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# **Guidance on the labelling of certain food colours as set out in Regulation 1333/2008**

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**May 2010**

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

**Contact telephone 020 7276 8529**

## Summary

<b>Intended audience:</b>	Food and drink manufacturers and retailers using or selling food colours, and food enforcement authorities.
<b>Regional coverage:</b>	UK
<b>Purpose:</b>	Guidance covering the additional information required when labelling certain food colours as set out in Regulation 1333/2008.
<b>Legal status:</b>	This informal guidance is intended to accompany Regulation 1333/2008.
<b>Essential actions to comply with regulation(s):</b>	<p>When using the colours listed below in food and drink there is a requirement (subject to a limited number of exemptions) to include the additional information that 'name or E number of the colour(s)': may have an adverse effect on activity and attention in children.</p> <ul style="list-style-type: none"><li>• Sunset yellow (E 110)</li><li>• Quinoline yellow (E 104)</li><li>• Carmoisine (E 122)</li><li>• Allura red (E 129)</li><li>• Tartrazine (E 102)</li><li>• Ponceau 4R (E 124)</li></ul>

### REVISION HISTORY

This guidance follows the Government [Code of Practice on Guidance](#). If you believe this guidance breaches the Code for any reason, please contact us using the number on the front sheet. If you have any comments on the guidance, again please contact us on the number on the front sheet.

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## **INTENDED AUDIENCE**

1. These guidance notes are intended for food and drink manufacturers and retailers using or selling food colours, and for food enforcement authorities.

## **PURPOSE OF GUIDANCE**

2. These Regulatory guidance notes have been produced to provide informal, non-binding advice on the legal requirement introduced by Regulation 1333/2008 Article 24 for the labelling of additional information when certain colours are used in foods (subject to a limited number of exemptions).

## **GUIDANCE ON REGULATION**

3. These guidance notes have been produced to explain clearly the legal requirements of Regulation (EC) No 1333/2008 on food additives. Every effort has been made to ensure that these guidance notes are as helpful as possible. They cannot cover every situation and you may need to consider the relevant legislation itself to see how it applies in your circumstances. If you do follow the guidance notes they will help you to comply with the law. Businesses with specific queries may wish to seek the advice of their local enforcement agency, which will usually be the trading standards/environmental health department of the local authority.

## **INTRODUCTION**

4. The notes in this section cover only those aspects of the above legislation that are specific to the labelling requirement for foods containing certain food colours as described in Article 24.
5. Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives can be accessed on the European Commission's website at the following address:  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:354:0016:0033:EN:PDF>
6. Regulation (EC) No 1333/2008 is enforced in England by The Food Additives Regulations 2009 (SI 2009/3238) which can be found at the webpage below:-  
[http://www.opsi.gov.uk/si/si2009/pdf/uksi\\_20093238\\_en.pdf](http://www.opsi.gov.uk/si/si2009/pdf/uksi_20093238_en.pdf)

It is enforced in Scotland by The Food Additives (Scotland) Regulations 2009 (SSI 2009/436) which can be found at the webpage below:-

[http://www.opsi.gov.uk/legislation/scotland/ssi2009/pdf/ssi\\_20090436\\_en.pdf](http://www.opsi.gov.uk/legislation/scotland/ssi2009/pdf/ssi_20090436_en.pdf)

It is enforced in Wales by The Food Additives (Wales) Regulations 2009 (WSI 2009/3378) (W.300) which can be found at the webpage below:-

[http://www.opsi.gov.uk/legislation/wales/wsi2009/pdf/wsi\\_20093378\\_mi.pdf](http://www.opsi.gov.uk/legislation/wales/wsi2009/pdf/wsi_20093378_mi.pdf)

It is enforced in Northern Ireland by The Food Additives (Northern Ireland) Regulations 2009 (SR 2009/416) which can be found at the webpage below:-

