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# **Guidance on the Cocoa and Chocolate Products Regulations 2003**

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**1 August 2003, Revised June  
2009**

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**CONTACT TELEPHONE 0207 276 8154**

## Summary

<b>Intended audience:</b>	All food businesses in the UK involved in the manufacture or sale of chocolate and cocoa products. Enforcement Officers will also find it useful.
<b>Regional coverage:</b>	This guidance is applicable to England, Scotland, Northern Ireland and Wales.
<b>Purpose:</b>	Cocoa and chocolate products are governed by compositional and labelling requirements. This guidance helps those working in the relevant industries to understand the Regulations and fulfil the requirements established by the legislation.
<b>Legal status:</b>	<p>This guidance is intended to:</p> <ul style="list-style-type: none"> <li>• accompany the Regulations and</li> <li>• address best practice</li> </ul>
<b>Essential actions to comply with the regulations (s):</b>	<ul style="list-style-type: none"> <li>➤ In order to label a product as chocolate the reserved descriptions for designated cocoa and chocolate products must be used.</li> <li>➤ The minimum compositional requirements for essential ingredients of chocolate and cocoa products must be met</li> <li>➤ Chocolate products must be labelled with a declaration of the cocoa solids and (if applicable) milk solids in the form prescribed.</li> <li>➤ If chocolate products use any of the 5 vegetable fats authorised this must comply with the maximum level permitted and be declared on the label.</li> <li>➤ Cocoa and chocolate products must comply with the requirements of the Food Labelling Regulations 1996 (as amended).</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.

Revision No.	Revision date	Purpose of revision	Revised by
1	June 2006	To clarify the use of sweeteners	Richard Wood
2	June 2009	To correct the interpretation on the declaration of cocoa solids in filled chocolates and pralines. To update the format of the document.	Elise Hughes

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## 1. REGULATIONS REFERRED TO IN THIS GUIDANCE

These Guidance Notes cover separate but parallel Regulations in all four countries of the UK.

Details are below of how the Regulations are referred to in the text, plus the full name and number of the respective Regulations in each country.

### **The Cocoa and Chocolate Products Regulations**

The Cocoa and Chocolate Products (England) Regulations 2003 (SI 2003/1659)

The Cocoa and Chocolate Products (Scotland) Regulations 2003 (SI 2003/291)

The Cocoa and Chocolate Products Regulations (Northern Ireland) 2003 (SR 2003 No.313)

The Cocoa and Chocolate Products (Wales) Regulations 2003 (SI 2003 No 3037 w.285)

In addition, all products covered by the Regulations must also comply with the general provisions of the Food Safety Act 1990, under which all food legislation in Great Britain is made<sup>1</sup>, and the general rules governing the labelling of foods laid down by the Food Labelling Regulations 1996 (as amended)<sup>2</sup> (FLR) (see section 9 below).

<sup>1</sup> *In Northern Ireland, the equivalent legislation is the Food Safety (Northern Ireland) Order 1991.*

<sup>2</sup> *Separate, equivalent Food Labelling Regulations apply in Scotland, Wales and Northern Ireland.*

Following the process of devolution, food legislation is now commonly made on a separate basis in England, Scotland, Wales and Northern Ireland. This is the case with the four separate sets of Chocolate Regulations. Therefore the England Regulations apply only in England; the Scotland Regulations apply only in Scotland, and so on.

However, the four sets of Regulations differ only in the powers under which they are made, and the food authorities given responsibility for enforcement. The provisions relating to cocoa and chocolate products are in practice **identical** in each of the four countries.

## 2. INTENDED AUDIENCE

This guidance is intended for use by all food businesses in the UK involved in the manufacture or sale of chocolate and cocoa products. Enforcement Officers will also find it useful.

## 3. PURPOSE AND LEGAL STATUS

Combination of regulatory and best practice guidance

These guidance notes have been produced to provide informal, non-binding advice on:

- The legal requirements of the Cocoa and Chocolate Products Regulations 2003
- Best practice in this area

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. Compliance with the advice on best practice is **not** required by law. **To distinguish between the two types of advice, all advice on best practice is in shaded boxes, with a heading of Best Practice:**

### Best Practice

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 their local authority

## 4. PURPOSE OF THE LEGISLATION

The above domestic Regulations came into force on 3<sup>rd</sup> August 2003. Between them, the Regulations implement throughout the UK the provisions of EC Directive 2000/36 relating to cocoa and chocolate products intended for human consumption. As such, the Regulations lay down standards for certain cocoa and chocolate products, and provide specific labelling requirements for these products.

The Regulations also revoke and **replace** the 1976 Cocoa and Chocolate Products Regulations (which implemented in the UK the 1973 Chocolate Directive, now replaced by Directive 2000/36). The new provisions are broadly in line with those of the 1976 Regulations. However, the new Regulations differ on the following points:

What is New in the Regulations?

- i. The new Regulations apply the general provisions of the FLR to the labelling of cocoa and chocolate products.
- ii. The provisions relating to the use of additives have been removed. The general provisions of the Miscellaneous Additives Directive 95/2/EC will apply. (This Directive is implemented in the UK by the Miscellaneous Food Additives Regulations 1995 (as amended)). See section 5.4 below.
- iii. The new Regulations contain fewer reserved descriptions – omitting some of those provided for by the 1973 Directive, such as raw ingredients obtained from cocoa beans and used in the manufacture of chocolate (cocoa nib, cocoa cake etc.)
- iv. The new Regulations include the new reserved description for “powdered chocolate”, and include a small amendment to the reserved description “fat-reduced cocoa”.
- v. The specific provisions relating to “choc ice” and choc bar” have been removed – although these can continue to be “customary names” for the purposes of the FLR.
- vi. The new Regulations limit the range of vegetable fats that may be used and require a labelling declaration “contains vegetable fats in addition to cocoa butter” where vegetable fats other than cocoa butter are used.
- vii. In addition, the new Regulations continue to provide for the use of the term “milk chocolate” to describe a product with a cocoa solids and milk solids content of 20% or more when sold in the UK and the Republic of Ireland only. However such chocolate must bear a milk solids declaration and will be known as “family milk chocolate” in all other Member States.
- viii. The new Regulations now require a declaration of the cocoa solids for filled chocolates, “a chocolate” or praline.

## 5. SCOPE OF THE REGULATION

### 5.1. PRODUCTS COVERED BY THE REGULATIONS

#### ***Regulation 2(1), 3, 4(1), 5 and 6 and Schedule 1 and 2***

The Regulations apply to cocoa and chocolate products for which reserved descriptions are prescribed, that are intended for human consumption, and ready for delivery to the ultimate consumer or a catering establishment.

