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CRITERIA FOR THE USE OF THE TERMS FRESH,
PURE, NATURAL ETC.
IN FOOD LABELLING

The Agency's aims in providing these criteria for the use of marketing terms are to:

- assist manufacturers, producers, retailers and caterers decide when these descriptions may be used and when they should not;
- help enforcement authorities to provide consistent advice about labelling;
and
- benefit consumers, by encouraging the adoption of consistent, transparent labelling practices.

CRITERIA FOR THE USE OF THE TERMS FRESH, PURE, NATURAL ETC IN FOOD LABELLING

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INTENDED AUDIENCE

1. The Agency's aims in providing these criteria for the use of marketing terms are to:

- Assist manufacturers, producers, retailers and caterers decide when these descriptions may be used and when they should not.
- Help enforcement authorities to provide consistent advice about labelling and to challenge inappropriate uses of marketing terms. However, it is acknowledged that there is no legal obligation to follow the recommended criteria. Whether this advice is followed or not, misleading labelling is an offence under legislation.

LEGAL STATUS

2. This Guidance has been produced to provide informal, non-binding advice on:

- the relevant legal requirements for labelling food with marketing terms (Part 1); and
- general (Part 2) and specific (Part 3) best practice on the use of marketing terms.

3. The advice offered in this Guidance should not be taken as an authoritative statement nor an 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.

PURPOSE

4. The Food Standards Agency is committed to promoting informed consumer choice. The Agency wishes to promote best practice regarding the provision of information to consumers and help consumers to make more informed food choices.

5. This Guidance sets out voluntary best practice advice on the use of marketing information, particularly commonly used marketing terms that are of interest to consumers but not defined in law. It is issued to encourage the use of labelling terms that convey clear meaning and are not misleading. The use of these terms should be considered in the context of the label as a whole, the presentation of the product and on a case by case basis.

6. The best practice advice applies equally to all food, regardless of whether it is prepacked or not, or the type of outlet from which it is sold.

7. The Agency's advice on use of these terms is in line with current consumer understanding and is intended to encourage a common approach for industry which is consistent with current market practices.
8. Businesses with specific queries should seek the advice of their local enforcement agency, which will usually be the Trading Standards department of the local authority.

BACKGROUND TO THE CREATION OF THE GUIDANCE

9. In 2001, consumer research, public consultations and correspondence demonstrated that consumers were concerned about the way some descriptions on labels had become unclear in their meaning. The Agency therefore invited the Food Advisory Committee (FAC) to investigate the use of a number of terms and advise how misuse might be avoided. These terms were:

Fresh	Original
Natural	Authentic
Pure	Home-made
Traditional	Farmhouse

10. The FAC concluded² that the basic legislative requirements were sufficient in principle to ensure that consumers are not misled in this area of claims. However, the FAC also found that these terms were being misused in some cases, and that there was clear room for improvement. It felt that terms were being used to convey messages that had in some cases become far-removed from their generally accepted meanings and had the potential to mislead consumers, even after making due allowance for changes to the accepted meaning and use of words over time. The Committee made a number of recommendations, which were taken as the basis for the first issue of the Guidance in 2002.

11. In 2004 the Agency carried out a survey, "An investigation of the use of the terms such as natural, fresh etc. in food labelling" that looked at the extent to which industry was taking account of the Guidance, and to help inform whether it should be revised. Of the 220 samples examined, 88 (40%) were considered by the participating public analysts not to follow the Guidance.

12. The 2002 Guidance was discussed at an Agency stakeholder meeting in 2005 and it was recognised that:

² "FAC Review of the use of the terms Fresh, Pure, Natural etc in Food Labelling 2001" – FSA/0334/0701.

- advice for some of the terms might not be in line with currently understood meanings; and
- new terms had come into use that were not in the Guidance and that these may be being used in potentially misleading ways.

13. As a result it was decided to commission further consumer research. A report of the research was published on the Agency website in 2006³. The revised Guidance takes account of the findings of this research. All of the existing terms have been revised except for “homemade” and are set out in the table below with the new terms that are now covered in the Guidance:

Revised existing terms	New terms
Original	Farmhouse (Pâté)
Homemade†	Hand-made
Traditional	Selected#
Authentic	Quality #
Real	Premium #
Fresh*	Finest #
Pure*	Best #
Natural*	Seasonal#
Farmhouse*	Style#
	Wild#
	Type#

*The advice on these terms was not identified as requiring any consumer research but they have been revised in the light of recent enquiries and issues that have arisen from consumers, enforcement authorities and industry prior to and during the consultation.

#General advice only is provided on these terms.

†This term has not been revised, although the consultation had suggested an amendment.

³ WEBLINK:

www.food.gov.uk/foodlabelling/researchandreports/labelresearch0106

PART 1

RELEVANT LEGISLATION

14. The advice in this Guidance relates to, and should be read in conjunction with the provisions of several pieces of legislation that are intended to protect consumers from false or misleading labelling as set out below:

- **Article 16 of Regulation (EC) No 178/2002** (on the general principles and requirements of food law)

requires that the labelling, advertising and presentation of food, and the information made available about it through whatever medium, should not mislead consumers

- **Article 2 of Directive 2000/13/EC** (on food labelling)

requires that the labelling, advertising and presentation of a food must not be such as could mislead a purchaser to a material degree, particularly

- as to the characteristics of the food and, in particular, as to its nature, identity, properties, composition, quantity, durability, origin or provenance, method of manufacture or production;
- by attributing to the food effects or properties that it does not possess;
- by suggesting the food possesses special characteristics when in fact all similar foods possess such characteristics

- **the Food Safety Act 1990**

prohibits the sale of any food that is not of the nature, substance or quality demanded by the purchaser; and makes it an offence to describe, present or advertise food in a way that is false or likely to mislead the consumer

- **the Consumer Protection from Unfair Trading Regulations 2008**

prohibits unfair commercial practices that include misleading actions which could be false information or overall presentation that deceives the average consumer such that the average consumer would make a transactional decision that they would not have taken otherwise (it may be helpful to become familiar with the detail of this Statutory Instrument No. 2008/1277)

- the general provisions of **the Food Labelling Regulations 1996**

including the provisions on the name of the food at Regulations 6, 7, 8, 9, 10 and 11 which cover the use of a name that must indicate the true nature of the food when there is no name prescribed by law or customary name, the use of trade marks, brand names and fancy names and also the indication of physical condition or treatment.

