

Food Labelling Information (for producers of cakes, biscuits etc)

This information leaflet deals with the labelling requirements for cakes and similar products.

'Cake' means all 'flour confectionery' including shortbread, sponges, crumpets, muffins, macaroons, meringues, pastry and pastry cases.

The Food Information for Consumers Regulations 2011 came into force on 13th December 2014. Nutrition labelling will become mandatory for the majority of foods from 13th December 2016. .

The amount and type of labelling required will vary depending on how you sell your products.

From 13th December 2014 all pre-packed cakes **MUST** be marked with an indication of **net weight** in grams.

The only exception is cakes traditionally sold by number eg cup cakes, scones, rock cakes etc. where the number of cakes can clearly be seen through the packaging.

1. Cakes sold loose or packed on the premises by the producer for sale from those premises (including celebration cakes made to order)

Cakes must be marked with a legal name – a recognisable customary name (Victoria Sponge, Battenberg Cake etc.) or one that describes the product accurately.

Allergens

The seller **must** be able to provide details of all allergens and substances derived from those allergens in list below used in the preparation of the food:

- Cereals containing gluten (e.g. wheat, barley etc.),
- Eggs
- Milk
- Lupin flour
- Fish
- Crustaceans
- Molluscs
- Sesame seeds or paste
- Soya
- Tree Nuts (except coconut) – hazelnuts, almonds, walnuts, pecans, macadamia nuts etc.
- Peanuts
- Mustard
- Celery
- Sulphur dioxide above 10mg/kg

The information to consumers may be provided verbally or in writing

We recommend that written details of all allergens used in each individual cake are recorded to enable accurate information to be provided to consumers.

If you sell your cakes from a shop or stall and decide to rely on verbal communication of allergen information you must display a notice that is clearly available to customers stating that information may be obtained from a member of staff.

At least one member of staff must be able to provide this information whenever the shop or stall is operating.

Failure to provide allergen information may be a criminal offence.

You should be able to find allergen information on the ingredients lists of the ingredients you buy in: if no ingredients list is provided request one from your supplier.

Check all of the ingredients used for 'hidden' allergens eg almonds in marzipan, egg white described as albumen, groundnut used as an alternative name for peanut etc.

Dried fruit will probably contain sulphur dioxide

Remember that some allergies can have very serious effects, including death.

It is imperative that accurate information is available and that staff are suitably trained to provide the information when asked.

If you make cakes and sell them on to other shops or caterers for them to sell to the public you must provide information concerning allergens and colours to your customer so they can pass it on.

A good way to do this would be to provide your customers with a full list of the products you supply to them with the necessary allergen and colours information for each.

For your own due diligence procedures it would be a good idea to keep a record of the persons to whom the information has been supplied plus a copy of the list. If new products are added you will need to ensure this information is passed on.

It is **never** sufficient simply to state that 'all products may contain allergens' or similar non specific statements: the information supplied must be specific to each individual product.

For celebration cakes or any other cakes made to order it is a good idea to clarify any allergens issues with the customer when the order is made – perhaps on the order form and to include a list of allergens on the invoice or box in which the cakes are delivered. In this way you can be sure the customer has received the relevant information.

However information may be supplied in other ways should you wish to do so.

Cakes displayed for retail sale are also required to be marked with a price.

2. Pre-packed cakes

'Pre-packed' means presented to the consumer in such a way that the contents of the package cannot be altered without opening or changing the packaging.

For goods to be pre-packaged they must be placed into the packaging **before** they are offered for sale.

Celebration cakes that are made to order and subsequently packed into boxes are NOT pre-packed.

Where cakes are pre-packed they must be **fully** labelled.

There is an example of a compliant label at the end of this section.

Pre-packed cakes must be marked with **all** of the following mandatory information:

- A **name** that accurately describes the product.
This can be a customary name such as ‘Eccles Cake’ or ‘Victoria Sandwich’ or a descriptive name such as ‘cherry and coconut shortbread’. It must accurately describe the product and be easily understood by the consumer.
- A full **list of ingredients** given in descending order by weight.
This list must include a breakdown of all compound ingredients eg margarine, glace cherries, butter cream icing etc. You will be able to find information about the ingredients of ingredients on their packaging.