#### **Designated products - the reserved descriptions**

One of the central provisions of the Regulations is to lay down reserved descriptions for “designated products”. Unlike the 1976 Regulations, the new Regulations use the term “designated product” to mean a product meeting one of the reserved descriptions, as read, in particular, with the provisions in respect of vegetable fats in chocolate products (see section 7 below). The term “designated product” is used throughout this Guidance to refer to these products.

The reserved descriptions are outlined in Schedule 1 of the Regulations, along with the minimum compositional requirements for each reserved description. Schedule 1 is reproduced in Annex A of this Guidance.

The Regulations provide that a product may not be described using one of the reserved descriptions, unless it meets the relevant compositional requirements. Additionally, the reserved descriptions are names prescribed by law for the purposes of Regulation 6(1) of the FLR, and as such, the name under which a designated product is sold must be, or include, a reserved description.

The labelling provisions in the Regulations (set out in section 8 below) apply only to designated products.

### 5.2. PRODUCTS OUTSIDE THE SCOPE OF THE REGULATIONS

#### ***Regulation 4(1)***

The labelling provisions of the Regulations apply only to the Regulations’ designated products. Products falling outside the definitions of the reserved descriptions in Schedule 1 are nevertheless subject to the general labelling requirements of the FLR.

Therefore, products containing chocolate as an ingredient, but which are not designated products, are outside the scope of the Regulations. The name of a designated product in the list of ingredients of any other food in which it is contained ‘shall be the name which, if the ingredient in question were itself



being sold as a food, could be used as the name of the food'. In addition, the definition of "filled chocolate" excludes a product with a filling consisting of bakery products, pastry, biscuit or edible ice. As such, some chocolate-coated confectionery bars (e.g., chocolate coated wafers and other "count lines") are also outside the scope of the Regulations. A chocolate product containing small biscuit pieces would be within the scope of the Regulations while one containing a whole biscuit with an outer coating or partly coated with chocolate would not.

It is important to note that where a designated product is used as an ingredient in another food, the compositional requirements of the Regulation still apply to that ingredient. In addition, products falling outside the scope of the Chocolate Regulations remain subject to the general labelling requirements of the FLR (including Quantitative Ingredient Declarations (QUID)). Conversely, where a reserved description is used in the name of another food, that food must contain the designated product and will need a QUID declaration of the amount present. See Section 9.3.

### 5.3. ADDED INGREDIENTS

#### *Schedule 1, Note 1*

The Regulations allow additional ingredients to be added to designated products (other than cocoa butter and powdered cocoa products), provided that these extra ingredients do not make up **more than 40%** of the weight of the finished product. However, the Regulations prohibit the addition of the following:

- animal fats and their preparations not derived solely from milk
- flour, granular and powdered starch (other than in chocolate a la taza, and chocolate familiar a la taza – see paragraph 8.5.2 below)

The reference to flour above is understood to include all types of flour, i.e., cereal flours as well as ingredients such as soya flour.

In addition, flavourings may be added to all designated products except cocoa butter, provided the flavouring does not mimic the taste of chocolate or milk fat.

### 5.4. USE OF ADDITIVES IN DESIGNATED PRODUCTS

As indicated in section 3 above, the European Community rules relating to additives permitted in cocoa and chocolate products do not appear in Directive 2000/36. The relevant provisions are set out in and under Directives 94/35, 94/36 and 95/2 as respectively implemented by the Sweeteners in

Food Regulations 1995, the Colours in Food Regulations 1995 and the Miscellaneous Food Additives Regulations 1995.

Schedule 1 of the Regulations describes the various chocolate products as being obtained from cocoa products and sugars. However, this reference to “sugars” does not prohibit the use of sweeteners in chocolate products, to replace some of this sugar [See 8.4 ‘Meaning of Sugar’]. Manufacturers will however need to comply with the provisions of the Sweeteners Regulations, which provide restrictions on the specific sweeteners that may be used, and impose additional labelling requirements.

It is understood that, as was the case with Directive 73/241 and the Cocoa and Chocolate Product Regulations 1976, the fillings of filled chocolate and pralines are not subject to the specific limitations imposed on use of miscellaneous additives in chocolate products by the 1995 Regulations. Fillings must, however, comply with general restrictions as to the nature and quantity of additives used and with any specific ones prescribed for the foods which constitute them.

#### 5.5. LIQUEUR CHOCOLATES

Unlike the 1976 Chocolate Regulations which they replace, the new Chocolate Regulations do not contain any provisions relating specifically to liqueur chocolates, or to chocolate products containing or filled with spirits.

However, the normal rules of QUID will apply in relation to spirits and other alcoholic ingredients. For example, where the “name of the food” of a chocolate product refers to a spirit or other alcoholic ingredient, a QUID declaration may be required for that ingredient. Similarly, the FLR require a QUID declaration to be given where an ingredient is essential to characterise a food. Therefore a product described as “assorted liqueur chocolates” or similar may require a QUID declaration for the alcoholic ingredients.

For information on the general provisions relating to QUID, the reader should refer to the Agency’s Guidance Notes on QUID, which are available from the address given at section 11.

#### 5.6. DESCRIPTIONS OF FOOD HAVING CHOCOLATE FLAVOUR

The FLR include provisions controlling the use of the word “chocolate” to described foods that are not designated products, but have a chocolate flavour.

Schedule 8 of the FLR provides that a food may not be described in such a way as to imply that it has a chocolate flavour, unless that flavour is derived wholly or mainly from either chocolate, or (where the purchaser would not be misled by the description) from non-fat cocoa solids.

However, this does not prevent the explicit use of the word “flavour” (as in “chocolate flavour sauce”) where the flavour is not derived from either chocolate or cocoa solids.

## 6. CALCULATION OF PERCENTAGES

### ***Schedule 1, Note 2***

Schedule 1 expresses as percentages the minimum contents for the various reserved cocoa and chocolate product descriptions. These percentages must be calculated after deduction of any additional ingredients present in the product (i.e., the calculation must be made on the *chocolate portion* alone). In the case of filled chocolate and pralines (i.e., meeting the reserved descriptions for items 7 and 10 in the Schedule), the percentages must be calculated after the deduction of any additional ingredients present **and** the weight of the filling.

Vegetable fats other than cocoa butter are *not* to be regarded as “other edible substances” or additional ingredients for the purpose of this calculation. (See also paragraphs 7, 8.3 and 8.5 below for further provisions relating to calculations.)

Calculations for the purposes of declaring cocoa solids content (see paragraph 8.5 below) must be made on the basis laid down in Regulation 6(4). That is, after deduction of the weight of other edible substances, but not the weight of any ingredient specified in Schedule 1 as a necessary ingredient of that product, or of any vegetable fats added in accordance with Regulation 3 (see Section 7 below).

Manufacturers, when calculating the percentage content of the various ingredients in their products (whether for the product definitions, or for any cocoa solids or milk solids declarations), will need to take into account possible variations in production, in order to ensure that the levels present are always above the minimum required or declared.

