

## FOOD STANDARDS AGENCY CONSULTATION

Title: Food Standards Agency Guidance Notes on labelling fat spreads,  
including margarine and butter

### CONSULTATION SUMMARY PAGE

<b>Date consultation launched:</b>	<b>Closing date for responses:</b>
16 September 2009	9 December 2009

#### Who will this consultation be of most interest to?

Food manufacturers and Industry engaged in the manufacture of dairy produce and vegetable / fat spreads. Enforcement Authorities; Trading Standards, Port health authorities and Local Authorities

#### What is the subject of this consultation?

FSA guidance on the legal requirements on the rules for the compositional and labelling criteria for spreadable fats including margarine and butter.

#### What is the purpose of this consultation?

To formally seek stakeholders comments and views on the draft updated guidance on the labelling of spreadable fats including margarine and butter.

#### Responses to this consultation should be sent to:

**Name:** Shifra Sheikh

**Division/Branch:**

Labelling and Standards Division,  
Standards Authenticity and Food Law  
Policy

**FOOD STANDARDS AGENCY**

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London, WC2B 6NH

**Email:** [Shifra.Sheikh@foodstandards.gsi.gov.uk](mailto:Shifra.Sheikh@foodstandards.gsi.gov.uk)



<b>Is an Impact Assessment included with this consultation?</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/> <b>See Annex A for reason.</b>
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**Food Standards Agency Consultation on updated Guidance Notes on labelling fat spreads, including margarine and butter**

**DETAIL OF CONSULTATION**

The Agency seeks views on draft Guidance Notes detailing the rules on the labelling and marketing of dairy produce and fat spreads set down in European Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)<sup>1</sup>.

The Guidance Notes have been drafted to take account of the Anderson Review<sup>2</sup>.

**Introduction**

1. On 1 July 2008, **Council Regulation 1234/2007** came into force; Council Regulations 1898/87 (on the protection of designations used in the marketing of milk and milk products) and 2991/94 (laying down standards for spreadable fats) were repealed and Statutory Instrument 2008 No. 1287: **The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008** was brought into force (with similar legislation applying in Scotland, Wales and Northern Ireland).
2. **Council Regulation 1234/2007** is directly applicable in the UK and enforcement provisions are included in national legislation.
3. SI No.1287 simply updated any references from Council Regulations 1898/87 and 2991/94 to the new Council Regulation 1234/2007. Therefore the Agency did not hold a full formal consultation on the new SI or produce an Impact Assessment (IA)<sup>3</sup> as there were no additional or incremental costs to the private or public sector. The Agency is not including an IA for the guidance notes subject to this consultation as the guidance will not add any new significant burdens to the private or public sector.
4. As a result of this legislative update, it has now become necessary to revise associated Guidance Notes. The draft Guidance Notes, subject to this consultation, set out to explain, principally, the rules on labelling fat spreads set down in Council Regulation 1234/2007.
5. The Guidance Notes also address relevant aspects of EC Directive 1019/2002, which lays out requirements for the labelling of foods containing olive oil, which would include some fat spreads.

<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:299:0001:0149:EN:PDF>

<sup>2</sup> <http://www.berr.gov.uk/whatwedo/bre/reviewing-regulation/The%20Anderson%20Review/page45278.html>

<sup>3</sup> <http://www.food.gov.uk/news/newsarchive/2008/mar/newdairyregs>

## Consultation Process

6. The Agency has had meetings and discussions with LACORS and the leading spreadable fats trade organisation; the Margarine and Spreads Association<sup>4</sup>. The Agency will be publishing the consultation documents on its website<sup>5</sup>. The consultation will run for 12 weeks. Interested parties will be encouraged to contact the Agency with any comments or queries they may have. It is not envisaged that there will be any further consultations or formal correspondence on the subject matter.
7. Once all responses have been received, they will be addressed by the Agency and shall either be incorporated into the Guidance Notes or reasons will be given as to why comments have been rejected. This information will be published as a supplementary document and will appear on the Agency website within 3 months.

### Questions asked in this consultation:

**Q1: Are you content with the layout and the subject matter contained in these guidance Notes?**

**Q2: Is there any additional text or information you would like to see included? – Please provide detail and reasoning.**

8. The Agency welcomes all comments and would particularly encourage Industry and Enforcement Authorities to respond with their views and supporting detail.

### Responses

9. Responses via email, telephone and mail are welcome. Contact details are provided on page 1.
10. Responses are required by close **9 December 2009**. Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

Thank you on behalf of the Food Standards Agency for participating in this public consultation.

### Shifra Sheikh

Standards, Authenticity and Food Labelling Branch  
Labelling, Standards and Allergy Division

<sup>4</sup> <http://www.msa.co.uk>

<sup>5</sup> <http://www.food.gov.uk>

**Enclosed**

**Annex A: Standard Consultation Information**

**Annex B: List of interested parties**

## Queries

1. If you have any queries relating to this consultation please contact the person named on page 1, who will be able to respond to your questions.

## Publication of personal data and confidentiality of responses

2. In accordance with the FSA principle of openness our Information Centre at Aviation House will hold a copy of the completed consultation. Responses will be open to public access upon request. The FSA will also publish a summary of responses, which may include personal data, such as your full name and contact address details. If you do not want this information to be released, please complete and return the Publication of Personal Data form, which is on the website at <http://www.food.gov.uk/multimedia/pdfs/dataprotection.pdf>. Return of this form does not mean that we will treat your response to the consultation as confidential, just your personal data.
3. In accordance with the provisions of Freedom of Information Act 2000/Environmental Information Regulations 2004, all information contained in your response may be subject to publication or disclosure. If you consider that some of the information provided in your response should not be disclosed, you should indicate the information concerned, request that it is not disclosed and explain what harm you consider would result from disclosure. The final decision on whether the information should be withheld rests with the FSA. However, we will take into account your views when making this decision.
4. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.

## Further information

5. A list of interested parties to whom this letter is being sent appears in Annex B. Please feel free to pass this document to any other interested parties, or send us their full contact details and we will arrange for a copy to be sent to them direct.
6. Please contact us for alternative versions of the consultation documents in Braille, other languages or audiocassette.
7. Please let us know if you need paper copies of the consultation documents.
8. This consultation has been prepared in accordance with HM Government Code of Practice on Consultation, available at: <http://www.berr.gov.uk/files/file47158.pdf>  
The Consultation Criteria are available at <http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44458.html>
9. The Code of Practice states that an Impact Assessment should normally be published alongside a formal consultation. We have not produced an Impact Assessment for this proposal. Our reasons are set out below:

- On 1 July 2008, The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008 came into force. Similar legislation applied in Scotland, Wales and Northern Ireland. This legislation simply updated any references from Council Regulations 1898/87 and 2991/94 to the new Council Regulation 1234/2007. In our view, there were no substantive changes therefore the Agency did not produce an Impact Assessment (IA); neither did we hold a full formal consultation on the new SI.
- On 12 March 2007, the Agency issued an Interested Party Letter (published on our website at: <http://www.food.gov.uk/multimedia/pdfs/sfmmp2008ip080312.pdf> ) detailing the above and asked for any comments on our proposed action. No comments were received; therefore the Agency proceeded without an IA as outlined.

10. For details about the consultation process (not about the content of this consultation) please contact: Food Standards Agency Consultation Co-ordinator, Room 2C, Aviation House, 125 Kingsway, London, WC2B 6NH. Tel: 0207 276 8630.

