businesscompanion
trading standards law explained

Labelling of prepacked foods: product name

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In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

Although the United Kingdom left the European Union (EU) in 2021, certain pieces of legislation (known as 'assimilated law') continue to apply until such time as they are replaced by new UK legislation, revoked or permitted to expire. This means that our guidance still contains references to legislation that originated from the EU.

This guidance is for Scotland

This guidance relates to prepacked food only, except for the 'Protected food and drink names (geographical indications)' section.

'Prepacked food' is defined in assimilated Regulation (EU) No 1169/2011 *on the provision of food information to consumers* as "... 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 ...".

The definition of prepacked does not cover food packed on the sales premises at the consumer's request; nor does it cover food that is sold from the premises on which it was packed, or from a mobile stall or vehicle being operated by the packer (referred to as 'prepacked for direct sale'). For more information, see 'Labelling of non-prepacked foods' and 'Labelling of prepacked-for-direct-sale foods'.

Name

All prepacked products must bear a name that accurately describes the product; it must be clearly presented, not misleading and not broken up by other words or pictures.

There are several types of names, and you must choose the one that applies.

Fancy names and brand names

Fancy names and brand names are used to market products, but they say nothing about the product and have no legal standing; for the purpose of food legislation, they are not considered to be names.

If you use fancy names or brand names you must also use the most appropriate of the 'legal', 'customary' and 'descriptive' types of name below, usually on the back of the product.

For example:

- Fancy name: 'Coca-Cola'
- Descriptive name (back of can): 'Sparkling soft drink with vegetable extracts'

Legal names

If a product has a legal name, you must use it. There are relatively few legal names; examples include varieties of potato and melons, and species of fish.

You will see that several of our guides ('Jam and similar products', for example) refer to 'reserved descriptions' and/or 'regulated product names'. These specify that certain descriptions - jam, chocolate, etc - must only be used if the product contains certain ingredients and in certain amounts. If your product cannot meet the requirements for a reserved description / regulated product name, then you cannot describe it as such. However, if your product has been made in compliance with a reserved description / regulated product name, you must use it and it becomes a legal name.

Legal names do not need a further descriptive name, although you can use an additional name if you wish.

Customary names

A customary name will often say relatively little about the nature of the product but will be widely understood by consumers without them needing any further explanation; examples of customary names include Chelsea Bun and Bakewell Tart. If using a customary name, there is no need to also use a descriptive name, but you can if you wish.

If you want to market your product under a customary name, the name must be predominantly understood by consumers; therefore, it would not be possible to market food solely with a customary name if it is only understood within certain communities. Where that is the case, you can still use the customary name, but you must also use a descriptive name.

Descriptive names

A descriptive name is a name that accurately describes the food.

If there is no legal or customary name, you must use a descriptive name; it is the 'name' for 'field of vision' (see below) and other purposes.

The descriptive name must accurately describe the food that people are eating so that they can make an informed choice as to whether they want to eat it. Ingredients, treatments, etc that may affect the decision to purchase must be included in the descriptive name. Examples include:

- Bacon and egg sandwich that contains brown sauce
- Beef and mustard baguette that contains pickled gherkins

Although it is not a legal requirement, it is good practice to include a reference to significant allergenic ingredients in the descriptive name (bread, nuts, milk, etc) - for example, a descriptive name for a maple cured bacon, lettuce and tomato sandwich might be 'Maple cured smoked British bacon, tomato and lettuce with mayonnaise on malted bread'.

This descriptive name draws attention to the presence of egg (mayonnaise) and gluten (malted bread) and highlights that the bacon has been smoked.

The descriptive name does not have to be on the front of the product.

Field of vision

The 'name' of the food must be in the same field of vision as the net quantity declaration (see 'Labelling of prepacked foods: general').

This means that you must be able to hold the product so that the name and the net quantity declaration can both be seen at the same time.

There are additional requirements for alcohol products; see 'Alcoholic beverages and alcohol in food' and/or 'Labelling and composition of spirit drinks'.

Sweeteners

If your product contains sweetener, you must state 'with sweetener' with the name of the food.

If your product contains sugar and sweetener, you must state 'with sugar and sweetener' with the name of the food.

This must be with the 'name' for the purposes of the legislation; therefore, if you are using a descriptive name on the rear of the product, you will not have to make the statement with the fancy name on the

front of the pack.

There are other requirements for foods containing sweeteners; please see 'Labelling of prepacked foods: ingredients list' for more information.

Foods with specific name requirements

A number of products have specific requirements in relation to the name - for example, meat products, fish, jam, honey and mineral water.

If you require product-specific guidance, please either check for relevant guides within the 'Food and drink' section of this website or contact your local authority food safety service for advice.

Protected food and drink names (geographical indications)

Some foods and drinks are traditional to certain countries or regions, or have a particular character when produced in those countries or regions. Where this is the case, the description may be registered as a geographical indication (GI).

See 'Protected food and drink names (geographical indications)' for more information on GIs.

Further information

There are many requirements for prepacked food. Please see our other guides on the subject:

- 'Labelling of prepacked foods: general'
- 'Labelling of prepacked foods: ingredients list'
- 'Labelling of prepacked foods: nutrition declaration'
- 'Labelling of prepacked foods: QUID'

Trading Standards

For more information on the work of Trading Standards Services and the possible consequences of not abiding by the law, please see 'Trading Standards: powers, enforcement and penalties'.

> In Scotland, food labelling laws are not generally enforced by Trading Standards Services, but rather by Environmental Health. However, we have included In-depth Guides on food for Scotland in order to provide more comprehensive guidance.

In this update

The information on geographical indications has been moved into a separate guide: 'Protected food and drink names (geographical indications)'.

Last reviewed / updated: November 2026

Key legislation

- Food Safety Act 1990
- Assimilated Regulation (EU) No 1169/2011 *on the provision of food information to consumers*
- Food Information (Scotland) Regulations 2014

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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