businesscompanion

trading standards law explained

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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.

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

The labelling and composition of honey is controlled by legislation. 'Honey', 'comb honey', 'blossom honey' etc are 'reserved descriptions' that must only be used to describe a product if it meets the compositional requirements of the Honey (Scotland) Regulations 2015.

This guidance relates to all sales of honey, whether it is sold prepacked, prepacked for direct sale or non-prepacked. Please see '<u>Labelling of prepacked foods: general</u>', '<u>Labelling of prepacked-for-direct-sale</u>

<u>foods'</u> and '<u>Labelling of non-prepacked foods'</u> for more information on the legal definitions and requirements.

General labelling information

Where honey is sold other than to the ultimate consumer (another business, for example), the required labelling information outlined below may be provided in an accompanying commercial document.

Prepacked

Honey that is sold prepacked must be labelled with the following:

- the name of the food
- the name and address of the manufacturer or responsible food business operator
- the country or countries of origin
- a durability indication in the form of a 'best-before' or 'best before end' date
- any special storage conditions required for the quality to be maintained until the stated durability indication
- a net quantity indication

All mandatory information must appear either on the packaging, on a label attached to the packaging, or on a label clearly visible through the packaging. The information must be easy to understand, indelible, and it must not be hidden, obscured or interrupted by any other written or pictorial matter.

Please see '<u>Labelling of prepacked foods: general</u>' for more information.

Non-prepacked / prepacked for direct sale

Honey that is sold non-prepacked or prepacked for direct sale must be labelled with the following:

- the name
- the country or countries of origin

In the case of prepacked-for-direct-sale food, the information must appear on the packaging, on a label attached to the packaging, or on a label clearly visible through the packaging (the same as for prepacked food).

In the case of non-prepacked food, the labelling information must appear on a label, ticket or notice that can be clearly seen by the purchaser.

Please see '<u>Labelling of non-prepacked foods</u>' and '<u>Labelling of prepacked-for-direct-sale foods</u>' for more information.

Name

'Honey' means the natural sweet substance produced by bees from the nectar or secretions of plants, or the excretions of plant-sucking insects, and stored in honeycombs to ripen and mature. If the product meets the definition above, you must label it with the name 'honey'. Any product that does not meet the definition must not be described as 'honey'.

If any additive or ingredient has been added to the product, it must not be called 'honey'.

The following reserved descriptions may also be used where the product meets the definition:

- blossom / nectar honey (made from the nectar of plants)
- honeydew honey (mainly made from the excretions of plant sucking insects and/or the secretions of plants)
- comb honey (stored by bees in the cells of honeycombs and sold in the whole comb or part of it)
- chunk honey / cut comb in honey (contains one or more pieces of comb honey)
- drained honey (obtained from honeycombs by draining)
- extracted honey (obtained from honeycombs by centrifuge)
- pressed honey (obtained from honeycombs by pressing, with or without heat of up to 45 °C)
- filtered honey (honey that is highly filtered in a way that removes a significant amount of pollen)*
- baker's honey (honey to be used as ingredients in other foods)*

[*See below for more information on these products.]

In the case of 'blossom honey', 'nectar honey', 'honeydew honey', 'drained honey', 'extracted honey' and 'pressed honey', the name can be either the appropriate reserved description or simply 'honey'.

Where the honey is produced primarily from pollen / secretions of a certain plant, the excretions of a certain insect, or entirely from within a certain geographical area, you may state this in the name of the product - for example, 'Lavender Honey', 'Aphid Honey', 'Aberdeenshire Honey', etc.

Additional clarifying words may be applied to the name - such as 'clear', 'natural', etc - provided they do not mislead.

Country or countries of origin

Honey must be labelled with the country or countries in which the honey was harvested - for example, 'Origin: UK', 'Product of the UK', etc.

Where the honey is a blend of honeys harvested from more than one country, one of the following statements may be used as an alternative to listing the various countries of origin, as appropriate:

- 'Blend of EU honeys'
- 'Blend of non-EU honeys'
- 'Blend of EU and non-EU honeys'

You must not refer to the UK as a Member State of the EU. Both 'Blend of non-EU honeys' and 'Blend of EU and non-EU honeys' may be used to refer to the UK, as appropriate.

If there is any reference to a particular plant or blossom (pictures or words), the honey must have come wholly or mainly from that blossom or plant - that is, the honey must be characterised by that blossom or plant.

