If you would prefer to receive future FSA consultations by e-mail, or if you no longer wish to receive information on this subject please notify the named person in this consultation.
Is an Impact Assessment included with this consultation? Yes ☐ No ☒ See Annex A for reason.

Food Standards Agency Consultation on updated Guidance Notes on labelling fat spreads, including margarine and butter

DETAIL OF CONSULTATION

The Agency seeks views on draft Guidance Notes detailing the rules on the labelling and marketing of dairy produce and fat spreads set down in European Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)\(^1\).

The Guidance Notes have been drafted to take account of the Anderson Review\(^2\).

Introduction

1. On 1 July 2008, Council Regulation 1234/2007 came into force; Council Regulations 1898/87 (on the protection of designations used in the marketing of milk and milk products) and 2991/94 (laying down standards for spreadable fats) were repealed and Statutory Instrument 2008 No. 1287: The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008 was brought into force (with similar legislation applying in Scotland, Wales and Northern Ireland).

2. Council Regulation 1234/2007 is directly applicable in the UK and enforcement provisions are included in national legislation.

3. SI No.1287 simply updated any references from Council Regulations 1898/87 and 2991/94 to the new Council Regulation 1234/2007. Therefore the Agency did not hold a full formal consultation on the new SI or produce an Impact Assessment (IA)\(^3\) as there were no additional or incremental costs to the private or public sector. The Agency is not including an IA for the guidance notes subject to this consultation as the guidance will not add any new significant burdens to the private or public sector.

4. As a result of this legislative update, it has now become necessary to revise associated Guidance Notes. The draft Guidance Notes, subject to this consultation, set out to explain, principally, the rules on labelling fat spreads set down in Council Regulation 1234/2007.

5. The Guidance Notes also address relevant aspects of EC Directive 1019/2002, which lays out requirements for the labelling of foods containing olive oil, which would include some fat spreads.

---


Consultation Process

6. The Agency has had meetings and discussions with LACORS and the leading spreadable fats trade organisation; the Margarine and Spreads Association⁴. The Agency will be publishing the consultation documents on its website⁵. The consultation will run for 12 weeks. Interested parties will be encouraged to contact the Agency with any comments or queries they may have. It is not envisaged that there will be any further consultations or formal correspondence on the subject matter.

7. Once all responses have been received, they will be addressed by the Agency and shall either be incorporated into the Guidance Notes or reasons will be given as to why comments have been rejected. This information will be published as a supplementary document and will appear on the Agency website within 3 months.

Questions asked in this consultation:

Q1: Are you content with the layout and the subject matter contained in these guidance Notes?

Q2: Is there any additional text or information you would like to see included? – Please provide detail and reasoning.

8. The Agency welcomes all comments and would particularly encourage Industry and Enforcement Authorities to respond with their views and supporting detail.

Responses

9. Responses via email, telephone and mail are welcome. Contact details are provided on page 1.

10. Responses are required by close 9 December 2009. Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

Thank you on behalf of the Food Standards Agency for participating in this public consultation.

Shifra Sheikh
Standards, Authenticity and Food Labelling Branch
Labelling, Standards and Allergy Division

⁴ http://www.msa.co.uk
⁵ http://www.food.gov.uk
Enclosed
Annex A: Standard Consultation Information
Annex B: List of interested parties
Queries

1. If you have any queries relating to this consultation please contact the person named on page 1, who will be able to respond to your questions.

Publication of personal data and confidentiality of responses

2. In accordance with the FSA principle of openness our Information Centre at Aviation House will hold a copy of the completed consultation. Responses will be open to public access upon request. The FSA will also publish a summary of responses, which may include personal data, such as your full name and contact address details. If you do not want this information to be released, please complete and return the Publication of Personal Data form, which is on the website at [http://www.food.gov.uk/multimedia/pdfs/dataprotection.pdf](http://www.food.gov.uk/multimedia/pdfs/dataprotection.pdf) Return of this form does not mean that we will treat your response to the consultation as confidential, just your personal data.

3. In accordance with the provisions of Freedom of Information Act 2000/Environmental Information Regulations 2004, all information contained in your response may be subject to publication or disclosure. If you consider that some of the information provided in your response should not be disclosed, you should indicate the information concerned, request that it is not disclosed and explain what harm you consider would result from disclosure. The final decision on whether the information should be withheld rests with the FSA. However, we will take into account your views when making this decision.

4. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.

Further information

5. A list of interested parties to whom this letter is being sent appears in Annex B. Please feel free to pass this document to any other interested parties, or send us their full contact details and we will arrange for a copy to be sent to them direct.

6. Please contact us for alternative versions of the consultation documents in Braille, other languages or audiocassette.

7. Please let us know if you need paper copies of the consultation documents.


9. The Code of Practice states that an Impact Assessment should normally be published alongside a formal consultation. We have not produced an Impact Assessment for this proposal. Our reasons are set out below:
On 1 July 2008, The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008 came into force. Similar legislation applied in Scotland, Wales and Northern Ireland. This legislation simply updated any references from Council Regulations 1898/87 and 2991/94 to the new Council Regulation 1234/2007. In our view, there were no substantive changes therefore the Agency did not produce an Impact Assessment (IA); neither did we hold a full formal consultation on the new SI.