#### **Comments on the consultation process itself**

11. We are interested in what you thought of this consultation and would therefore welcome your general feedback on both the consultation package and overall consultation process. If you would like to help us improve the quality of future consultations, please feel free to share your thoughts with us by using the Consultation Feedback Questionnaire at <http://www.food.gov.uk/multimedia/worddocs/consultfeedback.doc>
12. If you would like to be included on future Food Standards Agency consultations on other topics, please advise us of those subject areas that you might be specifically interested in by using the Consultation Feedback Questionnaire at <http://www.food.gov.uk/multimedia/worddocs/consultfeedback.doc>. The questionnaire can also be used to update us about your existing contact details.

3663  
Aarhus Karlshamn  
Actimel  
Adams Food Ingredients  
ADAS  
Allied Frozen Storage  
Allied Technical Centre  
Apetito  
Aramark  
Arla Foods  
Arlafoods  
ASDA  
Ashwell Associates  
Association of Cheese Processors  
Association of Frozen Food Producers  
Association of Public Analysis  
Basildon Dairy Foods  
Biscuit, Cake, Chocolate and  
Confectionery Alliance  
BEL UK  
Bevelynn Ltd  
Biotechnology and Biological Sciences  
Research Centre  
Birmingham City University  
Booker Ltd  
Borculo Whey Products  
Bradbury and Son (Buxton) Ltd  
Brakes  
Britannia Food  
British Brands Group  
British Cheese Board  
British Dietetic Association.  
British Exporters Association  
British Food Importers & Distributors  
Association  
British Goat Society  
British Hospitality Association  
British Nutrition Foundation  
British Retail Consortium  
British Soft Drinks Association Ltd  
BSI Global  
Bureau Européen des Unions  
Consommateurs  
Cadbury Schweppes Plc  
Caledonian Cheese Company Ltd  
Camden & Chorleywood Food RA  
Campbell's Grocery Products Ltd  
Capelin's Of Brora  
Cargills  
Cereal Partners Worldwide  
Chartered Institute of Environmental  
Health  
Chequer Foods Ltd  
Christian Salvesen Distribution.Ltd  
CMI plc  
Cold Storage and Distribution Federation  
Community Foods Ltd  
Compass Group Plc  
Contract Foods Ltd  
Co-Operative Group  
Country Markets Ltd Denison Ingredients  
UK ltd  
Cream O'Galloway Dairy Comp  
Dairy Crest  
Dairy Farm Products  
Dairy Farmers of Britain  
Dairy UK  
Defra  
Dept of Trade & Industry  
Diliberto  
Dutch Maid Ices  
Eden Vale  
Elizabeth the Chef Ltd  
EFSIS  
Ellis & Everard Ltd  
English Lakes Ice Cream  
Eurofins Laboratories Ltd  
European Food Law Association UK  
Eversheds Legal Firm  
Fayrefield Food International  
Farley Health Products  
Fayrefield Foodtec Ltd  
Federation of Fish Fryers  
Federation of Small Businesses  
Food Additives & Ingredients Association  
Food and Drink Federation  
Food Commission  
Food from Britain  
Food Ingredient Services  
Foodaware  
Foodtrak LTD  
Ford Farm Cheese  
Forum of Private Business  
Frederick's Dairies Ltd  
Friends of the Earth  
G C Hahn + Co Ltd  
G Porrelli & Co Ltd  
Geest Foods Ltd  
Glanbia Cheese Ltd  
Geo Adams  
GlaxoSmithKline  
Glebe Farm  
Goat Nutrition  
Good Food Distributors  
Graveley Packing Ltd  
Gunstones Bakery

H J Heinz Company Ltd	Napier Brown & Co Ltd
Hannah Research Institute	National Association of Master Bakers, Confectioners and Caterers
Health Food Manufacturers Association	National Consumer Council
Heinz UK & Ireland	National Consumer Federation
Helsett Farm Ice Cream	National Dairymen's Association
HL Foods	National Edible Oil Distributor Association.
Holland & Barrett	National Family & Parenting Institute
Home-Grown Cereals Authority	National Farmers Union (England)
Ice Cream Alliance Ltd	National Federation of Women's Institutes
Ice Cream Federation IFF (Great Britain) Ltd	National Food Alliance
Ilchester Cheese Co Ltd	Nestlé UK
Infant and Dietetic Food Association	Nestle Rowntree HQ
Innocent Ltd	Neya Taste
Institute	Nichols Foods Ltd
Institute of Food Science and Technology	Northern Foods
Institute of Grocery Distribution	Nutrisport
J Sainsbury Plc	Onken
Jacobs Bakery Limited	PHLS
James Rizza & Sons	Pilgrims Choice Cheese
Jersey Milk Marketing Board	Piquant House
Joseph Heler Cheese	Pizza Hut (UK)
Kellogg Company (GB) Ltd	Premier International Foods
Kelly's Of Bodmin Ltd	Princes
Kerry Food Service	Pritchitts Dairy
Kerry Food UK Ltd	Proprietary Association of Great Britain
Kerry Ingredients (UK)	Prospero
Kraft Foods UK Ltd	Provision Trade Federation
La Maison Des Sorbets	Pura
LACORS	Quality Milk Producers
Leatherhead Food RA	Rainbow Ices
Leckpatrick Dairies Ltd	Ronaldo Ices
LGC	Rossi's Ice Cream
London Chamber of Commerce	Schwans
London Food Centre	Snack, Nut & Crisps Manufacturers Association
Loughry College, The Food Centre	Society of Dairy Technology
Lovington's	Somerfield Stores Ltd
Kraft Europe	St Ivel Ltd
Laboratory of the Government Chemist	Staple Dairy Products
Leatherhead Food International	Sustain
Lefktro UK LTD	Tesco
Lovells	The Fat Consultant
LSW LTD	The Federation of Oils, Seeds and Fats Associations Ltd
Marks & Spencer Plc	The Grain and Feed Trade Association
Markus Products	The Kerrygold Company Ltd
Master Foods	The Oil Merchant
Maud's Ice Cream	The Organic Milk Cooperative
Mayer Brown Rowe	The University of Edinburgh
Meadow Foods	Thornton's Plc
Meat & Livestock Commission (MLC)	Tiana Ltd
Meridian Foods	Trading Standards Institute
Milk Development Council	Turner's Dairies
Milk Link Ltd (formerly Milk Marque)	UK Association of Frozen Food Producers
Minoli's of Machen	
MRC Human Nutrition Unit	

Unilever  
United Biscuits  
Venture Foods (UK) Limited  
Waitrose  
Wensleydale Dairy Products Ltd  
Western Research Laboratories  
Westmill Foods  
Which?  
Whitehouse Consultancy Ltd  
William Morrison Supermarkets Plc  
Women's Food and Farming Union  
Yeo Valley Organic Company Ltd  
Yakult  
Yoplait





FOOD  
STANDARDS  
AGENCY

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**GUIDANCE ON  
LEGISLATION FOR  
SPREADABLE FATS AND  
OTHER YELLOW FAT  
SPREADS**

