

Food Standards Advice

You are responsible for ensuring illegal foods and drinks are not sold from/by your business. You must carry out some basic checks before selling a new product range or accepting new products from your suppliers.

This leaflet highlights some recent issues found and gives key advice to follow.

You may not realise a product is non-compliant. If a supplier is highlighting “new” “exciting” “TikTok trend” products, take a moment to ask where they have come from and make sure you can answer YES to the following:

- Does the label have the information on in English?
(It can have other languages as well but MUST have English – this can be provided in the form of stickers to be stuck over the current label)
- Does the label have any allergens highlighted within the ingredients list?
*The 14 allergens are: peanuts, nuts, eggs, celery, molluscs, crustaceans, sesame, milk, fish, lupin, cereals containing gluten, mustard, soya, sulphur dioxide if any of these are ingredients they must be emphasised through a typeset that clearly distinguishes it from the rest of the list of ingredients e.g. in **bold** or CAPITALS.*
- Does the ingredients list, have colours used labelled with the correct E number AND a warning about the adverse effect of colour on children (where required)?
*For example, Yellow 5 should be written as “Colour (E 102)”, Red 40 should be written as “Colour (E 129)” Food and drink containing any of these six colours (E 100, E 104, E 122, E 129, E 102, E 124) must carry a warning on the packaging. This will say ‘**May have an adverse effect on activity and attention in children**’.*
- Does the ingredients list have any other additives listed? Do they have the GB name and function listed? Are they authorised to be used in that type of food category?
See the list below for some common additives that are not authorised in food/drink in Great Britain.
- Does the ingredients list have the Nutritional information in the correct format?
Values must always be per 100 g or 100 ml. Energy information must be included which must be declared in kilojoules (kJ) and kilocalories (kcal).
- Are the details of the Food Business Operator (FBO) responsible for the food on the label? Is the address a UK address?
*The address must be a **UK postal address**, not a phone number or email address. It can be the name of the business whose name the food is marketed under or the address of the business that has imported the food.*

If the answer to any of the above is NO then you must not sell the food/drink item as doing so is likely to mean a non-compliant and potentially unsafe food/drink is for sale for which you would be responsible.

You must remove anything that is currently for sale that is non-compliant.

Enforcement

Retailers are routinely inspected and officers can take formal enforcement action when contraventions are found. This can range from informal advice, through to seizure and detention of products and prosecution in court.

TRACEABILITY

As a food business, you **MUST** have available the information as to who you have purchased the food/drink that you sell from. The easiest way to do this is to keep all your invoices and receipts. Make sure the supplier/contractor supply fully referenced invoices.

FOOD ADDITIVES

Assimilated EU law Regulation No.1333/2008 only permits certain additives to be used in foods and drinks, restricts the use of some additives and sets maximum levels for others.

The use is controlled because excessive consumption has been linked to allergic reactions and sickness. Food additives must be authorised for use in the particular type of food or drink you are selling – not all additives are approved for use in all food categories. **It is an offence to sell foods which contain additives that do not comply with GB requirements.**

Examples of non-authorised additives that have been found for sale:

Brominated Vegetable Oil (BVO) is **not** an authorised food and is not permitted in flavoured drinks.

Although **Calcium disodium EDTA (E 385)** is an authorised additive, it is **not permitted in flavoured drinks** in GB. This has been found in drinks such as canned American Mountain Dew.



Some flavoured drinks are found to contain **Sodium erythorbate (E 316)**. Although E 316 is allowed in some foods, it is **not permitted in flavoured drinks**.

Tartrazine (E 102) is a food colouring additive **not authorised in pickles** in GB. This may be called "Yellow 5" on American labels, which is the same as Tartrazine (E 102).

Use of the **colour E 127, Erythrosine** (shown on US products as "Red 3") has been found in breakfast cereals, baking products and confectionery. This colour is **only permitted in specified amounts within cocktail and candied cherries**.

'**Bleached Flour**' or '**Flour treatment agents**', which includes bleaching agents are **not permitted in any food**.

White mineral / mineral oil is used as a glazing agent in some countries - but is **not a permitted food additive under the food category "confectionery"** in GB. It is found as an ingredient in some US confectionery.

The use of **Konjac (E 425)** or **Carrageenan (E 407)** in mini jelly cups is **not permitted as they are a choking hazard**. **Konjac (E 425)** is also **not allowed in jelly confectionery**.



Some American drink products have also been found to contain an ingredient **zinc aspartate**. This is **not an approved additive or mineral substance** and products containing this cannot be sold on the GB market.

For more information see:

- www.businesscompanion.info/en/quick-guides/food-and-drink
- www.gov.uk/food-labelling-and-packaging
- www.food.gov.uk/safety-hygiene/food-additives

For more information contact:

Warwickshire Trading Standards

website: <https://www.warwickshire.gov.uk/tradingstandards>

email: tradingstandards@warwickshire.gov.uk

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