On 12 March 2007, the Agency issued an Interested Party Letter (published on our website at: [http://www.food.gov.uk/multimedia/pdfs/sfmmp2008ip080312.pdf](http://www.food.gov.uk/multimedia/pdfs/sfmmp2008ip080312.pdf)) detailing the above and asked for any comments on our proposed action. No comments were received; therefore the Agency proceeded without an IA as outlined.

10. For details about the consultation process (not about the content of this consultation) please contact: Food Standards Agency Consultation Co-ordinator, Room 2C, Aviation House, 125 Kingsway, London, WC2B 6NH. Tel: 0207 276 8630.

Comments on the consultation process itself

11. We are interested in what you thought of this consultation and would therefore welcome your general feedback on both the consultation package and overall consultation process. If you would like to help us improve the quality of future consultations, please feel free to share your thoughts with us by using the Consultation Feedback Questionnaire at [http://www.food.gov.uk/multimedia/worddocs/consultfeedback.doc](http://www.food.gov.uk/multimedia/worddocs/consultfeedback.doc).

12. If you would like to be included on future Food Standards Agency consultations on other topics, please advise us of those subject areas that you might be specifically interested in by using the Consultation Feedback Questionnaire at [http://www.food.gov.uk/multimedia/worddocs/consultfeedback.doc](http://www.food.gov.uk/multimedia/worddocs/consultfeedback.doc). The questionnaire can also be used to update us about your existing contact details.
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Adams Food Ingredients
ADAS
Allied Frozen Storage
Allied Technical Centre
Apetito
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Arla Foods
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Association of Cheese Processors
Association of Frozen Food Producers
Association of Public Analysis
Basildon Dairy Foods
Biscuit, Cake, Chocolate and
Confectionery Alliance
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Bevelynn Ltd
Biotechnology and Biological Sciences
Research Centre
Birmingham City University
Booker Ltd
Borculo Whey Products
Bradbury and Son (Buxton) Ltd
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British Brands Group
British Cheese Board
British Dietetic Association
British Exporters Association
British Food Importers & Distributors
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British Goat Society
British Hospitality Association
British Nutrition Foundation
British Retail Consortium
British Soft Drinks Association Ltd
BSI Global
Bureau Européen des Unions
Consommateurs
Cadbury Schweppes Plc
Caledonian Cheese Company Ltd
Camden & Chorleywood Food RA
Campbell’s Grocery Products Ltd
Capelin’s Of Brora
Cargills
Cereal Partners Worldwide
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Health
Chequer Foods Ltd
Christian Salvesen Distribution Ltd
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Cold Storage and Distribution Federation
Community Foods Ltd
Compass Group Plc
Contract Foods Ltd
Co-Operative Group
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Dairy Farm Products
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EFSIS
Ellis & Everard Ltd
English Lakes Ice Cream
Eurofins Laboratories Ltd
European Food Law Association UK
Eversheds Legal Firm
Fayrefield Food International
Farley Health Products
Fayrefield Foodtec Ltd
Federation of Fish Fryers
Federation of Small Businesses
Food Additives & Ingredients Association
Food and Drink Federation
Food Commission
Food from Britain
Food Ingredient Services
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Foodtrak LTD
Ford Farm Cheese
Forum of Private Business
Frederick’s Dairies Ltd
Friends of the Earth
G C Hahn + Co Ltd
G Porrelli & Co Ltd
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Glanbia Cheese Ltd
Geo Adams
GlaxoSmithKline
Glebe Farm
Goat Nutrition
Good Food Distributors
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Unilever
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Waitrose
Wensleydale Dairy Products Ltd
Western Research Laboratories
Westmill Foods
Which?
Whitehouse Consultancy Ltd
William Morrison Supermarkets Plc
Women’s Food and Farming Union
Yeo Valley Organic Company Ltd
Yakult
Yoplait
### Summary

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<th>Intended audience:</th>
<th>Food Industry including small and medium size enterprises, and enforcement authorities</th>
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<td>The guidance is applicable for use in the United Kingdom (England, Northern Ireland, Scotland and Wales). Details of referenced legislation can be found at Annex 2</td>
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<td>Purpose:</td>
<td>To provide informal, non-binding guidance on legislation relating to spreadable fats and other yellow fats and help enforcement authorities to identify and take action on misleading labelling.</td>
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| Legal status: | This guidance is intended:  
• to accompany regulations and  
• to address best practice, which has been highlighted in text boxes throughout the guidance document |
| Essential actions to comply with regulation(s): | You must follow labelling rules for spreadable fats in terms of:  
1. Using the legal and full name:  
   ➢ The legal names of Spreadable fats must be used i.e. the sales descriptions specified in Council Regulation (EC) No. 1234/2007. From here on, the Regulation will be referred to as the ‘CMO Regulation’  
   ➢ These names must be used in full, e.g. ‘fat spread X%’ and ‘X% fat spread’ not ‘fat spread’. Where more than one sales description is given (see the Annex to this Guidance), the product must use only one of these.  
2. Including information about:  
   ○ the quantity of ingredients  
   ○ fat content  
   ○ possible allergens  
   ○ fortification  
3. General compliance with the Food Labelling Regulations, 1996, as amended. From here on, these Regulations will be referred to as the ‘FLRs’.  
   ➢ Ingredients must be listed, under a heading of ‘Ingredients’, in descending order of weight at the time |
they were used in the spread