15. Beyond the general requirements on false or misleading labelling there is little specific legislation on the use of the terms covered in this best practice Guidance. Where there are specific rules, details are provided as footnotes in the sections on the terms.

PART 2

GENERAL BEST PRACTICE ADVICE

16. It is recommended that before using any term, the following points (which are based on the legal requirements set out in Part 1 outlawing false and misleading labelling, advertising and presentation of food) be considered and applied where possible:

- foods should be sold without deceit and therefore should be labelled and advertised so as to enable a prospective purchaser to make a fair and informed choice, based on clear and informative labelling;
- a food must be able to fulfil the claim being made for it and therefore adequate information must be available to show that the claim is justified;
- where the use of the marketing term is potentially ambiguous or imprecise, the likely understanding of the 'average' consumer is a good benchmark;
- claims should allow fair comparison and competition between products, sectors and traders.

17. Care should be taken when marketing terms are included in business names, trade marks and fancy names (a fancy name that includes a marketing term could be for example "Original Chicken Dinosaurs", where the true name would be "Formed minced chicken and cereal in breadcrumbs"), as it is possible for these to create a false impression for a consumer.

18. Pictures and illustrative representations on labels and in advertisements, leaflets and on websites can have a powerful effect on prospective purchasers and, in some product sectors, may have a greater significance than names and other descriptive material. These representations should be subject to the same scrutiny and control as the words used to portray similar images and concepts. Care should be taken to ensure that background illustrations and pictures do not mislead the consumer as to the type, quality or origin of the product. For example, kitchen scenes may lead a consumer to believe a product is hand-made or at least produced in a small-scale operation.

19. The labelling and presentation of the food as a whole should be used in assessing whether a particular label or description is likely to be considered misleading. Where a consumer might be misled by pictures, any potential ambiguity must be clarified by labelling that is equally clear and as prominent as the pictures.

20. It is not appropriate to use any marketing term unless its meaning is clear. For example, the term "seasonal" (not specifically covered in the Guidance) might be applied properly to UK grown strawberries in the summer months but could be misleading when applied to strawberries that have been either imported or grown in heated greenhouses in spring or autumn.

21. When using marketing terms it should always be clear in each case what characteristic of a product is being described. For example if the term “wild” is used (not specifically covered in the Guidance) then it could be helpful to clarify whether all stages in the life of an animal have been wild, or if the term “hand-made” is used then it could be informative to explain further if some stages in processing were not carried out by hand.

22. Where any qualification or explanation is necessary to understand the meaning of a marketing term this should accompany the term and associated imagery. It should be in a font and size that is easily legible and prominent to help consumers make their choice in full knowledge of the facts. Some enforcement authorities have reported that purchasing behaviour suggests that consumers are likely to be misled if the back or side of a pack carries ‘small print’ explanations or qualifications of claims that contradict or change the meaning of prominent claims and images on the front of pack.

23. Several of the marketing terms that are covered in this Guidance are used in names of products that have been registered in the EU protected food name scheme that gives legal protection against imitation. Foods such as “West Country Farmhouse Cheddar” are part of this scheme and carry a specific logo. Where the legally protected name is indicated in full and includes a marketing term then this Guidance would not necessarily apply to the use of the term. Further details are provided in Annex 2.

24. It is generally not helpful to use “style” or “type” to qualify the terms covered by this advice (e.g. “farmhouse style”). If these qualifications are used then clarification should be provided where reasonable practicable to reveal the level of authenticity or link to the original product, whether by the region of origin, source of ingredients or method of production.

25. Research carried out on behalf of the Agency, published in 2006⁴, found that the terms “traditional style” and “selected” were not easy to understand and it is suggested that their use should be avoided.

⁴ <http://www.food.gov.uk/foodlabelling/researchandreports/labelresearch0106>

PART 3

SPECIFIC BEST PRACTICE ADVICE

RECOMMENDED CRITERIA FOR THE USE OF THE TERM "FRESH"

26. The description "fresh" can be helpful to consumers where it differentiates produce that is sold within a short time after production or harvesting. However, modern distribution and storage methods can significantly increase the time period before there is loss of quality for a product, and it has become increasingly difficult to decide when the term "fresh" is being used legitimately.

27. The term "fresh" can also be helpful when used to identify products that have not been processed.

28. The use of the term "fresh" in some specific circumstances is defined in law (e.g. "Traditional Farmfresh Turkey"⁵, "extra fresh" eggs⁶ and "fresh" poultry⁷). This Guidance does not apply in such cases.

29. "Fresh" is often used in a number of phrases that may have an emotive appeal but no real meaning (e.g. "oven fresh", "garden fresh", "ocean fresh", "kitchen fresh", etc). These should be avoided.

General:

30. The terms "fresh" or "freshly" should only be used where they have a clear meaning, whether used alone or qualified by other terms. The description can help consumers differentiate between similar products, for example:

- fresh fruit salad that is made only from fresh fruit;
- fresh dairy products (such as cream) held under chilled conditions at point of sale, with limited shelf life, even where these have been subjected to a minimal, mild heat treatment such as conventional pasteurisation for safety purposes.

