

Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (Text with EEA relevance)

CHAPTER I

GENERAL PROVISIONS

Article 2

Definitions

- 1 For the purposes of this Regulation, the following definitions shall apply:
- a the definitions of ‘food’, ‘food law’, ‘food business’, ‘food business operator’, ‘retail’, ‘placing on the market’ and ‘final consumer’ in Article 2 and in points (1), (2), (3), (7), (8) and (18) of Article 3 of Regulation (EC) No 178/2002;
 - b the definitions of ‘processing’, ‘unprocessed products’ and ‘processed products’ in points (m), (n) and (o) of Article 2(1) of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs⁽¹⁾;
 - c the definition of ‘food enzyme’ in point (a) of Article 3(2) of Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes⁽²⁾;
 - d the definitions of ‘food additive’, ‘processing aid’ and ‘carrier’ in points (a) and (b) of Article 3(2) of, and in point 5 of Annex I to, Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives⁽³⁾;
 - e the definition of ‘flavourings’ in point (a) of Article 3(2) of Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods⁽⁴⁾;
 - f the definitions of ‘meat’, ‘mechanically separated meat’, ‘meat preparations’, ‘fishery products’ and ‘meat products’ in points 1.1, 1.14, 1.15, 3.1 and 7.1 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin⁽⁵⁾;
 - g the definition of ‘advertising’ in point (a) of Article 2 of Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising⁽⁶⁾[^{F1}];
 - [^{F2}h the definition of ‘engineered nanomaterials’ as established by point (f) of Article 3(2) of Regulation (EU) 2015/2283 of the European Parliament and of the Council ⁽⁷⁾.
- 2 The following definitions shall also apply:

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- a ‘food information’ means information concerning a food and made available to the final consumer by means of a label, other accompanying material, or any other means including modern technology tools or verbal communication;
- b ‘food information law’ means [^{F3}EU-derived domestic legislation or retained direct EU legislation] governing the food information, and in particular labelling, including rules of a general nature applicable to all foods in particular circumstances or to certain categories of foods and rules which apply only to specific foods;
- c ‘mandatory food information’ means the particulars that are required to be provided to the final consumer by [^{F4}EU-derived domestic legislation or retained direct EU legislation];
- d ‘mass caterer’ means any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals and catering enterprises in which, in the course of a business, food is prepared to be ready for consumption by the final consumer;
- e ‘prepacked food’ means any single item for presentation as such to the final consumer and to mass caterers, consisting of a food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging; ‘prepacked food’ does not cover foods packed on the sales premises at the consumer’s request or prepacked for direct sale;
- f ‘ingredient’ means any substance or product, including flavourings, food additives and food enzymes, and any constituent of a compound ingredient, used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form; residues shall not be considered as ‘ingredients’;
- g ‘place of provenance’ means any place where a food is indicated to come from, and that is not the ‘country of origin’ as determined in accordance with [^{F5}section 17(2) to (4) of the Taxation (Cross-border Trade) Act 2018, as read with the Customs (Origin of Chargeable Goods) (EU Exit) Regulations 2020, insofar as those subsections and Regulations relate to the determination of the country of origin of a food]; the name, business name or address of the food business operator on the label shall not constitute an indication of the country of origin or place of provenance of food within the meaning of this Regulation;
- h ‘compound ingredient’ means an ingredient that is itself the product of more than one ingredient;
- i ‘label’ means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to the packaging or container of food;
- j ‘labelling’ means any words, particulars, trade marks, brand name, pictorial matter or symbol relating to a food and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such food;
- k ‘field of vision’ means all the surfaces of a package that can be read from a single viewing point;
- l ‘principal field of vision’ means the field of vision of a package which is most likely to be seen at first glance by the consumer at the time of purchase and that enables the consumer to immediately identify a product in terms of its character or nature and, if applicable, its brand name. If a package has several identical principal fields of vision, the principal field of vision is the one chosen by the food business operator;
- m ‘legibility’ means the physical appearance of information, by means of which the information is visually accessible to the general population and which is determined by various elements, inter alia, font size, letter spacing, spacing between lines, stroke

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width, type colour, typeface, width-height ratio of the letters, the surface of the material and significant contrast between the print and the background;

- [^{F6}n ‘legal name’, in relation to a food, means the name prescribed for it in EU-derived domestic legislation or retained direct EU legislation or, in the absence of such legislation, any other enactment;]
- o ‘customary name’ means a name which is accepted as the name of the food by consumers in the [^{F7}United Kingdom], without that name needing further explanation;
 - p ‘descriptive name’ means a name providing a description of the food, and if necessary of its use, which is sufficiently clear to enable consumers to know its true nature and distinguish it from other products with which it might be confused;
 - q ‘primary ingredient’ means an ingredient or ingredients of a food that represent more than 50 % of that food or which are usually associated with the name of the food by the consumer and for which in most cases a quantitative indication is required;
 - r ‘date of minimum durability of a food’ means the date until which the food retains its specific properties when properly stored;
 - s ‘nutrient’ means protein, carbohydrate, fat, fibre, sodium, vitamins and minerals listed in point 1 of Part A of Annex XIII to this Regulation, and substances which belong to or are components of one of those categories;
- [^{F8}t ‘engineered nanomaterial’ means any intentionally produced material that has one or more dimensions of the order of 100 nm or less or that is composed of discrete functional parts, either internally or at the surface, many of which have one or more dimensions of the order of 100 nm or less, including structures, agglomerates or aggregates, which may have a size above the order of 100 nm but retain properties that are characteristic of the nanoscale.

