

Food Labelling for Catering & Licensed Establishments

This leaflet covers foods sold in catering establishments such as restaurants, cafés, canteens, clubs, public houses, schools and hospitals, which are ready for consumption on the premises or to take-away.

Food Business Support Pack

Required labelling

Little information is required to be labelled at catering establishments but what information is given must be accurate.

What descriptions should I use?

Drink descriptions

Have you checked your drinks are accurately described?

If you advertise the brand name of a drink then you must supply that brand of drink. Brand names can appear on bottles, optic stands, beer pump clips, price lists, menus etc.

If a customer asks for a drink by the brand name, (for instance “Pernod” or “Coca-cola”) and you do not have that brand, tell the customer if you offer an alternative.

Ensure that any promotional material around the bar is consistent with the brands you are currently selling.

Food descriptions

Have you checked that your descriptions of food are accurate?

In addition to written descriptions in menus, blackboards, adverts etc. any illustration and verbal statement must also be accurate.

Check carefully the labels or specifications for both ready prepared foods and ingredients you buy to prepare meals yourself.

Do you use any of the following descriptions?

home made - should only be used for food made on the premises from primary ingredients, reflecting a domestic situation.

suitable for vegetarians - must not contain any animal products

fresh - must not have been frozen, canned etc.

meat products including sausages, burgers and pies, must contain a certain amount of meat - please see our leaflet on meat products (compositional standards)

scampi - must be whole tail scampi. Reformed scampi must be described as “reformed”

steak/burger weights - these should be stated as the approximate uncooked weight. Check the weights and ensure you have a written order or invoice from your supplier showing the weight.

If you claim food is “organic” you should contact Trading Standards for advice.

If you are in any doubt as to what description to use check with your supplier. If required, the Trading Standards Service will advise you before you print your menus and price lists.

Allergies

A minority of people are unfortunate enough to suffer from a very acute allergy to nuts. This mostly seems to be an allergy to peanuts and peanut products. A minute quantity of the nut can have rapid and fatal effects unless medical aid is obtained very quickly - in fact a matter of minutes.

Most deaths occur where people have eaten out at catering establishments. It is those premises where lists of ingredients are not required to be displayed where anaphylaxis sufferers are at most risk. Non-prepacked food is also a major risk area.

There are steps you can take as an owner or manager of your food business:-

- Make sure your staff are aware of the significance of the use of nuts, nut products and other allergens - through training sessions, notices, house journals, etc.
- If you use nut or nut oils in a recipe where it is not clear from the name of the food or the list of ingredients that nuts are present, find other ways of passing the information down the distribution chain to the point of sale customer. Why not label it "contains peanuts".
- If you cook food in nut oil or use oil in which nuts have been coated, again, pass the information down the food chain.
- If you use nuts or nut oils in replacement of, or substitution for, more general ingredients, it is vital that this is known down the food chain.
- If you supply caterers, make sure that your customers know which of your products contain nuts and other allergens and remind them to retain packaging that may contain important information.
- If you are a restaurateur or caterer, check the complete recipes of all your products so that you can answer questions if asked.
- If customers ask if there are any allergens in a food and you don't know, suggest that they try something else that you know does not contain that allergen.

Genetically modified foods

How do I find out which foods contain genetically modified organisms (GMO's)?

This information will be passed on to you in writing by your supplier. It is now a legal requirement for food products consisting of or containing GMOs (e.g. soya) to be accompanied by written documentation. Each person in the supply chain up to sale to the ultimate consumer must retain copies of the written documentation for a minimum of five years.

How are the customers to be told which foods contain genetically modified organisms?

At a catering establishment you have two choices. The first is to place a general statement on a menu etc which states that foods on sale may contain genetically modified organisms and advise customers to ask for further information. You must then have a system in place so that staff can answer any queries accurately about which foods contain GM ingredients. The second method is to positively identify those foods which contain GM ingredients on the menu next to the foods concerned:

- "genetically modified"; or
- "produced from genetically modified (name of organism)" for example, "bread produced from genetically modified maize."

Genetically modified (GM) free

Products consistently 100% free from GM material can be labelled as such but its use is discouraged.

Remember:

- It is possible to detect minute traces of genetically modified organisms in food.
- You will need written confirmation from all of your suppliers as part of the checks you would need to make before making such a statement.

Colours in restaurant and take-away foods

Excess artificial colours in food pose a potential long term health hazard to consumers who may, as a result, suffer a skin rash, gastric problems, vomiting or a worsening of asthma, etc.

Foods sold from restaurants and take-aways are not required to be marked with lists of ingredients or to declare the presence of additives.