## 7. VEGETABLE FATS OTHER THAN COCOA BUTTER

### ***Regulation 3 and Schedule 2***

The Regulations allow the use of specified vegetable fats other than cocoa butter, up to a maximum of 5%, in the preparation of the chocolate products

specified in Schedule 1 item 3, 4, 5, 6, 8 and 9. By extension, they may also be present (subject to the maximum limit) in the coatings of filled chocolates (item 7) and in chocolates (item 10).

The Regulations also impose labelling requirements where vegetable fats are used, which require the product to carry a conspicuous and clearly legible statement with the words “contains vegetable fats in addition to cocoa butter”. In addition, their use should also be declared in any ingredients list (see paragraph 8.2 below).

Schedule 2 (which is reproduced at Annex B of this guidance) lists the specific vegetable fats that may be used. The vegetable fats listed are all non-lauric fats, and share the physical properties of cocoa butter. In addition, the schedule provides an exemption allowing the use of coconut oil (a lauric fat) in chocolate used in ice cream and similar frozen products.

The specified vegetable fats may be used in a proportion of up to 5% of the *chocolate portion* of a product. This proportion should be calculated after the deduction of the weight of other ingredients in the product – as in the following hypothetical example:

**Example: - Milk Chocolate bar with Nuts – 100g bar.**

Sugar	44	}	Vegetable fat content is calculated on:	
Milk solids	16			
Cocoa solids	16			
Vegetable fats	4			
Nuts	18			4g / 80g
Lecithin	1			= <b>5%</b>
Vanillin	1			

It is important to note that the use of these vegetable fats must not reduce the minimum content of cocoa butter or total dry cocoa solids in a product. Although the vegetable fats are described as “cocoa butter equivalents”, a

product must still meet any necessary requirements for minimum cocoa solids or cocoa butter content, notwithstanding the presence of any other vegetable fats.

### 7.1. TOTAL FAT CONTENT – MILK CHOCOLATE AND FAMILY MILK CHOCOLATE

The reserved descriptions for both milk chocolate and family milk chocolate require the product to contain at least 25% total fat. This 25% must be made up of cocoa butter and milk fat, i.e., non-cocoa vegetable fats **may not** be counted towards this percentage. In addition, the percentage in the product should be calculated on the chocolate portion only, after deducting the weight of any added ingredients, as in the following hypothetical example for a milk chocolate product. Again, non-cocoa vegetable fats are not considered an added ingredient:

**Example: - Milk Chocolate bar with Nuts – 100g bar.**

Sugar	36	} total fat content is calculated on:	$\frac{16g + 4.8g}{80g} = \mathbf{26\%}$
Cocoa solids	22		
– of which cocoa butter	16		
Milk solids	18		
– of which milk fat	4.8		
Vegetable fats	4		
-----			
Nuts	18		
Lecithin	1		
Vanillin	1		

## 8. LABELLING OF CHOCOLATE PRODUCTS

The 1973 Chocolate Directive and the 1976 Chocolate Regulations were enacted before the introduction of the general food labelling Directive. This general labelling Directive is implemented in the UK by the FLR.

Some of the labelling provisions contained in the 1976 Regulations (e.g., those relating to manner of marking), have since been replicated by the general provisions of the FLR. The new Directive and accordingly, the 2003 Regulations, now make cocoa and chocolate products subject to the general provisions of the FLR.

In addition, the Chocolate Regulations lay down a number of provisions specific to the labelling of the designated products (e.g., cocoa and milk solids declarations). These are set out in paragraphs 8.1 to 8.8 below.

Section 9 below sets out how the general provisions of the FLR will apply to designated products.

For further guidance on the provisions of the FLR, readers are advised to refer to the appropriate Agency Guidance on the general labelling of foodstuffs, which is available from the address given in section 11.

Readers may also wish to refer to the examples of product labelling included at Annex C.

### 8.1. RESERVED DESCRIPTIONS

#### ***Regulation 6(1) (a)***

The reserved descriptions (laid down in Schedule 1) are “names prescribed by law” for the purposes of the FLR. Therefore, the name under which the product is sold *must* be, or include, an appropriate reserved description, and this reserved description must appear on the labelling. (See also paragraph 8.7 below: “Products sold in assortments”).

#### 8.1.1. MILK CHOCOLATE AND FAMILY MILK CHOCOLATE

##### ***Schedule 1, items 4 and 5***

The reserved description “family milk chocolate” was included in the EC Directive to allow a style of milk chocolate, made to a 20/20 milk solids to cocoa solids recipe, and which although popular in the UK and the Republic of Ireland, is not generally consumed across the rest of Europe. “Milk chocolate” in Europe is more commonly made to a 14/25 recipe and the Regulations provide for the use of a “milk chocolate” descriptor for this product.

The new Regulations allow family milk chocolate or that conforming to a 20/20 recipe to be described simply as “milk chocolate” but **only** in the UK and Republic of Ireland. In the rest of the EU it will be known in English as “family milk chocolate”. Both milk chocolate and family milk chocolate must be labelled with an indication of their milk solids content **when sold in the UK**, to enable consumers to distinguish between the two products (see paragraph 8.3 below).

#### 8.1.2. LABELLING OF ‘DARK CHOCOLATE’, ‘PLAIN CHOCOLATE’, ETC.

##### ***FLR Regulation 6(3)***

Consumers in the UK are accustomed to seeing names such as “dark chocolate” or “plain chocolate” used to describe some chocolate products. Although the 1976 Regulations contained a reserved description for “plain chocolate”, this reserved description does not appear in the new Regulations.

However, manufacturers may still wish to make use of such descriptions, by way of Regulation 6(3) of the FLR, which allows the name of the food (i.e., the reserved description) to be qualified by other words that make it more precise.

Note – the reserved description for “plain chocolate” contained in the 1976 Regulations describes a product with a slightly lower cocoa solids content than “chocolate”. Under the requirements of the new legislation, a product described as “plain chocolate” must at least meet the compositional requirements for “chocolate” laid down by the 2003 Regulations.

#### 8.1.3. LABELLING OF FILLED CHOCOLATE

##### ***Schedule 1, item 7 and 10***

The name used for a filled chocolate product should include a description of the filling, to inform the consumer of the true nature of the product and to avoid it being confused with a similar product. Forms of wording specified by the Regulations are “chocolate with x filling” or “chocolate with x centre”. (See also paragraph 8.7 below: “Products sold in assortments”).

Note – the word “chocolate” in the filled chocolate descriptions would need to be replaced by, e.g., “milk chocolate”, “white chocolate”, “gianduja chocolate” as appropriate, where those products make up the chocolate part of the filled chocolate.

