



Key Compliance Considerations for Exporting Food and Drink from the UK

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Ashbury



About Ashbury

Founded in 2002.

Trusted regulatory,
technical & training
consultancy.

Specialists in:

- ▶ Multi-category labelling and product compliance
- ▶ Multi-country labelling and product compliance



Global Expertise

We understand the unique regulatory landscape of each market we serve.

- ▶ Projects delivered globally
- ▶ Centralised service model

200,000+

approvals without labelling
related product withdrawals
or recalls



Food Businesses, Global Policy and the Regulatory Maze



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graph TD
    LID((Legal instrument drafted))
    PC((Precedent case decided))
    CIS((Change in ingredients supplier))
    NC((New claim))
    NM((New Market))
    RC((Recipe change))
    ISC((Internal structure change))
    SO((Scientific opinion given))
    VL((Voters likely to influence))
    POC((Political & policy change))
    REG((Regulatory change))
    PE((Public event))

    LID <--> PC
    PC <--> CIS
    CIS <--> NC
    NC <--> NM
    NM <--> RC
    RC <--> ISC
    ISC <--> SO
    SO <--> VL
    VL <--> POC
    POC <--> REG
    REG <--> LID

    REG --> POC
    POC --> PE
    PE --> VL
    VL --> SO
    SO --> HS1((Horizon scan))
    SO --> HS2((Horizon scan))
    HS1 --> REG
    HS2 --> PE
    HS1 --> NM
    HS2 --> NM
    NM --> HS1
    NM --> HS2
    HS1 --> RRA[Risk Reassessment]
    HS2 --> RRA
    RRA --> HS1
    RRA --> HS2
  
```


From Idea to Export

FDEA
Food & Drink
Exporters Association

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Immediate Considerations

Prior to contracting with importers to export products, food businesses should have a solid grasp of the following elements that will affect the product journey.

- ▶ What Regulations must you follow?
- ▶ Which Competent Authorities' (CAs) control your product?
- ▶ Do you need to register or notify that your product is on the market?
- ▶ How is Waste Packaging handled in your market?
- ▶ Do you need an importer on the label/responsible person?
- ▶ Languages; E.g. Switzerland requires at least 2 official languages for some products
- ▶ Making and labelling of secondary and tertiary packaging
- ▶ Claims: Are you able to make Green Claims etc?



Translation and Presentation

Whilst translating mandatory information appears straightforward, even brand names and tag lines can sometimes lead to unintended misinterpretations.



Illustrative Factors in the Product Journey

Considering the factors below from product inception assists food businesses in avoiding common pitfalls that prevent full compliance.



International Standards