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Revision 1  
September 2009

**If you require this information in an alternative format – such as audio, large print, Braille – please contact us.**

**CONTACT TELEPHONE**

020 7276 8162

## Summary

<b>Intended audience:</b>	Food Industry including small and medium size enterprises, and enforcement authorities
<b>Regional coverage:</b>	The guidance is applicable for use in the United Kingdom (England, Northern Ireland, Scotland and Wales). Details of referenced legislation can be found at Annex 2
<b>Purpose:</b>	To provide informal, non-binding guidance on legislation relating to spreadable fats and other yellow fats and help enforcement authorities to identify and take action on misleading labelling.
<b>Legal status:</b>	This guidance is intended: <ul style="list-style-type: none"> <li>• to accompany regulations and</li> <li>• to address best practice, which has been highlighted in text boxes throughout the guidance document</li> </ul>
<b>Essential actions to comply with regulation(s):</b>	<p>You must follow labelling rules for spreadable fats in terms of:</p> <ol style="list-style-type: none"> <li>1. Using the legal and full name: <ul style="list-style-type: none"> <li>➤ The legal names of Spreadable fats must be used i.e. the sales descriptions specified in Council Regulation (EC) No. 1234/2007. From here on, the Regulation will be referred to as the 'CMO Regulation'</li> <li>➤ These names must be used in full, e.g. 'fat spread X%' and 'X% fat spread' <u>not</u> 'fat spread'. Where more than one sales description is given (see the Annex to this Guidance), the product <u>must use only one</u> of these.</li> </ul> </li> <li>2. Including information about: <ul style="list-style-type: none"> <li>○ the quantity of ingredients</li> <li>○ fat content</li> <li>○ possible allergens</li> <li>○ fortification</li> </ul> </li> <li>3. General compliance with the Food Labelling Regulations, 1996, as amended. From here on, these Regulations will be referred to as the 'FLRs'. <ul style="list-style-type: none"> <li>➤ Ingredients must be listed, under a heading of 'Ingredients', in descending order of weight at the time</li> </ul> </li> </ol>

	<p>they were used in the spread</p> <ul style="list-style-type: none"> <li>➤ Ingredients' names should be those that would be used if they were sold as foods by themselves</li> <li>➤ The ingredients list should include reference to any treatment, e.g. 'dried skimmed milk'</li> <li>➤ The total percentage fat content by weight at the time of production must be stated</li> <li>➤ In addition, 'blends' and 'blended spreads', must declare the type of fat (milk fat and vegetable fat or animal fat) and the percentage (by total weight) of each constituent fat. This information must be given in decreasing order of percentage weight.</li> <li>➤ Any trademarks or brand names must not be misleading in their nature.</li> <li>➤ Non-dairy spreads must not show dairy imagery on the labels.</li> <li>➤ Nutrition claims such as 'reduced fat', 'low-fat', 'light' and 'lite' may be permitted for spreadable fats depending on their fat content.</li> </ul>
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### REVISION HISTORY

Revision No.	Revision date	Purpose of revision	Revised by
1	September 2009	Official Revision	Shifra Sheikh (LSAD)

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## REGULATIONS REFERRED TO IN THIS GUIDANCE

These Guidance Notes cover separate but parallel regulations in all four administrations of the UK. See Annex 2 for further detail on legislation for Scotland, Northern Ireland and Wales.

- I. The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008.  
[http://www.opsi.gov.uk/si/si2008/pdf/uksi\\_20081287\\_en.pdf](http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081287_en.pdf)

Parallel but separate regulations exist for Northern Ireland, Wales and Scotland:

The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Northern Ireland) Regulations 2008 (SR 2008 No 239)  
[http://www.opsi.gov.uk/sr/sr2008/nisr\\_20080239\\_en\\_1](http://www.opsi.gov.uk/sr/sr2008/nisr_20080239_en_1)

The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008 No. 1341 (W.141)  
[http://www.opsi.gov.uk/legislation/wales/wsi2008/wsi\\_20081341\\_en\\_1](http://www.opsi.gov.uk/legislation/wales/wsi2008/wsi_20081341_en_1)

The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Scotland) Regulations 2008 (SSI 2008 No. 216)  
[http://www.opsi.gov.uk/legislation/scotland/ssi2008/ssi\\_20080216\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/ssi2008/ssi_20080216_en_1)

- II. The Food Labelling Regulations 1996. Statutory Instrument 1996 No 1499, (as amended) apply directly in England, Scotland and Wales. The principal legislation can be found at the following web-link:  
[http://www.opsi.gov.uk/si/si1996/Uksi\\_19961499\\_en\\_1.htm](http://www.opsi.gov.uk/si/si1996/Uksi_19961499_en_1.htm)  
Food Labelling Regulations (Northern Ireland) 1996 Statutory Rule 1996 No. 383  
[http://www.opsi.gov.uk/sr/sr1996/Nisr\\_19960383\\_en\\_1.htm](http://www.opsi.gov.uk/sr/sr1996/Nisr_19960383_en_1.htm)

The legislation has been amended a number of times and separate legislation exists for the devolved administrations of the UK. For full details of these amendments, please contact the Agency Food Labelling section, details can be found at the end of this document.

- III. The Food Safety Act 1990  
[http://www.opsi.gov.uk/acts/acts1990/Ukpga\\_19900016\\_en\\_1.htm](http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900016_en_1.htm)  
The Food Safety Act 1990 (Consequential Modifications) (England and Wales) Order 1990 [http://www.opsi.gov.uk/si/si1990/Uksi\\_19902486\\_en\\_1.htm](http://www.opsi.gov.uk/si/si1990/Uksi_19902486_en_1.htm)  
The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990  
[http://www.opsi.gov.uk/si/si1990/uksi\\_19902625\\_en\\_1.htm](http://www.opsi.gov.uk/si/si1990/uksi_19902625_en_1.htm)
- IV. Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products. Official Journal (OJ) No L299, 16.11.2007, p1.  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:299:0001:0149:EN:PDF>

- Annex XV – marketing standards applying to spreadable fats referred to in Article 115.
- Annex XII – definitions and designations in respect of milk and milk products referred to in Article 114 [1].
- Annex XVI – on the descriptions and definitions of olive oil and olive pomace oils referred to in Article 118.

- V. COUNCIL REGULATION (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:093:0012:0025:EN:PDF>
- VI. Directive 2000/13 of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs. Official Journal (OJ) No. L109. 6.5.2000, as amended. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:109:0029:0042:EN:PDF>
- VII. COUNCIL REGULATION (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:093:0001:0011:EN:PDF>
- VIII. Commission Regulation (EC) No. 445/2007 (codified version) laying down certain detailed rules for the application of Council Regulation (EC) No 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No 1898/87 on the protection of designations used in the marketing of milk and milk products. Official Journal (OJ) No L 87. <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:106:0024:0029:EN:PDF>
- IX. Commission Regulation (EC) No. 1019/2002 on the marketing standards for olive oil. Official Journal (OJ) No L 155/27. <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:155:0027:0031:EN:PDF>
- X. Corrigendum to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on Nutrition and Health Claims made on foods (Official Journal (OJ) No L404) OJ No L12, 18.1.2007. [http://eur-lex.europa.eu/pri/en/oj/dat/2000/l\\_109/l\\_10920000506en00290042.pdf](http://eur-lex.europa.eu/pri/en/oj/dat/2000/l_109/l_10920000506en00290042.pdf)
- XI. Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods. Official Journal (OJ) No L404. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:404:0026:0038:EN:PDF>
- XII. Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of Food Safety. Official Journal (OJ) No L31. [http://eur-lex.europa.eu/pri/en/oj/dat/2002/l\\_031/l\\_03120020201en00010024.pdf](http://eur-lex.europa.eu/pri/en/oj/dat/2002/l_031/l_03120020201en00010024.pdf)

## **INTRODUCTION**

1. These Guidance Notes explain the requirements for the labelling and marketing of fat spreads and dairy produce set down in European Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)<sup>1</sup>.
2. These Guidance Notes are applicable to all spreadable fats and other yellow fat spreads produced or imported into the UK. The designations used for spreadable fat products are detailed in the Appendix to Annex XV of Council Regulation (EC) 1234/2007 (here on referred to as 'the CMO Regulation'). The CMO Regulation imposes reserved sales descriptions for spreadable fats.
3. The restrictions cover labelling and compositional criteria.