- Ingredients’ names should be those that would be used if they were sold as foods by themselves
- The ingredients list should include reference to any treatment, e.g. ‘dried skimmed milk’
- The total percentage fat content by weight at the time of production must be stated
- In addition, ‘blends’ and ‘blended spreads’, must declare the type of fat (milk fat and vegetable fat or animal fat) and the percentage (by total weight) of each constituent fat. This information must be given in decreasing order of percentage weight.
- Any trademarks or brand names must not be misleading in their nature.
- Non-dairy spreads must not show dairy imagery on the labels.
- Nutrition claims such as ‘reduced fat’, ‘low-fat’, ‘light’ and ‘lite’ may be permitted for spreadable fats depending on their fat content.

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REVISION HISTORY

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<td>September 2009</td>
<td>Official Revision</td>
<td>Shifra Sheikh (LSAD)</td>
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REGULATIONS REFERRED TO IN THIS GUIDANCE

These Guidance Notes cover separate but parallel regulations in all four administrations of the UK. See Annex 2 for further detail on legislation for Scotland, Northern Ireland and Wales.


Parallel but separate regulations exist for Northern Ireland, Wales and Scotland:

The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Northern Ireland) Regulations 2008 (SR 2008 No 239) http://www.opsi.gov.uk/sr/sr2008/nisr_20080239_en_1

The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008 No. 1341 (W.141) http://www.opsi.gov.uk/legislation/wales/wsi2008/wsi_20081341_en_1

The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Scotland) Regulations 2008 (SSI 2008 No. 216) http://www.opsi.gov.uk/legislation/scotland/ssi2008/ssi_20080216_en_1

II. The Food Labelling Regulations 1996. Statutory Instrument 1996 No 1499, (as amended) apply directly in England, Scotland and Wales. The principal legislation can be found at the following web-link: http://www.opsi.gov.uk/si/si1996/Uksi_19961499_en_1.htm


The legislation has been amended a number of times and separate legislation exists for the devolved administrations of the UK. For full details of these amendments, please contact the Agency Food Labelling section, details can be found at the end of this document.


- Annex XV – marketing standards applying to spreadable fats referred to in Article 115.
- Annex XII – definitions and designations in respect of milk and milk products referred to in Article 114 [1].
- Annex XVI – on the descriptions and definitions of olive oil and olive pomace oils referred to in Article 118.


INTRODUCTION

1. These Guidance Notes explain the requirements for the labelling and marketing of fat spreads and dairy produce set down in European Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)\(^1\).

2. These Guidance Notes are applicable to all spreadable fats and other yellow fat spreads produced or imported into the UK. The designations used for spreadable fat products are detailed in the Appendix to Annex XV of Council Regulation (EC) 1234/2007 (here on referred to as ‘the CMO Regulation’). The CMO Regulation imposes reserved sales descriptions for spreadable fats.

3. The restrictions cover labelling and compositional criteria.

INTENDED AUDIENCE

4. The guidance is intended for sectors of the food industry involved in the manufacture of spreadable fats, including small and medium sized businesses. The aim of this guidance is to facilitate uniform application of the Regulations by Industry [including Small and Medium Size Enterprises (SMEs)] and to aid enforcement authorities in their enforcement activities in relation to the legislation relating to spreadable fats and other yellow fats spreads. Ultimately, it would ensure consumers are presented with meaningfully and accurately labelled products.

PURPOSE AND LEGAL STATUS OF GUIDANCE

5. These Guidance Notes have been produced to provide informal, non-binding advice on:

- Compliance with the legal requirements of Article 115 of Council Regulation (EC) No. 1234/2007 of 22 October establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (“the CMO Regulation”) as read with Annex XV; and

- best practice in this area.

6. 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 information, all advice on best practice is in shaded boxes, with a heading of Best Practice.

7. Businesses with specific queries may wish to seek the advice of their local enforcement authority, which will usually be the trading standards/environmental health department of the local authority/ district council.

ADVICE ON ENFORCEMENT

8. Also, enforcement authorities planning to take action on provisions for which more than one interpretation of the legislation is possible, should seek the agreement of the relevant Primary Authority, Home Authority, or LACORS’ Food Labelling Focus Group before taking any definitive action.