31. Expressions such as "freshly cooked", "freshly prepared", "freshly baked", "freshly picked" should have no other connotation than the immediacy of the action being described. Where such expressions are used, it is recommended they be accompanied by an indication (e.g. of the date or time

⁵ Council Regulation (EEC) No 2082/92 and Commission Regulation (EEC) No 1482/2000 on the Certificates of Special Character for Agricultural Products and Foodstuffs.

⁶ Council Regulation (EEC) No 2771/75 on the common organisation of the market in eggs, as amended.

⁷ Commission Regulation (EEC) No 1538/91 on certain marketing standards for poultry, as amended.

or period – “freshly prepared this morning”) of when the action being described took place.

32. Packaging, storage and other supply chain processes that control “freshness” should not be described in terms that may imply that only a short period after harvesting or preparation has elapsed before sale if this is not the case. For example, a food that has been vacuum packed to retain its freshness should not be described as “freshly packed”.

Fruit and vegetables:

33. The term “fresh” is now used generically to indicate that fruit and vegetables have not been processed (e.g. canned, pickled, preserved or frozen), rather than that they have been recently harvested. This is acceptable provided it is not used in such a way as to imply the product has been recently harvested (e.g. “fresh from the farm”; “freshly picked”) if this is not the case (see paragraph 31 above).

34. The term “fresh” may be used to describe fruit and vegetables that have been washed and/or trimmed, provided that an indication that they have been washed and/or trimmed is also present. However, in the case of prepared fruit or vegetables, e.g. “fruit salad” that could be described as “fresh”, then if it was obvious from its appearance for that product that fruit for example had been trimmed, peeled and cut then such indication would not be necessary, and it would be assumed that it had been washed.

35. Chill temperatures and other controlled atmospheres are used in the food production chain for the delayed ripening and/or extended storage of fruit and vegetables. The use of the term “fresh” is acceptable in these circumstances.

Meat:

36. Virtually all carcass meat is chilled following slaughter, principally as a hygiene measure. The term “fresh” is traditionally used to differentiate raw meat from that which has been (chemically) preserved. It would serve no purpose to disqualify chilled meat from use of the term “fresh”. Use of the term “fresh” in these circumstances is acceptable.

37. Meat that has been previously frozen but which is sold thawed would not be considered by the average consumer to be “fresh”. The term “fresh” should not be used in these circumstances.

Fish

38. Use of the term “fresh” to describe fish that has been kept chilled on ice, but not stored deep frozen, is acceptable.

39. Fish that has been previously stored deep frozen, but which is sold thawed would not be considered by the average consumer to be "fresh". The term "fresh" should not be used in these circumstances.

40. Smoked or marinated/salted fish should not be referred to as fresh because it has been preserved/undergone processing.

Fruit juice:

41. The term "fresh" should not be used, directly or by implication, on juices prepared by dilution of concentrates.

42. The term "freshly squeezed" should only be used to describe juice obtained direct from the fruit (i.e. not prepared from concentrates) where there has been a short time between extraction and packaging and the "use by" date given on the product is within 2 weeks of juice extraction.

43. Where fruit juice described as "freshly squeezed" has been pasteurised, the indication of treatment should form part of the claim, e.g. "freshly squeezed pasteurised orange juice" etc.

Milk:

44. "High temperature pasteurised" milk has a recognised meaning and should not carry the term "fresh".

Fresh pasta:

45. Fresh pasta is different to dried pasta in having a much higher moisture content and a shorter cooking time. Fresh pasta is traditionally considered as a short shelf life product⁸ (although chilling and vacuum packing may extend the shelf life). The term "fresh" can be used to differentiate a fresh pasta product from dried pasta.

Fresh bread:

46. Terms such as "freshly baked", "baked in store" and "oven fresh" may mislead consumers into believing that they are being offered products that have been freshly produced on site from basic raw materials. Some stores sell bread made from part-baked products that have been packed in an inert atmosphere or frozen off-site then "baked off" at in-store bakeries. Use of terms like "freshly baked", "baked in store" and "oven fresh" on these products could potentially infringe the general legal provisions referred to in paragraph 14 above⁹.

⁸ LACORS circular LAC 14 96 7: "Fresh pasta". See Annex 1.

⁹ See also LACORS circular LAC 9 98 9: "Labelling and description of bread" see Annex 1.

Frozen or processed foods or ingredients:

47. The term “fresh” should only be used in relation to frozen or processed foods if its use is clear from the context. For example:

- “frozen from fresh”
should only be used to indicate a food was fresh (i.e. recently made or harvested) when it underwent freezing;
- “made with fresh ingredients”
should be used only where the intended meaning is that no processed ingredients (i.e. ingredients that have been dried, freeze-dried, frozen, concentrated, powdered, smoked, canned, etc) were used;
- “made with fresh X”
should only be used where X is the name of an ingredient that has not been processed and the food does not also contain processed equivalents of the same ingredient. For example, a food described as “made with fresh tomatoes” should not also contain canned tomatoes.

Fresh taste:

48. The expression “fresh taste” should not be used where it could mislead the consumer, for example by implying “freshly squeezed”, unless it is clear from the context that the reference is to the “tanginess” of the taste and only if the appropriate criteria for “freshness” of the food as set out in this Guidance are met. The use of alternative terms like “clean taste” and “refreshing taste” should be considered.

49. Terms like “with the taste of fresh X” (e.g. “with the taste of fresh lemons”) should only be used if the product contains “fresh X” and the flavour being described comes wholly or mainly from that “fresh X”.

