

## Natasha's Law

### New labelling requirements for prepacked for direct sale food

On the 1<sup>st</sup> of October 2021 new legislation will come into force which increases the amount of information you must include on prepacked for direct sale food.

This guidance explains the changes introduced by the new legislation.

[The Food Information \(Amendment\) \(England\) Regulations 2019.](#)

#### Key Information

- What is prepacked for direct sale?
- How to identify prepacked for direct sale food
- Examples of foods that are NOT prepacked for direct sale
- Labelling requirements
- The ingredients list
- Declaring allergens on prepacked for direct sale food
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#### What is prepacked for direct sale?

To correctly identify which foods are prepacked for direct sale (PPDS) you first need to understand what 'prepacked' means as, to be prepacked for direct sale, the product must first be 'prepacked'.

'Prepacked' means a single item of 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.

There are several key parts to the meaning of 'prepacked':

##### Single item

'Single item' means a single item of the product as sold. For example, a multipack of crisps is a single item despite containing six packets of crisps because the customer is purchasing

a single multipack of crisps.

A large cake that is to be cut into slices before being sold is not a single item because it will not be sold as such; in this example each slice would be a single item, the cake would only be a single item if it was to be sold whole.

### **Packaged in such a way that the contents cannot be altered without opening or changing the packaging**

Packaging can completely or partially enclose the product but, however it is packaged, if you can make some change to the product inside without making a physical change to the packaging, then the product is not 'prepacked'.

A good example is a baguette held closed by a cardboard band around it; if the band can be slipped on and off without altering the band (and so allowing the product inside to be altered), it will not be considered prepacked; so, it can't then be PPDS.

Changing how packaging is presented can change whether the product is prepacked.

Examples include:

- A cake, sandwich, loaf etc. presented in a paper bag.

If the bag is open, the product is not prepacked, if the bag were closed in some way (folded over, twisted at the corners, secured with a sticker etc.) it is prepacked.

- A slice of pizza, sausage roll, chicken thigh etc. sold from a hot counter and presented in a box

If the lid of the box is open the food is not prepacked, if the lid of the box is closed (whether or not it is secured with a sticker or similar), the food is prepacked.

- A piece of cake sold from a counter and presented on a napkin

If the cake is placed on the napkin, it is not prepacked, if it is wrapped in the napkin, it is prepacked.

Hopefully this highlights how easy it is to change the type of the food, and therefore the amount of information that you are required to provide; you should think carefully about how you are presenting your food and how it might affect your legal obligations.

'Prepacked for direct sale' means food that is placed into packaging (prepacked) **before** being sold/supplied or offered for sale/supply from the premises on which it was packed by that business, or from a mobile stall or vehicle used by that business - for example, sandwiches that are packaged in the shop from which they will be sold.

### **How to identify prepacked for direct sale food**

Food is PPDS if you can answer 'yes' to all of the following:

- is the food in packaging?
- do you have to alter or change the packaging (open, fold, twist, tear, etc) to be able to alter or change the food inside?

- was the food placed in the packaging before being offered for sale?
- is the food a 'single item' (see comments above)?
- is the food being sold by the same business that packed it?
- Is the food being sold or offered for sale from one of the following?
  - the same premises on which it was packed
  - another outlet in the same complex as the premises on which it was packed and used by the business that packed it\*
  - a mobile stall or vehicle used by the same business that packed it

\*For example: a sandwich manufacturer with several outlets within a large mall that they supply with products packed at a single location within the mall. The goods sold at each outlet would be considered PPDS.

In addition to the above, The Food Standards Agency (FSA) has produced a [decision tool](#), which can assist you in deciding whether a product is PPDS.

### Examples of foods that are NOT prepacked for direct sale

The following are **not** PPDS:

Packaged food you purchase from another business that you sell to the final consumer

- For example: wrapped fresh sandwiches

This is an example of prepacked food

Food that you put into packaging after it has been chosen by the consumer

- For example: food held in trays at a hot counter

Food that is displayed loose and placed into packaging by the consumer

- For example: bread rolls displayed in a basket

Food purchased from restaurants, café's, canteens, burger vans etc. that are prepared, plated, wrapped etc. only **after** being ordered by the customer.

- For example: a bacon sandwich purchased from a food van and wrapped 'to go'

Orders for food that does not yet exist and that are to be prepared/delivered later

- For example: choosing food in advance for a children's birthday party or a wedding, a bespoke cake etc.

These are examples of loose / non-prepacked food.

### Labelling requirements

PPDS food must be labelled with the following:

- the name of the food
- a full ingredients list that emphasises allergenic ingredients each time they appear in the list \*

- in the case of a meat product, a meat content declaration
- in the case of irradiated food, an irradiated food statement

\*This is the only new requirement introduced by Natasha's law; it replaces the requirement for a 'contains' statement specifying the category of allergens in the product.