SCOPE OF THE GUIDANCE

9. These Guidance Notes relate principally to the requirements set down in Annex XV to the CMO Regulation (marketing standards applying to spreadable fats referred to in Article 115) as read with Commission Regulation (EC) No. 445/2007 (Codified Version) on standards for spreadable fats, and in Annex XII to the CMO Regulation (on the protection of dairy designations). These Regulations are directly applicable in the UK and are enforced through national legislation.²


11. The Guidance Notes also refer to the Food Labelling Regulations 1996, as amended (‘the FLRs’) and the Food Safety Act 1990, which relate to foods generally. (See Annex 2 for detail on parallel legislation for the devolved administrations of the UK). The Regulations can be accessed at: http://www.opsi.gov.uk

12. Greater detail on some of the issues covered can be found in the Guidance Notes listed below. Copies of these can be obtained by contacting the Food

The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Northern Ireland) Regulations 2008 (SR 2008 No 239) http://www.opsi.gov.uk/sr/sr2008/nisr_20080239_en_1
The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008 No. 1341 (W.141) http://www.opsi.gov.uk/legislation/wales/wsi2008/wsi_20081341_en_1
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Standards Agency (contact details provided at the end of this guidance document) or they may be downloaded from the Agency’s website (www.food.gov.uk).


VI. Food Advisory Committee Review of the Use of the Terms Fresh, Pure, Natural etc. in Food Labelling 2001 (http://www.food.gov.uk/multimedia/pdfs/fpnfullreport.pdf).

VII. Criteria for the use of the terms Fresh, Pure, Natural, etc. in food labelling (http://www.food.gov.uk/multimedia/pdfs/markcritguidance.pdf).

DEFINITIONS – ACCORDING TO THE CMO REGULATION UNLESS OTHERWISE SPECIFIED

13. In these Guidance Notes, the following key terms will be assumed to have the meanings set out below. Where these are legal definitions, the relevant legislation is cited.

‘Cream’

is the product obtained from milk in the form of an emulsion of the oil-in-water type with a milk fat content of at least 10% (CMO Regulation, Annex XV).

‘Butter’

is the product with a milk fat content of not less than 80% but less than 90%, a maximum water content of 16% and a maximum dry non-fat milk material content (e.g. milk proteins) of 2% (CMO Regulation, Annex XV, section A of Appendix).
‘Margarine’

is the product obtained from vegetable and/or animal fats with a fat content of not less than 80% but less than 90% (CMO Regulation, Annex XV, and Section B of Appendix).

‘Milk’

means the normal mammary secretion obtained from one or more milkings (CMO Regulation Annex XII, section II), however, if not bovine (from cows) the origin must be stated (Section II point 4).

‘Milk products’

are products derived exclusively from milk, on the understanding that substances necessary for their manufacture may be added if those substances are not used for replacing, in whole or in part, any milk constituent (CMO Regulation, Annex XII Section II).

‘Milk proteins’

are all types of milk protein (caseins, caseinates or whey proteins or any mixtures of these (Annex 1) Council Directive 2001/13/EC, as amended

‘Buttermilk’

is the liquid by-product resulting from the production of butter from cream or milk (CMO Regulation, Annex XII, section II).

‘Anhydrous milk fat’

is the fat obtained from milk (this is not defined, it is a term reserved exclusively for milk products, CMO Regulation, Annex XII, Section II)

‘Vegetable fat’

is the fat or oil obtained from any plant source, for example, sunflower-seed, soya beans or rapeseed (Food Labelling Regulation, 1996 (as amended))

‘Animal fat’

is the fat (other than milk fat) obtained from any animal source, including fish (Food Labelling Regulations, 1996 (as amended)).

‘Extra virgin olive oil’, 'virgin olive oil', 'olive oil' and 'olive-pomace oil'

are categories of olive oil and olive-pomace oil. These are defined in the CMO Regulation [Annex XVI] on the definitions and descriptions on olive oil and olive
pomace oils referred to in Article 118. Commission Regulation (EC) 1019/2002 on marketing standards for olive oil, also lays out requirements for labelling of foods containing olive oil, which would include some fat spreads.

The European Commission has produced an Explanatory Note on Regulation 1019/2002, which may be obtained from the Department for Environment, Food and Rural Affairs (Defra) at their website: http://www.defra.gov.uk/hort/olive-oil/marketing/index.htm.

**INTERPRETATION**

14. Definition of ‘yellow fat spreads’:
   - Spreadable fats and
   - Other yellow fat spreads/products used as alternatives to these, and which are emulsions of water and oil/fat (derived from milk or other animal sources and/or from plant sources).

15. Definition of ‘spreadable fats’
   - Yellow fat spreads which fall within the scope of the CMO Regulation [Article 115 as read with Annex XV] including butter, margarine and blends.
   - They have a fat content of not less than 10% but less than 90%.
   - They have a fat content which is at least two-thirds of the dry matter of the product as sold.
   - They remain solid at 20°C and are suitable for use as spreads.