Chilled foods:

50. For chilled convenience foods, unless the product complies with the appropriate criteria for use of the term “fresh” (or it is suggested otherwise in this Guidance), the term should not be used to describe foods when indicating a moderate shelf life under refrigerated conditions (e.g. for such products as chilled soups and sauces).

RECOMMENDED CRITERIA FOR THE USE OF THE TERM “NATURAL”

51. “Natural” means essentially that the product is comprised of natural ingredients, e.g. ingredients produced by nature, not the work of man or interfered with by man¹⁰. It is misleading to use the term to describe foods or ingredients that employ chemicals to change their composition or comprise the products of new technologies, including additives and flavourings that are the product of the chemical industry or extracted by chemical processes.

Dairy products:

52. The term “natural” has been used on certain dairy products for many years, to signify that the products are manufactured only from milk, using only the necessary, associated fermentation cultures and are free from other ingredients or additives, such as preservatives, flavourings, colours, i.e., they are “plain”, unflavoured products, (e.g. “natural” yogurt, “natural” fromage frais, and “natural” cottage cheese). This usage is well understood, and is therefore acceptable, providing it is clear that the term is indicating that the flavour of the product is that derived solely from the ingredients essential to the manufacture of the product, and that the flavour has not been adjusted by any other means. The ingredients must comply with the requirements in paragraphs 57 and 58 of this Guidance.

Bottled water:

53. The name “natural mineral water” may be used in accordance with the consolidated regulations for bottled water which came into force in England on October 31 2007. For England these are “The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007 - SI 2007 No. 2785”¹¹. Separate, but equivalent regulations are in force in Scotland, Wales and N. Ireland¹². Other product names for bottled water are “spring water” and “bottled drinking water”. The origin and composition of the water dictate what it may legally be called.

¹⁰ Concluded in the Food Advisory Committee Review of the Use of the Terms Fresh, Pure, Natural etc. in Food Labelling 2001, page 25 after due consideration of dictionary definitions and industry practices.

¹¹ This single Statutory Instrument implements: 80/777/EEC - as amended by 96/70/EC; 98/83/EC (which replaced 80/778/EEC); and 2003/40/EC.

¹² Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Regulations 2007, SSI No. 435 CIF – 31 October 2007. Northern Ireland (SR 2007 No. 420).

Health and Nutrition Claims:

54. References to general, non-specific benefits of a nutrient or food for overall good health or health-related well-being must comply with the European Health and Nutrition Claims legislation (Regulation EC 1924/2006). This Regulation also allows the use of “naturally” or “natural” to prefix claims such as “low salt”, “sugar free” or “high protein” when the food naturally meets the condition(s) laid down in the Annex for the use of a nutrition claim. Within the context of the health and nutrition claims legislation it is suggested that “naturally / natural” means that either nothing has been removed or nothing has been added to the food, and additionally that the food has not been subjected to any processes or treatment to render it such that it meets the condition.

General:

55. The term “natural” without qualification should be used only in the following cases (see table for further explanation):

- a) To describe single foods, of a traditional nature, to which nothing has been added and which have been subjected only to such processing as to render them suitable for human consumption:
 - Smoking (without chemicals), traditional cooking processes such as baking, roasting or blanching and traditional methods of dehydration are examples of processes that are acceptable, as are physical sieving and washing with water.
 - Fermentation is itself a natural process but subsequent processes may disqualify the final product from the description “natural” unless appropriately qualified.
 - Processes such as freezing, concentration, pasteurisation, and sterilisation, whilst clearly playing a significant role in both making food safe and preserving it do not accord with current consumer expectations of “natural” foods. However, the process to which a “natural” product has been subjected can be described using these terms (e.g. “pasteurised natural lemon juice”, “frozen natural orange juice”).
 - Other processes such as non traditional enzymatic treatment, production by immobilised micro-organisms or non-traditional fermentation processes, solvent extraction, carbon filtration and ion exchange purification, or acid or alkali treatment (outside of traditional pickling) or non-traditional distillation are also not in line with current consumer expectations of “natural”, and so if used then products should not be referred to as natural foods or ingredients. Bleaching, oxidation (outside of treatment of Natural Mineral Water), smoking (with chemicals), tenderising (with chemicals),

hydrogenation and similar processes also fall outside the meaning of this term.

- The restriction to “foods of a traditional nature” excludes from the concept of “naturalness” foods derived from novel processes, GM or cloning.
 - For single ingredient foods such as cheese, yogurt, butter, acceptable processing is that which is strictly necessary to produce the final product (as described in paragraph 52 above, and 56 and 57 below).
- b) To describe food ingredients obtained from recognised food sources and which meet the criteria in a).
- c) To describe permitted food additives that are obtained from natural sources (e.g. food or plant) by appropriate physical processing (including distillation and solvent extraction) or traditional food preparation processes.
- d) To describe flavourings when in conformity with the UK Flavourings in Food Regulations 1992, as amended, and EC Directives 88/388/EEC, 91/71/EEC and 2000/13/EC (Annex III¹³).
- e) To describe preserved tuna and bonito when in conformity with EC Regulation 1536/92.

56. Compound foods (i.e. foods made from more than one ingredient) should not themselves be described directly or by implication as “natural”, but it is acceptable to describe such foods as “made from natural ingredients” if all the ingredients meet the criteria in paragraph 55b), c) and d), as appropriate. All additives and flavourings in ingredients that are used to make the final product must also satisfy the criteria.

57. A food that does not meet the criteria in paragraphs 55a) or 56 should not be claimed to have a “natural” taste, flavour or colour.

58. “Natural” meaning no more than plain or unflavoured should not be used unless the food meets the criteria in paragraphs 55a) or 56, or is in accordance with the Dairy UK Code of Practice for the Composition and Labelling of Yogurt.

