

# Food allergen labelling and information requirements technical guidance: Part 3: Guidance for businesses providing food prepacked for direct sale

Guidance for any businesses that provide food prepacked for direct sale

90. Whether a food is prepacked for direct sale (PPDS) depends on whether, where and when it is packed in relation to the point at which it is offered for sale.

91. The specific requirements are based on the following FIC articles:

- Article 8 on responsibilities
- Article 9 on mandatory particulars
- Articles 12 and 13 on availability and presentation of mandatory particulars
- Article 21 on labelling of certain substances or products causing allergies or intolerances
- Article 14 on distance selling

92. The information below provides guidance and best practice examples on the provision of allergen information for PPDS food. The new rules for prepacked for direct sale food came into effect across all four UK nations on 1 October 2021 ([footnote 1](#)).

93. Food businesses should consider the foods they package before the process of a sale begins, in order to check if these requirements apply.

94. PPDS food is food that is packed before being offered for sale by the same food business to the final consumer:

- i) on the same premises; or
- ii) on the same site ([footnote 2](#)); or
- iii) on other premises if the food is offered for sale from a moveable and/or temporary premises (such as marquees, market stalls, mobile sales vehicles) and the food is offered for sale by the same food business who packed it.

95. Prepacked is defined in Article 2(2)(e) of the FIC as 'any single item for presentation as such to the final consumer and to mass caterers, consisting of a food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging.

96. Food is considered prepacked when it is put into packaging before being offered for sale and:

- a) is either fully or partly enclosed by the packaging; and
- b) cannot be altered without opening or changing the packaging; and
- c) is ready for sale to the final consumer.

**Figure 3: What is prepacked for direct sale (PPDS) food?**

### Figure 3 - What is prepacked for direct sale (PPDS) food?

For a food to be PPDS, it must meet all of the following three criteria:

#### (1) Is the food presented to the consumer in packaging\*?

**No** → this is non-prepacked food

↓ **Yes**

The food is “packed” ✓

#### (2) Is it packaged before the consumer selects or orders it?

**No** → this is non-prepacked food

↓ **Yes**

The food is “pre-packed” ✓

#### (3) Is it packaged at the same place\*\* it is sold?

**No** → this is prepacked food

↓ **Yes**

The food is “pre-packed for direct sale” ✓

If the answers to all three questions above are “Yes”, the food is PPDS.

#### Notes

\* A single item (the food and its packaging) presented to the consumer. The food is completely or partially enclosed and cannot be altered without opening or changing the packaging. Foods in such packaging sold to other businesses are Prepacked food and already require allergen labelling. (See Article 2(2)(e) of the FIC)

\*\* Food (a) packaged by the same food business on the same site from which it is sold or (b) sold from temporary or moveable premises (such as a food truck or market stall) by the same food business that packaged it.

#### Example

PPDS food includes:

- Sandwiches placed into packaging by the food business and sold from the same premises.
- A café giving away packaged samples of a new range of cakes they have made on the same premises.
- Foods packaged and then taken by the same operator to their market stall to sell.

- A butcher who makes burgers or sausages which are prepacked to be sold on the same premises.
- Foods packed by a food business to be sold in its retail units located within the same building complex as the premises where the food was packed such as a train station, hospital, university or holiday park.

In a retail environment such as a supermarket, the following examples would also be considered to be prepacked for direct sale food, **provided they are packed on the premises from which they are being sold before they are offered for sale**:

- Fresh pizzas from the deli counter e.g., on a cardboard tray and wrapped in plastic; Boxed salads;
- Hot foods such as rotisserie chicken; and
- Foods that are pre-weighed and packed such as cheese or meats from a delicatessen counter or baked goods from an in-store bakery

97. Any food that is packed on the premises by the same food business in anticipation of an order, before being offered for sale, would be considered to be PPDS food. This can include food the consumer self-selects from a chiller cabinet or has to obtain from a member of staff.

98. Some fast food may be prepacked for direct sale, for example, a wrapped burger or boxed fried chicken placed under a hot lamp before being ordered in anticipation of a sale. Food placed into packaging after a consumer orders it (for example, a freshly prepared sandwich or burger that is made and wrapped after taking an order) is not PPDS food. Although these items are packed, they are not packed before being offered for sale and therefore are not prepacked for direct sale. The same rules apply to these foods as apply to other forms of non-prepacked foods such as meals served in a restaurant.

99. PPDS food does not cover food which does not have packaging, or it is packaged in a way that the food can be altered without opening or changing the packaging (for example a hot dog served on a cardboard tray.)

100. PPDS food does not cover food packed by one business and supplied to another business for sale (for example a pork pie packed by business “A” and sold by business “B” at a farmer’s market.) This is prepacked food.

## List of mandatory particulars for PPDS food

101. All PPDS food must have on the package [\(footnote 3\)](#) or on a label attached to the package:

- the name of the food and;
- an ingredients list [\(footnote 4\)](#) including allergenic ingredients. The allergenic ingredients within the food must be emphasised every time they appear in the ingredients list. For example, the allergens in the food can be listed in bold, in capital letters, in contrasting colours or underlined.

102. Detailed guidance on how each allergenic ingredient captured in Annex II of the FIC must be emphasised and named in the ingredients list on PPDS food has been outlined in this guidance in paragraphs 27 to 65.

## Distance selling (Article 14)

103. FBOs selling PPDS food through distance means (e.g., such as food businesses which offer purchase through telephone/ internet) will need to ensure that mandatory allergen information is available to the consumer (for free) before they buy the product and also is available at the moment of delivery. Whatever the chosen method of presentation, the FBO must always ensure that the allergen information is current and accurate.

104. The requirement for a list of ingredients does not apply to PPDS food sold online, via telephone or provided to the consumer by mail order only. This is because the national rules applicable to the provision of food information for non-prepacked food including PPDS do not apply to food sold via distance means. The applicable rules for all food sold through distance means are therefore those contained within Article 14 of the FIC.

1. The Food Information (Amendment) (England) Regulations 2022, The Food Information (Wales) (Amendment) (No. 2) Regulations 2020, The Food Information (Amendment No. 2) Regulations (Northern Ireland).
2. In this instance 'site' refers to a building complex such as a shopping centre or airport terminal in which the same food business operates from more than one unit within the building complex.
3. See Article 16(2) of Regulation (EU) No. 1169/2011 for the requirements applicable to packaging or containers with a surface area less than 10 cm<sup>2</sup>, so far as it relates to the particulars required by Article 9(1)(b).
4. See Food Information Regulations for more rules on the required format of the ingredients list. See Article 19 of Regulation (EU) No. 1169/2011 for foods which are not required to bear a list of ingredients.