contained in the packaging without making a physical change to the packaging, the product is not 'prepacked'. For example, a baguette with a cardboard band around it that can be slipped on and off without altering the band is not prepacked.

Changing how packaging is presented can change whether the product comes under the definition of prepacked and whether the prepacked / prepacked-for-direct-sale labelling requirements will apply. The table below shows how slight changes in the packaging can affect this.

Examples of prepacked and non-prepacked packaging

Prepacked

cake presented in a bag that is folded over or has the corners twisted to hold it closed

pizza presented in a box with a closed lid

Non-prepacked

cake presented in an open bag

pizza presented in a box with an open lid

Prepacked labelling requirements are significantly more complex than non-prepacked; further information can be found in 'Labelling of prepacked foods: general' and 'Labelling of non-prepacked foods'.

Labelling requirements

Prepacked for direct sale

PPDS food must be labelled with the following:

- the name of the food
- a full ingredients list that emphasises allergenic ingredients each time they appear in the list
- in the case of a meat product, a meat content declaration (see below)
- in the case of irradiated food, an irradiated food statement (see below)

PPDS foods have fewer labelling requirements than prepacked foods but any information that must appear follows the same rules as when it appears on a prepacked product.

Full rules for the name of the food can be found in 'Labelling of prepacked foods: product name'. The rules apply to PPDS food in full, including additional requirements, such as including the statement 'with sweeteners' in the name of the food.

Full rules for the ingredients list can be found in 'Labelling of prepacked foods: ingredients list'. The rules apply to PPDS in full, including those in relation to compound ingredients and additives.

Full rules on how to emphasise the presence of allergenic ingredients can be found in 'Food allergens and intolerance'; please refer to the section headed '**Allergen information: prepacked / prepacked for**

direct sale'.

Please note that the requirement to provide an ingredients list on PPDS foods does not apply to goods sold by 'distance communication' (often referred to as 'distance sales' and meaning any contract where there is no face-to-face interaction between the two parties, such as telephone and internet orders). The rules on how to declare allergens on goods sold by distance communication can be found in 'Food allergens and intolerance'; please refer to the section headed '**Signposting: distance sales**'.

The guide 'Labelling of prepacked foods: ingredients list' specifies certain foods that do not need an ingredients list. Any product that does not need an ingredients list must instead have a 'contains' statement, listing any allergens that are present - for example, 'Contains: **Fish, milk, eggs**'.

The allergens must be described as they appear in Annex II to Regulation 1169/2011 *on the provision of food information to consumers* (see link in 'Key legislation below'. The table below has correct and incorrect examples.

Examples of allergen descriptions

Correct

Incorrect

'Contains: **Wheat**' 'Contains: **Gluten**'

'Contains: **Fish**' 'Contains: **Salmon**'

Identifying prepacked-for-direct-sale food

Food is PPDS if you can answer 'yes' to all of the following:

- is the food in packaging?
- do you have to alter or change the packaging (open, fold, twist, tear, etc) to be able to alter or change the food inside?
- is the food a 'single item' (see '**Definitions**' above)?
- was the food placed in the packaging before being offered for sale?
- is the food being sold by the same business that packed it?
- Is the food being sold or offered for sale from one of the following:
 - the same premises on which it was packed?
 - another outlet in the same complex as the premises on which it was packed and used by the business that packed it?
 - a mobile stall or vehicle used by the same business that packed it?

Food that is displayed loose and placed into packaging by the consumer is not PPDS.

Food that you place into packaging after it has been chosen by the consumer is not PPDS (food held in trays at a hot counter, for example).

The Food Standards Agency (FSA) has produced a decision tool, which can assist you in deciding whether the product is PPDS.

For further guidance on PPDS and practical advice on implementing the new requirements, please see the FSA guidance on allergen labelling changes for PPDS food.

How to label 'prepacked for direct sale' food

The required information must be printed on the outside of the product or on a label attached to the outside of the product.

Labels can be printed or handwritten.

The information must be clear, legible and indelible; it must not be obscured or hidden - for example, the information cannot be inside the packaging.

To aid legibility there is a minimum text size that must be complied with; a full explanation can be found in 'Labelling of prepacked foods: general'; please refer to the section headed '**Presentation**'.

You are not allowed to provide a QR code or link to a website instead of providing the information on the label.

Meat products

A meat product is any product that contains meat as an ingredient.

You are required to declare how much of the product is made of meat in the form of a percentage; this is referred to as a quantitative ingredient declaration (QUID).

Full details for QUID can be found in 'Labelling of prepacked foods: QUID' (PPDS foods are not affected by any other QUID requirements, only the percentage of meat).

Where more than one type of meat has been used you must declare the content of each - for example, 'X% chicken, X% pork'.

The QUID is typically included in the ingredients list but can alternatively be given in the name of the product - for example, 'Sausage roll (20% pork)'.

There are compositional requirements that some meat products must comply with; full details can be found in 'Composition of meat products'.

Irradiated food statement

If the food (or any ingredient in the food) has been irradiated, the words 'irradiated' or 'treated with ionising radiation' must appear in close proximity to the name of the food.

Trading standards

For more information on the work of trading standards services - and the possible consequences of not abiding by the law - please see 'Trading standards: powers, enforcement and penalties'.

In this update

New guidance: October 2021

Key legislation

Food Safety Act 1990

Regulation (EU) No 1169/2011 *on the provision of food information to consumers*

Food Information Regulations 2014

Food Information (Wales) Regulations 2014

Food Information (Amendment) (England) Regulations 2019

Food Information (Wales) (Amendment) (No. 2) Regulations 2020

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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