59. “Natural”, or its derivatives, should not be included in brand or fancy names, nor in coined phrases, in such a way as to imply that a food that does

¹³ It is suggested that foods containing flavourings other than natural flavourings as defined by law should not be described as “made from natural ingredients”.

not meet the criteria in paragraphs 55a) or 56 is natural or made from natural ingredients.

60. Claims such as “natural goodness”, “naturally better”, or “nature’s way” are confusing and ambiguous. They should not be used and are very likely to be misleading if applied to products not meeting the ‘natural criteria’.

61. The principles set out above in this section on “natural” also apply to the use of other words or expressions, such as “real”, “genuine”, “pure” etc with separate and distinctive meanings of their own, when used in place of “natural” in such a way as to imply similar benefits. Guidance on such terms and their synonyms is offered elsewhere in these advice notes.

62. Other claims (which might be termed ‘negative claims’) that do not use the term “natural” or its derivatives directly, but the effect of which is to imply “naturalness” to the consumer, are potentially misleading and confusing. The following should not be used:

- a claim that a food is “free from x”, if all foods in the same class or category are free from “x”;
- statements or implications which give undue emphasis to the fact that a product is “free from certain non-natural additives or categories of additives”, when the product contains other non-natural additives;
- a claim that a food is “free from one category of additive”, when an ingredient or an additive of another category having broadly similar effect has been used.

These criteria do not affect ‘negative claims’ which do not imply “naturalness” to the consumer, (such as “free from x”, where “x” is a particular additive), and where the statement may provide consumers with accurate and beneficial information.

CRITERIA FOR USE OF THE TERM “NATURAL”

Distinction that applies to natural food or natural ingredient	Criteria		
	Natural	Vs	Non - Natural
Single ingredient or compound food to which nothing non- natural is added.	Single foods to which nothing is added. Compound foods* where all ingredients are natural may be described as “Made from natural ingredients”.		Compound foods (not as such but see opposite)*. Compound foods that include non-natural ingredients.
Not interfered with by man by use of chemicals.	Foods or ingredients not altered by use of chemicals.		Foods or ingredients that have been chemically changed. Foods or ingredients that have been extracted with solvents.
Not interfered with by man by use of technology or not normally consumed by man.	Foods or ingredients that are as in nature and normally consumed by man.		Foods or ingredients that are novel foods, or made with GM or cloned.
Not interfered with by man in that treated only with processes that are traditionally used in food preparation, including fermentation.	Foods or ingredients that have been treated with traditional food preparation processes such as baking or roasting. Foods or ingredients that employ traditional fermentation processes. If foods are treated with processes such as concentration# or pasteurisation they should not be described as such as “natural” but may be described for example as “pasteurised natural orange juice”.		Foods or ingredients that have been treated with novel processes or processes not in accord with consumers’ expectations of what is natural, such as bleaching, ion exchange chromatography etc. Foods or ingredients that have been synthesised with the use of immobilised microorganisms or non traditional fermentations or non traditional enzyme treatments. Foods that have been concentrated etc (not as such but see opposite)#.
Distinction that applies to natural additive or natural flavourings			
Additives that are made from natural sources using traditional food preparation or appropriate physical processes.	Additives that are obtained from natural sources by traditional food preparation or appropriate physical processes including distillation or solvent extraction.		Additives that are not from natural sources or that are made using chemical processes or treatments.
Flavourings that are made from natural flavouring source materials.	Set out in legislation. Natural flavourings, under legislation may be made by processes such as distillation or solvent extraction from natural flavouring source materials.		Chemically synthesised flavourings or those made with the use of immobilised microorganisms or non traditional fermentations or non traditional enzyme treatments.

RECOMMENDED CRITERIA FOR THE USE OF THE TERM "PURE"

63. The term "pure" is mostly used on single ingredient foods (e.g. to indicate a single, named variety of rice) or to highlight the quality of ingredients of a food (e.g. "pure butter shortbread" to indicate the butter has not been blended with other fats).

64. The validity of the use of the term "pure" should be determined by the properties of the food itself, not its storage conditions.

65. The term "pure" should generally only be used in the following circumstances (however it would be acceptable and advantageous to warn of possible cross contamination with allergens, in which case this type of warning would be entirely voluntary);

a) To describe a single ingredient food:

- to which nothing has been added;
- that is free from avoidable contamination with similar foods and levels should be as low as practically achievable and significantly below, for example, the codes of practice tolerances for basmati rice or durum pasta, or the thresholds requiring GM labelling.

b) Compound foods should not generally be described, directly or by implication, as "pure". It is, however, acceptable to describe such foods as "made with pure ingredients" if all the ingredients meet the criteria above, or if a claimed, named ingredient meets these criteria and is the only source of that ingredient. There are two exceptions to this general rule:

- **Fruit juice:** "pure" is used only for non-sweetened fruit juice but may be used for concentrated juice reconstituted with water. Legislation permits the addition of sugar for sweetness. It also permits the addition of sugar or lemon juice to correct acidic taste and the use of ascorbic acid as an antioxidant during processing of fruit juices. The term "pure" should not be used on those products containing added sugar, lemon juice or ascorbic acid.
- **Jams and marmalades:** the term "pure fruit" is used to indicate that the fruit has not been preserved by sulphur dioxide, prior to use in the jam/marmalade. This usage is acceptable¹⁴.

¹⁴ The European Court of Justice has ruled that the expression "naturally pure" is legitimate, and unlikely to mislead consumers when used on a strawberry jam made with added pectin and containing low levels of lead, cadmium and two particular pesticides. In summary, the Court took the view

66. “Pure” should not be included in any brand or fancy names, nor in coined or meaningless phrases, in such a way as to imply that a food that does not meet the criteria above is pure or made from pure ingredients.