In all countries, technical requirements for the format and presentation of food information will cover:

Codex standards:
General labelling of prepacked
foods



Must not be false, misleading or deceptive

Must be accurate and clear

Must be fair

Must be substantiated

Must not render the food unsafe

Must indicate responsibility for the food

Must enable traceability



Ingredient Regulation and Allergen Differences



Global Allergen Examples

When exporting food to multiple markets, requirements for food allergen labelling will be different:

- ▶ Differing diets result in exposure to different possible allergens
- ▶ Food Safety Laws in all countries prioritizes the health of their populations

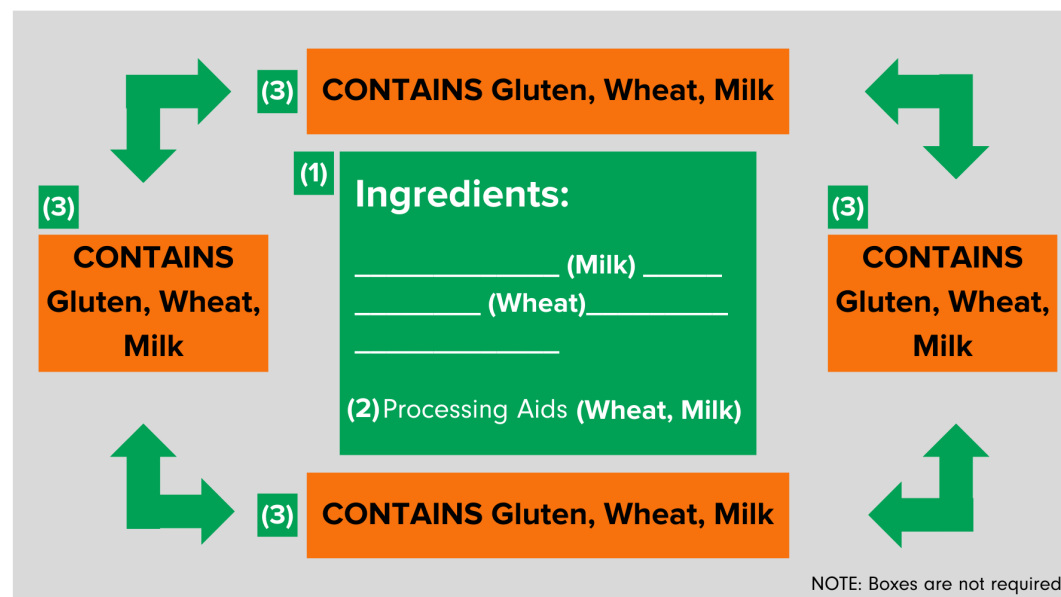
Hong Kong and Singapore	USA	GB and EU
<ul style="list-style-type: none">• <u>Not Allergens</u>• Lupin• Molluscs• Sulphites• Sesame• Pine Nuts	<ul style="list-style-type: none">• <u>Not Allergens</u>• Lupin• Molluscs• Sulphites• Barley, Rye & Oats• Pine Nuts	<ul style="list-style-type: none">• <u>Not Allergens</u>• Pine Nuts

Different Formatting of Allergen Labelling

In Australia, new requirements have been introduced for allergen labelling.

► Location:

- (1) Allergens are declared in bold in brackets after the ingredient using *required names*
- (2) Allergens in Processing Aids declared at the end of statement of ingredients
- (3) Summary Statement distinctly separate from ingredients list and directly next to (with no other words)



Plain English Allergen Labelling (PEAL)

Different Formatting of Allergen Labelling

In the United States, there is more flexibility with allergen labelling than Australia, despite sharing the same language.

Opt 1:

All major allergens are listed in the 'Contains' statement near the ingredients list. Even if some allergen names appear in the ingredients list

Cocoa Crispers Bar

Peanut flavored Chocolate candy with Crisped rice

Nutrition Facts

Ingredients: Milk Chocolate (Sugar, Milk, Cocoa Butter, Chocolate, Vanilla), Corn Syrup, Whey, Cocoa Powder, Crisped Rice (Rice, Sugar, Salt, Malt Extract), **Flour**, Soy Protein, Albumen, Natural Flavor.

Contains: Milk, Wheat, Soy, Egg, Peanuts

The Candy Co.
3021 Laney Drive, Alamo, CA 94556

Cocoa Crispers Bar

Peanut flavored Chocolate candy with Crisped rice

Nutrition Facts

Ingredients: Milk Chocolate (Sugar, Milk, Cocoa Butter, Chocolate, Vanilla), Corn Syrup, Whey, Cocoa Powder, Crisped Rice (Rice, Sugar, Salt, Malt), **Flour (Wheat)**, Soy Protein, Ovalbumin (Egg), Natural Flavor (Peanut).

The Candy Co.
3021 Laney Drive, Alamo, CA 94556

Opt 2:

The names of all major allergens are listed in the ingredients list. Where the common allergen name is not necessarily used it is added in brackets after the ingredient.