16. Products falling outside the definitions of ‘spreadable fats’ – other yellow fat spreads:
   - Some yellow fat spreads fall outside the scope of the CMO Regulation [Article 115 as read with Annex XV];
   - products with a fat content of less than 10%;
   - products with a fat content of 90% or more (e.g. concentrated butter or clarified butter); and
   - mixed fat products with a milk fat content of more than 3% but less than 10% of the total fat.

17. Types of ‘spreadable fats’:
   There are three types of ‘spreadable fats’ and they are categorised by the origin of the fat used:
milk fat products such as ‘butter’ and ‘dairy spreads’;
vegetable and/or animal fat products such as ‘margarine’ and ‘fat spreads’; and
mixed fat products (milk fat with vegetable and/or animal fats), such as ‘blends’, and ‘blended spreads’.

LABELLING AND COMPOSITION

18. Labelling of spreadable fats and other yellow fat spreads including those imported into the UK must comply with the following legislation in England. Please see Annex 2 for a list detailing the parallel legislation for Northern Ireland, Scotland and Wales:
   i. General requirements of the FLRs
   ii. the Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008.

19. Detailed guidance on these requirements may be found in The Food Labelling Regulations 1996: Guidance Notes, which can be found on the Agency website: (http://www.food.gov.uk/multimedia/pdfs/Fguidnot1.pdf). The reader may wish to refer to this document for additional advice.

INGREDIENT LISTING

20. Ingredients must generally be listed in descending order of weight at the time of their use in the preparation of the food (often referred to as the 'mixing bowl stage'). The ingredients list must include a heading consisting of, or including, the word 'ingredients'.

   Example - for a spreadable fat made from 60% vegetable oil and 20% olive oil, the vegetable oil must be listed before the olive oil in the ingredients list.

21. The name used for an ingredient should be the name, which could be used for it if it were being sold as a food by itself.

   Example - use of the terms 'virgin olive oil', 'olive oil' and 'olive pomace oil' in the ingredients listing of spreadable fats or other yellow fat spreads must be consistent with the provisions laid down for these oils in the relevant marketing standards (Commission Regulation (EC) 1019/2002).

22. Certain generic terms (e.g. 'vegetable oil' or 'animal fat') may be used instead of more specific names for the purposes of listing ingredients of foods only and must comply with the conditions specified for the use of such terms in Schedule 3 of the FLRs.
Physical condition and/or treatment of ingredients (e.g. use of dried skimmed milk)

23. The ingredients list should include appropriate reference to its physical condition or to any treatment that it has undergone in cases where omission of this information would mislead the consumer.

Example - the ingredients’ list should refer to “dried skimmed milk” (or a similar alternative) when the product has been prepared using this and a buttermilk that has been reconstituted.

24. Detailed guidance on ingredients listing is given in The Food Labelling Regulations 1996: Guidance Notes (see preface) (http://www.food.gov.uk/multimedia/pdfs/Fguidnot1.pdf). The reader may wish to refer to this document for additional advice.

Application of QUID (quantified ingredients declaration) rules

25. Concerning QUID and particularly declaration of fat content, FLRs require spreadable fats to comply with the rules on labelling and presentation laid out in European Council Regulation 2991/94 now replaced by the CMO Regulation [Article 115 as read with Annex XV]. However, QUID rules apply to other yellow fat spreads.

26. QUID declarations are required where the ingredient or category of ingredient appears in the name of the food e.g., ‘sunflower fat spread’.

27. Detailed guidance on QUID requirements are given in The Food Labelling Regulations 1996: Guidance Notes on Quantitative Ingredient Declarations (see preface) (http://www.food.gov.uk/multimedia/pdfs/quid.pdf). The reader may wish to refer to this document for additional advice.

COMPOSITIONAL DECLARATIONS

28. Fat content
   I. Spreadable fats defined in the CMO Regulation are required to declare their total percentage fat content (by weight at the time of production).
   
   II. Certain spreadable fats defined in the CMO Regulation are required to declare their total percentage fat content (by weight at the time of production) as part of their sales description, i.e. ‘dairy spread X%’, ‘fat spread X%’ and ‘blended spread X%’.

   III. Where the sales descriptions, 'butter', 'margarine' or 'blend' are used, the fat content declared must be the minimum fat content of the product and this must be between 80% and 90%.

   IV. In all other cases, the average fat content for the product must be declared
and this must comply with the limits specified for the sales description used, detailed in the Appendix to Annex XV of the CMO Regulation.

<table>
<thead>
<tr>
<th>Best Practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>For other yellow fats, the Food Labelling Regulations do not specifically require declaration of fat content, but it is helpful to consumers if this information is supplied as it allows them to compare similar products and make an informed choice about those they purchase.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Accuracy</th>
</tr>
</thead>
<tbody>
<tr>
<td>V. In all cases, the total fat content must be declared as a whole number, i.e. without the use of decimals.</td>
</tr>
<tr>
<td>VI. When measured by analysis, the average fat content for the batch must be within ± 1% of the declared value and the fat content of an individual sample must be within ± 2% of the declared value. Detailed instructions on verifying the declared fat content of spreadable fats is given in Annex II of Commission Regulation 445/2007.</td>
</tr>
</tbody>
</table>

29. Allergen Labelling Requirements

I. Food labelling legislation throughout the UK requires the clear declaration of specified allergenic ingredients. However, certain ingredients that are highly processed are exempt from these provisions as the processing removes the allergenic proteins.