If reference is made to a regional, territorial or topographical origin, the honey must come wholly from that country or place. For example, 'Mexican Honey' must come from Mexico and 'Aberdeenshire Honey' must come from within Aberdeenshire.

Durability indication and storage conditions

A durability indication in the form of a best-before or best-before-end date must be applied to prepacked honey. Honey that is intended to have a shelf life in excess of three months is required to be marked with at least a month and a year, such as 'Best before end Nov 2023'. However, in order to be able to identify a particular batch of honey (see below), you may wish to also include the day - for example, 'Best before 30 Nov 2023'.

Please see '<u>Date and lot marking of prepacked food</u>' for more information.

If the product must be stored in a certain way in order for the quality to be maintained until the stated durability indication, storage conditions must be included on the label.

Lot marking

Each jar of honey should have a code on it that identifies the batch from which it came - for example, this could be all the honey that is packed in one day. The best-before date can be the lot mark (if it indicates at least a day and month), but it may alternatively be a number or code. If you do not use a date, it may be best to put an 'L' in front of the code to make it clear that it is a lot mark. The lot mark can appear anywhere on the jar.

Please see '<u>Date and lot marking of prepacked food</u>' for more information.

Honey sold non-prepacked or prepacked for direct sale does not need a durability indication, as such it is advisable to provide a lot mark so that the honey can be easily traced back to the batch from which it came.

Net quantity indication

Prepacked honey must include a net quantity indication (the weight of the honey without the jar, lid and label) in grams or kilograms (metric), which in most case must be at least 4 mm high. You may provide a supplementary net quantity indication in pounds or ounces (imperial), but the supplementary indication must be no more prominent than the metric indication.

Individual portions of 25 g or less are exempt from bearing a net quantity indication.

Please see 'Packaged goods: average quantity' for more information.

Field of vision

The name of the food and the net quantity indication must be in the same field of vision. This means that it must be possible to hold the food so that both pieces of information are visible at the same time.

Organic claims

If you are marketing your honey as organic, please see 'Labelling and describing organic food'.

Filtered honey and baker's honey

It is common practice to filter honey under pressure to remove unwanted matter (for example, small pieces of comb or dead bees) and it is acceptable to treat honey in this way without it needing to be labelled as 'filtered honey'. However, where fine filters are used such that a significant amount of pollen is removed (for example, where honey is finely filtered to improve the shelf life and clarity), the product must be described as 'filtered honey', and not simply 'honey'.

Baker's honey is honey that may have:

- been overheated
- a foreign taste or odour
- begun to ferment

It is suitable for human consumption and may be used in other foods, but is of a lower quality than 'honey', and must not be described as such.

Filtered honey must be labelled with a nutrition declaration for energy, fat, saturates, carbohydrate, sugars, protein and salt; unprocessed honey does not need to be labelled with a nutrition declaration.

Baker's honey and filtered honey must not be labelled with additional information relating to its floral or vegetable origin, its regional or territorial or topographical origin or its specific quality criteria.

Where baker's honey and filtered honey are sold in bulk containers, the full product name must appear on both the container and on any accompanying trade documents.

Baker's honey sold in its own right as a food must be labelled with the words 'Intended for cooking only' in close proximity to the name. When used as an ingredient in a food, it is permissible to use the abbreviated description 'honey' in the name of the food, provided that the full reserved description of 'baker's honey' is listed in the ingredients.

Voluntary labelling

Members of the British Honey Importers and Packers Association (BHIPA) adhere to a voluntary code of practice whereby all honey on retail sale includes a warning statement that honey is 'Unsuitable for children under 12 months'. This is a precautionary measure against possible infant botulism, which could potentially arise from the presence of *Clostridium botulinum* spores in honey. Although this is not a statutory requirement, the Trading Standards service supports this voluntary warning for infants under twelve months.

Trading Standards

For more information on the work of Trading Standards services - and the possible consequences of not abiding by the law - please see '<u>Trading Standards</u>: <u>powers</u>, <u>enforcement and penalties</u>'.

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

General detail added.

Last reviewed / updated: October 2024

Key legislation

- Weights and Measures (Packaged Goods) Regulations 2006
- assimilated Regulation (EU) No 1169/2011 on the provision of food information to consumers
- Food Information (Scotland) Regulations 2014
- Honey (Scotland) Regulations 2015

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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