Only approved colours can be used in food. Not only that but

- some foods cannot contain any colours
- some colours can only be used in certain foods, or a components of a food.
- some colours can only be used up to a maximum levels

Trading Standards Officers routinely take samples of restaurant and take-away food. A recent survey showed many samples from catering establishments contained non permitted colours or colours in amounts considerably in excess of legal limits.

It is the responsibility of the caterer to ensure that he makes and sells foods that comply with the legal limits. The best advice that we can give to assist you in staying within the legal limits is to follow the colouring manufacturer's instructions precisely. Do not put too much colour in, or you risk breaking the law.

Food safety

Have you checked that the 'use by' date on food you have in stock has not expired?

Check that the food you buy is marked with either a 'best before' or 'use by' date.

Prices

Price indications are now controlled by the Consumer Protection from Unfair Trading Regulations 2008.

Consumers need to be able to make an informed decision about making a purchase of food and/or drinks. The above regulations have removed the specific requirements on pricing of food and drink services on premises. However, they do now require you not to trade unfairly which includes not leaving out important information that may affect a customer's choice of purchase. In order for them to make this choice they must have access to the following information before they make the purchase:

- **Main characteristics of the product** - for drink this will be a description of what it is and may include its brand name. For food this will be the name of the food and should include sufficient description of the item, or dish, for a consumer to make an informed choice.
- **Price** - including VAT and any additional service or other charge that has not been included.
- **Quantity** - size of drinks or specific portion sizes of foods (where appropriate).
- **Your trading name** and details of ownership - plus the address of the premises (unless this is obvious from the situation. This would include the need for such details in a price list that you send out from the premises).

How or where you display the information, required above, is no longer prescribed, but it should be clear and easily readable by the average consumer. When the information is provided, it is important to enable a consumer to make an informed decision before they are committed to a purchase.

To fail to show all or part of the information necessary, or to provide misleading information, may be regarded as an unfair trading practice and constitute an offence.

These regulations prohibit any misleading actions or omissions that may influence a consumer's decision to purchase. Incorrect pricing (e.g. stating a lower price than that charged) or the lack of a price (e.g. the extra cost of a "dash" of lime) may constitute such actions or omissions.

Is any price display easy to read and visible from the customer's side of the bar?

Ensure other material does not obscure any price list.

Are your prices up-to-date?

If a particular meal or type of drink runs out, you must remove the price of it from the list as soon as is reasonably practicable.

Are there prices for different categories of food and drink available (e.g. starters, main courses, desserts, beers and spirits)?

Are any additional charges, such as a service charge and minimum charge clearly indicated? as they must be made clear to customers.

Weights and measures

If you sell wine by the glass, are you displaying the quantity?

The quantities permitted are 125ml, 175ml or multiples of these. You can have a separate sign or table card, or else show this on the menu, wine list or price list.

Are the glasses you use for measuring wine, crown stamped or 'CE and M marked' and 125ml, 175ml or multiples of these sizes?

Make sure there are no 4 fluid ounce glasses still in use in the bar as they are illegal.

Are your crown stamped or 'CE and M marked' wine glasses stored separately from any unstamped ones used for bottles of wine and other drinks?

It is best to keep them separate so that staff do not use the wrong ones by mistake.

If you sell wine by the carafe are your carafes crown stamped or 'CE and M marked' and in 250ml, 500ml, 750ml, 1litre sizes or multiples of 1 litre?

Are your gin, whisky, vodka & rum sold only in 25ml or 35ml measures or multiples of 25ml or 35ml?

Do you use spirit-measuring instruments or do you measure using a "thimble" capacity measure?

Make sure there are no 1/6 or 1/3 gill measures still in use in the bar as they are illegal.

Do you have a notice stating that the spirit measure is 25ml, 35ml or their multiples?

Are your spirit measuring instruments and capacity measures crown stamped or 'CE and M marked'?

This applies to the sale of gin, whisky, vodka & rum only, but if you declare the measure of brandy, liqueurs, sherry etc., you must use a crown stamped or CE and M marked measure to sell these items.

If you mix three or more liquids these do not have to be in a measured amount; for instance in cocktails.

Are your pint and half-pint beer glasses crown stamped or 'CE and M marked'?

If they are not stamped or marked you must use crown stamped beer-measuring instruments (beer meters). You must use one or the other for selling draught beer and cider.

If you use beer meters, do you have them regularly tested? Are your stamped or marked beer glasses stored separately from the unstamped ones used for bottled beer and soft drinks?

It is best to keep them separate so staff do not use the wrong ones by mistake.