Example - fully refined soya oil, and products made from it, do not have to be labelled with reference to soya; however products made from unrefined or partially refined soya bean oil, or peanut or tree nut oils would have to be labelled with reference to the allergen concerned (for a detail explanation of which oils require labelling see: http://www.food.gov.uk/multimedia/pdfs/allergenlabelguide2008.pdf).

30. Additional Labelling Requirements

I. In the case of all 'blends' and 'blended spreads', in addition to the total fat content, the identity (milk fat and vegetable fat or animal fat) and percentage (by total weight) of each constituent fat must be declared. This information must be given in decreasing order of percentage weight.

Example - for a blend with a total fat content of 80%, where 15% is milk fat and 65% is vegetable oil, the declaration should be: vegetable oil (65%), milk fat (15%).

II. The Regulations stipulate that the milk fat content must be declared, (but not butter content). Such a declaration enables consumers to compare products more easily.

III. The presence and amount of salt and / or added vitamins present must be declared. This information should be given in the 'ingredients list'.

**NAMES AND CLAIMS**

31. Names prescribed by law

- For yellow fat spreads where there is a name laid down in law, it must be used.

- For 'spreadable fats', the sales descriptions specified in the Appendix of Annex XV to the CMO Regulation are the legal names for 'spreadable fats' and must be used. These must be used in full, e.g. 'fat spread X%' and 'X% fat spread' not 'fat spread'. Where more than one sales description is given (see the Annex to this Guidance), the product must use only one of these.

- For other yellow fat spreads, where there are no legal requirements for names, the FLRs require that the name used must be sufficiently precise to inform a purchaser of the true nature of the food and to enable the food to be distinguished from products with which it could be confused. If necessary, a description of the use should be included e.g. spreads made from nuts or seeds, “not to be used for cooking, for spreading only” etc.

32. Use of Sales Descriptions (Designations) - Annex 1

I. Sales descriptions must be used only for 'spreadable fats' (described in the Appendix to Annex XV of the CMO Regulation) with the exception of the following:

- concentrated products (butters, margarine, blends) with a fat content of 90% or more;
- products whose designations are familiar to consumers from traditional usage (e.g. brandy butter, rum butter etc.); or is clearly used to describe a characteristic quality of the product (e.g. creamed potatoes)\(^4\).

II. Additional words may be used to indicate the plant or animal species from which the product originates e.g., ‘olive oil spread’. In addition, the term 'vegetable' may be included in the sales description of 'spreadable fats', which contain fat only of vegetable origin. A tolerance for animal fat is permitted and this is 2% of the total fat in the product. The 2% tolerance for animal fat also applies where reference is made to a specific vegetable species, e.g. sunflower.

**Example** - ‘vegetable fat spread 40%’ must have no more than 0.8% animal fats present (i.e. 2% of the 40% total fat content).

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\(^4\) Please see Food Standards Agency Guidance Notes on Legislation on the Protection of Dairy Designations: [www.food.gov.uk](http://www.food.gov.uk)
III. In addition, a word or words may be used together with the legal names for spreadable fats to indicate the intended use of the product or the production methods provided these do not contradict other community provisions and particularly Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed.

IV. Spreadable fats may also use indications of geographical origin subject to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. e.g. Guernsey Butter (Refer to Point II section 3 of Annex XV to the CMO Regulation on Spreadable Fats for details).

**Best Practice**

Inclusion of additional information is beneficial to the consumer in making an informed choice about the products they purchase. e.g. suggested usage, recommended quantities, and recipe ideas and so on.

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33. Olive Oil

I. Under EC Regulation 1019/2002 (Article 6.2) where olive oil has been added to a spread and this is highlighted on the labelling, other than in the ingredients list, using words, pictures or graphics then the trade description of the foodstuff must be followed by the percentage of olive oil in the product. This can be presented either as the percentage of the product's net weight or of the total weight of fats e.g. X% vegetable fat spread of which Y% olive oil.

34. Brand Name or Fancy Name (As detailed in Regulation 10 of the FLRs, please see Agency Guidance note on the Food Labelling Regulations for further information)

I. Trademarks, brand names or fancy names can be used in addition to, but not as a substitute for either the sales description or the name of the food, as appropriate. The brand name or fancy name, however, must not be in itself misleading.

   **Example** – the use of a brand name normally associated by the consumer with 'butter' to describe a blend or blended spread or 'other yellow fat spread' containing a mixture of milk fat and other fats may, in some circumstances, mislead the consumer into assuming that it is 'butter' that they are purchasing.