Additives must be declared by reference to their category name (preservative, colour, anti-oxidant etc.) plus an E number or chemical name. e.g. colour: E122 or colour: carmoisine

- Where any of the following **allergens or products thereof** are present their presence **must** be clearly indicated in that list and emphasised through a typeset that clearly distinguishes it from the rest of the list: this may be done by *font*, **colour**, style, **boldness** etc.

Cereals containing gluten (wheat, barley, oats, spelt etc.), eggs, milk (including lactose), lupin, fish, crustaceans, molluscs, sesame seeds or paste, soya, nuts (hazelnuts, walnuts, cashews, pecans, brazils, pistachios and macadamia nuts), peanuts, mustard, celery, sulphur dioxide above 10mg/kg.

The allergen information must be repeated every time an ingredient containing an allergen appears in the ingredients list.

Flour should be identified by its source eg wheat flour, rye flour, oat flour. Wheat flour must now include a full list of ingredients including the vitamins used to fortify it. Normal white flour will now need the declaration: plain flour (**wheat** flour, calcium, iron, niacin, thiamine)
Most dried fruit will contain sulphur dioxide.

If you use vegetable oil you must identify its source e.g. rapeseed oil, palm oil, groundnut oil etc.

If you use fats that are hydrogenated this must be declared e.g. hydrogenated vegetable fat.

A separate allergens box is not a legal required and must not be used.

- **QUID: the quantity of ingredients declaration.**

You must declare the percentage of any ingredient where the name of that ingredient appears in the name of the food

- % cherry in cherry shortbread,
% apple in apple pie etc

Or where an ingredient is associated with a food by the consumer

- % almonds in a Bakewell tart,
% marzipan in a Battenberg cake

If you use any of the following colours:

E102	tartrazine	yellow
E104	quinoline yellow	yellow
E110	sunset yellow	yellow
E122	carmoisine	red
E124	ponceau 4R	red
E129	allura red	red

you must include the following warning :

"E (include the E number of the colour used).....may have an adverse effect on activity and attention in children".

If you do not wish to mark your products with the warning a number of alternative colours both natural and artificial are available.

- **An indication of durability**

Most flour confectionery will need a 'best before' date to indicate when it can be eaten at their best. The date should be in the form 'best before: day month and year'.

A 'use by' date is needed on products that will deteriorate quickly and carry the risk of food poisoning if they are not eaten by the stated date eg fresh cream cakes

The date should be in the form 'use by: day month and year.
It is a criminal offence to sell goods after their 'use by' date.

- **The name and address of the packer.**

All food must be marked with the name and address of the person who is responsible for the labelling information.

The address needs to be sufficiently full to ensure that a letter sent to that address will arrive at its destination.

A telephone number and/or email address may be given as well as an address but not instead of an address.

- Storage conditions and instructions for use are required where relevant. Storage conditions must be in immediate proximity to the durability mark.

- Country of origin or place of provenance if it might be misleading to omit the information. For example if a cake is described as a 'scone with Cornish clotted cream' the cream must be from Cornwall – if it is not the true country of origin must be made clear.

- Nutrition information will be required on all pre-packed food from 13th December 2016. A separate leaflet is available to explain these requirements.

NB Nutrition information will **not** be required for ‘handcrafted food directly supplied by the manufacturer of small quantities of products to the final consumer or to local retail establishments directly supplying the final consumer’. We are awaiting clarification of this requirement from DEFRA

All of this mandatory information must be in print which is at least 1.2mm (Arial 8 point) in height and printed in a way that is clearly legible.

There must be a clear contrast between the printing and the background.

Beware of white, brown or yellow printing on clear packaging as it may not be legible against a cake!