67. “Pure” meaning no more than plain or unflavoured should not be used except where the food in question meets all the criteria above for the use of “pure”.

that the presence of pectin was readily apparent to the average consumer by virtue of its declaration in the ingredient list; the presence of low levels of naturally-occurring contaminants was unavoidable; and the levels of the pesticide residues were “particularly low” as compared with the levels permitted by Community legislation. ECJ Case C-465/98 Handel und Gewerbe Koln eV v Adolf Darbo AG.

RECOMMENDED CRITERIA FOR THE USE OF THE TERM “TRADITIONAL”

68. The term “traditional” is widely used to describe a product or method of preparation when newer alternatives are available on the market. It implies more than “original” or “plain”.

69. Unless the term forms part of a name that has been registered under European rules (e.g. “Traditional Farmfresh Turkey”¹⁵), the term “traditional” should demonstrably be used to describe a recipe, fundamental formulation or processing method for a product that has existed for a significant period¹⁶. The ingredients and process used should have been available, substantially unchanged, for that same period. It is within consumer expectations for the product to have been made in a factory.

70. It is misleading to use the term “traditional”, without qualification, simply to distinguish an “original” recipe from subsequent variants. Manufacturers and retailers should pay particular attention to the use of ingredients, particularly additives, and to the use of processes that have not been used in food manufacture for the significant period of time indicated above. They must ensure that the term does not imply a composition or production method that would not be regarded as “traditional” by the average consumer and should consider whether the term “original recipe” or similar expression may be more appropriate. There should be evidence to substantiate the use of the word for the particular product.

71. Recipes of what might be described as “traditional” products may change over time to accommodate consumer demands and expectations (e.g. Christmas puddings and mince pies made with vegetable rather than animal fat/suet; and other foods that are traditionally consumed at certain times of the year). Such foods should not be described as “traditional X”. However, reference may be made to the traditional nature of these products, provided this does not imply that the product itself has been made traditionally/to a traditional recipe unless this is the case. For example - “Christmas pudding – a rich, steamed fruit pudding traditionally eaten on Christmas day with custard, brandy butter or cream”.

¹⁵ Council Regulation (EC) No 509/2006 and Commission Regulation (EEC) No 1482/2000 on the Certificates of Special Character for Agricultural Products and Foodstuffs.

¹⁶ As a general rule, this should be taken to be of the order of 1 generation / 25 years, which would be in line with Regulation (EC) No 509/2006 of 20 March 2006 on Agricultural Products and Foodstuffs as Traditional Specialities Guaranteed, that introduced a legal definition of the term “traditional”, specifically for the purpose of the regulation. This definition requires a period of 25 years for production/recipe for a traditional food that is registered under the Scheme.

RECOMMENDED CRITERIA FOR THE USE OF THE TERM "ORIGINAL"

72. Unlike "traditional" the term "original" does not imply, necessarily, that a product has remained unchanged for a substantial period of time. It may be applied to newer products on the market. It is used to indicate that a product was the first of its type to be placed on the market, where the original form or flavour has remained essentially unchanged through the passage of time (although this need not be a long period) and hence to differentiate it from new additions to a range. The term is commonly used to convey "plain" or "unflavoured" where other variants are offered (e.g. "original flavour crisps") or to indicate the first variant in a series of products.

73. The term "original" should not be used to convey "plain" or "unflavoured" where other variants are offered (e.g. original flavour crisps), or to indicate the first variant in a series of products, unless the product can be shown to meet the criteria in paragraphs 74 and 75.

74. The term "original" should only be used to describe a food that is made to a formulation, the origin of which can be traced, and that has remained essentially unchanged over time. It should not contain replacements for major ingredients. It can similarly be used to describe a process, provided it is the process first used in the making of the food, and which has remained essentially unchanged over time, although it may be mass - produced.

75. To be termed "original", a product should not have changed to any material degree and should remain available as the 'standard' product when new variants are introduced. A product re-introduced onto the market after a period of absence should only be described as "original" if it can be shown to meet these criteria.

RECOMMENDED CRITERIA FOR THE USE OF THE TERMS "AUTHENTIC", "REAL" AND "GENUINE"

76. The term "authentic" has a different meaning to "traditional". It may imply either that a product has remained unchanged through the passage of time, or that it actually originates from the area implied by its name (e.g. "authentic Lancashire Hot Pot") when the generic description of the product has passed into wider usage.

77. The term "authentic" is used:

- to indicate the true origin of a product where the description may be in wider, generic use;
- to convey to consumers that a product has particular characteristics that have not been adjusted for the British palate (e.g. authentic Indian-recipe curry dishes);
- to indicate single types of rice, where this is important because they have particular characteristics.

78. The current, widespread use of terms such as "real", "genuine" etc in relation to individual food ingredients (e.g. "made with real fruit juice") is usually unjustified and repetitive. Such use may be taken to imply that the food or its ingredients possess higher compositional quality than other similar products. In view of the fact that ingredients and flavourings should already be clearly indicated on the label, it is recommended that this use of these terms should be considered carefully and implemented only where the product is sufficiently different to others in the same range. Care should be taken not to mislead when flavourings are used, for example it may not be helpful to use "real" to emphasise the presence of fruit juice when it is only at a low percentage level and most of the flavour arises from added flavourings.

79. The term "authentic" and related terms like "real" and "genuine" should only be used in the following circumstances:

- to emphasise the geographic origin of a product, for example where it might be confused with other products of the same name that do not originate from that location, e.g. "authentic Devon toffees", as long as the product has the characteristics traditionally associated with the product from that geographic origin;
- to describe the recipe used to make a product, the origin of which is specified, e.g. "authentic Indian recipe curry";
- to emphasise the purity of single varieties of ingredients where such purity is essential to deliver specific characteristics.