II. The location on the packaging of the trademark, brand name or fancy name must not confuse or mislead the consumer as to the composition of the product.

**Best Practice**

It may be helpful to the consumer if the sales description is marked next to the trademark,
brand name or fancy name, unless this is likely to imply further qualification of the sales description e.g. if the trademark was “Deluxe”, having this next to the sales description would imply superior quality.

III. The sales description or name of the food should be marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible.

**Best Practice**

It is helpful to the consumer to have this information on the most visible surface. It may also be helpful to have it next to the trademark, brand name or fancy name so that the consumer is not misled or confused about the composition of the product. Ideally, this would be a surface when browsing such as the lid or side of the pack.

**USE OF DAIRY DESIGNATIONS AND DAIRY IMAGERY**

35. There are specific requirements for the use of dairy designations such as ‘butter’. The Agency has produced detailed guidance on legislation on the protection of dairy designations. Please refer to this guidance for further information.

**Best Practice**

Based on the recommendations of the Food Advisory Committee [http://www.food.gov.uk/multimedia/pdfs/fpnfullreport.pdf], the Agency advises that pictorial representations should be subject to the same scrutiny and control as the words used to portray similar images and concepts where not already explicitly required. It was recognised that “pictures on labels and in advertisements can also exert powerful influences on a prospective purchaser and, in some product sectors, may have a greater significance than names and other descriptive material”.

**NUTRITION CLAIMS AND NUTRITION LABELLING**

36. Please note that Annex XV of the CMO Regulation sets out specific criteria for the use of certain nutrition claims on spreadable fats. The Commission has not yet indicated when this Regulation is likely to be amended to bring

5 Guidance on legislation on the protection of dairy designations – Revision 1, [www.food.gov.uk](http://www.food.gov.uk)
the criteria for claims on spreadable fats in line with Council Regulation (EC) 1924/2006 on nutrition and health claims made on foods, which contains different criteria for the claims in question. Until any discrepancies are reconciled food business operators should continue to comply with the criteria set out in the CMO Regulation.

37. **Use of the term `reduced fat'**

I. Under the CMO Regulation the term `reduced fat' can be used for 'spreadable fats' with a fat content of more than 41% but not more than 62%. In addition, the term `reduced fat' may be used to replace the term 'three-quarter fat' for spreadable fats described as such in the Appendix to Annex XV of the CMO Regulation.

II. The terms may not be used together in the sales descriptor, so a product cannot be labelled, for example, as `reduced fat, three-quarter fat butter'.

38. **Use of the terms “low fat” / “light” / “lite” (as defined by Council Regulation (EC) 1924/2006)**

I. These terms can be used for spreadable fats with a fat content of 41% or below. In addition, the term `low fat' may be used to replace the term `half-fat' for spreadable fats described as such in the Appendix to Annex XV of the CMO Regulation.

II. The terms may not be used together in the sales descriptor, so a product cannot be labelled, for example, as, `low fat, half fat butter'.

39. **Use of the Word “Light” or Similar Derivatives when Describing a Spreadable Fat**

- For the product categories defined in the Appendix to Annex XV of the CMO Regulation, Section III (2) of Annex XV prohibits the use of any terms (such as ‘lighter’ or ‘lightest’) which state, imply or suggest a fat content which falls into the category ‘light’ when this is not the case.

40. **Nutrition Labelling**

I. Nutrition labelling is voluntary unless a nutrition claim or health claim is made (e.g. “high in polyunsaturates”) or when vitamins or minerals are added voluntarily. The mandatory requirement for nutrition labelling does not apply to statements prescribed by law, therefore the use of the sales description `low fat' or `reduced fat' for `spreadable fats' does not trigger nutrition labelling requirements.

II. Mandatory addition of vitamins and minerals under national law does not trigger compulsory nutrition labelling because such addition falls outside the requirements of Regulation (EC) 1925/2006 on the addition of vitamins and minerals and certain other substances to foods. Therefore, the addition of vitamin A and D to margarine does not trigger nutritional labelling requirements.
REQUIREMENT TO FORTIFY MARGARINE

41. In the UK, all margarines must be fortified with vitamins A and D and their addition must be declared in the ingredients list. The quantities are not necessary.

42. Mandatory fortification is governed by The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008 (SI Number 1287) where Regulation 4 states that: "No person may sell by retail any margarine unless it contains in every 100 grams;

- not less than 800 micrograms and not more than 1000 micrograms of vitamin A, and
- not less than 7.05 micrograms and not more than 8.82 micrograms of vitamin D,
- and a proportionate amount in any part of 100 grams." i.e. the proportion of either vitamin A or D in 10g of margarine, should be similar to that in 100g.

43. Regulation 4 above does not apply to other fat spreads. However, so long as the product meets the requirements of legislation listed below, there is nothing preventing manufacturers from fortifying other spreads.

