

The note in normal type and square brackets in para 11 may be removed after 26 November 2005.

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

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 also provides guidance on labelling foods as 'suitable for vegetarians'/'vegetarian' or 'suitable for vegans'/'vegan' in the form of advisory criteria.
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.

5 July 2005

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 constituting less than 2% of the finished product (Regulation 7(b) and (c)). [Note: This requirement does not come into force for existing products until 26 November 2005 because of transitional provision.] 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 "containsand/or..." in certain circumstances.

These exemptions do not override the allergen labelling requirements.

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:

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

CRITERIA FOR THE USE OF THE TERMS 'VEGETARIAN' AND 'VEGAN' IN FOOD LABELLING

Vegetarian

13. The term 'vegetarian' should not be applied to foods made from or with the aid of products derived from the slaughter of animals (e.g. red meat, poultry, game, fish, shellfish, crustacea, amphibians, molluscs and insects), or their by-products, or foods made from or with any of these.

Vegan

14. The term 'vegan' should not be applied to foods made from or with the aid of animals or animal products.

Question: Are these criteria sufficiently clear and unambiguous?

15. The table (Annex A) sets out how these criteria apply in practice.

Question: Is this table useful?

Cross contamination

16. When assessing whether foods meet these criteria, manufacturers, retailers and caterers should also consider whether foods may have been contaminated with non-vegetarian or non-vegan foods during preparation. For example, vegetarian or vegan foods cooked in animal fat or in the same non-animal fat as used for non-vegetarian or non-vegan foods should not be presented as 'vegetarian' or 'vegan'.

Question: Does this cover the cross-contamination issue adequately?

ANNEX A

‘VEGETARIAN’ AND ‘VEGAN’ CRITERIA

Exclusion or Inclusion of A to H from/in products	A Red meat, Poultry, Game	B Fish, Shellfish, Crustacea, Amphibians, 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 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 G such as cheese, yoghurt, whey, additives, flavourings and carriers, (e.g. albumin and lecithins)
Vegetarian	x	x	x	x	x	x	v	v
Vegan	x	x	x	x	x	x	x	x

Key: x = Excluded v = Included