## **INTENDED AUDIENCE**

4. The guidance is intended for sectors of the food industry involved in the manufacture of spreadable fats, including small and medium sized businesses. The aim of this guidance is to facilitate uniform application of the Regulations by Industry [including Small and Medium Size Enterprises (SMEs)] and to aid enforcement authorities in their enforcement activities in relation to the legislation relating to spreadable fats and other yellow fats spreads. Ultimately, it would ensure consumers are presented with meaningfully and accurately labelled products.

## **PURPOSE AND LEGAL STATUS OF GUIDANCE**

5. These Guidance Notes have been produced to provide informal, non-binding advice on:
  - Compliance with the legal requirements of Article 115 of Council Regulation (EC) No. 1234/2007 of 22 October establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products ("the CMO Regulation") as read with Annex XV; and
  - best practice in this area.
6. These Guidance Notes should be read in conjunction with the legislation itself. The guidance on legal requirements should not be taken as an authoritative statement or interpretation of the law, as only the courts have this power. It is ultimately the

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<sup>1</sup> <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:299:0001:0149:EN:PDF>

responsibility of individual businesses to ensure their compliance with the law. Compliance with the advice on best practice is **not** required by law. **To distinguish between the two types of information, all advice on best practice is in shaded boxes, with a heading of Best Practice.**

7. Businesses with specific queries may wish to seek the advice of their local enforcement authority, which will usually be the trading standards/environmental health department of the local authority/ district council.

## **ADVICE ON ENFORCEMENT**

8. Also, enforcement authorities planning to take action on provisions for which more than one interpretation of the legislation is possible, should seek the agreement of the relevant Primary Authority, Home Authority, or LACORS' Food Labelling Focus Group before taking any definitive action.

## **SCOPE OF THE GUIDANCE**

9. These Guidance Notes relate principally to the requirements set down in Annex XV to the CMO Regulation (marketing standards applying to spreadable fats referred to in Article 115) as read with Commission Regulation (EC) No. 445/2007 (Codified Version) on standards for spreadable fats, and in Annex XII to the CMO Regulation (on the protection of dairy designations). These Regulations are directly applicable in the UK and are enforced through national legislation<sup>2</sup>.
10. The CMO Regulation is accessible at <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:299:0001:0149:EN:PDF>.
11. The Guidance Notes also refer to the Food Labelling Regulations 1996, as amended ('the FLRs')<sup>and</sup> the Food Safety Act 1990, which relate to foods generally. (See Annex 2 for detail on parallel legislation for the devolved administrations of the UK). The Regulations can be accessed at: <http://www.opsi.gov.uk> .
12. Greater detail on some of the issues covered can be found in the Guidance Notes listed below. Copies of these can be obtained by contacting the Food

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<sup>2</sup> The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008. [http://www.opsi.gov.uk/si/si2008/pdf/uksi\\_20081287\\_en.pdf](http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081287_en.pdf)  
The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Northern Ireland) Regulations 2008 (SR 2008 No 239) [http://www.opsi.gov.uk/sr/sr2008/nisr\\_20080239\\_en\\_1](http://www.opsi.gov.uk/sr/sr2008/nisr_20080239_en_1)  
The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008 No. 1341 (W.141) [http://www.opsi.gov.uk/legislation/wales/wsi2008/wsi\\_20081341\\_en\\_1](http://www.opsi.gov.uk/legislation/wales/wsi2008/wsi_20081341_en_1)  
The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Scotland) Regulations 2008 (SSI 2008 No. 216) [http://www.opsi.gov.uk/legislation/scotland/ssi2008/ssi\\_20080216\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/ssi2008/ssi_20080216_en_1)

Standards Agency (contact details provided at the end of this guidance document) or they may be downloaded from the Agency's website ([www.food.gov.uk](http://www.food.gov.uk)).

- I. The Food Labelling Regulations 1996 - Guidance Notes (<http://www.food.gov.uk/multimedia/pdfs/Fguidnot1.pdf>).
- II. The Food Labelling Regulations - Guidance Notes on Quantitative Ingredient Declarations (QUID) (<http://www.food.gov.uk/multimedia/pdfs/guid.pdf>).
- III. Food Labelling - Country of Origin (<http://www.food.gov.uk/multimedia/pdfs/originlabelling.pdf>).
- IV. Guidance Notes on Nutrition Labelling (<http://www.food.gov.uk/multimedia/pdfs/nutlabel2.pdf>).
- V. Guidelines for the Use of Certain Nutrition Claims in Food Labelling and Advertising (<http://archive.food.gov.uk/maff/pdf/nutguid2.pdf>).
- VI. Food Advisory Committee Review of the Use of the Terms Fresh, Pure, Natural etc. in Food Labelling 2001 (<http://www.food.gov.uk/multimedia/pdfs/fpnfullreport.pdf>).
- VII. Criteria for the use of the terms Fresh, Pure, Natural, etc. in food labelling (<http://www.food.gov.uk/multimedia/pdfs/markcritguidance.pdf>).

## **DEFINITIONS – ACCORDING TO THE CMO REGULATION UNLESS OTHERWISE SPECIFIED**

13. In these Guidance Notes, the following key terms will be assumed to have the meanings set out below. Where these are legal definitions, the relevant legislation is cited.

### **'Cream'**

is the product obtained from milk in the form of an emulsion of the oil-in-water type with a milk fat content of at least 10% (CMO Regulation, Annex XV).

### **'Butter'**

is the product with a milk fat content of not less than 80% but less than 90%, a maximum water content of 16% and a maximum dry non-fat milk material content (e.g. milk proteins) of 2% (CMO Regulation, Annex XV, section A of Appendix).

### **'Margarine'**

is the product obtained from vegetable and/or animal fats with a fat content of not less than 80% but less than 90% (CMO Regulation, Annex XV, and Section B of Appendix).

### **'Milk'**

means the normal mammary secretion obtained from one or more milkings (CMO Regulation Annex XII, section II), however, if not bovine (from cows) the origin must be stated (Section II point 4).

### **'Milk products'**

are products derived exclusively from milk, on the understanding that substances necessary for their manufacture may be added if those substances are not used for replacing, in whole or in part, any milk constituent (CMO Regulation, Annex XII Section II).

### **'Milk proteins'**

are all types of milk protein (caseins, caseinates or whey proteins or any mixtures of these (Annex 1) Council Directive 2001/13/EC, as amended

### **'Buttermilk'**

is the liquid by-product resulting from the production of butter from cream or milk (CMO Regulation, Annex XII, section II).

### **'Anhydrous milk fat'**

is the fat obtained from milk (this is not defined, it is a term reserved exclusively for milk products, CMO Regulation , Annex XII, Section II)

### **'Vegetable fat'**

is the fat or oil obtained from any plant source, for example, sunflower-seed, soya beans or rapeseed (Food Labelling Regulation, 1996 (as amended))

### **'Animal fat'**

is the fat (other than milk fat) obtained from any animal source, including fish (Food Labelling Regulations, 1996 (as amended)).

### **'Extra virgin olive oil', 'virgin olive oil', 'olive oil' and 'olive-pomace oil'**

are categories of olive oil and olive-pomace oil. These are defined in the CMO Regulation [Annex XVI] on the definitions and descriptions on olive oil and olive

pomace oils referred to in Article 118. Commission Regulation (EC) 1019/2002 on marketing standards for olive oil, also lays out requirements for labelling of foods containing olive oil, which would include some fat spreads.