## 8.2. VEGETABLE FATS DECLARATION

### *Regulation 6(1) (b) and 7(2)*

As mentioned in section 7 above, Regulation 6(1)b requires that where a product contains vegetable fats other than cocoa butter, the product's labelling must include the words "**contains vegetable fats in addition to cocoa butter**". This statement is required *in addition to* the listing of the vegetable fats in the product's list of ingredients.

The vegetable fats declaration must appear:

- (a) in the same field of vision as the list of ingredients;
- (b) in **bold lettering** at least as large as that of the list of ingredients; and
- (c) located near to the reserved description – which may also appear elsewhere on the packaging.

Therefore the declaration must appear near to the reserved description in at least one place on the packaging, *but not necessarily each time the reserved description appears*. Also, the declaration need not appear on the front of the packaging.

Manufacturers may, if they so choose, make labelling claims (where appropriate) that the chocolate does not contain vegetable fats in addition to cocoa butter. Such a claim would be subject to the general requirements of food law, in particular the Food Safety Act 1990. This Act makes it an offence to describe, by way of labelling or advertising, a food falsely or in a way likely to mislead a purchaser as to its nature, substance or quality.

### 8.2.1. PRODUCTS REQUIRING A VEGETABLE FATS DECLARATION

A vegetable fat declaration will be required for all products covered in Schedule 1 items 3, 4, 5, 6, 8 and 9. By virtue of these requirements, products covered by items 7 and 10 such as filled chocolate and pralines, will also be required to carry a vegetable fats declaration.



### 8.2.2. PRODUCTS NOT REQUIRING A VEGETABLE FATS DECLARATION

Where a designated product containing vegetable fats is used as an ingredient in another food, a vegetable fats declaration is not necessary. However, the general ingredient listing provisions of the FLR will still apply.

#### **Best Practice**

We recommend that where a designated product containing vegetable fats is used as a “compound ingredient” in another food, the list of ingredients should be set out in a way that makes clear whether any vegetable fats are an ingredient of the chocolate, or are simply present in the non-chocolate part of the product. The ingredient listing should therefore follow the format described in Regulation 15(2) of the FLR – that the name of the compound ingredient (i.e., the chocolate) is immediately followed by the names of its constituent ingredients in such a way as to make clear they are constituent ingredients of that compound ingredient.

This could be achieved by the use of parentheses, as in the following hypothetical example listing the ingredients of a milk chocolate covered wafer biscuit.

**Ingredients: Milk Chocolate (66%) (sugar, whole milk powder, cocoa mass, cocoa butter, vegetable fat, emulsifier: lecithin, flavouring),** Wheat flour, Sugar, Vegetable fat, Cocoa powder, Yeast, Raising agent

Similarly, a separate vegetable fat declaration would not be required for chocolate with coconut oil used in ice cream or frozen desserts.

### 8.3. MILK SOLIDS DECLARATION

#### ***Regulation 6(1)(c)***

The Regulations require that milk chocolate made from either the 14/25 recipe or the 20/20 recipe give an indication of the milk solids content in the form “milk solids x% minimum”.

### **Best Practice**

It is *recommended* that this declaration accompany the reserved description, i.e. it should be located near to the reserved description – although the reserved description may also appear elsewhere on the labelling. It is recommended that in practice this is located in the same position as the vegetable fats declaration, if applicable, and the cocoa solids declaration (see paragraph 8.5 below).

The requirement to provide a milk solids declaration also applies where milk chocolate is an ingredient of “filled chocolate” (item 7 in the Schedule) or “a chocolate” (item 10). In this case, the declaration should be based on the proportion of milk solids in the milk chocolate part only.

The Regulations require that the milk solids declaration should be in the form “milk solids 14% minimum” or “milk solids 20% minimum” (for milk chocolate and family milk chocolate respectively). However, where the actual milk solids content is higher than these figures, manufacturers may declare the minimum percentage of milk solids.

### **Best Practice**

It is *recommended* that products containing additional ingredients (e.g., nuts, fruit etc) should make clear that the declared percentage relates to the weight of the chocolate part rather than that of the whole product, by using the words “milk chocolate contains milk solids x% minimum”.

The percentage of milk solids in the product must be calculated using the method described in section 6 above “calculation of percentages”. Producers should take into account production variability when declaring a milk solids content.

Example:

Milk Chocolate\* with Nuts – 100g bar.

\*note that this product meets the reserved description for “family milk chocolate” and not “milk chocolate”.

Sugar	40	} Milk solids content is calculated on:	18g / 80g
Milk solids	18		
Cocoa solids	18		
Vegetable fats	4		
<hr style="border-top: 1px dashed black;"/>			
Nuts	18		= <b>22.5%</b>
Lecithin	1		
Vanillin	1		

Therefore, the declaration should be either:

- milk solids 20% minimum
- milk solids 22% minimum\*

\*assuming an allowance of 0.5% for production variation

### 8.3.1. MEANING OF ‘MILK SOLIDS CONTENT’

#### **Schedule 1**

The specifications for milk chocolate, white chocolate and family milk chocolate describe milk solids as “obtained by partly or wholly dehydrating whole milk, semi-skimmed milk or skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat.” This definition therefore *excludes* additional whey powder and other materials where non-fat milk solids are not in their natural proportions being counted towards the required minimum milk solids percentage.

#### 8.4. MEANING OF 'SUGAR'

##### *Schedule 1*

The specifications for the various reserved cocoa and chocolate product descriptions (Schedule 1) except cocoa butter, cocoa powder and fat-reduced cocoa powder require the addition of sugars. This term is defined (see Note 3 of Schedule 1) as “sugar included in Council Directive 2001/111 and other sugars”. We interpret the term “other sugars” to refer to those that cannot be present in order for the term, “no added sugar” to apply (Article 1(3) of Directive 94/35/EC). In other words, to satisfy these specifications, and therefore be eligible to use these reserved descriptions, the products must contain added sugars.

Sweeteners may be used (permitted sweeteners and permitted doses) in accordance with the rules in the Sweeteners in Food Regulations, the product generally falling within the "cocoa-based confectionery/energy reduced or no added sugar" category.

There must be additional labelling, appropriate to the use of sweeteners, i.e. "with sweetener(s)" labelling, to accompany the name of the food, along with any warning labels attached to the particular type of sweetener used, following reg. 34 of the Food Labelling Regulations 1996.

Where there are no added sugars, the name of the food, and any use of the word "chocolate", on the labelling must be put into appropriate context, so as not to confuse the consumer; for example “no added sugar chocolate with sweetener(s)”.