There is also no 'Contains' statement used.

Reserved Terms and Legal Definitions

Even where the same word is universally understood, the legal definition will vary.



No compositional standard.



Must contain prescribed bacteria in a significant amount.



Liquid dairy products made exclusively from cow's milk by acidification using the prescribed yogurt cultures. The product must contain significant numbers of live micro-organisms of the yogurt cultures. Specific characteristics concerning the fat content, milk protein content and pH.



Made of milk or cream, cultures mainly consisting of *Streptococcus thermophilus* and *Lactobacillus bulgaricus*, no addition of milk protein, no heat treatment after fermentation.

Ingredients Summary

Multiple types of ingredients will be subject to regulatory control and prescribed labelling requirements.



Claims and Public Health Warnings



Health Claims Globally - Examples

Health and nutrition claims on foods are under tightened scrutiny by competent authorities.



Prohibited statements include:

'The words "wholesome", "nutritious", "nutraceutical" or "super-food", "smart" or "intelligent".



Advertising using health claims relating to botanical substances in relation to psychological functions is currently prohibited.



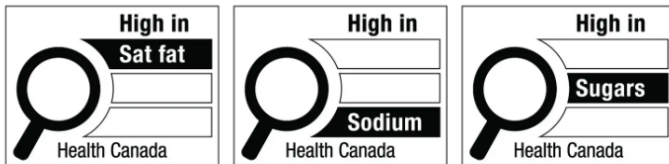
Establishes parameters for use of the term "healthy" or derivative terms as an implied nutrient content claim. Deadline of February 28, 2028, for manufacturers.

Nutrition Warnings and Front-of-Pack Nutrition Labelling Globally

Nutrition warnings and front-of-pack (FOP) nutrition labelling are the result of the use of regulatory mechanisms designed to alter consumer food choices.



France adopted Nutri score FOP.



Canada will introduce mandatory nutritional front-of-pack warning labels.



Resolution No 2492 in Columbia.

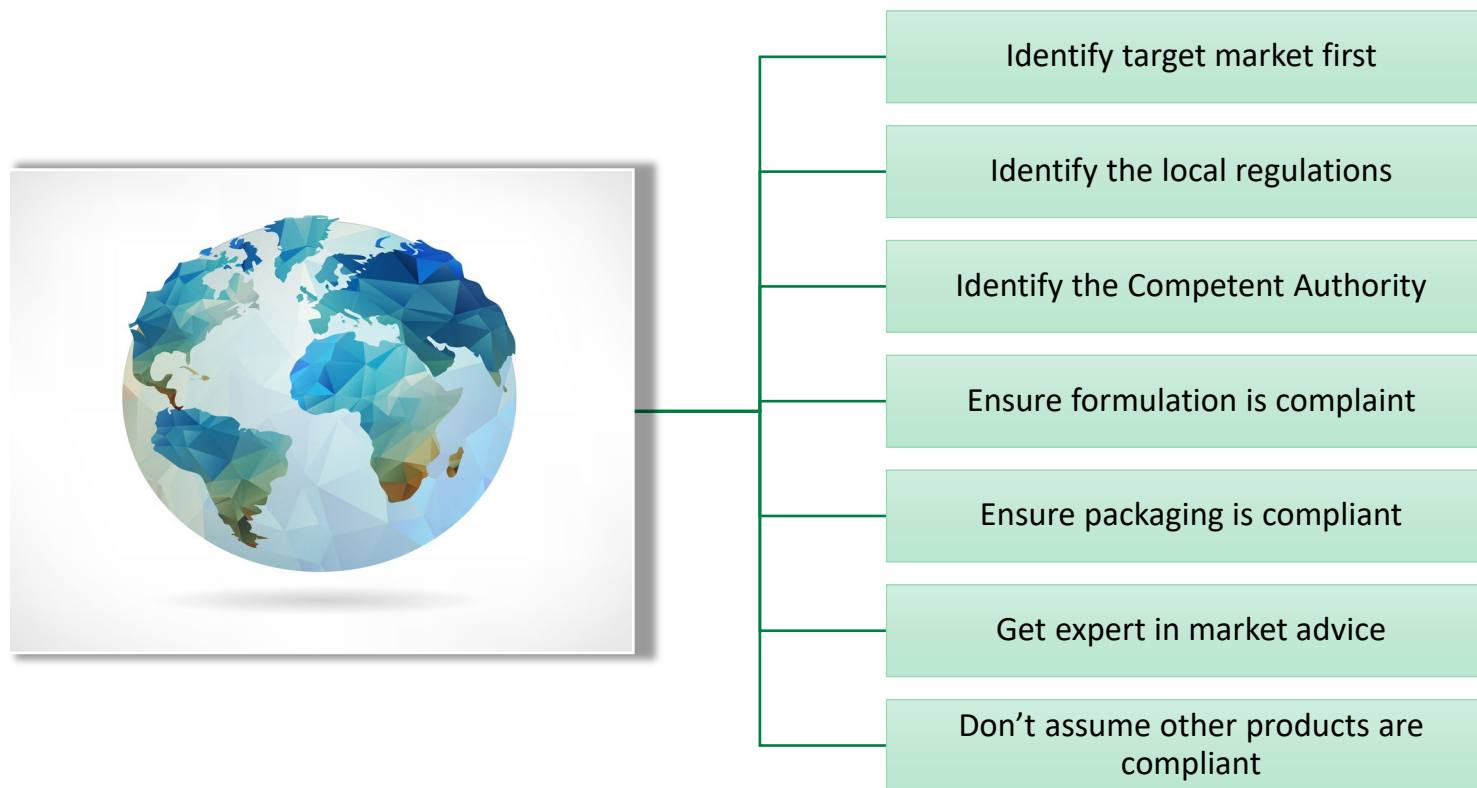
Areas of Non-compliance often seen by Ashbury

There are several additional regulatory areas in the product journey that food businesses frequently misinterpret the requirements for, including:

	Allergens
	Traceability
	Country of Origin
	Health Claims
	Nutrition Tables
	Deposit Return Schemes
	Food Supplements
	Free-from, Vegan etc.

Final Takeaways

In summary, there are several key considerations that food businesses must take into account when embarking upon their product exporting journey.



Get In Touch

For more information about the compliance considerations involved in exporting food and drink from the UK and advice about how your business can comply, please get in touch with Ashbury today.

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