The European Commission has produced an Explanatory Note on Regulation 1019/2002, which may be obtained from the Department for Environment, Food and Rural Affairs (Defra) at their website:

<http://www.defra.gov.uk/hort/olive-oil/marketing/index.htm>.

## INTERPRETATION

### 14. Definition of 'yellow fat spreads' :

- Spreadable fats and
- Other yellow fat spreads/products used as alternatives to these, and which are emulsions of water and oil/fat (derived from milk or other animal sources and/or from plant sources).

### 15. Definition of 'spreadable fats'

- Yellow fat spreads which fall within the scope of the CMO Regulation [Article 115 as read with Annex XV] including butter, margarine and blends.
- They have a fat content of not less than 10% but less than 90%.
- They have a fat content which is at least two-thirds of the dry matter of the product as sold.
- They remain solid at 20°C and are suitable for use as spreads.

### 16. Products falling outside the definitions of 'spreadable fats' – other yellow fat spreads:

- Some yellow fat spreads fall outside the scope of the CMO Regulation [Article 115 as read with Annex XV];
- products with a fat content of less than 10%;
- products with a fat content of 90% or more (e.g. concentrated butter or clarified butter); and
- mixed fat products with a milk fat content of more than 3 % but less than 10% of the total fat.

### 17. Types of 'spreadable fats':

There are three types of 'spreadable fats' and they are categorised by the origin of the fat used:

- milk fat products such as 'butter' and 'dairy spreads';
- vegetable and/or animal fat products such as 'margarine' and 'fat spreads'; and
- mixed fat products (milk fat with vegetable and/or animal fats), such as 'blends', and 'blended spreads'.

## **LABELLING AND COMPOSITION**

18. Labelling of spreadable fats and other yellow fat spreads including those imported into the UK must comply with the following legislation in England. Please see Annex 2 for a list detailing the parallel legislation for Northern Ireland, Scotland and Wales:

- i. General requirements of the FLRs
- ii. the Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008.

19. Detailed guidance on these requirements may be found in *The Food Labelling Regulations 1996: Guidance Notes*, which can be found on the Agency website: (<http://www.food.gov.uk/multimedia/pdfs/Fguidnot1.pdf>). The reader may wish to refer to this document for additional advice.

## **INGREDIENT LISTING**

20. Ingredients must generally be listed in descending order of weight at the time of their use in the preparation of the food (often referred to as the 'mixing bowl stage'). The ingredients list must include a heading consisting of, or including, the word 'ingredients'.

**Example** - for a spreadable fat made from 60% vegetable oil and 20% olive oil, the vegetable oil must be listed before the olive oil in the ingredients list.

21. The name used for an ingredient should be the name, which could be used for it if it were being sold as a food by itself.

**Example** - use of the terms 'virgin olive oil', 'olive oil' and 'olive pomace oil' in the ingredients listing of spreadable fats or other yellow fat spreads must be consistent with the provisions laid down for these oils in the relevant marketing standards (Commission Regulation (EC) 1019/2002).

22. Certain generic terms (e.g. 'vegetable oil' or 'animal fat') may be used instead of more specific names for the purposes of listing ingredients of foods only and must comply with the conditions specified for the use of such terms in Schedule 3 of the FLRs.

## **Physical condition and/or treatment of ingredients (e.g. use of dried skimmed milk)**

23. The ingredients list should include appropriate reference to its physical condition or to any treatment that it has undergone in cases where omission of this information would mislead the consumer.

**Example** - the ingredients' list should refer to "dried skimmed milk" (or a similar alternative) when the product has been prepared using this and a buttermilk that has been reconstituted.

24. Detailed guidance on ingredients listing is given in *The Food Labelling Regulations 1996: Guidance Notes* (see preface) (<http://www.food.gov.uk/multimedia/pdfs/Fguidnot1.pdf>). The reader may wish to refer to this document for additional advice.

## **Application of QUID (quantified ingredients declaration) rules**

25. Concerning QUID and particularly declaration of fat content, FLRs require spreadable fats to comply with the rules on labelling and presentation laid out in European Council Regulation 2991/94 now replaced by the CMO Regulation [Article 115 as read with Annex XV]. However, QUID rules apply to other yellow fat spreads.
26. QUID declarations are required where the ingredient or category of ingredient appears in the name of the food e.g., 'sunflower fat spread'.
27. Detailed guidance on QUID requirements are given in *The Food Labelling Regulations 1996: Guidance Notes on Quantitative Ingredient Declarations* (see preface) (<http://www.food.gov.uk/multimedia/pdfs/quid.pdf>). The reader may wish to refer to this document for additional advice.

## **COMPOSITIONAL DECLARATIONS**

28. Fat content
- I. Spreadable fats defined in the CMO Regulation are required to declare their total percentage fat content (by weight at the time of production).
  - II. Certain spreadable fats defined in the CMO Regulation are required to declare their total percentage fat content (by weight at the time of production) as part of their sales description, i.e. 'dairy spread X%', 'fat spread X%' and 'blended spread X%'.
  - III. Where the sales descriptions, 'butter', 'margarine' or 'blend' are used, the fat content declared must be the minimum fat content of the product and this must be between 80% and 90%.
  - IV. In all other cases, the average fat content for the product must be declared

and this must comply with the limits specified for the sales description used, detailed in the Appendix to Annex XV of the CMO Regulation.

### Best Practice

For other yellow fats, the Food Labelling Regulations do not specifically require declaration of fat content, but it is helpful to consumers if this information is supplied as it allows them to compare similar products and make an informed choice about those they purchase.

#### Accuracy

- V. In all cases, the total fat content must be declared as a whole number, i.e. without the use of decimals.
- VI. When measured by analysis, the average fat content for the batch must be within  $\pm 1\%$  of the declared value and the fat content of an individual sample must be within  $\pm 2\%$  of the declared value. Detailed instructions on verifying the declared fat content of spreadable fats is given in Annex II of Commission Regulation 445/2007<sup>3</sup>.

#### 29. Allergen Labelling Requirements

- I. Food labelling legislation throughout the UK requires the clear declaration of specified allergenic ingredients. However, certain ingredients that are highly processed are exempt from these provisions as the processing removes the allergenic proteins.

**Example** - fully refined soya oil, and products made from it, do not have to be labelled with reference to soya; however products made from unrefined or partially refined soya bean oil, or peanut or tree nut oils would have to be labelled with reference to the allergen concerned (for a detail explanation of which oils require labelling see:

<http://www.food.gov.uk/multimedia/pdfs/allergenlabelguide2008.pdf>).

#### 30. Additional Labelling Requirements

- I. In the case of all 'blends' and 'blended spreads', in addition to the total fat content, the identity (milk fat and vegetable fat or animal fat) and percentage (by total weight) of each constituent fat must be declared. This information must be given in decreasing order of percentage weight.

**Example** - for a blend with a total fat content of 80%, where 15% is milk fat and 65% is vegetable oil, the declaration should be: vegetable oil (65%), milk fat (15%).

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<sup>3</sup><http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:106:0024:0029:EN:PDF>

- II. The Regulations stipulate that the milk fat content must be declared, (but not butter content). Such a declaration enables consumers to compare products more easily.
- III. The presence and amount of salt and / or added vitamins present must be declared. This information should be given in the 'ingredients list'.

## NAMES AND CLAIMS

### 31. Names prescribed by law

- For yellow fat spreads where there is a name laid down in law, it must be used.
- For 'spreadable fats', the sales descriptions specified in the Appendix of Annex XV to the CMO Regulation are the legal names for 'spreadable fats' and must be used. These must be used in full, e.g. 'fat spread X%' and 'X% fat spread' not 'fat spread'. Where more than one sales description is given (see the Annex to this Guidance), the product must use only one of these.
- For other yellow fat spreads, where there are no legal requirements for names, the FLRs require that the name used must be sufficiently precise to inform a purchaser of the true nature of the food and to enable the food to be distinguished from products with which it could be confused. If necessary, a description of the use should be included e.g. spreads made from nuts or seeds, "not to be used for cooking, for spreading only" etc.

