

Labelling of prepacked foods: product name

In the guide

Name

- Fancy names & brand names

- Legal names

- Customary names

- Descriptive names

Field of vision

Sweeteners

Foods with specific name requirements

Further information

Penalties

Key legislation

This guidance is for England & Wales

This guidance relates to prepacked food only.

'Prepacked food' is defined in EU Regulation (EU) No 1169/2011 *on the provision of food information to consumers* as "... 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 ...".

The definition of prepacked does not cover food packed on the sales premises at the consumer's request; nor does it cover food that is sold from the premises on which it was packed (referred to as 'prepacked for direct sale').

Name

All prepacked products must bear a name that accurately describes the product; it must be clearly presented, not misleading, and not broken up by other words or pictures.

There are several types of name and you must choose the one that applies.

Fancy names & brand names

Fancy names and brand names are used to market products but say nothing about the product and have no legal standing; for the purpose of food legislation they are not considered to be names.

If you use fancy names or brand names you will also need to use the most appropriate of the 'legal', 'customary' and 'descriptive' types of name below, usually on the back of the product.

For example:

- fancy name: 'Coca-Cola'
- descriptive name (back of can): 'Sparkling soft drink with vegetable extracts'

Legal names

If a product has a legal name you must use it. There are relatively few legal names; examples include varieties of potato and melons, and species of fish.

You will see that several of our guides ('Jam & similar products', for example) refer to 'reserved descriptions' and/or 'regulated product names'. These specify that certain descriptions - jam, chocolate, etc - can only be used if the product contains certain ingredients and in certain amounts. If your product cannot meet the requirements for a reserved description / regulated product name then you cannot describe it as such. However, if your product has been made in compliance with a reserved description / regulated product name then you must use it and it becomes a legal name.

Legal names do not need a further descriptive name, although you can use an additional name if you wish.

Customary names

A customary name will often say relatively little about the nature of the product but will be widely understood by consumers without them needing any further explanation; examples of customary names include Chelsea Bun and Bakewell Tart. If using a customary name there is no need to also use a descriptive name, but you can if you wish.

If you want to market your product under a customary name then the name must be predominantly understood by consumers; therefore it would not be possible to market food solely with a customary name if it is only understood within certain communities. Where that is the case you can still use the customary name but you would also need to use a descriptive name.

Descriptive names

A descriptive name is a name that accurately describes the food.

If there is no legal or customary name you must use a descriptive name and it is 'the name' for the field of vision (see below) and other purposes.

The descriptive name must accurately describe the food that people are eating so that they can make an informed choice as to whether they want to eat it. Ingredients, treatments, etc that may affect the decision to purchase should be included in the descriptive name. Examples include:

- a bacon and egg sandwich that contains brown sauce
- a beef and mustard baguette that contains pickled gherkins

While it is not a legal requirement it is good practice to include a reference to significant allergenic ingredients in the descriptive name (bread, nuts, milk, etc) - for example, a descriptive name for a maple cured bacon, lettuce and tomato sandwich would be 'Maple cured smoked British bacon, tomato and lettuce with mayonnaise on malted bread'.

This descriptive name draws attention to the presence of egg (mayonnaise) and gluten (malted bread) and highlights that the bacon has been smoked.

The descriptive name does not have to be on the front of the product.

Field of vision

The 'name' of the food must be in the same field of vision as the net quantity declaration (see 'Labelling of prepacked foods: general').

This means that you must be able to hold the product so that the name and the net quantity declaration can both be seen at the same time.

If the product is an alcoholic drink with an alcohol content of 1.2% or higher, the name will also have to be in the same field of vision as the alcoholic strength (declared as alcohol by volume or 'vol'). See 'Alcoholic beverages, spirits & food' for more information.

Sweeteners

If your product contains sweetener then you must state 'with sweetener' with the name of the food.

If your product contains sugar and sweetener you must state 'with sugar and sweetener' with the name of the food.

This needs to be with the 'name' for the purposes of the legislation; therefore if you are using a descriptive name on the rear of the product then you will not have to make the statement with the fancy name on the front of the pack.

There are other requirements for foods containing sweeteners; please see 'Labelling of prepacked foods: ingredient list' for more information.

Foods with specific name requirements

A number of products have specific requirements in relation to the name - for example, meat products, fish, jam, honey and mineral water.

If you require product-specific guidance please either check for relevant guides available on this website or contact your local trading standards service for advice.

Further information

There are many requirements for prepacked food. Please see our other guides on the subject:

- 'Labelling of prepacked foods: general'

- 'Labelling of prepacked foods: ingredient list'
- 'Labelling of prepacked foods: nutrition declaration'
- 'Labelling of prepacked foods: QUID'

Penalties

Failure to comply with trading standards law can lead to enforcement action and to sanctions, which may include a fine and/or imprisonment. For more information please see 'Trading standards: powers, enforcement & penalties'.

Key legislation

Food Safety Act 1990

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

Food Information Regulations 2014

Food Information (Wales) Regulations 2014

Last reviewed / updated: November 2019

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.

© 2020 Chartered Trading Standards Institute

Source URL:

<https://www.businesscompanion.info/en/quick-guides/food-and-drink/labelling-of-prepacked-foods-product-name>