GUIDANCE ON LEGISLATION FOR SPREADABLE FATS AND OTHER YELLOW FAT SPREADS

Revision 1
June 2010

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CONTACT TELEPHONE 020 7276 8162
## Summary

<table>
<thead>
<tr>
<th>Intended audience:</th>
<th>Food Industry including small and medium size enterprises, and enforcement authorities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional coverage:</td>
<td>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</td>
</tr>
<tr>
<td>Purpose:</td>
<td>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.</td>
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</tbody>
</table>
| Legal status:     | This guidance is intended:  
|                   | • to accompany regulations and 
|                   | • to address best practice, which has been highlighted in text boxes throughout the guidance document |
| Essential actions to comply with regulation(s): | You must follow labelling rules for spreadable fats in terms of:  
|                   | 1. Using the legal and full name:  
|                   |  
|                   |   • 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’  
|                   |   • These names 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.  
|                   | 2. Including information about:  
|                   |   o the quantity of ingredients  
|                   |   o fat content  
|                   |   o possible allergens  
|                   |   o fortification  
|                   | 3. General compliance with the Food Labelling Regulations, 1996, as amended. From here on, these Regulations will be referred to as the ‘FLRs’.  
|                   |   • Ingredients must be listed, under a heading of ‘Ingredients’, in descending order of weight at the time they were used in the spread  
|                   |   • Ingredients’ names should be those that would be used if they were sold as foods by themselves  
|                   |   • The ingredients list should include reference to any treatment, e.g. ‘dried skimmed milk’  
|                   |   • The total percentage fat content by weight at the time of |
production must be stated

- 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.
- Any trademarks or brand names must not be misleading in their nature.
- Non-dairy spreads must not show dairy imagery on the labels.
- Nutrition claims such as ‘reduced fat’, ‘low-fat’, ‘light’ and ‘lite’ may be permitted for spreadable fats depending on their fat content.

REVISION HISTORY

<table>
<thead>
<tr>
<th>Revision No.</th>
<th>Revision date</th>
<th>Purpose of revision</th>
<th>Revised by</th>
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<tbody>
<tr>
<td>1</td>
<td>January 2010</td>
<td>Official Revision</td>
<td>Shifra Sheikh (Food Composition and Labelling Division)</td>
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</tbody>
</table>
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.


   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
   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
   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

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

   Food Labelling Regulations (Northern Ireland) 1996 Statutory Rule 1996 No. 383

   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/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


   - 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.


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).1

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.

4. The terms ‘dairy’ and ‘milk and milk products’ are used synonymously and are used to describe products from a normal mammary secretion obtained from one or more milkings.2

INTENDED AUDIENCE

5. 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 meaningful and accurately labelled products.

PURPOSE AND LEGAL STATUS OF GUIDANCE

6. 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.

7. 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 responsibility of individual businesses to ensure their compliance with the law.

8. **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’.

9. 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**

10. 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**

11. 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 definitions and designations in respect of milk and milk products). These Regulations are directly applicable in the UK and are enforced through national legislation.


13. The Guidance Notes also refer to the Food Labelling Regulations 1996, as amended (here on referred to as “the FLRs”) and 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](http://www.opsi.gov.uk).

14. 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 Standards Agency.

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DEFINITIONS – ACCORDING TO THE CMO REGULATION UNLESS OTHERWISE SPECIFIED

15. In these Guidance Notes, the following key terms 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 nearly milk fat-free fluid remaining from the butter-making process (i.e., the churning of fermented or non-fermented milk and cream). Buttermilk is also produced by fermentation of fluid skim milk, either by spontaneous souring by the action of lactic acid-forming or aroma-forming bacteria, or by inoculation of heated milk with pure bacterial cultures (cultured buttermilk). Buttermilk may be pasteurised or sterilised.

(There is no legal definition for buttermilk, it is included in the definition of a milk product according to the CMO Regulation. The above definition is according to International standards).

'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](http://www.defra.gov.uk/hort/olive-oil/marketing/index.htm).

**‘Dairy terms’ (International Definition, CODEX⁵)**

means names, designations, symbols, pictorial or other devices which refer to or are suggestive, directly or indirectly, of milk or milk products.

**INTERPRETATION**

16. 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).

17. 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.

18. 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

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⁵ CODEX General standard for the use of dairy terms ([http://www.codexalimentarius.net/web/index_en.jsp](http://www.codexalimentarius.net/web/index_en.jsp))
• mixed fat products with a milk fat content of more than 3% but less than 10% of the total fat.

19. 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

20. 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.

21. 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

22. 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% sunflower oil, the vegetable oil must be listed before the sunflower oil in the ingredients list.

23. 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' 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).
24. 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)

25. 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 a skimmed milk that has been dried.