If your beer glasses are brim-measure rather than line-measure, do you ensure that you and your staff fill up the glasses as full as possible? If the customer asks for a "top-up", is one always given?

Under a Code of Practice agreed between the Brewing Industry and the Government 5% head, only, is allowed on a pint and you should not make the beer available to the customer until you are satisfied the measure is correct. If the customer asks for a top-up this must be given with good grace. The use of line measure glasses overcomes this problem without the need for top-ups. Many licensees have found it useful to display a notice reminding customers of their right to ask for a top-up.

Do your staff know it is an offence to serve short measure?

Under 18s and tobacco products

Have you trained your staff not to sell to under 18s?

Do you have the required notices displayed on the wall and on any cigarette machines on the premises?

Under a Code of Practice issued by the National Association of Cigarette Machine Operators a machine should be sited in a monitored, supervised area so that staff can be sure of preventing its use by young people.

Business Names Act

Do you have a notice or sign visible from stating the particulars of ownership of the business and an address at which legal documents can be served on the business?

The information can be on the price list or menu providing it is permanently displayed on the wall, if you wish. (This is a separate requirement from that in the Licensing Act requiring your name to be displayed over the door.)

Accommodation

Are you displaying the price of accommodation?

Where you offer accommodation as part of a business, you must meet the following legal requirements:

The price information that is given for accommodation and other services must not be misleading. Price information can be given in many forms, such as verbally, on the internet, on an advert or in a brochure and on an invoice or statement of terms. Any misleading action (such as showing a lower price than that charged, or a misleading omission (such as not including a tax or service charge) can lead to enforcement action being taken.

Displaying a price list

A price list displayed in the reception area or at the entrance to your accommodation is a common method of giving a price indication.

It is suggested that the price list you display should include:

- the price of a bedroom for one person if all the rooms are the same price, or the lowest and highest price, if there is a range of prices;
- the price of a bedroom for two people;
- the price of a bed in any other type of room.

All prices should include any compulsory service charges; the notice should also make it clear that these are included. You must make it clear if meals are included in the price

The price you display must usually include VAT, and the notice should state that VAT has been included. If, however, most of your trade is with business customers, you may indicate that prices exclude VAT, provided you either:

- display VAT inclusive prices with equal prominence; or
- display a prominent statement of the VAT payable (in money terms), in addition to the VAT exclusive price.

The price list must be in a prominent position and be easy to read.

Overcharging

If you advertise your prices to the public - for example, on a sign outside your premises, or in a brochure or local authority tourist guide - you should be careful to include non-optional extra charges in your advertised prices, and stick to them when you present your bills to your customers. If you charge more than your advertised price, you could be guilty of giving a misleading price indication. This is a criminal offence. It could also be breach of contract.

If there is a chance that your prices could vary during the lifetime of the advertisement, you should make this clear, e.g. different price for high/low season. It is legal to charge customers a surcharge for using a credit card to pay the bill. However, you must make this clearly known by:

- displaying a notice near each public entrance and at each place where payment is made, or becomes payable;
- informing potential customers on the telephone before they commit themselves and book; including the information in your advertisements.

If your normal prices are in cash, the information will be, for example: credit cards: surcharge 2%, or credit cards: £1 surcharge.

If your prices are normally shown as credit card prices, this information should be clear. You would then probably show a discount for cash, e.g. double room £44.50 per night (credit cards), 4% discount for cash.

Outside catering

The requirements in this guide apply to any outside bar you may run as well as in your licensed premises.

One day sales

Do you have a room that is used for one day sales?

These can give rise to consumer problems. Ensure anybody taking bookings for sales has read our special guidance note and knows what questions to ask. Check you know the identity and address of the sellers. Ensure they agree to honour consumers' rights on goods purchased from them. Ask for the Trading Standards guidance note "Booking one day sales" - it will help you to tell whether it is a bona fide sale or a "scam".

Note: This guide to legal requirements is not exhaustive and may change over time. It is based upon opinions and on points identified in inspections and through complaints. Please note that only the Courts can interpret the law.

If you require any more information or advice about any of the legal requirements listed here, or have any comments on this guide, please do not hesitate to contact the Service.

Further guidance notes are available on the following subjects: -

- The Food Safety Act and you
- Food law inspections and your business
- Labelling of foods containing genetically modified soya and maize
- Be allergy aware - a guide for catering establishments
- Tobacco and children
- Cigarette machines
- A guide to the Business Names Act
- Booking one day sales

Please Note: This leaflet has been prepared for the assistance of businesses. It is not an authoritative interpretation of the law and is intended only for guidance.

For further advice please contact your local Trading Standards Service.