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trading standards law explained

Colours and other additives in food

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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

The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013 allow only certain colours to be used in food, restrict the use of some colours and set maximum levels for others, particularly in relation to food sold in restaurants and as takeaway meals.

Traders should obtain written confirmation from their supplier that a product complies with the law. The Regulations list some specific colours that are restricted in sauces, pickles, seasonings, etc.

Colours

Foods to which the Regulations apply

The Regulations apply to all foods but make specific requirements for certain foods, such as rice, tea, coffee, fresh vegetables, meat, fish and shellfish, which cannot be directly coloured with artificial colours.

Rice is only able to contain colour introduced by ingredients added to it, such as seasonings.

The use of these colours in food is controlled because excessive consumption has been linked to allergic reactions and sickness.

Of particular relevance to restaurant and takeaway meals are the additives used that relate to sauces, seasonings (for example - curry powder, tandoori), pickles, relishes, chutney, piccalilli, etc. In these cases, only a combined total of 500 mg/kg of the following permitted colours is allowed:

- E 100 - Curcumin
- E 102 - Tartrazine
- E 120 - Cochineal; Carminic acid; Carmines
- E 122 - Azorubine; Carmoisine
- E 129 - Allura Red AC
- E 131 - Patent Blue V
- E 132 - Indigotine, Indigo Carmine
- E 133 - Brilliant Blue FCF
- E 142 - Green S
- E 151 - Brilliant Black PN; Black PN
- E 155 - Brown HT
- E 160d - Lycopene (ML = 50 mg/kg, excluding tomato-based sauces)
- E 160e - Beta-apo-8'-carontenal (C30)
- E 161b - Lutein

The following colours are even more strictly regulated, with maximum limits in sauces as follows:

- E 104 - Quinoline Yellow:
  - 20 mg/kg and not permitted in tomato-based sauces
- E 110 - Sunset Yellow FCF; Orange Yellow S:
  - 30 mg/kg, pickles and piccalilli only
- E 160d - Lycopene:
  - 50 mg/kg and not permitted in tomato-based sauces

The maximum permitted amounts of these three colours is different in other types of food - for example, E 104 is the only one of the three that is allowed to be used in seasonings, with a limit of 10 mg/kg.

For full details of which additives can be used, in which foods and in what amounts, please visit the European Food Additives database.

Compulsory warnings

Compulsory warnings regarding the effect of colours on children are required on the labels of prepacked foods. The warning '[name or E number of the colour(s)]: may have an adverse effect on activity and attention in children' is required for prepacked food containing any of the following colours:

- E 102 - Tartrazine
- E 104 - Quinoline Yellow
- E 110 - Sunset Yellow FCF; Orange Yellow S
- E 122 - Azorubine; Carmoisine
- E 124 - Ponceau 4R; Cochineal Red A
- E 129 - Allura Red AC

There is no requirement for foods sold at catering establishments to state these warnings on the menu.

Avoiding selling food with excess or non-permitted colours

In each case you should obtain written confirmation from your supplier that a product complies with the provisions of the Food Safety Act 1990 and the Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Scotland) 2013.

Always ensure that you and any employees follow the instructions supplied with the seasoning / colour. If there are no instructions, or if the instructions are not clear, ask your supplier for further details in writing. Do not guess or rely on information given only verbally.

If you import the seasoning / colour directly, or manufacture it yourself, you should seek more detailed advice from your local authority.

Titanium Dioxide

Titanium Dioxide (E 171) has been banned in the European Union. Its use is still permitted by the Food Standards Agency / Food Standards Scotland in Great Britain, but this position may change.

Other additives

There are regulations that control the use of all additives used in food*. It is important that you always obtain written confirmation from your suppliers that their products conform to the relevant requirements. If you import the products directly, ask your local authority for further advice. You must always ensure that any instructions for use are followed and, if in doubt, check. Do not guess.

[*Assimilated Regulation (EC) No 1332/2008 *on food enzymes*; assimilated Regulation (EC) No 1333/2008 *on food additives*; and assimilated Regulation (EC) No 1334/2008 *on flavourings and certain food ingredients with flavouring properties for use in and on foods*.]

Some imported food and drink has been found to contain additives that are not authorised for use in this country, mineral oil being a particularly common example. Quite often there are versions of these products that have been formulated for the UK market, but importers have illegally brought non-authorised products into the country. If you sell imported products, check that they can legally be sold in the UK.

A few examples of non-authorised additives are as follows:

- brominated vegetable oil (BVO)
- mineral oil
- bleached flour
- E 127 - Erythrosine (shown on US products as Red 3). This is allowed in cocktail cherries, but not in sweets

The following additives are allowed in food, but not in drinks:

- E 315 - Erythorbic Acid
- E 385 - Calcium Disodium Ethylene Diamine Tetra-acetate (Calcium Disodium EDTA)

Alternate names

In other countries, the names given to certain additives are different to those used in the UK. The table below lists some of these equivalents.

Alternate names for additives

UK / EU name and number	USA 'FD&C' name and number
E 102 - Tartrazine	Yellow 5
E 104 - Quinoline Yellow	Yellow 10
E 110 - Sunset Yellow FCF; Orange Yellow S	Yellow 6
E 120 - Cochineal; Carminic Acid; Carmines	Cochineal; Carmines
E 122 - Azorubine; Carmoisine	Red 10
E 127 - Erythrosine	Red 3
E 129 - Allura Red AC	Red 40
E 133 - Brilliant Blue FCF	Blue 1
E 143 - Fast Green (this is banned in the UK and the EU)	Green 3

Further information

The Food Standards Scotland website contains information about additives and e-numbers.

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

Table of US names and numbers for additives added.

Last reviewed / updated: July 2025

Key legislation

- Food Safety Act 1990
- assimilated Regulation (EC) No 1332/2008 *on food enzymes*
- assimilated Regulation (EC) No 1333/2008 *on food additives*
- assimilated Regulation (EC) No 1334/2008 *on flavourings and certain food ingredients with flavouring properties for use in and on foods*
- Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013

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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