The original requirements of prepacked for direct sale labelling have been covered comprehensively in publicly available guidance. Please refer to [Labelling of non-prepacked foods](#) and [Labelling of prepacked foods: product name](#) (the information that must appear on PPDS foods follows the same rules as if the information were appearing on a prepacked product) for further information.

The rules apply in full to PPDS products, including any additional requirements such as including 'with sweeteners' in the name of the food.

### The ingredients list

The list needs to be headed by the word 'ingredients' followed by a list of all the ingredients in descending order by weight at the mixing bowl stage of production (from those ingredients that weighed the most to those ingredients that weighed the least when they were included in the product).

As an exception to this rule herbs, spices, additives, sweeteners, and any other ingredient that makes up less than 2% of the finished product can be placed at the end of the list.

#### Compound ingredients

Compound ingredients are ingredients that are themselves made up of more than one ingredient.

All the components of the compound ingredient must be declared in brackets immediately after the compound ingredient appears in the ingredients list; the bracketed list should also be in descending order of weight - for example, Toad in the hole: 'Ingredients: Batter (Water, **Wheat** Flour, Whole **Egg**, **Egg** White, Rapeseed Oil, Skimmed **Milk** Powder, Salt, Emulsifier: **Soya** Lecithin)'.  
 Note: The original text contains a typo 'Toad' which has been corrected to 'Toad in the hole' based on context.

Any additives that are in the compound ingredient (and which make up less than 2% of it) should be presented at the end of the bracketed list rather than at the end of the main ingredients list.

Certain products (chocolate, jam, honey, etc.) have their composition strictly controlled by legislation. If these products make up less than 2% of the finished product they don't need to be broken down into their components.

Depending on the ingredients used, an ingredient list may be quite long. Here are examples of how an ingredients list should (and should not) appear on PPDS products:

Product: Chicken Sandwich

Name: British chicken with mayonnaise on white bread

**INCORRECT** - Ingredients: White Bread, British Chicken Breast (26%), Mayonnaise  
**CORRECT** - Ingredients: White Bread (Fortified **Wheat** Flour (**Wheat** Flour, Calcium Carbonate, Iron, Niacin, Thiamin), Water, Yeast, Salt, Emulsifiers: Mono- and Diglycerides of Fatty Acids; **Wheat** Gluten, Rapeseed Oil, Flour Treatment Agent: Ascorbic Acid; **Wheat** Flour, **Wheat** Starch), British Chicken Breast (26%) (Chicken Breast, Salt, Cornflour), Mayonnaise (Water, Rapeseed Oil, Cornflour, Pasteurised Free Range **Egg** Yolk, Spirit Vinegar, Sugar, Salt, Pasteurised Free Range **Egg**, Concentrated Lemon Juice, Black **Mustard** Seeds)

There are significant technical rules on how to declare, additives, sweeteners, water etc. Please refer to [Labelling of prepacked foods: ingredients list](#) for a full explanation of the requirements.

### Declaring allergens on prepacked for direct sale food

Any ingredients which are, or contain, any of the allergens specified in [ANNEX II](#) of EC Regulation 1169/2011 *on the provision of food information to consumers* must be brought to the attention of the customer, this was previously achieved through a 'contains' statement.

With the introduction of Natasha's law, the 'contains' statement is replaced with the requirement to emphasise any allergenic ingredients each time they appear in the ingredient list; if the same ingredient appears multiple times it will need to be emphasised on each occasion.

Allergenic ingredients can be emphasised in any way you choose but is usually done through bold text, capital letters or colour.

For example: 'Ingredients: Water, **Mustard** Flour, Sugar, Salt

If the name of the allergen appears in the ingredients list you only need to emphasise the allergenic part of the ingredient, as in the example above.

If the allergen does not appear in the name of the ingredient, you must specify the category of allergen in brackets immediately after the ingredient appears in the ingredients list; the category of allergen should then be emphasised.

For example: Worcestershire sauce (**Fish**)

The exceptions to this rule are Cheese, butter, and cream as they are widely understood to be a reference to milk; as such, the words cheese, butter, etc. need to be emphasised but there is no need to add the category of allergen (milk) in brackets - for example, 'Ingredients: **Cheese**'.

This does not apply for named varieties such as Wensleydale and Mozzarella, in which case you need to declare (**Milk**) after the ingredient.

### Allergen advice statement

An allergen advice statement explains to the customer how allergens are indicated - for example 'For allergens see ingredients in **bold**'.

There is no legal requirement to include an allergen statement, but it is considered best practice.