80. "Authentic" and analogous terms should not otherwise be used, without qualification, to describe either a food or an ingredient.

RECOMMENDED CRITERIA FOR THE USE OF THE TERM "HOME-MADE"

81. "Home-made" is a term defined very simply and specifically in dictionaries:

- made or prepared in the home; of domestic manufacture;
- made at home using traditional methods rather than by a manufacturer;
- made by oneself;
- crudely or simply made.

82. Consumers understand the term "home-made" to mean food prepared in a domestic kitchen rather than in a factory or a manufacturer's kitchen. The use of the term, if unqualified, should accordingly be restricted to the broad criteria above.

83. In order to avoid visual misrepresentation, factory-made foods should not be shown being made in small kitchens, farmhouses etc.

84. In order to accommodate the production of meals and dishes on commercial catering premises, the term "home-made" should be restricted to the preparation of the recipe on the premises, from primary ingredients, in a way that reflects a typical domestic situation. This should not be achieved simply by the assembly of wholly pre-prepared elements, or simple reconstitution from dry base mixes, but must involve some degree of fundamental culinary preparation. As in domestic preparation, it would be legitimate for caterers to use partly-prepared ingredients that are available for domestic use; typical examples could include the use of pre-prepared raw pastry, bakery bread in desserts or stock cubes in sauces.

RECOMMENDED CRITERIA FOR THE USE OF THE TERM "FARMHOUSE"

85. The use of terms like "country", "farm" etc or similar visual depictions of typical rural scenes may mislead if the food to which they are applied has not been produced on what the average consumer would understand to be a farm.

86. "Farm House" or "farmhouse" can only be defined as a house on a farm, and more specifically as the main dwelling of the farmer himself.

87. The baking industry has long used the term "farmhouse" to describe a style of bread with a split and a rounded crust, and sometimes flour dressed. This use of the term is acceptable.

88. Where the term "farmhouse" is used in connection with foodstuffs other than bread and pâté (see below), it should refer to products that are produced on a farm. If a product is not produced on a farm but is produced to the same quality as that likely to be produced on a farm, it should be described accordingly, not using the term "farmhouse", but for example by describing the source of its ingredients.

89. Given the vagueness of the term when used alone, its use should be avoided in preference of other terms which may be more descriptive and more accurate (e.g. "chunky vegetable soup"). When the term is used, its meaning should be made clear either within the context of sale or by associated wording (e.g. "farmhouse-made soup").

90. Simply describing an ingredient as "farmhouse", e.g. "x with farmhouse vegetables", is meaningless. The term should not be used in this context.

91. The similar expression "country style" does not appear to have any specific meaning. This phrase should not be used to describe any food or food ingredient.

RECOMMENDED CRITERIA FOR THE USE OF THE TERM "FARMHOUSE PÂTÉ"

92. "Farmhouse Pâté" may be used to indicate a certain type of pâté with a coarse texture.

RECOMMENDED CRITERIA FOR THE USE OF THE TERM "HAND-MADE"

93. A product endorsed as being "hand-made" should be significantly made by hand rather than just one element of the process being carried out in that way. Terms such as "hand assembled", "hand carved", or "hand decorated / finished" may be appropriate alternatives. If "hand crafted" is used then it should be clear as to which part of the process this refers to if it is not entirely produced by hand. It would not however be against public expectation for a "hand-made" product to be produced within an industrial setting.

RECOMMENDED CRITERIA FOR THE USE OF THE TERMS "PREMIUM"; "FINEST"; "QUALITY"; AND "BEST"

94. Consumer research indicates that these terms were each seen as ways in which manufacturers differentiate their ranges of products to indicate the one that is 'top of the range'. It would be advantageous if manufacturers and retailers could help consumers to understand why a claim of high level of overall quality is justified and why the particular term is used.

CONTACT DETAILS FOR FURTHER INFORMATION

95. The address for all correspondence relating to the issues set out in this advice is:

LABELLING, STANDARDS AND ALLERGY Division – Room 115B
Food Standards Agency
Aviation House
125 Kingsway
London
WC2B 6NH

Tel: 020 7276 8167
Fax: 020 7276 8193
E-mail: labelling@foodstandards.gsi.gov.uk

For further information in the devolved administrations, please contact

In Wales: Food Standards Agency Wales
Dietary Health and Consumer Choice
1st Floor, Southgate House
Wood Street
Cardiff
CF10 1EW

Tel: 029 2067 8911
Fax: 029 2067 8918/8919
E-mail: wales@foodstandards.gsi.gov.uk

In Scotland: Food Standards Agency Scotland
St Magnus House
6th Floor
25 Guild Street
Aberdeen
AB11 6NJ

Tel: 01224 285155
Fax: 01224 285168

In Northern Ireland: Food Standards Agency Northern Ireland
10C Clarendon Road
Belfast
BT1 3BG

Tel: 028 9041 7714
Fax: 028 9041 7726

GUIDANCE FROM LACORS

(Note: LACORS was previously known as LACOTS)

LACORS circular LAC 14 96 7

Fresh Pasta (Labelling)

12/07/1996

1. Query

1.1 LACOTS views are sought on the use of the term "fresh" to describe long shelf life prepacked pasta products which are ambient temperature stable (i.e. do not require storage under refrigeration). These products, which have shelflives up to 12 months, are either packed in modified atmosphere packaging or contain preservatives. Attention is drawn to fresh pasta which is retailed in a chilled condition with an average shelf life of less than 60 days¹⁷.

