



Nutrition labelling exemptions for prepacked foods

Foodstuffs exempted from the mandatory nutrition declaration are listed in Annex V of EU FIC. Exemptions relate mainly to minimally processed foods and those with little nutritional value.

Exemption is also allowed for food, including handcrafted food, directly supplied by the manufacturer of small quantities of products to the final consumer or to local retail establishments directly supplying the final consumer.

The European Commission has not given any guidance on the meaning of this exemption and it is up to Member States to provide their own interpretation. If pre-packed foods relying on this exemption are traded across borders, you will need to check the interpretation in the recipient country.

In England, the interpretation accepted by control authorities is as follows:

Definition of those eligible for the exemption

Manufacturer of small quantities: a micro business under the EU and UK definition: less than 10 employees and a turnover/balance sheet total of less than €2m (£1.72m).

Local retail establishments are those in the same county as the manufacturer or in an adjoining county provided this is no more than 35 miles (50 KM) from the county border¹.

How the exemption works

Food from manufacturers meeting the definition of a micro business, supplied direct to the consumer (including distance sales, e.g. internet sales), need not have nutrition labelling under this exemption.

Food from micro businesses supplied to the consumer via a third party, **if this third party is a local retail establishment² supplying direct to the consumer**, need not have nutrition labelling under this exemption.

Technical Guidance on nutrition labelling is available³.

¹ <http://www.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/approvalsguidance.pdf>

² Article 3(7) of Regulation 178/2002 defines retails as follows:

„retail“ means the handling and/or processing of food and its storage at the point of sale or delivery to the final consumer, and includes distribution terminals, catering operations, factory canteens, institutional catering, restaurants and other similar food service operations, shops, supermarket distribution centres and wholesale outlets.”

³ <https://www.gov.uk/government/publications/technical-guidance-on-nutrition-labelling>