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trading standards law explained

Labelling of fish

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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.

This guidance is for Scotland

The sale of fish is covered by the Fish Labelling (Scotland) Regulations 2013 and must be labelled with the true name of the fish, the production method, the catch area, and treatments and additives that must be declared. There is a list of recognised legal names, which is maintained and updated by the Department for Environment, Food and Rural Affairs (Defra).

There are additional labelling requirements for fish that has been irradiated, previously frozen, smoked and/or contain any genetically modified material.

This guidance covers food that is not prepacked; for more information see 'Labelling of non-prepacked foods'.

There are extra requirements for food that has been put into packaging before being offered for sale; see

'Labelling of prepacked foods: general'.

Required labelling

Fish must be labelled with the following:

- commercial designation of the food (see below)
- scientific name (which may be provided on a separate poster)
- production method (caught at sea, caught in fresh water, farmed or cultivated)
- category of fishing gear used
- whether or not the fish has been defrosted (see below)

There is an exemption from the first three of these requirements for fish worth less than 20 euros (approximately £18) that is sold direct to the consumer by those who caught it.

Article 38 of assimilated Regulation (EU) No 1379/2013 *on the common organisation of the markets in fishery and aquaculture products* includes further requirements relating to the area where the fish was caught ('FAO' refers to the Food and Agriculture Organisation of the United Nations):

"1. The indication of the catch or production area ... shall consist of the following:
(a) in the case of fishery products caught at sea, the name in writing of the sub-area or division listed in the FAO fishing areas, as well as the name of such zone expressed in terms understandable to the consumer, or a map or pictogram showing that zone, or, by way of derogation from this requirement, for fishery products caught in waters other than the Northeast Atlantic (FAO Fishing Area 27) and the Mediterranean and Black Sea (FAO Fishing Area 37), the indication of the name of the FAO fishing area;
(b) in the case of fishery products caught in freshwater, a reference to the body of water of origin in the United Kingdom or third country of provenance of the product;
(c) In the case of aquaculture products, a reference to the country in which the product reached more than half of its final weight or stayed for more than half of the rearing period or, in the case of shellfish, underwent a final rearing or cultivation stage of at least six months."

The requirements of Article 38 of assimilated Regulation (EU) No 1379/2013 do not apply to processed fish products.

As fish is a specified allergen, the allergen-labelling requirement must also be complied with. See 'Food allergens and intolerance' for more information.

Names for species of fish (commercial designations)

A name is required by law for the fish. Defra keeps an up-to-date list in its *Commercial Designations of Fish* document.

The list of recognised legal names for species of fish (or 'commercial designations') is updated as new species are marketed and when new scientific information about species becomes available.

A brand name, trade name, or made-up name must not be substituted for the true name. A commonly misused trade name is 'crab sticks'; to comply with the requirements listed above, this trade name must be accompanied by a true name that indicates that it includes fish, cereal and crab flavouring.

The name you use should be the same as that used by your supplier. By shortening a fish's name you could be misdescribing it - for example, lemon sole is different from sole (which means a Dover sole), and

salmon is a different species from red or pink salmon, etc. Beware of megrim and lemon sole as these can be easily confused.

Genetic modification

If a food contains any genetically modified material (for example, breadcrumbs may contain maize or soya) the product must be labelled 'Produced from genetically modified maize / soya'. For more information on GM foods see 'Genetically modified foods'.

Treatment or process

Irradiation

If the food or any ingredients in the food have been irradiated, it must be declared and marked 'irradiated' or 'Treated with ionising radiation' (some crustaceans and shellfish are irradiated, for example).

Previously frozen fish

If fish that has been frozen is offered for sale in a thawed or partly thawed condition, it must be labelled with the word 'defrosted'.

Smoked

Fish that has been smoked should be labelled as such. Where appropriate, this should indicate whether it was cold smoked (which will require thorough cooking) or hot smoked.

Care should be taken to ensure your labelling clearly distinguishes smoked and smoke flavour products. Only fish that has been actually flavoured by smoking can be labelled 'smoked'. Those treated with smoke solution must be labelled 'smoke flavour'.

Smoked fish is exempt from the requirement to give the commercial designation.

Formed fish

Many traditional products such as breaded scampi and breaded fish 'steaks' are now made with formed fish or minced fish. In order to prevent customers being misled, they must be labelled as 'formed fish'. Use the same name as that given by the manufacturer on the packaging.

Weights and measures

For information regarding weighing and measuring requirements, please see 'Weighing and measuring fish'.

Further information

More guidance on fish and seafood labelling can be found on the GOV.UK website.

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 the Trading Standards service, 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

New guidance for Scotland.

Last reviewed / updated: February 2024

Key legislation

- assimilated Regulation (EU) No 1169/2011 *on the provision of food information to consumers*
- Fish Labelling (Scotland) Regulations 2013
- assimilated Regulation (EU) No 1379/2013 *on the common organisation of the markets in fishery and aquaculture products*
- 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 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 changes to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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