businesscompanion
trading standards law explained

Labelling of sweets

In the guide

What labelling is required?
- Food sold loose and food packaged at the request of the consumer
- Prepacked for direct sale

How must the information be given?
- Loose and placed into packaging at the request of the consumer
- Prepacked for direct sale

Other issues
- Flavour / flavoured
- Chocolate
- Additives

Trading Standards
In this update
Key legislation

Although the United Kingdom left the European Union (EU) in 2021, certain pieces of legislation (known as 'assimilated law') continue to apply until such time as they are replaced by new UK legislation, revoked or permitted to expire. This means that our guidance still contains references to legislation that originated from the EU.

To fully understand this guidance, it is important to note the difference between the United Kingdom and Great Britain:

- UK: England, Scotland, Wales and Northern Ireland
- GB: England, Scotland and Wales

In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

This guidance is for Scotland

This guide covers the labelling of sweets sold in any of the following situations:

- Loose or unwrapped

- Pick 'n' mix
- Packaged at the request of the customer
- Prepacked for direct sale (PPDS)*

[*While not legally defined, '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, or from a mobile stall or vehicle being operated by the business.]

This guide does not cover products packaged by you on one premises to be sold from another, nor does it cover products packed by another packer and sold by you. These products are prepacked and require full labelling; they are therefore covered by 'Labelling of prepacked foods: general'.

'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.

Loose sweets, and those packaged at the request of the consumer (placed into packaging after purchase), need only be labelled with a name and any allergens that are present.

The information must be on a label attached to the food, or on a label / notice in close proximity to the food that can easily be seen and read by the purchaser (on the shelf edge, for example).

Sweets that are prepacked for direct sale must be labelled with the name of the food and a full ingredients list that emphasises the allergenic ingredients that are present; this information must appear on a label attached to the food.

Imported sweets need the same labelling as those produced in Great Britain (see above) and must comply with all applicable compositional requirements. Please also refer to 'Language requirements for food labelling'.

What labelling is required?

The legal name of the sweets must be given, regardless of how the product is sold. Under normal circumstances, this is the name that describes the true nature of the food. For example, a product marketed as 'Wiggly Worms' would also need the descriptive name of the food on the label for clarification - for example, 'Fruit flavour jelly sweets'. The name 'Wiggly Worms' is a 'fancy name' and has no legal standing.

Sometimes a 'customary name' can be used instead of a descriptive name. A customary name is a name that is readily understood by UK consumers without further clarification, and allows the sweets to be clearly distinguished from similar types of sweets - for example, humbugs, black jacks, etc.

The requirement to provide a name, and the rules for the name of the food, will be the same regardless of how the product is sold (prepacked, loose, etc). See 'Labelling of prepacked foods: product name' for more information.

Food sold loose and food packaged at the request of the consumer

In addition to the requirement to name the food, if the sweets contain any of the following types of allergen, this must be declared using a 'contains' statement - for example 'contains: milk':

- Cereals containing gluten, such as wheat, rye, barley, oats, spelt, kamut, and their hybridised strains
- Peanuts (also called groundnuts)
- Nuts, such as almonds, hazelnuts, walnuts, Brazil nuts, cashews, pecans, pistachios, macadamias and Queensland nuts
- Fish
- Crustaceans
- Molluscs
- Sesame seeds
- Eggs
- Milk and milk products (including lactose)
- Soy beans
- Celery
- Lupin
- Mustard
- Sulphur dioxide and sulphites at levels above 10 mg/kg or 10 mg/litre expressed as SO_2

Prepacked for direct sale

In addition to the requirement to name the food, PPDS products must be labelled with a full ingredients list, which must follow all the rules that apply to an ingredients list for a prepacked product. See 'Labelling of prepacked foods: ingredients list' for more information.

Allergenic ingredients must be emphasised in some way, each time they appear in the ingredients list. See 'Food allergens and intolerance' for more information.

How must the information be given?

Loose and placed into packaging at the request of the consumer

When sold to the consumer, the required information must be marked on either:

- A label attached to the food
  or
- A label, ticket or notice that can easily be seen and read by the purchaser at the place where they choose the food

Additionally, allergen information can be given verbally; if so, a notice must be prominently displayed instructing the customer to request allergen information from a member of staff. See 'Food allergens and intolerance' for more information.

Sweets sold loose from boxes or jars will usually have been marked with this information by the manufacturer. This is sufficient, provided that it can be easily read from the customer's side of the counter.

The responsibility for labelling rests with the retailer, but your supplier has to provide you with all the information necessary for you to comply with your legal obligations. Certain information must be marked on transport packaging, while other information may appear on documents that accompany the food.

Prepacked for direct sale

Information must appear on a label attached to the food. See 'Labelling of prepacked-for-direct-sale foods' for more information.

Other issues

Flavour / flavoured

The words 'flavour' and 'flavoured' have different meanings.

Flavour means that the food tastes of something but does not contain it, while flavoured means that the food contains the specified ingredient - for example, a strawberry flavoured sweet would contain strawberry, while a strawberry flavour sweet would not.

Chocolate

Particular care must be taken when describing products as 'chocolate' or as containing chocolate. It must be made clear in the name if the product has only the flavour of chocolate and is not made from chocolate - for example, 'Chocolate Flavour Easter Egg' or 'Peanuts with Chocolate Flavour Coating'.

The word 'choc' must only be used with products that contain chocolate.

The Cocoa and Chocolate Products (Scotland) Regulations 2003 specify compositional and labelling requirements that must be complied with in order to describe a product as 'chocolate'; if you require advice, please contact your local authority.

Additives

Unauthorised colours and other additives have been found in imported sweets. For more information on what is authorised for UK sale, please see 'Colours and other additives in 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 Scotland, food labelling laws are not generally enforced by Trading Standards Services, but rather by Environmental Health. However, we have included In-depth Guides on food for Scotland in order to provide more comprehensive guidance.

In this update

No major changes.

Last reviewed / updated: November 2025

Key legislation

- Cocoa and Chocolate Products (Scotland) Regulations 2003
- Assimilated Regulation (EC) No 1333/2008 *on food additives*
- Assimilated Regulation (EU) No 1169/2011 *on the provision of food information to consumers*
- Food Information (Scotland) Regulations 2014

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 go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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