APPLICATION OF QUID (QUANTIFIED INGREDIENTS DECLARATION) RULES

27. Concerning QUID and particularly declaration of fat content, the 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.

28. QUID declarations are required where the ingredient or category of ingredient appears in the name of the food e.g., 'sunflower fat spread'.

29. 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

30. 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 ± 1% of the declared value and the fat content of an individual sample must be within ± 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.

31. 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.


32. 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%).

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'. (This does not apply to the mandatory fortification of margarines).

**NAMES AND CLAIMS**

33. 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 Food Labelling Regulations, 1996 (as amended) 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.

34. 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).

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

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

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.*

35. 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.

36. Brand Name or Fancy Name (As detailed in Regulation 10 of the Food Labelling Regulations, 1996, as amended, 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.
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 visible surface when browsing, such as the lid or side of the pack.*

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**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.

**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".

**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.*

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8 Guidance on legislation on the protection of dairy designations – Revision 1, [www.food.gov.uk](http://www.food.gov.uk)
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 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. For more information, please see Agency guidance notes on nutrition and health claims made on foods.

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 mandatory addition of vitamin A and D to margarine does not trigger nutritional labelling requirements (see below)

III. Detailed guidance can be found in the Guidance notes on Nutrition Labelling\textsuperscript{10}.

REQUIREMENT TO FORTIFY MARGARINE

41. In the UK, all margarines must be fortified with vitamins A and D.

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


\textsuperscript{10} \url{http://www.food.gov.uk/multimedia/pdfs/nutlabel2.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.


   http://www.opsi.gov.uk/si/si1996/Uksi_19961499_en_1.htm


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)


http://www.food.gov.uk/multimedia/pdfs/quiet.pdf

http://www.food.gov.uk/multimedia/pdfs/originlabelling.pdf


15. Guidelines for the use of Certain Nutrition Claims in Food Labelling and Advertising.

www.food.gov.uk

Contact Details

For queries on this Guidance Document contact;

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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’

<table>
<thead>
<tr>
<th>Fat content</th>
<th>Milk fat products</th>
<th>Vegetable/animal fat products</th>
<th>Mixed milk fat and vegetable/animal fat products</th>
</tr>
</thead>
<tbody>
<tr>
<td>≥80% to &lt;90%</td>
<td>‘Butter’</td>
<td>‘Margarine’</td>
<td>‘Blend’</td>
</tr>
<tr>
<td>&gt;62% to &lt;80%</td>
<td>‘Dairy spread X%’</td>
<td>‘Fat spread X%’</td>
<td>‘Blended spread X%’</td>
</tr>
<tr>
<td>≥60% to ≤62%</td>
<td>Three-quarter fat butter or Reduced fat butter</td>
<td>Three-quarter fat margarine’ or Reduced fat margarine’</td>
<td>Three-quarter fat blend’ or Reduced fat blend’</td>
</tr>
<tr>
<td>&gt;41% to &lt;60%</td>
<td>Dairy spread X%’ or “reduced fat” dairy spread X%</td>
<td>Fat spread X% ’or Reduced fat spread X%’</td>
<td>Blended spread X%’ or Reduced fat blended spread X%</td>
</tr>
<tr>
<td>≥39% to ≤41%</td>
<td>Half-fat butter’ or ‘Low fat’ butter or ‘Light’ butter</td>
<td>Half fat margarine’ or ‘Minarine’ or ‘Halvarine’ or ‘Low fat margarine’ or ‘Light margarine’</td>
<td>Half fat blend’ or ‘Low fat blend’ or ‘Light blend’</td>
</tr>
<tr>
<td>&lt;39%</td>
<td>Dairy spread X%’ or ‘Low fat Dairy spread X%’ or ‘Light Dairy spread X%’</td>
<td>Fat spread X%’ or ‘Low fat spread X%’ or ‘Light fat spread X%’</td>
<td>Blended spread X%’ or ‘Low fat blend X%’ or ‘Light blend X%’</td>
</tr>
<tr>
<td>ENGLAND</td>
<td>NORTHERN IRELAND</td>
<td>WALES</td>
<td>SCOTLAND</td>
</tr>
<tr>
<td>---------</td>
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</tr>
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<td>The Drinking Milk Regulations 1998</td>
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<td>Pre – devolution; see England Regulations</td>
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<td>The Condensed Milk and Dried Milk (Scotland) Amendment Regulations 2003</td>
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<td>The Food Labelling (Declaration of allergens) Regulations (Northern Ireland) 2008</td>
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<td>The Food Labelling Amendment (No. 2) (Scotland) Regulations 2004</td>
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<td>Pre – devolution; see England Regulations</td>
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</tbody>
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