

FOOD LABELLING

GUIDANCE ON THE USE OF THE TERMS 'VEGETARIAN' AND 'VEGAN' IN FOOD LABELLING

INTRODUCTION

1. The Food Standards Agency is committed to promoting informed choice. Improving food labelling is one of our priority objectives.

2. There is no definition in law of the terms 'vegetarian' or 'vegan' either at the UK or European level. This document identifies the legislation relevant to the use of these terms, other legislation relevant to ingredient listing of animal products and provides advice on labelling foods as 'suitable for vegetarians' / 'vegetarian' or 'suitable for vegans' / 'vegan'. This Guidance applies only to food for human consumption.

3. The purpose of this Guidance is to assist:

- manufacturers, retailers and caterers to use these terms in a consistent way,
- enforcement authorities to identify misleading labelling, and
- consumers, by encouraging industry to use these terms consistently.

4. This Guidance should not be taken as an authoritative statement or interpretation of the law. The opinion of a company's Home Authority or local enforcing authority may differ. Only the courts can decide whether, in particular circumstances, an offence has been committed.

LEGISLATION RELEVANT TO THE USE OF THE TERMS 'VEGETARIAN' AND 'VEGAN' IN FOOD LABELLING

5. There are **no legal definitions** of the terms 'vegetarian' or 'vegan'.

Misleading labelling

Trade Descriptions Act 1968

6. Claims such as, 'suitable for vegetarians' or 'suitable for vegans' are subject to the general controls in sections 1 to 4 of the Trade Descriptions Act 1968 (prohibition of false or misleading trade descriptions).

Food Safety Act 1990

7. Claims such as, 'suitable for vegetarians' or 'suitable for vegans' are subject to the general controls in sections 14 and 15 of the of Food Safety Act 1990 (prohibition on selling food not of the nature, substance or quality demanded and falsely describing or presenting food). The 1990 Act extends to Great Britain. There is parallel legislation in Northern Ireland.

Article 16 of EC Regulation 178/2002

8. Article 16 of EC Regulation 178/2002 prohibits labelling or other presentation, which misleads consumers. This is enforced by means of the General Food Regulations 2004 in Great Britain and parallel legislation in Northern Ireland.

Use of the ingredients list

9. The terms 'vegetarian' and 'vegan' in food labelling are used voluntarily by industry. Where these terms are absent, consumers rely on the list of ingredients.

10. The **Food Labelling Regulations 1996 (as amended)** require that ingredients be listed in descending order of weight. There are certain ingredients, details of which are given in Regulation 17, which need not be named. The 1996 Regulations extend to Great Britain; there is similar legislation in Northern Ireland.

11. The **Food Labelling (Amendment) (England) (No.2) Regulations 2004** and similar provisions in Scotland, Wales and Northern Ireland removed a previous exemption from ingredient listing for compound ingredients that made up less than 25% of the final product. All ingredients of compound ingredients used in another product (e.g. sponge fingers in a trifle) are

required to be listed except for very limited exemptions for some compound ingredients (Regulation 7(b) and (c)). The exemptions are,

- Where the composition of the compound ingredient is defined in EU law (e.g. jam and chocolate), the ingredients need not be listed.
- Where the compound ingredient is a food for which an ingredient list is not required, the ingredients need not be listed.
- A mixture of herbs or spices or both need not be listed individually.
- Ingredients constituting less than 2% of the finished product may be listed in a different order after the other ingredients.
- The presence of similar or mutually substitutable ingredients could be indicated by use of "contains....and/or..." in certain circumstances.

These exemptions do not override the need to label allergenic ingredients and only apply where an ingredient makes up less than 2% of the final product.

Allergen labelling

12. The **Food Labelling (Amendment) (England) (No.2) Regulations 2004** and similar provisions in Scotland, Wales and Northern Ireland require (from 26 November 2005) foods to be labelled with an indication of the presence of 12 specific ingredients (or their derivatives) that are known to cause allergies and intolerances. There are provisional exemptions to this where derived products are no longer allergenic. Those exemptions of interest to vegetarian and vegan consumers are:

In alcoholic drinks

- Lysozym (produced from egg) used in wine
- Albumin (produced from egg) used as a fining agent in wine and cider
- Fish gelatine and isinglass used as fining agents in beer, cider and wine.
- Whey (from milk) used in distillates for spirits
- Milk (casein) products used as fining agents in cider and wine.

Apart from the two exemptions above that relate to egg, the presence of eggs must always be labelled on pre-packed foods.

In other foods

- Fish gelatine used as a carrier for vitamin or carotenoid preparations, and flavours
- Lactitol (from milk) (a sweetener)

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Vegetarian

13. The term 'vegetarian' should not be applied to foods that are, or are made from or with the aid of products derived from animals that have died, have been slaughtered, or animals that die as a result of being eaten. Animals means farmed, wild or domestic animals, including for example, livestock poultry, game, fish, shellfish, crustacea, amphibians, tunicates, echinoderms, molluscs and insects.

Vegan

14. The term 'vegan' should not be applied to foods that are, or are made from or with the aid of animals or animal products (including products from living animals).

15. The table (Annex A) sets out how this Guidance applies in practice. There are over 50 additives that are sometimes of animal origin, depending on how they are made. The vegan Guidance requires such additives to be derived from non-animal sources. However, additives originating from products of live animals, e.g. those from milk or eggs, would be suitable for products labelled as vegetarian. The vegetarian and vegan Guidance excludes products that have been made using processing aids, that are non-vegetarian or non-vegan respectively, even though they may not be present in the final foodstuff.

16. Food businesses may find the websites of the Vegetarian and Vegan Societies helpful in providing information on the origin of additives, processing aids and flavourings. (Note: The Agency is not responsible for the content of these websites.) The home pages of the websites of these societies are www.vegsoc.org and www.vegansociety.com/html.

Cross contamination

17. Manufacturers, retailers and caterers should be able to demonstrate that foods presented as 'vegetarian' or 'vegan' have not been contaminated with non-vegetarian or non-vegan foods during storage, preparation, cooking or display.

CONTACT DETAILS FOR FURTHER INFORMATION

18. The address for all correspondence relating to the issues set out in this advice is:

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ANNEX A

'VEGETARIAN' AND 'VEGAN' GUIDANCE

Exclusion or Inclusion of A to H from/in products	A Livestock, Red meat, Poultry, Game etc	B Fish, Shellfish, Crustacea, Amphibians, Tunicates, Echinoderms, Molluscs	C Insects	D Slaughter by-products (e.g. fats and blood)	E Products made from A to D (e.g. gravies, stock and gelatine, additives, flavourings and carriers)	F Processing aids (made from A to E) used whether or not in the final food (e.g. isinglass)	G Products of living animals including insects, (e.g. milk, eggs, honey, bee pollen or waxes)	H Products made from or with the aid of G (whether or not in the final food) such as cheese made with vegetarian rennet, yoghurt made without the use of animal gelatine, whey, additives, flavourings and carriers, (e.g. lecithins)
Vegetarian	x	x	x	x	x	x	√	√
Vegan	x	x	x	x	x	x	x	x

Key: x = Excluded √ = Included