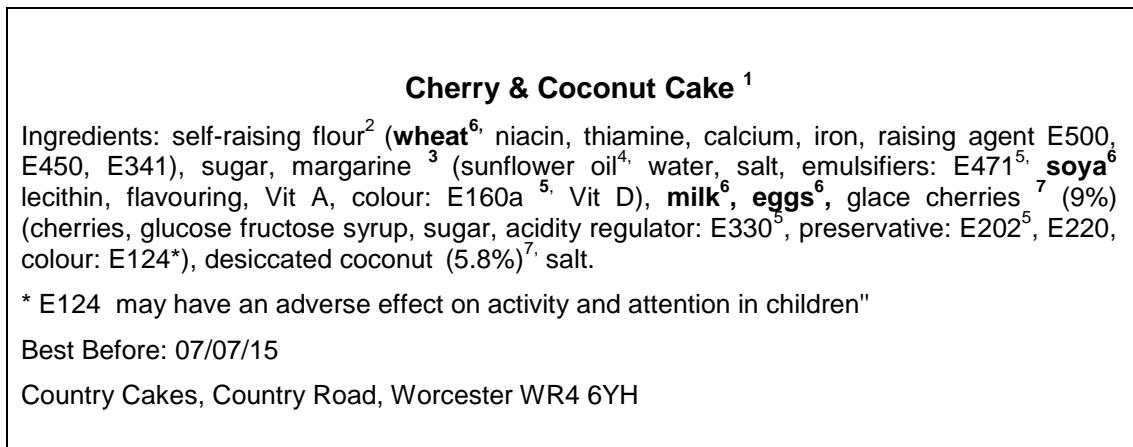
If the largest surface of the packaging is less than 80cm² then the print must be at least 0.9mm in height.

Additional labelling requirements:

- i) foods whose durability is extended by packaging gases must be marked ‘packaged in a protective atmosphere’
- ii) foods containing sweeteners must be marked ‘with sweetener’. This declaration must accompany the name of the food eg ‘strawberry fairy cakes with sweetener’
- iii) foods containing both sugars and sweeteners must be marked ‘with sugars and sweeteners’. This declaration must accompany the name of the food as above.
- iv) You cannot use pictures or words for a flavour unless that flavour is derived fully or mainly from the ingredient shown or described.
E.g. a strawberry gateau with pictures of strawberries MUST derive its flavour from strawberries and not from strawberry flavouring, a lemon cake must derive its flavour from real lemons etc.

If you do not use the ‘real’ ingredient you cannot use pictures and the name of the food must reflect the true source of flavour
E.g. artificial lemon flavour cake
- v) Chocolate cakes may derive their flavour from non-fat cocoa solids
e.g. cocoa powder.

An example of a compliant label is given below:



Explanatory Notes:

- ¹ Descriptive name
 - ² Flour identified by source for allergen purposes with fortification ingredients listed
 - ³ Margarine is a compound ingredient listed with full breakdown of constituents
 - ⁴ Source of oil identified
 - ⁵ Additive identified by category name and E number
 - ⁶ Allergens identified in bold
 - ⁷ Glace cherries are a compound ingredient listed with a full breakdown of constituents.
The % cherries and % coconut are given as 'cherry' and 'coconut' appears in the name of the food
- * The colour E124 has been found to affect activity levels in children and all products containing this colour must be labelled

All allergens have been highlighted in **bold** to contrast them with the remainder of the ingredients list

3. Alternative requirements for foods sold exclusively to a catering establishment

If you sell pre-packed products to caterers eg pubs, cafes, restaurants, schools etc only the name of the food, best before date and the weight (if required) needs to appear on the outer packaging:

All of the other information shown in the 'full labelling' section above must be provided but may appear on trade documents that are provided at the latest when the goods are delivered eg on an invoice or bill or on a separate accompanying sheet.

4. Additional information.

Gluten free – there are specific rules covering the use of the words 'gluten free'.

If your products contain less than 20mg/kg of gluten you may label them 'gluten free'.

If your products are made with ingredients that have been specially treated to reduce the gluten content to less than 100mg/kg they may be labelled 'very low gluten'.

Free from – such forms of labelling have become more prevalent in the last few years. They have been introduced with a view to helping consumers with a variety of intolerances and allergies select food which is suitable for their needs.

Producers must be very careful when making 'free from' claims as these maybe relied upon by consumers suffering from intolerances.

If 'free from' claims are incorrect due to inadvertent cross contamination in the production area or from utensils or other there may be serious consequences for the consumer – and for the business if it can be proven that the claim was incorrect and consumption of the food led to the allergic reaction.

There are no specific laws that cover 'free from' labelling but a document from the British Retail Consortium explaining the requirements can be found on our website

'Made with local jam', 'free range eggs', 'Worcestershire honey' etc – all these descriptions are acceptable as long as they are true. Free range eggs will be marked with the code '1' on the shell.

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