- Food Safety Act 1990 (as amended);
- The FLRs
- Regulation (EC) 178/2002; and
- EC Regulation 1925/2006 (on the addition of vitamins and minerals and of certain other substances to food)
REFERENCES


   - Annex XV - marketing standards applying to spreadable fats referred to in Article 115.
   - Annex XII - definitions and designations in respect of milk and milk products referred to in Article 114 [1].
   - Annex XVI - on the descriptions and definitions of olive oil and olive pomace oils referred to in Article 118.


   http://www.opsi.gov.uk/si/si1996/Uksi_19961499_en_1.htm


   Parallel but separate regulations exist for Northern Ireland, Wales and Scotland:
   The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Northern Ireland) Regulations 2008 (SR 2008 No 239)
   The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008 No. 1341 (W.141)
   The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Scotland) Regulations 2008 (SSI 2008 No. 216)


http://www.food.gov.uk/multimedia/pdfs/Fguidnot1.pdf


http://www.food.gov.uk/multimedia/pdfs/originlabelling.pdf


15. Guidelines for the use of Certain Nutrition Claims in Food Labelling and Advertising.  

16. Food Advisory Committee Review of the Use of the Terms Fresh, Pure, Natural etc. in Food Labelling 2001.  
http://www.food.gov.uk/multimedia/pdfs/fpnfullreport.pdf

17. Criteria for the use of the terms Fresh, Pure, Natural, etc. in Food Labelling.  
http://www.food.gov.uk/multimedia/pdfs/fresh.pdf

18. Guidance Notes On Legislation Protecting Dairy Designations  
www.food.gov.uk
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Fax: 020 7238 5063
Email: Paul.Chapinal@defra.gsi.gov.uk
ANNEX 1: TABLE ON THE SALES DESCRIPTIONS FOR ‘SPREADABLE FATS’

<table>
<thead>
<tr>
<th>Fat content</th>
<th>Milk fat products</th>
<th>Vegetable/animal fat products</th>
<th>Mixed milk fat and vegetable/animal fat products</th>
</tr>
</thead>
<tbody>
<tr>
<td>≥80% to &lt;90%</td>
<td>‘Butter’</td>
<td>‘Margarine’</td>
<td>‘Blend’</td>
</tr>
<tr>
<td>&gt;62% to &lt; 80%</td>
<td>Dairy spread X%’</td>
<td>Fat spread X%’</td>
<td>Blended spread X%’</td>
</tr>
<tr>
<td>≥ 60% to ≤ 62%</td>
<td>Three-quarter fat butter or Reduced fat butter</td>
<td>Three-quarter fat margarine’ or Reduced fat margarine</td>
<td>Three-quarter fat blend’ or Reduced fat blend’</td>
</tr>
<tr>
<td>&gt;41% to &lt;60%</td>
<td>Dairy spread X%’ or ‘reduced fat’ dairy spread X%</td>
<td>Fat spread X%’ or Reduced fat spread X%’</td>
<td>Blended spread X%’ or Reduced fat blended spread X%</td>
</tr>
<tr>
<td>≥39% to ≤41%</td>
<td>Half-fat butter’ or ‘Low fat’ butter or ‘Light’ butter</td>
<td>Half fat margarine’ or ‘Minarine’ or ‘Halvarine’ or ‘Low fat margarine’ or ‘Light margarine’</td>
<td>Half fat blend’ or ‘Low fat blend’ or ‘Light blend’</td>
</tr>
<tr>
<td>&lt;39%</td>
<td>Dairy spread X%’ or ‘Low fat Dairy spread X%’ or ‘Light Dairy spread X%’</td>
<td>‘Fat spread X%’ or ‘Low fat spread X%’ or ‘Light fat spread X%’</td>
<td>Blended spread X%’ or ‘Low fat blend X%’ or ‘Light blend X%’</td>
</tr>
</tbody>
</table>
### ANNEX 2 - TABLE SHOWING PARALLEL LEGISLATION IN DEVOLVED ADMINISTRATIONS

<table>
<thead>
<tr>
<th>ENGLAND</th>
<th>NORTHERN IRELAND</th>
<th>WALES</th>
<th>SCOTLAND</th>
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</thead>
<tbody>
<tr>
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</table>

23 of 25
<table>
<thead>
<tr>
<th>Title</th>
<th>Website</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Food Labelling (Amendment) (Wales) Regulations 2004 No. 3022 (W.261)</td>
<td><a href="http://www.opsi.gov.uk/legislation/wales/wsi2004/wsi_20043022_mi.pdf">Link</a></td>
<td></td>
</tr>
<tr>
<td>The Food Labelling Amendment (No. 2) (Scotland) Regulations 2004</td>
<td><a href="http://www.opsi.gov.uk/legislation/scotland/ssi2004/ssi_20040472_en.pdf">Link</a></td>
<td></td>
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<tr>
<td>Food Safety (Northern Ireland) Order 1991</td>
<td><a href="http://www.opsi.gov.uk/si/si1991/Uksi_19910762_en_1.htm">Link</a></td>
<td></td>
</tr>
</tbody>
</table>

Pre–devolution; see England Regulations

Pre–devolution; see England Regulations