#### 8.5. COCOA SOLIDS DECLARATION

##### *Regulation 6(1)(d) and 6(4)*

##### **Best Practice**

The Regulations require that designated products (subject to certain exemptions: see paragraph 8.4.3 below) are labelled with a declaration of the dry cocoa solids content, in the form “cocoa solids x% minimum”. It is recommended that this declaration accompanies the reserved description i.e., it should be located near to the reserved description – although the reserved description may also appear elsewhere on the labelling. It is also recommended that products containing additional ingredients (e.g., nuts, fruit etc) should make clear that the declared percentage relates to the weight of the chocolate part alone rather than the weight of the whole product. A suggested form of words could be “chocolate contains cocoa solids x% minimum”.

A cocoa solids declaration will be required for “filled chocolate or chocolate with ... filling or chocolate with ...centre” and “a chocolate or a praline” (i.e. items 7 and 10 of Schedule 1) even though these are not specifically mentioned in regulation 6(1) (d). This is because it is anticipated that items 7 and 10 will be made from one of the products listed in regulation 6(1) (d) which require a minimum cocoa solids declaration. In such products where the chocolate portion is listed as a compound ingredient (with its subsequent ingredients in brackets) then the cocoa solids indication should be clearly linked to the chocolate portion of the end product. This uses the same principle in relation to items 7 and 10 of Schedule 1 regarding the use of vegetable fats and the declaration of vegetable fats (see paragraphs 7 and 8.2.1 ).

The percentage of cocoa solids in the product must be calculated using the method laid down in Regulation 6(4). (i.e., after deduction of the weight of other edible ingredients provided for in Note 1 to Schedule 1, but not the weight of any ingredient specified in column 2 of Schedule 1 as an ingredient of that product. Again, the weight of any vegetable fats other than cocoa butter should not be deducted when making the calculation.) Producers should take into account production variability when stating the proportion of cocoa solids present in a product.

#### 8.5.1. COCOA SOLIDS DECLARATIONS FOR GIANDUJA CHOCOLATE – A SPECIAL CASE

*Schedule 1, items 3(b)(iii) and 4(b)(iii), and Regulation 6(4)*

Gianduja chocolate and Gianduja milk chocolate are defined as products obtained firstly from chocolate (with specified compositional requirements) and secondly from finely ground hazelnuts.

Therefore, the calculation for the minimum requirements of the chocolate itself **should exclude** the weight of the hazelnuts (i.e., following the method set out in section 6 above). However, Regulation 6(4) provides that for the purposes of calculating a product’s cocoa solids **declaration**, any ingredient specified as an ingredient of that product should be included. Since the hazelnuts are a defining ingredient of Gianduja chocolate, they should be ***included*** in the calculation for the cocoa solids labelling declaration.

For example:

Gianduja Milk Chocolate – 100g bar

Sugar	48	} Cocoa solids <b>content</b> is calculated on:	} Cocoa solids <b>declaration</b> is calculated on:
Milk solids	8		
Cocoa solids	20		
Vegetable fats	4		
<hr/>		$20\text{g} / 80\text{g} = \mathbf{25\%}$	$20\text{g} / 98\text{g} = \mathbf{20\%}$
Hazelnuts	18		
<hr/>			
Lecithin	1		
<hr/>			
Vanillin	1		

#### 8.5.2. COCOA SOLIDS DECLARATIONS FOR CHOCOLATE A LA TAZA – A SPECIAL CASE

*Schedule 1, items 8 and 9, and Regulation 6(4)*

*Chocolate a la Taza* is defined as a product obtained from cocoa products, sugars and flour or starch from wheat, rice or maize. Here, the definition expresses the required cocoa solids content as a percentage of the *whole product*, including the flour and starch. The flour or starch should therefore be *included* in the calculation of both the minimum cocoa solids content and the cocoa solids labelling declaration.

For example:

*Chocolate a la Taza* – 100g bar

Sugar	55	} Cocoa solids content is calculated on:
Cocoa solids	35	
of which –		
<i>cocoa butter</i>	20	
<i>non-fat cocoa</i>	15	35g / 98g
Flour / Starch		= <b>35%</b>
Lecithin	1	
Vanillin	1	

### 8.5.3. PRODUCTS NOT REQUIRING COCOA SOLIDS DECLARATION

***Regulation 6(1)d***

“Cocoa butter” and “white chocolate” (i.e., products meeting the reserved descriptions of items 1 and 6 of Schedule 1), do *not* require labelling with the cocoa solids declaration.

### 8.6. COCOA INGREDIENT DECLARATIONS FOR COCOA POWDER

***Regulation 6(1)***

The Regulations require that “fat-reduced cocoa powder” and “fat-reduced drinking chocolate” (i.e., products meeting the reserved descriptions in 2(b) and (e) in Annex A) - as well as products described using any of the permitted

reserved descriptions for those products – are required to be labelled with an indication of the cocoa **butter** content.

#### **Best Practice**

Although no specific wording is stipulated for the declaration, it is recommended that the words “contains cocoa butter x% minimum” be used.

Conversely, “powdered chocolate” and “drinking chocolate” (i.e., products meeting the reserved descriptions in 2(c) and (d) in Annex A) - as well as products described using any of the permitted reserved descriptions for those products – must be labelled with a declaration of their cocoa **solids** content. The required form of words is “contains cocoa solids x% minimum”.

### 8.7. PRODUCTS SOLD IN ASSORTMENTS

#### **Regulation 6(2)**

Where the designated products are sold in an assortment, the product may be described with a name such as “assorted chocolates”, “assorted filled chocolates” or similar, rather than using the appropriate reserved description(s).

In addition, manufacturers have the option of labelling the assortment with a single list of ingredients covering all the products in the assortment, instead of a separate list of ingredients for each constituent product.

*See also paragraph 9.5 below “Seasonal selection packs”.*

### 8.8. QUALITY DESCRIPTIONS FOR CERTAIN CHOCOLATE PRODUCTS

#### **Regulation 6(3)**

Manufacturers can choose to supplement the reserved descriptions “chocolate”, “milk chocolate” and “couverture chocolate” with further descriptions that emphasise the quality of the chocolate (an example might be “extra fine milk chocolate”). However, where such descriptions are used, the product must meet the following additional requirements:

- **chocolate** – not less than 43% dry cocoa solids, including not less than 26% cocoa butter.
- **milk chocolate** – not less than 30% dry cocoa solids and not less than 18% dry milk solids.
- **couverture chocolate** – not less than 16% dry non-fat cocoa solids.



Note - These additional requirements do not prohibit the use of vegetable fats other than cocoa butter in these products (subject to the general rules about the use of these vegetable fats – see section 7 above.)

## 9. GENERAL LABELLING PROVISIONS

There are general labelling provisions which are also applicable to chocolate products

### 9.1. MANNER OF MARKING – GENERAL RULES

***FLR Regulation 35***

The manner of marking general rules require that any information with which a product is required to be labelled must appear:

- (a) on the packaging,
- (b) on a label attached to the packaging, or
- (c) on a label clearly visible through the packaging.