1.2 Attention is drawn to the Italian Fresh Pasta Producers Association guidelines which require that any product marketed as "fresh" should have a minimum moisture content of 25% and a shelf life not exceeding 60 days¹⁸ and being reliant on chill storage to achieve this shelf life.

2. Advice

2.1 LACOTS is aware that there is no statutory definition of the description "fresh" and that progress on a draft EC Directive to regulate such food claims is not very far advanced. LACOTS therefore concludes that in these circumstances the acceptability of this description would depend very largely on the average consumers' perception of this description (i.e. the dictionary and every day usage of the term "fresh"). Traditionally, pasta has been considered by consumers as a short shelf life product and it is unlikely therefore that the term "fresh" for long shelf life products would equate with the consumers' perception of this term. In this respect LACOTS would generally support the approach advocated by the Italian Fresh Pasta Producers Association.

Contact Officer: Les Bailey tel: 02076653888 email Les.Bailey@lacors.gov.uk

**LACORS Circular LAC 9 98 9:
Labelling and Description of Bread**

22/05/1998

1. Query

1.1 LACOTS views are sought on the use of certain words and phrases used in the advertisement, labelling and promotion of bread and similar products which may suggest that they have been produced from raw materials in on-site bakeries (e.g. bakeries within supermarkets etc) when this is in fact not the case.

¹⁷ This period was originally 5 weeks.

¹⁸ This period was originally reported as 5 weeks.

1.2 Examples include bread and rolls which have been prepared, partially processed and frozen offsite then finished at in-store bakeries. Descriptions applied include "freshly baked", "baked in store", "oven fresh" etc.

2. Advice

2.1 LACOTS is aware that in relation to the baking process the following features are important to take into account:

- at 60°C yeast in the fermented dough is killed.
- at 92°C chemical changes in the protein and starch cause the crumb structure to form.
- above 92°C the baking process is complete and irreversible.
- further heating after reaching 92°C causes crust formation and browning. re-heating or "re-baking" may be used to complete crust formation and browning.
- re-heating part-processed bread accelerates the staling process on cooling.

2.2 LACOTS considers that consumers will not generally be aware of the food processing technology that has made it possible to mass-produce part-processed bread and similar products for storage and finishing later, or that some in-store bakeries do not actually produce some or any of their products from raw materials on-site.

2.3 Consumers may therefore be led to believe, by the use of descriptions such as "freshly baked", "baked in-store", or "oven fresh" in relation to such products and the settings in which they are presented, that they are being offered products which have been freshly produced on-site from raw materials. The differences in keeping qualities between bread part-processed and bread baked from scratch also may not be apparent to consumers.

2.4 LACOTS notes that Article 2.1(a) of the Food Labelling Directive states that "the labelling and methods used must not be such as could mislead the purchaser to a material degree, particularly as to the characteristics of the foodstuff and, in particular, as to its method of manufacture or production".

2.5 It is therefore clear that misleading the purchaser to a material degree as to the method of manufacture or production of any food is contrary to the Directive.

2.6 LACOTS view is that, in the absence of the specific implementation of this provision in UK law, the general provisions of Section 15 of the Food Safety Act 1990 and/or Section 1 directly and Sections 2 and 3 indirectly of the Trade Descriptions Act 1968 are the relevant statutory provisions, depending on the circumstances of the case under consideration.

Contact Officer: Les Bailey tel: 02076653888 email Les.Bailey@lacors.gov.uk

The EU Protected Food Name Scheme

1. In 1993, EU legislation came into force which provides for a system for the protection of food names on a geographical or traditional recipe basis (similar to the 'appellation contrôlée' system used for wines). Under this system, a named food or drink (separate arrangements exist for wines and spirits) registered at a European level will be given legal protection against imitation throughout the EU. Producers who register their products for protection benefit from having a raised awareness of their product throughout Europe. This may in turn help them take advantage of the wider markets that are arising from consumers' increasing awareness of the importance of regional and speciality foods.
2. The products registered under the scheme may include marketing terms within the protect names. To date there are several examples of marketing terms that are covered within this Guidance that are part of the protected names that have been registered in the UK. An example is "West Country Farmhouse Cheddar".
3. In these cases, the specific legal criteria of the protected name designation will take precedence over the advice of this Guidance. So, when a term is used within a protected name which is used in full, the Guidance criteria would not necessarily apply to the product (although the product may follow the Guidance).
4. However, where the protected name is not used in full, the product and its name are no longer governed by the rules of the legal protected name scheme and therefore we suggest this product should follow the Guidance to convey clear meaning and avoid misleading the consumer. In order to have the protection of a name in the scheme there should be no additional words inserted into the name itself.
5. The original regulations (Council Regulation (EC) 2081/92 and 2082/92) were replaced in March 2006 by Council Regulations (EC) 509/2006 for TSG products and Council Regulations (EC) 510/2006 for PDO/PGI products. Most of the original provisions have been retained in the new regulations but amendments were necessary to take account of a WTO Panel ruling in 2005 in order to bring elements of the EU protected food name schemes into line with WTO rules.

6. The designations under the EU Protected Food Name Scheme are:



PDO



PGI



TSG

Protected Designation of Origin (PDO) - open to products which are produced, processed and prepared within a particular geographical area, and with features and characteristics which must be due to the geographical area.

Protected Geographical Indication (PGI) - open to products which must be produced or processed or prepared within the geographical area and have a reputation, features or certain qualities attributable to that area.

Traditional Speciality Guaranteed (TSG) - open to products which are traditional or have customary names and have a set of features which distinguish them from other similar products. These features must not be due to the geographical area the product is produced in nor entirely based on technical advances in the method of production.

7. The UK currently has 36 products registered under the scheme. Overall, there are in excess of 700 registered products across the EU.