### 32. Use of Sales Descriptions (Designations) - Annex 1

- I. Sales descriptions must be used only for 'spreadable fats' (described in the Appendix to Annex XV of the CMO Regulation) with the exception of the following:
  - concentrated products (butters, margarine, blends) with a fat content of 90% or more;
  - products whose designations are familiar to consumers from traditional usage (e.g. brandy butter, rum butter etc.); or is clearly used to describe a characteristic quality of the product (e.g. creamed potatoes)<sup>4</sup>.
- II. Additional words may be used to indicate the plant or animal species from which the product originates e.g., 'olive oil spread'. In addition, the term 'vegetable' may be included in the sales description of 'spreadable fats', which contain fat only of vegetable origin. A tolerance for animal fat is permitted and this is 2% of the total fat in the product. The 2% tolerance for animal fat also applies where reference is made to a specific vegetable species, e.g. sunflower.

**Example** - 'vegetable fat spread 40%' must have no more than 0.8% animal fats present (i.e. 2% of the 40% total fat content).

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<sup>4</sup> Please see Food Standards Agency Guidance Notes on Legislation on the Protection of Dairy Designations: [www.food.gov.uk](http://www.food.gov.uk)

- III. In addition, a word or words may be used together with the legal names for spreadable fats to indicate the intended use of the product or the production methods provided these do not contradict other community provisions and particularly Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed.
- IV. Spreadable fats may also use indications of geographical origin subject to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. e.g. Guernsey Butter (**Refer to Point II section 3 of Annex XV to the CMO Regulation on Spreadable Fats for details**).

#### **Best Practice**

Inclusion of additional information is beneficial to the consumer in making an informed choice about the products they purchase. e.g. suggested usage, recommended quantities, and recipe ideas and so on.

### 33. Olive Oil

- I. Under EC Regulation 1019/2002 (Article 6.2) where olive oil has been added to a spread and this is highlighted on the labelling, other than in the ingredients list, using words, pictures or graphics then the trade description of the foodstuff must be followed by the percentage of olive oil in the product. This can be presented either as the percentage of the product's net weight or of the total weight of fats e.g. X% vegetable fat spread of which Y% olive oil.

### 34. Brand Name or Fancy Name (As detailed in Regulation 10 of the FLRs, please see Agency Guidance note on the Food Labelling Regulations for further information)

- I. Trademarks, brand names or fancy names can be used in addition to, but not as a substitute for either the sales description or the name of the food, as appropriate. The brand name or fancy name, however, must not be in itself misleading.

**Example** – the use of a brand name normally associated by the consumer with 'butter' to describe a blend or blended spread or 'other yellow fat spread' containing a mixture of milk fat and other fats may, in some circumstances, mislead the consumer into assuming that it is 'butter' that they are purchasing.

- II. The location on the packaging of the trademark, brand name or fancy name must not confuse or mislead the consumer as to the composition of the product.

#### **Best Practice**

It may be helpful to the consumer if the sales description is marked next to the trademark,

brand name or fancy name, unless this is likely to imply further qualification of the sales description e.g. if the trademark was "Deluxe", having this next to the sales description would imply superior quality.

- III. The sales description or name of the food should be marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible.

#### **Best Practice**

It is helpful to the consumer to have this information on the most visible surface. It may also be helpful to have it next to the trademark, brand name or fancy name so that the consumer is not misled or confused about the composition of the product. Ideally, this would be a surface when browsing such as the lid or side of the pack.

## **USE OF DAIRY DESIGNATIONS AND DAIRY IMAGERY**

35. There are specific requirements for the use of dairy designations such as 'butter'. The Agency has produced detailed guidance on legislation on the protection of dairy designations. Please refer to this guidance for further information<sup>5</sup>.

#### **Best Practice**

Based on the recommendations of the Food Advisory Committee [http://www.food.gov.uk/multimedia/pdfs/fpnfullreport.pdf], the Agency advises that pictorial representations should be subject to the same scrutiny and control as the words used to portray similar images and concepts where not already explicitly required. It was recognised that "pictures on labels and in advertisements can also exert powerful influences on a prospective purchaser and, in some product sectors, may have a greater significance than names and other descriptive material".

## **NUTRITION CLAIMS AND NUTRITION LABELLING**

36. Please note that Annex XV of the CMO Regulation sets out specific criteria for the use of certain nutrition claims on spreadable fats. The Commission has not yet indicated when this Regulation is likely to be amended to bring

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<sup>5</sup> Guidance on legislation on the protection of dairy designations – Revision 1, [www.food.gov.uk](http://www.food.gov.uk)

the criteria for claims on spreadable fats in line with Council Regulation (EC)1924/2006 on nutrition and health claims made on foods, which contains different criteria for the claims in question. Until any discrepancies are reconciled food business operators should continue to comply with the criteria set out in the CMO Regulation.

**37. Use of the term 'reduced fat'**

- I. Under the CMO Regulation the term 'reduced fat' can be used for 'spreadable fats' with a fat content of more than 41% but not more than 62%. In addition, the term 'reduced fat' may be used to replace the term 'three-quarter fat' for spreadable fats described as such in the Appendix to Annex XV of the CMO Regulation.
- II. The terms may not be used together in the sales descriptor, so a product cannot be labelled, for example, as 'reduced fat, three-quarter fat butter'.

**38. Use of the terms "low fat" / "light" / "lite" (as defined by Council Regulation (EC)1924/2006)**

- I. These terms can be used for spreadable fats with a fat content of 41% or below. In addition, the term 'low fat' may be used to replace the term 'half-fat' for spreadable fats described as such in the Appendix to Annex XV of the CMO Regulation.
- II. The terms may not be used together in the sales descriptor, so a product cannot be labelled, for example, as, 'low fat, half fat butter'.

**39. Use of the Word "Light" or Similar Derivatives when Describing a Spreadable Fat**

- For the product categories defined in the Appendix to Annex XV of the CMO Regulation, Section III (2) of Annex XV prohibits the use of any terms (such as 'lighter' or 'lightest') which state, imply or suggest a fat content which falls into the category 'light' when this is not the case.

**40. Nutrition Labelling**

- I. Nutrition labelling is voluntary unless a nutrition claim or health claim is made (e.g. "high in polyunsaturates")\_or when vitamins or minerals are added voluntarily. The mandatory requirement for nutrition labelling does not apply to statements prescribed by law, therefore the use of the sales description 'low fat' or 'reduced fat' for 'spreadable fats' does not trigger nutrition labelling requirements.
- II. Mandatory addition of vitamins and minerals under national law does not trigger compulsory nutrition labelling because such addition falls outside the requirements of Regulation (EC) 1925/2006 on the addition of vitamins and minerals and certain other substances to foods. Therefore, the addition of vitamin A and D to margarine does not trigger nutritional labelling requirements.