Where a food is sold other than to the final consumer, the labelling information may be provided alternatively in commercial documents which either accompany the food or are sent before or at the same time as the delivery of the food. Readers may also wish to refer to the Agency's guidance on the Food Labelling Regulations, see section 11.

### 9.2. MANNER OF MARKING – FLEXIBLE PROVISIONS

***FLR Regulations 23 and 36***

The FLR provide some flexibility for the way in which the required labelling information is presented for foods that are:

- (a) not prepacked (i.e., sold loose)
- (b) prepacked for direct sale ( prepared on premises and sold there or at a stall)
- (c) individually wrapped fancy confectionery products which are not enclosed in any further packaging and are intended for sale as single items.

The labelling information for these products may appear:

- (a) on a label attached to the food, or

- (b) on a menu, notice, ticket or label that is readily discernible by the intending purchaser at the place where he or she chooses the food.

Where these products are sold other than to the final consumer, i.e. to a catering establishment, the labelling information may be provided in commercial documents, providing the documents either accompany the food or are sent before or at the same time as the delivery of the food.

Note - The term “prepacked for direct sale” is defined as a food that is prepacked by a retailer for sale by him or her on the premises where the food is packed or from a vehicle or stall used by him or her.

The term “fancy confectionery product” is defined as any confectionery product in the form of a figure, animal, cigarette or egg, or any other fancy form.

### 9.3. QUANTITATIVE INGREDIENT DECLARATIONS – QUID, SPECIAL EMPHASIS

#### **FLR Regulation 19**

For information on the general provisions relating to QUID declarations, the reader should refer to the Agency’s Guidance Notes on QUID, which are available from the address given at section 11.

The FLR provides that where other EC provisions (such as the Chocolate Directive 2000/36) already require the quantity of an ingredient to be declared, no QUID declaration is required for that ingredient. *This will be the case even where the labelling includes descriptions or pictures that place special emphasis on the presence of that ingredient.* The designated products are therefore not required to carry a QUID declaration in respect of their cocoa or milk ingredients because they already declare their cocoa and milk solids content.

However, where a designated product is an ingredient of another food a QUID declaration may be required to indicate the amount of chocolate in the product (e.g. chocolate chip cookie”, “chocolate coated biscuit” etc). However, no QUID will be provided for in the quantity of chocolate in a designated product (e.g., filled chocolate or chocolate bars containing additional ingredients).

Note – in such cases, the QUID requirements relate to the quantity of chocolate in the whole product, not to the quantity of cocoa solids, milk solids etc present in the chocolate. Readers may also wish to refer to the former BCCCA guidance on QUID.

## 9.4. DURABILITY INDICATION

### ***FLR Regulations 5(c), 20, 21 and 22***

The FLR require that subject to certain exemptions, all food products sold prepacked must be marked with an appropriate durability indication.

Previously, this requirement did not apply to chocolate products because they were exempt from the scope of the FLR, and the 1976 Chocolate Regulations did not include a similar requirement. However, the labelling of designated products must include a durability indication from 3rd August 2003.

Note – many chocolate manufacturers have previously labelled their products with a durability indication on a voluntary basis.

For further guidance on durability indications, readers should refer to the separate Agency Guidance on the FLR, which is available from the address given at section 11 below.

## 9.5. SEASONAL SELECTION PACKS

### ***FLR Regulation 28***

Where designated products are sold in a seasonal selection pack, the outer packaging of the pack is not required to carry any labelling information, ***provided that*** each item within the pack is labelled in line with the FLR and these Chocolate Regulations.

*See also paragraph 8.7 above “products sold in assortments”.*

## 10. ENFORCEMENT ISSUES

### 10.1. OFFENCES AND PENALTIES

#### ***Regulation 8(1)***

The Regulations create an offence where a person sells, offers or exposes for sale or has in their possession for sale:

- a product described using one of the reserved descriptions that does not meet the compositional requirements for that reserved description: or
- a designated product that is not labelled in the prescribed manner with an appropriate reserved description, and any necessary declarations.

The penalty on conviction for such an offence is a fine not exceeding level 5 on the standard scale (currently £5,000).

## 10.2. RESPONSIBILITY FOR ENFORCEMENT

### ***Regulation 8(2)***

Enforcement of the Regulations is the responsibility of local food authorities. In practice, this will usually be the Trading Standards Department or Environmental Health Department (as applicable) at the relevant Local Authority.

Businesses with specific queries about the composition or labelling of their products may wish to contact their Local Authority (or Home Authority as appropriate) for practical advice. If consumers suspect that they have bought a product that does not comply with the Regulations, they may wish to contact their Local Authority.

Contact details for Local Authorities are available online at [www.tradingstandards.gov.uk](http://www.tradingstandards.gov.uk) and also through the Agency's website at [www.food.gov.uk/enforcement/enforceessential/yourarea/](http://www.food.gov.uk/enforcement/enforceessential/yourarea/)

## 10.3. DEFENCE IN RELATION TO EXPORTS

### ***Regulation 9***

In legal proceedings under the Regulations it is a defence to prove that the food in question was intended for export to a country which has legislation analogous to the Regulations, and that the food complies with that legislation. In the case of exports to another EEA state (i.e., one of the other 27 EU Member States, as well as Norway, Liechtenstein and Iceland), the defendant must also prove that the legislation complies with the provisions of Directive 2000/36.

Where these conditions are not met, the product must comply with the English (or Scottish, Welsh, or Northern Irish as appropriate) Regulations.

## 10.4. TRANSITIONAL PROVISIONS

### ***Regulation 12***

The Regulations allow stocks of product labelled before the coming into force of the Regulations to continue to be sold, provided the product meets the requirements of the 1976 Chocolate Regulations

## 11. CONTACTS

For all correspondence relating to the issues set out in these Guidance Notes on Cocoa and Chocolate Products contact:

Standards, Authenticity & Food Law Policy Branch  
Food Standards Agency  
Zone 6C Aviation House  
125 Kingsway  
London WC2B 6NH

020 7276 8154  
[Richard.Wood@foodstandards.gsi.gov.uk](mailto:Richard.Wood@foodstandards.gsi.gov.uk)

For further information relating to the Food Labelling Regulations 1996, QUID provisions and General Food Labelling issues, and for Guidance Notes on these issues go to:

[www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/](http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/)

If you have a general enquiry relating to labelling contact the Labelling Team on:

020 7276 8147  
[labelling@foodstandards.gsi.gov.uk](mailto:labelling@foodstandards.gsi.gov.uk)

For further information on the legislation in the devolved administrations contact:

**Scotland** FSA Scotland  
6th Floor  
St Magnus House  
25 Guild Street  
Aberdeen  
AB11 6NJ

01224 285100  
[scotland@foodstandards.gsi.gov.uk](mailto:scotland@foodstandards.gsi.gov.uk)