### PPDS foods that don't need an ingredients list

There are certain foods (those made of a single ingredient for example) that do not need an ingredient list (the full list can be found in [Labelling of prepacked foods: ingredients list](#)), this applies equally to PPDS foods, so there will still be some PPDS foods that do not require an ingredients list.

The allergens present in the product must always be declared; where there is no ingredients list this is done using a 'contains' statement, for example:

Contains: Fish, Milk

You should declare the allergen as it appears in [ANNEX II](#). In the case of cereals containing gluten this is the specific name of the cereal rather than gluten, but in other cases you should declare the category of allergen rather than the specific ingredient. Correct and incorrect examples can be found below:

**Correct:**

Contains: Wheat

Contains: Crustaceans

Contains: Molluscs

**Incorrect:**

Contains: Gluten

Contains: King prawns

Contains: Squid

### How to present labelling information

The information must be either be printed on the outside of the product or on a label attached to the outside of the product; the information cannot be inside the packaging (inside the box of a boxed cake for example).

Labels can be printed or handwritten but the information must be clear, legible, and indelible (it can't rub off) and it can't be obscured or hidden (on the underside of the lid for example).

There is a minimum text size that must be complied with regardless of whether the label is

printed or handwritten; this is an x-height of 1.2mm (approximately font 8 in Times New Roman), or an x-height of 0.9mm (approximately font 6 in Times New Roman) on foods whose largest surface is less than 80cm<sup>2</sup>.

X-height is a reference to the height of a lower-case x.

## Distance Sales

A distance sale is any sale where there is no face-to-face interaction between the customer and the business, for example internet and telephone orders. These are forms of distance communication.

Natasha's law does not apply to PPDS food sold by distance communication, therefore PPDS goods sold over the internet, telephone etc. do not need a full ingredients list.

How to correctly allergen label food sold by distance means is explained in [Food allergens and intolerance](#); please refer to the section headed 'Signposting: distance sales'.

## Frequently Asked Questions

Q: Do I have to break ingredients down into their components?

A: Yes. Other than a very small number of exceptions for foods such as chocolate that have their composition set by legislation and make up less than 2% of the product, you will need to list all the components of compound ingredients.

Q: How do I know what ingredients are in compound ingredients?

A: The information you need will be on the label of your ingredients (or in paperwork that accompanied them if you purchased them directly from another food business). Transfer the information from the ingredient list/paperwork to your own ingredient list.

Q: Do I have to fully list additives that are in the food?

A: Yes. Additives are ingredients like any other and so need to be included in the ingredient. There are rules on how you declare additives that can be found in [Labelling of prepacked foods: ingredients list](#); please refer to the section headed 'Format of declared additives'.

There are two exceptions to declaring additives that rely on a highly technological knowledge of the ingredients, product, and manufacturing process to be able to use. Please contact your local Trading Standards if you require further advice.

Q: If I buy a product that is supplied loose that I then prepack, is it PPDS?

A: Yes. The definition of PPDS does not rely on you being the manufacturer of the goods, just packing it for sale/supply from your business may be enough.

Q: Can I provide the information with a QR code or link to a website instead of providing the information on the label?

A: No. Labelling information must appear on the product.

Q: PPDS foods require a Quantitative Ingredient Declaration (QUID) for meat products. Do I need to provide a QUID for any other ingredients?

A: No. The normal QUID requirements do not apply to PPDS food.

Q: If one of my ingredients includes a 'may contain' statement (for example: 'may contain nuts'), should I include this on my label?

A: Yes. FSA guidance on precautionary allergen statements is that they should only be used where a risk assessment indicates that there is a significant risk of cross contamination with the allergen and that it would therefore be dangerous not to warn people. As the manufacture has identified this risk you should pass the information on to your customers.

Q: I provide free samples at markets, wedding fairs etc. What are the rules in these situations?

A: If the samples meet the definition of prepacked for direct sale (see how to identify PPDS food above) they will need to be labelled. If they are not packaged you should provide allergen information through a notice next to the samples which lists the allergens, or which invites people to ask you about allergens. More information can be found in [Food allergens and intolerance](#); please refer to the section headed 'Signposting: on the premises'.

Q: Are any PPDS foods exempt from the requirements of Natasha's law?

A: Yes. PPPDS foods sold by distance communication and very small PPDS food items (the largest surface is less than 10cm<sup>2</sup>) are exempt from Natasha's law, but other requirements would still apply.

### **Further information**

For further guidance on PPDS and practical advice on implementing the new requirements, please visit the FSA [prepacked for direct sale hub](#).

Free signposting advice and tailored, chargeable, business advice can be obtained from Kent Council Trading Standards; please contact us on 03000 412020 for more information.

**[Act now to ensure you and your business are ready!](#)**