## REQUIREMENT TO FORTIFY MARGARINE

41. In the UK, all margarines must be fortified with vitamins A and D and their addition must be declared in the ingredients list. The quantities are not necessary.
42. Mandatory fortification is governed by The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008 (SI Number 1287) where Regulation 4 states that: "No person may sell by retail any margarine unless it contains in every 100 grams;
  - not less than 800 micrograms and not more than 1000 micrograms of vitamin A, and
  - not less than 7.05 micrograms and not more than 8.82 micrograms of vitamin D,
  - and a proportionate amount in any part of 100 grams." i.e. the proportion of either vitamin A or D in 10g of margarine, should be similar to that in 100g.
43. Regulation 4 above does not apply to other fat spreads. However, so long as the product meets the requirements of legislation listed below, there is nothing preventing manufacturers from fortifying other spreads.
  - Food Safety Act 1990 (as amended);
  - The FLRs
  - Regulation (EC) 178/2002; and
  - EC Regulation 1925/2006 (on the addition of vitamins and minerals and of certain other substances to food)

## REFERENCES

1. Council Regulation (EC) No 1234/2007 establishing a common organization of agricultural markets and on specific provisions for certain agricultural products. OJ No L299, 16.11.2007, p1.  
<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:299:0001:0149:EN:PDF>
  - Annex XV - marketing standards applying to spreadable fats referred to in Article 115.
  - Annex XII - definitions and designations in respect of milk and milk products referred to in Article 114 [1].
  - Annex XVI - on the descriptions and definitions of olive oil and olive pomace oils referred to in Article 118.
2. Commission Regulation (EC) No. 445/2007 (codified version) laying down certain detailed rules for the application of Council Regulation (EC) No 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No 1898/87 on the protection of designations used in the marketing of milk and milk products. OJ No L 87.  
<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:106:0024:0029:EN:PDF>
3. Food Labelling Regulations 1996. Statutory Instrument 1996 No 1499, as recently amended by SI 2004/2824, SI 2005/2969, SI2007/2080 and SI 2008/1188.  
[http://www.opsi.gov.uk/si/si1996/Uksi\\_19961499\\_en\\_1.htm](http://www.opsi.gov.uk/si/si1996/Uksi_19961499_en_1.htm)
4. Food Safety Act 1990. [1990] Ch.16.
5. Commission Regulation (EC) No. 1019/2002 (codified version) on the marketing standards for olive oil. OJ No L 155/27.
6. The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008.  
[http://www.opsi.gov.uk/si/si2008/pdf/ukxi\\_20081287\\_en.pdf](http://www.opsi.gov.uk/si/si2008/pdf/ukxi_20081287_en.pdf)

Parallel but separate regulations exist for Northern Ireland, Wales and Scotland:  
The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Northern Ireland) Regulations 2008 (SR 2008 No 239)  
The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008 No. 1341 (W.141)  
The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Scotland) Regulations 2008 (SSI 2008 No. 216)
7. Directive 2000/13 of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs. OJ No. L109. 6.5.2000.  
[http://eurlex.europa.eu/pri/en/oj/dat/2000/l\\_109/l\\_10920000506en00290042.pdf](http://eurlex.europa.eu/pri/en/oj/dat/2000/l_109/l_10920000506en00290042.pdf)

8. Corrigendum to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on Nutrition and Health Claims made on foods (Official Journal (OJ) No L404) OJ No L12, 18.1.2007.  
**[http://eur-lex.europa.eu/pri/en/oj/dat/2000/l\\_109/l\\_10920000506en00290042.pdf](http://eur-lex.europa.eu/pri/en/oj/dat/2000/l_109/l_10920000506en00290042.pdf)**
9. Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods. OJ No L404.  
**<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:404:0026:0038:EN:PDF>**
10. Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of Food Safety. OJ No L31.  
**[http://eur-lex.europa.eu/pri/en/oj/dat/2002/l\\_031/l\\_03120020201en00010024.pdf](http://eur-lex.europa.eu/pri/en/oj/dat/2002/l_031/l_03120020201en00010024.pdf)**
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13. Food Labelling Country of Origin labelling – Guidance Notes.  
**<http://www.food.gov.uk/multimedia/pdfs/originlabelling.pdf>**
14. Guidance Notes on Nutrition Labelling.  
**<http://www.food.gov.uk/multimedia/pdfs/nutlabel2.pdf>**
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**<http://archive.food.gov.uk/maff/pdf/nutguid2.pdf>**
16. Food Advisory Committee Review of the Use of the Terms Fresh, Pure, Natural etc. in Food Labelling 2001.  
**<http://www.food.gov.uk/multimedia/pdfs/fpnfullreport.pdf>**
17. Criteria for the use of the terms Fresh, Pure, Natural, etc. in Food Labelling.  
**<http://www.food.gov.uk/multimedia/pdfs/fresh.pdf>**
18. Guidance Notes On Legislation Protecting Dairy Designations  
**[www.food.gov.uk](http://www.food.gov.uk)**

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### **Labelling guidelines**

Food Standards Agency,  
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### **Explanatory Note on olive oils**

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## ANNEX 1: TABLE ON THE SALES DESCRIPTIONS FOR 'SPREADABLE FATS'

<u>Fat content</u>	<u>Sales descriptions</u>		
	<b>Milk fat products</b>	<b>Vegetable/animal fat products (milk fat content not more than 3% of the fat content)</b>	<b>Mixed milk fat and vegetable/animal fat products (milk fat content between 10% and 80% of the fat content)</b>
≥80% to <90%	'Butter'	'Margarine'	'Blend'
>62% to < 80%	'Dairy spread X%'	'Fat spread X%'	'Blended spread X%'
≥ 60% to ≤ 62%	'Three-quarter fat butter or 'Reduced fat butter'	'Three-quarter fat margarine' or 'Reduced fat margarine'	'Three-quarter fat blend' or 'Reduced fat blend'
>41% to <60%	'Dairy spread X%' or "reduced fat" dairy spread X%	'Fat spread X%' 'Reduced fat spread X%'	'Blended spread X%' or 'Reduced fat blended spread X%'
≥39% to ≤41%	'Half-fat butter' or 'Low fat' butter or 'Light' butter	'Half fat margarine' or 'Minarine' or 'Halvarine' or 'Low fat margarine' or 'Light margarine'	'Half fat blend' or 'Low fat blend' or 'Light blend'
<39%	'Dairy spread X%' or 'Low fat Dairy spread X%' or 'Light Dairy spread X%'	'Fat spread X%' or 'Low fat spread X%' or 'Light fat spread X%'	'Blended spread X%' or 'Low fat blend X%' or 'Light blend X%'