**Wales** FSA Wales  
11th Floor, Southgate House  
Wood Street  
Cardiff  
CF10 1EW

02920 678999  
[wales@foodstandards.gsi.gov.uk](mailto:wales@foodstandards.gsi.gov.uk)

**Northern Ireland** FSA Northern Ireland  
10A-C Clarendon Road  
Belfast  
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0208 90417700  
[infofsani@foodstandards.gsi.gov.uk](mailto:infofsani@foodstandards.gsi.gov.uk)

## ANNEX A

### ANNEX A: SCHEDULE 1 - COCOA AND CHOCOLATE PRODUCTS AND THEIR RESERVED DESCRIPTIONS

Column 1	Column 2
Reserved Descriptions	Designated Products
1. Cocoa butter	<p>The fat obtained from cocoa beans or parts of cocoa beans with the following characteristics:-</p> <p>not more than 1.75 per cent free fatty acid content (expressed as oleic acid); and</p> <p>for press cocoa butter, not more than 0.35 per cent unsaponifiable matter (determined using petroleum ether); or</p> <p>for other cocoa butter, not more than 0.5 per cent unsaponifiable matter (so determined).</p>
<p>2(a) Cocoa powder or Cocoa</p> <p>(b) Fat-reduced cocoa or Fat-reduced cocoa powder</p> <p>(c) Powdered chocolate or Chocolate in powder</p> <p>(d) Drinking chocolate or Sweetened cocoa or Sweetened cocoa powder</p> <p>(e) Fat-reduced drinking chocolate <i>or</i></p> <p>Fat-reduced sweetened cocoa <i>or</i></p> <p>Fat-reduced sweetened cocoa powder</p>	<p>The product obtained by converting into powder cocoa beans which have been cleaned, shelled and roasted, and which contains not less than 20 per cent cocoa butter, calculated according to the weight of the dry matter, and not more than 9 per cent water.</p> <p>Cocoa powder containing less than 20 per cent cocoa butter, calculated according to the weight of the dry matter.</p> <p>The product consisting of a mixture of cocoa powder and sugars, containing not less than 32 per cent cocoa powder.</p> <p>The product consisting of a mixture of cocoa powder and sugars, containing not less than 25 per cent cocoa powder.</p> <p>The product consisting of a mixture of cocoa powder specified at item 2(b) and sugars, containing not less than 25 per cent of such cocoa powder.</p>

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<p>3. (a) Chocolate</p>	<p>The product obtained from cocoa products and sugars which, subject to item 3(b), contains not less than 35 per cent total dry cocoa solids, including not less than 18 per cent cocoa butter and not less than 14 per cent of dry non-fat cocoa solids.</p>
<p>(b) If “Chocolate” is supplemented by-</p> <p>(i) “vermicelli” or “flakes”</p> <p>(ii) “couverture”</p> <p>(iii) “Gianduja” or one of the derivatives of “Gianduja”</p>	<p>(b)</p> <p>(i) The product presented in the form of granules or flakes containing not less than 32 per cent total dry cocoa solids, including not less than 12 per cent cocoa butter and not less than 14 per cent of dry non-fat cocoa solids.</p> <p>(ii) The product containing not less than 35 per cent total dry cocoa solids, including not less than 31 per cent cocoa butter and not less than 2.5 per cent of dry non-fat cocoa solids.</p> <p>(iii) The nut chocolate product obtained (1) from chocolate having a minimum total dry cocoa solids content of 32 per cent including a minimum dry non-fat cocoa solids content of 8 per cent, and (2) from finely ground hazelnuts in such quantities that 100 grams of the product contain not less than 20 grams and not more than 40 grams of hazelnuts; and to which may have been added –</p> <ul style="list-style-type: none"> <li>– milk or dry milk solids obtained by evaporation or both, in such proportion that the finished product does not contain more than 5 per cent dry milk solids;</li> <li>– almonds, hazelnuts and other nut varieties, either whole or broken, in such quantities that, together with the ground hazelnuts, they do not exceed 60 per cent of the total weight of the product.</li> </ul>

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<p>4.(a) Milk chocolate</p>	<p>(a) The product obtained from cocoa products, sugars and milk or milk products which, subject to item 4(b), contains-</p> <ul style="list-style-type: none"> <li>– not less than 25 per cent total dry cocoa solids</li> <li>– not less than 14 per cent dry milk solids obtained by partly or wholly dehydrating whole milk, semi-skimmed or skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat</li> <li>– not less than 2.5 per cent dry non-fat cocoa solids</li> <li>– not less than 3.5 per cent milk fat</li> <li>– not less than 25 per cent total fat (cocoa butter and milk fat)</li> </ul>
<p>(b) If “Milk chocolate” is supplemented by –</p>	<p>(b)</p>
<p>(i) “vermicelli” or “flakes”</p>	<p>(i) The product presented in the form of granules or flakes containing not less than 20 per cent total dry cocoa solids, not less than 12 per cent dry milk solids obtained by partly or wholly dehydrating whole milk, semi-skimmed or skimmed milk, cream or from partly or wholly dehydrated cream, butter or milk fat and not less than 12 per cent total fat (cocoa butter and milk fat).</p>
<p>(ii) “couverture”</p>	<p>(ii) The product containing a minimum total fat (cocoa butter and milk fat) content of 31 per cent</p>
<p>(iii) “Gianduja” or one of the derivatives of “Gianduja”</p>	<p>(iii) The nut milk chocolate product obtained (1) from milk chocolate having a minimum content of 10 per cent dry milk solids, obtained by partly or wholly dehydrating whole milk, semi-skimmed or skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat and (2) from finely ground hazelnuts in such quantities that 100 grams of the product contain not less than 15 grams and not more than 40 grams of hazelnuts; and to which may have been added almonds, hazelnuts and other nut varieties, either whole or broken, in such quantities that, together with the ground hazelnuts, they do not exceed 60 per cent of the total weight of the product.</p>