<http://www.food.gov.uk/multimedia/pdfs/nisr20090416en.pdf>

## **GENERAL STRUCTURE OF THE LEGISLATION**

7. Article 24 states that food containing the colours listed in Annex V of that Regulation should include the additional information set out in that Annex.
8. Annex V lists the following colours - Sunset yellow (E 110), Quinoline yellow (E 104), Carmoisine (E 122), Allura red (E 129), Tartrazine (E 102), Ponceau 4R (E 124).
9. When one or more of these colours are used in food and drink (subject to a limited number of exemptions which are listed at the end of this guidance) the following additional labelling information is required – the name or E number of the colour(s) accompanied by the wording “may have an adverse effect on activity and attention in children.”
10. Therefore, the effect of Article 24(1) is that when these colours are required to be labelled, such labelling must also include this additional information.
11. Article 24 (1) applies without prejudice to Directive 2000/13/EC (labelling, presentation and advertising of foodstuffs) i.e. Regulation 1333/2008 does not displace any labelling requirements that apply to food by virtue of Directive 2000/13/EC. The Food Labelling Regulations 1996 (SI 1996/1499) (as amended) ('FLR') give domestic effect to Directive 2000/13/EC.
12. With regard to the position, font size etc. of the additional information (the warning), this should comply with Article 13 (2) of Directive 2000/13/EC on labelling, ie be easy to understand, clearly legible and indelible and marked in a conspicuous place so as to be easily visible and not obscured or interrupted by any other written or pictorial matter.

13. Foods lawfully placed on the market or labelled before 20 July 2010 which do not comply with Article 24 may be marketed until their date of minimum durability or use-by-date. 'Foods placed on the market' has the meaning as defined in Article 3 (8) of Regulation 178/2002 on food law.

## **FOODS (INCLUDING DRINKS) SOLD TO THE FINAL CONSUMER**

Foods currently required to have on the label the name or E-number of the additive used in the product.

14. Foods that are currently required to be labelled with the name or E-number of an additive used in the product will be required to have the additional labelling stipulated in Annex V of Regulation 1333/2008 if any of the colours in that Annex are used.

Foods currently required to have on the label the category of additive used in the product e.g. just 'colour'

15. Foods that are currently required to have on the label the category of additive used in the product must also include the additional labelling as outlined in Annex V of Regulation 1333/2008 if any of the colours in that Annex are used. Products such as edible ices and flour confectionery that are currently required to have a notice in a prominent position near where they are sold stating they contain the additive category of colours will also need to include the additional labelling in Annex V on that notice for each product containing one or more of the colours in Annex V.

Foods currently not required to have either the name or E-number, or the category of additive used in the product

16. Foods that are currently not required to label either the name or E-number, or the category of additive used in the product will not need to have the additional labelling outlined in Annex V of Regulation 1333/2008.

## **FOOD COLOURS SOLD AS SUCH TO THE FINAL CONSUMER**

17. The law currently requires that when a food colour is sold to the final consumer it may only be marketed if its packaging contains the name and E-number of the additive. The additional information in Annex V, i.e. the warning, is therefore required when supplying one or more food colours listed in Annex V of Regulation 1333/2008.

## **COLOURS SUPPLIED BUSINESS TO BUSINESS**

18. The law currently requires that when a colour is sold from one business to another it may only be marketed if its packaging contains the name or E-number of the additive. The additional information in Annex V, i.e. the warning, is therefore required when supplying one or more of the food colours listed in Annex V of Regulation 1333/2008.

## **INTERMEDIATE PRODUCTS**

19. Where intermediate products (such as seasoning mixtures to be used in sausages or icings to be used on cakes) are sold from one business to another business, they need to be labelled with the name or E-number of the additive used in them. In addition, if they contain any of the colours listed in Annex V they must supply that information to enable a Food Business Operator to label their product in accordance with Annex V when selling to the final consumer, or to restaurants, hospitals, schools or other outlets where food is consumed on the premises.

## **EXEMPTIONS**

20. The above requirements do not apply where the colour(s) has been used solely for the purposes of health or other marking on meat products or for stamping or decorative colouring on eggshells.
21. In addition, alcoholic drinks over 1.2% alcohol by volume do not need to carry the warning label.

## **CONTACT DETAILS**

22. For further information please contact us by either [foodadditives@foodstandards.gsi.gov.uk](mailto:foodadditives@foodstandards.gsi.gov.uk) or 020 7276 8570