Properties that are characteristic of the nanoscale include:]

- (i) ^{F8} ...
 - (ii) ^{F8} ...
- u ‘means of distance communication’ means any means which, without the simultaneous physical presence of the supplier and the consumer, may be used for the conclusion of a contract between those parties.
- [^{F9}v ‘the appropriate authority’ means:
- (i) as regards type B regulations, the Secretary of State;
 - (ii) in all other cases:
 - (aa) in relation to England, the Secretary of State;
 - (bb) in relation to Scotland, the Scottish Ministers;
 - (cc) in relation to Wales, the Welsh Ministers;
- w ‘enactment’ includes enactments of the type specified in paragraphs (a) to (d) of the definition of ‘enactment’ in section 20(1) of the European Union (Withdrawal) Act 2018 but not enactments of the type specified in paragraphs (e) to (h);
- x ‘EU-derived domestic legislation’ has the meaning given in section 1B(7) of the European Union (Withdrawal) Act 2018 but does not include:
- (i) any legislation that only extends to Northern Ireland;
 - (ii) any other legislation in so far as it extends to Northern Ireland;

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- y ‘retained direct EU legislation’ has the meaning given in section 20(1) of the European Union (Withdrawal) Act 2018 but does not include retained direct EU legislation insofar as it extends to Northern Ireland;
- z ‘type A regulations’, in any provision of this Regulation, means:
- (i) in relation to England, any regulations made by the Secretary of State under the Food Safety Act 1990 using a power in that Act that enables the Secretary of State to make regulations relating to the matter specified in the provision in question;
 - (ii) in relation to Scotland, any regulations made by the Scottish Ministers under the Food Safety Act 1990 using a power in that Act that enables them to make regulations relating to the matter specified in the provision in question;
 - (iii) in relation to Wales, any regulations made by the Welsh Ministers under the Food Safety Act 1990 using a power in that Act that enables them to make regulations relating to the matter specified in the provision in question;
- z1 ‘type B regulations’, in any provision of this Regulation, means regulations made by the Secretary of State under the Weights and Measures Act 1985 using a power in that Act that enables the Secretary of State to make regulations relating to the matter specified in the provision in question.]
- [‘type C regulations’ means any regulations made under a provision of this Regulation listed in Annex 16;
- ^{F10}z2 ‘type D regulations’ means any regulations made under a provision of this Regulation listed in Annex 17;
- z3 ‘type E regulations’ means any regulations made under Article 23(2);]
- z4 ‘type E regulations’ means any regulations made under Article 23(2);]
- 3 For the purposes of this Regulation the country of origin of a food shall refer to the origin of a food as determined in accordance with [^{F11}section 17(2) to (4) of the Taxation (Cross-border Trade) Act 2018, as read with the Customs (Origin of Chargeable Goods) (EU Exit) Regulations 2020, insofar as those subsections and Regulations relate to the determination of the country of origin of a food].
- 4 The specific definitions set out in Annex I shall also apply.]

Textual Amendments

- F1** Substituted by Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (Text with EEA relevance).
- F2** Inserted by Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (Text with EEA relevance).
- F3** Words in Art. 2(2)(b) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Art. 2(2)(c) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 2(2)(g) substituted (12.1.2021) by The Food and Drink (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1627), regs. 1, **2**
- F6** Art. 2(2)(n) substituted (31.12.2020) by The Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/529), regs. 1, **5(3)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F7** Words in Art. 2(2)(o) substituted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **5(3)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Deleted by [Regulation \(EU\) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation \(EU\) No 1169/2011 of the European Parliament and of the Council and repealing Regulation \(EC\) No 258/97 of the European Parliament and of the Council and Commission Regulation \(EC\) No 1852/2001 \(Text with EEA relevance\)](#).
- F9** Art. 2(2)(v)-(z1) inserted (31.12.2020) by [The Food \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/529\)](#), regs. 1, **Sch. 2 Pt. 1** (as substituted by [S.I. 2020/1501](#), reg. 1(a), **Sch.**)
- F10** Art. 2(2)(z2)-(z4) inserted (31.12.2020) by [The Environment, Food and Rural Affairs \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/778\)](#), regs. 1, **4(2)** (as amended by [S.I. 2020/1501](#), regs. 1(a), **5(3)(a)(ii)**)
- F11** Words in Art. 2(3) substituted (12.1.2021) by [The Food and Drink \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1627\)](#), regs. 1, **2**

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- (1) OJ L 139, 30.4.2004, p. 1.
- (2) OJ L 354, 31.12.2008, p. 7.
- (3) OJ L 354, 31.12.2008, p. 16.
- (4) OJ L 354, 31.12.2008, p. 34.
- (5) OJ L 139, 30.4.2004, p. 55.
- (6) OJ L 376, 27.12.2006, p. 21.
- (7) [^{F2}Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (OJ L 327, 11.12.2015, p. 1).]

Textual Amendments

- F2** Inserted by Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (Text with EEA relevance).

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