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<p>(c) If “Milk” is replaced by –</p> <p>(i) “cream</p> <p>(ii) “skimmed milk”</p>	<p>(c)</p> <p>(i) The product containing a minimum milk fat content of 5.5 per cent.</p> <p>(ii) The product containing a milk fat content not greater than 1 per cent.</p>
<p>5. Family milk chocolate <i>or</i> Milk chocolate</p>	<p>The product obtained from cocoa products, sugars and milk or milk products which contains –</p> <ul style="list-style-type: none"> <li>– not less than 20 per cent total dry cocoa solids;</li> <li>– not less than 20 per cent dry milk solids obtained by partly or wholly dehydrating whole milk, semi-skimmed or skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat;</li> <li>– not less than 2.5 per cent dry non-fat cocoa solids;</li> <li>– not less than 5 per cent milk fat;</li> <li>– not less than 25 per cent total fat (cocoa butter and milk fat).</li> </ul>
<p>6. White chocolate</p>	<p>The product obtained from cocoa butter, milk or milk products and sugars which contains not less than 20 per cent cocoa butter and not less than 14 per cent dry milk solids obtained by partly or wholly dehydrating whole milk, semi-skimmed or skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat, of which not less than 3.5 per cent is milk fat.</p>
<p>7. Filled chocolate <i>or</i> Chocolate with ... filling <i>or</i> Chocolate with ... centre</p>	<p>The filled product, the outer part of which consists of a product specified in column 2 of item 3, 4, 5 or 6 of this Schedule and constitutes not less than 25 per cent of the total weight of the product, but does not include any filled product, the inside of which consists of bakery products, pastry, biscuit or edible ice.</p>

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8. Chocolate a la taza	The product obtained from cocoa products, sugars, and flour or starch from wheat, rice or maize, which contains not less than 35 per cent total dry cocoa solids, including not less than 18 per cent cocoa butter and not less than 14 per cent dry non-fat cocoa solids, and not more than 8 per cent flour or starch.
9. Chocolate familiar a la taza	The product obtained from cocoa products, sugars, and flour or starch from wheat, rice or maize, which contains not less than 30 per cent total dry cocoa solids, including not less than 18 per cent cocoa butter and not less than 12 per cent dry non-fat cocoa solids, and not more than 18 per cent flour or starch.
10. A chocolate or  A praline	The product in single mouthful size, consisting of:–  (a) the product specified in column 2 of item 7 of this Schedule; or (b) a single chocolate or a combination or a mixture of chocolate within the meaning of any of the definitions specified in column 2 of items 3, 4, 5 and 6 of this Schedule and any other edible substance, provided that the chocolate constitutes not less than 25 per cent of the total weight of the product.

### Notes

1. (1) Subject to regulation 3 and paragraph (2) of this Note, other edible substances may also be added to the designated chocolate products specified in column 2 of items 3, 4, 5, 6, 8 and 9 of this Schedule Provided that this paragraph does not authorise the addition –
  - (a) of animal fats and their preparations not deriving solely from milk; or
  - (b) of flours, granular and powdered starch other than in accordance with the definitions specified in column 2 of items 8 and 9 of this Schedule; or
  - (c) of other edible substances in a quantity exceeding 40 per cent of the total weight of the finished product.
  
- (2) Only those flavourings which do not mimic the taste of chocolate or of milk fat may be added to the designated products specified in column 2 of items 2, 3, 4, 5, 6, 8 and 9 of this Schedule.

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2.
  - (1) The minimum contents of the designated chocolate products specified in column 2 of items 3, 4, 5, 6, 8 and 9 of this Schedule shall be calculated after deduction of the weight of other edible substances provided for in Note 1 to this Schedule.
  - (2) In the case of the designated chocolate products specified in column 2 of items 7 and 10 of this Schedule, the minimum contents shall be calculated after deducting the weight of other edible substances provided for in Note 1 to this Schedule, as well as the weight of the filling.
  - (3) The chocolate contents of the designated chocolate products specified in column 2 of items 7 and 10 of this Schedule shall be calculated in relation to the total weight of the finished product, including its filling.
3. In this Schedule, “sugars” includes sugars covered by Council Directive 2001/111 and other sugars.

## ANNEX B

### ANNEX B - SCHEDULE 2

#### AUTHORISED VEGETABLE FATS

1. Subject to the following paragraphs of this Schedule, the vegetable fats referred to in regulation 3 are, singly or in blends, cocoa butter equivalents and shall comply with the following criteria:-
  - (a) they are non-lauric vegetable fats, which are rich in symmetrical monounsaturated triglycerides of the type POP, POSt and StOSt;
  - (b) they are miscible in any proportion with cocoa butter, and are compatible with its physical properties (melting point and crystallisation temperatures, melting rate, need for tempering phase);
  - (c) they are obtained only by the processes of refining or fractionation or both, which excludes enzymatic modification of the triglyceride structure.
2. In conformity with the criteria specified in paragraph 1 above, the following vegetable fats, obtained from the plants listed in the Table below, may be used:-

<b>Usual name of vegetable fat</b>	<b>Scientific name of the plants from which the fats listed can be obtained</b>
1. Illipe, Borneo tallow or Tengkwang	<i>Shorea</i> spp.
2. Palm-oil	<i>Elaeis guineensis</i> <i>Elaeis olifera</i>
3. Sal	<i>Shorea robusta</i>
4. Shea	<i>Burtyrospermum parkii</i>
5. Kokum gurgi	<i>Garcinia indica</i>
6. Mango kernel	<i>Mangifera indica</i>

3. Coconut oil may be used in chocolate for the manufacture of ice cream and similar frozen products.
4. In this Schedule –
  - “P” means palmitic acid;
  - “O” means oleic acid;
  - “St” means stearic acid.

## ANNEX C

### ANNEX C - EXAMPLES OF PRODUCT LABELLING

**Please note:** the following examples relate to hypothetical products and are to illustrate the principles of the Regulations only.

#### Example 1 – Milk Chocolate Bar with Hazelnuts and Raisins:

Back of packet:

<p><b>Milk Chocolate with Hazelnuts and Raisins</b></p> <p>50g</p>	<p><b>Ingredients:</b> Milk Chocolate (sugar, whole milk powder, cocoa mass, cocoa butter, vegetable fats, emulsifier: lecithin, flavouring) Hazelnuts (10%), Raisins (10%).</p>
<p>Milk chocolate <b>contains vegetable fats in addition to cocoa butter</b>, cocoa solids 25% minimum, and milk solids 14% minimum</p>	<p>Best Before 27-09-2009</p>

#### Example 2 – “super-crunch” bar – a chocolate bar with caramel filling, with biscuit pieces and raisins.

<p>Back of packet:<b>Super-Crunch</b></p> <p><b>Milk chocolate (25%) with caramel filling (36%), biscuit pieces (5%) and raisins (4%)</b></p> <p>50g</p>	<p><b>Ingredients:</b> Milk chocolate (sugar, whole milk powder, cocoa mass, cocoa butter, vegetable fats, emulsifier: lecithin, flavouring), Caramel (glucose syrup, sweetened condensed skimmed milk, hydrogenated vegetable oil, sugar, emulsifier: lecithin), Biscuit pieces (wheat flour, sugar, vegetable fats, raising agent: E500), Raisins.</p>
<p>Milk chocolate contains milk solids 14% minimum and cocoa solids 25% minimum. <b>Contains vegetable fats in addition to cocoa butter</b></p> <p><b>Best Before 27-09-2009</b></p>	