## ANNEX 2 - TABLE SHOWING PARALLEL LEGISLATION IN DEVOLVED ADMINISTRATIONS

ENGLAND	NORTHERN IRELAND	WALES	SCOTLAND
<p>The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008.</p> <p><a href="http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081287_en.pdf">http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081287_en.pdf</a></p>	<p>The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 2008</p> <p><a href="http://www.opsi.gov.uk/sr/sr2008/pdf/nisr_20080239_en.pdf">http://www.opsi.gov.uk/sr/sr2008/pdf/nisr_20080239_en.pdf</a></p>	<p>The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008 No. 1341 (W.141)</p> <p><a href="http://www.opsi.gov.uk/legislation/wales/wsi2008/wsi_20081341_en_2">http://www.opsi.gov.uk/legislation/wales/wsi2008/wsi_20081341_en_2</a></p>	<p>The Spreadable Fats, Milk and Milk Products (Scotland) Regulations 2008</p> <p><a href="http://www.opsi.gov.uk/legislation/scotland/ssi2008/ssi_20080216_en_1">http://www.opsi.gov.uk/legislation/scotland/ssi2008/ssi_20080216_en_1</a></p>
<p>Food Labelling Regulations 1996. Statutory Instrument 1996 No 1499, as amended</p> <p>The original legislation: <a href="http://www.opsi.gov.uk/si/si1996/Uksi_19961499_en_1.htm">http://www.opsi.gov.uk/si/si1996/Uksi_19961499_en_1.htm</a></p>	<p>The Food Labelling Regulations (Northern Ireland) 1996</p> <p><a href="http://www.opsi.gov.uk/sr/sr1996/Nisr_19960383_en_1.htm#tcon">http://www.opsi.gov.uk/sr/sr1996/Nisr_19960383_en_1.htm#tcon</a></p>	<p>Pre – devolution; see England Regulations</p>	<p>Pre – devolution; see England Regulations</p>
<p>The Drinking Milk Regulations 1998 <a href="http://www.opsi.gov.uk/si/si1998/19982424.htm">http://www.opsi.gov.uk/si/si1998/19982424.htm</a></p>	<p>The Drinking Milk Regulations (Northern Ireland) 1998 <a href="http://www.opsi.gov.uk/sr/sr2008/nisr_20080237_en_1">http://www.opsi.gov.uk/sr/sr2008/nisr_20080237_en_1</a></p>	<p>Pre – devolution; see England Regulations</p>	<p>Pre – devolution; see England Regulations</p>
<p>The Genetically Modified and Novel Foods (Labelling) (England) Regulations 2000 <a href="http://www.opsi.gov.uk/si/si2000/20000768.htm">http://www.opsi.gov.uk/si/si2000/20000768.htm</a></p>	<p>The Genetically Modified and Novel Foods (Labelling) Regulations (Northern Ireland) 2000 <a href="http://www.opsi.gov.uk/sr/sr2000/nisr_20000189_en.pdf">http://www.opsi.gov.uk/sr/sr2000/nisr_20000189_en.pdf</a></p>	<p>The Genetically Modified and Novel Foods (Labelling) (Wales) Regulations 2000 No.1925 (W.134) <a href="http://www.opsi.gov.uk/legislation/wales/wsi2000/wsi_20001925_mi.pdf">http://www.opsi.gov.uk/legislation/wales/wsi2000/wsi_20001925_mi.pdf</a></p>	<p>The Genetically Modified and Novel Foods (Labelling) (Scotland) Regulations 2000 <a href="http://www.opsi.gov.uk/legislation/scotland/ssi2000/20000083.htm">http://www.opsi.gov.uk/legislation/scotland/ssi2000/20000083.htm</a></p>
<p>The Food Labelling (Declaration of Allergens) (England) Regulations 2007 <a href="http://www.opsi.gov.uk/si/si2007/pdf/uksi_20073256_en.pdf">http://www.opsi.gov.uk/si/si2007/pdf/uksi_20073256_en.pdf</a></p>	<p>The Food Labelling (Declaration of Allergens) Regulations (Northern Ireland) 2008 <a href="http://www.opsi.gov.uk/sr/sr2008/nisr_20080198_en_1">http://www.opsi.gov.uk/sr/sr2008/nisr_20080198_en_1</a></p>	<p>The Food Labelling (Declaration of Allergens) (Wales) Regulations 2007 No.3379 (W.301) <a href="http://www.opsi.gov.uk/legislation/wales/wsi2007/pdf/wsi_20073379_mi.pdf">http://www.opsi.gov.uk/legislation/wales/wsi2007/pdf/wsi_20073379_mi.pdf</a></p>	<p>The Food Labelling (Declaration of Allergens) (Scotland) Regulations 2007 <a href="http://www.opsi.gov.uk/legislation/scotland/ssi2007/ssi_20070534_en_1">http://www.opsi.gov.uk/legislation/scotland/ssi2007/ssi_20070534_en_1</a></p>
<p>The Condensed Milk and Dried Milk (England) Regulations 2003</p>	<p>The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2003</p>	<p>The Condensed Milk and Dried Milk (Wales) Regulations 2003 No.3053 (W.291)</p>	<p>The Condensed Milk and Dried Milk (Scotland) Regulations</p>

<a href="http://www.opsi.gov.uk/si/si2003/20031596.htm">http://www.opsi.gov.uk/si/si2003/20031596.htm</a>	<a href="http://www.opsi.gov.uk/sr/sr2003/nisr_2003_0300_en.pdf">http://www.opsi.gov.uk/sr/sr2003/nisr_2003_0300_en.pdf</a>	<a href="http://www.opsi.gov.uk/legislation/wales/wsi2003/wsi_20033053_mi.pdf">http://www.opsi.gov.uk/legislation/wales/wsi2003/wsi_20033053_mi.pdf</a>	2003  <a href="http://www.opsi.gov.uk/legislation/scotland/si2003/ssi_20030311_en.pdf">http://www.opsi.gov.uk/legislation/scotland/si2003/ssi_20030311_en.pdf</a>  The Condensed Milk and Dried Milk (Scotland) Amendment Regulations 2003  <a href="http://www.opsi.gov.uk/legislation/scotland/ssi2003/ssi_20030492_en.pdf">http://www.opsi.gov.uk/legislation/scotland/ssi2003/ssi_20030492_en.pdf</a>
The Food Labelling (Amendment) (England) (No. 2) Regulations 2004 <a href="http://www.opsi.gov.uk/si/si2004/20042824.htm">http://www.opsi.gov.uk/si/si2004/20042824.htm</a>	The Food Labelling (Declaration of allergens) Regulations ( Northern Ireland) 2008 <a href="http://www.opsi.gov.uk/sr/sr2008/pdf/nisr_20080198_en.pdf">http://www.opsi.gov.uk/sr/sr2008/pdf/nisr_20080198_en.pdf</a>	The Food Labelling (Amendment) (Wales) Regulations 2004 No. 3022 (W.261) <a href="http://www.opsi.gov.uk/legislation/wales/wsi2004/wsi_20043022_mi.pdf">http://www.opsi.gov.uk/legislation/wales/wsi2004/wsi_20043022_mi.pdf</a>	The Food Labelling Amendment (No. 2) (Scotland) Regulations 2004  <a href="http://www.opsi.gov.uk/legislation/scotland/ssi2004/ssi_20040472_en.pdf">http://www.opsi.gov.uk/legislation/scotland/ssi2004/ssi_20040472_en.pdf</a>
The Nutrition and Health Claims (England) Regulations 2007  <a href="http://www.opsi.gov.uk/si/si2007/uksi_20072080_en_1">http://www.opsi.gov.uk/si/si2007/uksi_20072080_en_1</a>	The Nutrition and Health Claims Regulations (Northern Ireland) 2007  <a href="http://www.opsi.gov.uk/sr/sr2007/nisr_20070349_en_1">http://www.opsi.gov.uk/sr/sr2007/nisr_20070349_en_1</a>	The Nutrition and Health Claims (Wales) Regulations 2007 No. 2611 (W.222) <a href="http://www.opsi.gov.uk/legislation/wales/wsi2007/pdf/wsi_20072611_mi.pdf">http://www.opsi.gov.uk/legislation/wales/wsi2007/pdf/wsi_20072611_mi.pdf</a>	The Nutrition and Health Claims (Scotland) Regulations 2007  <a href="http://www.opsi.gov.uk/legislation/scotland/ssi2007/ssi_20070383_en_1">http://www.opsi.gov.uk/legislation/scotland/ssi2007/ssi_20070383_en_1</a>
Food Safety Act 1990. [1990] Ch.16. <a href="http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900016_en_1.htm">http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900016_en_1.htm</a>	Food Safety (Northern Ireland) Order 1991 <a href="http://www.opsi.gov.uk/si/si1991/Uksi_19910762_en_1.htm">http://www.opsi.gov.uk/si/si1991/Uksi_19910762_en_1.htm</a>	Pre – devolution; see England Regulations	Pre – devolution; see England Regulations