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trading standards law explained

Food and drink

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Before you start, make sure you choose your location by using the drop-down list at the top of the page and then clicking on the arrow.

For more detailed information, please see the In-depth Guides below. Some laws are different in England, Scotland and Wales, and some are enforced differently, so the In-depth Guides provide country-specific information.

Once you've finished, make sure you look at the full range of Quick Guides to see whether there are any other areas of law that affect your business.

The law sets out rules that cover the preparation, composition and labelling of food supplied for human consumption.

In broad terms:

- The quality must meet the expectations of the consumer
- It must be as described and not presented in a way that misleads the consumer
- Nothing may be added or removed that would make it harmful to health

The rules covering food safety can be divided into two broad areas:

- The preparation of a product (for example, hygiene)
- The finished product (such as labelling and presentation)

If you prepare, pack or sell certain specific food products, there will be additional requirements; check the

In-depth Guides to find out whether there are extra rules that apply to you.

There are other special rules for subjects such as the country of origin, treatments such as irradiation, and the use of genetically modified ingredients. Again, see the In-depth Guides below for more information on the laws that apply to you.

> There are laws that cover the weighing and measuring of foods. Make sure you read the 'Weights and measures' Quick Guide.

Food safety: quality and composition

There are rules that cover the composition of a range of foods that could be high risk if lower-quality ingredients have been used. These foodstuffs include bottled mineral water, jams and meat products.

The composition and labelling requirements for such high-risk foods are covered in legislation that is designed to protect consumers from illegal changes to foods. You can find information on this legislation and who it applies to in the In-depth Guides.

Food safety: labelling

The law sets out what is required to be shown on food packaging. This is to allow the consumer to make informed choices about the food they eat.

The labelling requirements vary according to the way the food is sold:

- Prepacked foods are supplied to you already packaged
- Non-prepacked foods are those that are sold loose or packaged at the request of the consumer - for example, in restaurants, bakeries, deli counters or salad bars
- Foods sold 'prepacked for direct sale' is where the food is packaged on the same premises as they are sold, or from a mobile stall or vehicle operated by the packer. Examples include meat pies or sandwiches packaged in and sold from a shop

Prepacked food

If you sell food that is prepacked you must give the following information:

- The name of the food
- A best-before or use-by date
- The net quantity
- A list of ingredients (unless the product is a single ingredient and the name of the product is the ingredient); allergenic ingredients must be emphasised in some way (such as bolding) each time they appear in the list
- A quantitative declaration (QUID) of certain ingredients
- The name and address of the responsible food business operator
- A nutrition declaration (unless exempt)
- Traceability information, such as a lot number (unless the best-before / use-by date is sufficient for

traceability purposes)
- Any special storage conditions (if necessary)
- Instructions for use or cooking (if necessary)
- Origin marking (only if the customer would be misled as to the origin without it)
- Any required warnings - for example, if food contains aspartame, the following wording must be given: 'Contains a source of phenylalanine'

Best before, use by and sell by

Best-before date

For most foods, the 'best before' date mark is appropriate. It relates to the quality of the food and is an indication of the period for which a food can reasonably be expected to retain its optimal condition. Retailers can sell food after the best-before date provided the food is safe to eat, but they take responsibility for the quality of the food if they do so.

Use-by date

For foods that are highly perishable, 'use by' is the required form of date mark. These foods present a microbiological risk to the consumer if sold after the indicated date, so this mark relates to the safety of the food. It is an offence to sell food after its use-by date.

Sell-by date

Products may be labelled with 'sell by' and 'display until' dates, but these are not required by law and are used mainly for stock-control purposes within business premises. A sell-by date must not replace a best-before or use-by date. There are different rules for eggs.

Non-prepacked food

If you sell non-prepacked food in your shop or you run a catering business, the rules are different. You only need to show:

- The name of the food
- The percentage of the product that is meat (for certain products only)
- Allergen information (or a notice advising that this is available on request)
- If any ingredients have been irradiated
- If any ingredients have come from GM sources

Prepacked-for-direct-sale food

The requirements for food sold 'prepacked for direct sale' (PPDS) used to be similar to those for non-prepacked food, but since 2021 they have been closer to those for prepacked food, including the requirement to include an ingredients list on the label that emphasises allergenic ingredients.

For more information, including how to identify PPDS food, see the related In-depth Guide below.

Nutrition and health claims

There are laws governing what claims the food label may make about the nutritional properties of the food - for example, 'low fat' - and/or the potential health benefits that consuming the food may have.

Medicinal claims (any claim to treat the symptoms of, or prevent, a disease or ailment) must not be made on food or advertisements for food, and it is a specific offence to claim that consuming a food can prevent or remedy cancer, or give any advice in connection with the treatment of cancer.

Food hygiene and safety

Food businesses and handlers must ensure that their practices minimise the risk of harm to the consumer.

Millions of people in the UK are affected by food poisoning each year, so food hygiene is a key priority if you prepare or handle food. There are a number of key risks, including illness or death from food poisoning, increased consumer complaints, loss of reputation, legal action and fines.

There are seven issues that must be considered by businesses that prepare and handle food:

- Contamination
- Temperature controls
- Storage and preservation
- Personal hygiene
- Pest control
- Cleaning and disinfection
- Food safety management

This area is the responsibility of Environmental Health rather than Trading Standards, and is therefore not covered on the site. Contact your local Environmental Health service for advice on these issues.

> 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.

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