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trading standards law explained

Nutrition and health claims

In the guide

Claims
General rules for all nutrition and health claims
Significant amounts
General prohibitions for health and nutrition claims
Alcohol
Nutrition claims
- 'Contains x'
- Comparative nutrition claims

Health claims
- Prohibited health claims
- Types of health claim
- Wording of authorised claims
- Multiple active substances
- Health claims labelling

Nutrition / health claims in fancy names, trade marks and brand names
Commercial communications
- Nutrition claims
- Health claims

Health claims on food for sale in the EU and Northern Ireland
Trading Standards
In this update
Key legislation

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.

To fully understand this guidance, it is important to note the difference between the United Kingdom and Great Britain:

- UK: England, Scotland, Wales and Northern Ireland

> - GB: England, Scotland and Wales

This guidance is for Scotland

This guidance relates to prepacked food, food that is prepacked for direct sale, non-prepacked food (food sold loose etc), and food sold from catering establishments (cafés, restaurants, etc). It also applies to other types of food information, such as advertisements, websites and verbal statements (referred to as commercial communications).

The Food Information (Scotland) Regulations 2014 require that food information (including labelling) is accurate and not misleading.

The Nutrition and Health Claims (Scotland) Regulations 2007 lay down rules for making nutrition and health claims.

Claims

A claim is any food information, message or communication that is not required by law and states, suggests or implies that food has certain characteristics. For example, a nutrition declaration that states the amount of protein in the food is not a 'claim' because a nutrition declaration is required by legislation; however, the statement 'A good source of protein' is a 'claim' because it is not required by legislation.

The definition of 'claim' includes both written and spoken information, and includes pictures, graphics, symbols and sounds.

There are three types of claims made on foods: general claims, nutrition claims and health claims.

General claims do not relate to nutrition or health, and include all other statements made in / on food information - for example, 'Made with 100% renewable energy'.

There are no specific rules for general claims such as these; however, every statement that appears on your product and in any commercial communication that relates to your product (websites, promotional material, etc) must be true. If it is not, the food information will be considered misleading, which is a criminal offence.

Before making a claim, you should check to make sure that the information is accurate and, ideally, have some evidence to back up the claim should it ever be challenged.

General rules for all nutrition and health claims

All nutrition and health claims must follow these general rules, as well as any claim-specific rules.

1. The claim (the presence of something, its inclusion in an increased or reduced amount, etc) being made about the energy, nutrient (protein, carbohydrate, fat, fibre, sodium, vitamins and minerals) or other substance must have been shown to have a beneficial nutritional or psychological effect.

In other words, the substance must have been scientifically proven to be good for the body or the mind.

2. The substance for which the claim is being made is either:

- Present in a significant amount (see below) or, if no significant amount has been set, present in a large enough quantity for the person eating the food to get the benefit being claimed
  or
- Not present or present in a sufficiently reduced quantity for the person eating the food to get the benefit being claimed

3. The substance for which the claim is being made must be present in the food in a format that can be used by the body (bioavailable).

If the substance goes straight through the body without being absorbed, you can't make the claim.

4. The amount of food that can reasonably be expected to be consumed provides a significant amount or, if no significant amount has been set, enough for the person eating the food to get the benefit being claimed.

5. The claim can only be made if the average consumer can be expected to understand it.

6. The claim must refer to the product once it is ready to eat in accordance with the manufacturer's instructions. For example, you could not make a fat-free claim on a powdered drink if the instructions specify that it should be made with full fat or semi-skimmed milk.

Significant amounts

A sufficiently large amount of a substance to provide a beneficial effect from consumption is referred to as a 'significant amount'.

The amounts of certain nutrients that must be consumed daily to maintain a healthy body are given in Annex XIII to assimilated Regulation (EC) 1169/2011 *on the provision of food information to consumers* and reproduced in the table below. These amounts are referred to as the daily reference intake (RI). The RI is given in either milligrams (mg) or micrograms (µg).

Vitamin / mineral	Reference intake (RI) / nutrient reference value (NRV)
Vitamin A (µg)	800
Vitamin D (µg)	5
Vitamin E (mg)	12
Vitamin K (µg)	75
Vitamin C (mg)	80
Thiamin (mg)	1.1
Riboflavin (mg)	1.4
Niacin (mg)	16
Vitamin B6 (mg)	1.4
Folic acid (µg)	200
Vitamin B12 (µg)	2.5

Vitamin / mineral	Reference intake (RI) / nutrient reference value (NRV)
Biotin (µg)	50
Pantothenic acid (mg)	6
Potassium (mg)	2,000
Chloride (mg)	800
Calcium (mg)	800
Phosphorus (mg)	700
Magnesium (mg)	375
Iron (mg)	14
Zinc (mg)	10
Copper (mg)	1
Manganese (mg)	2
Fluoride (mg)	3.5
Selenium (µg)	55
Chromium (µg)	40
Molybdenum (µg)	50
Iodine (µg)	150

A significant amount is:

- 15% of the RI per 100 g / 100 ml of product consumed (for foods other than beverages)
- 7.5% of the RI per 100 ml of product consumed (for beverages)

Whether the product contains a significant amount depends on how much of the substance is in the portion of the food being consumed. Therefore, if the product contains multiple portions, each portion must provide a significant amount; if it is a single portion, the entire product must provide a significant amount.

General prohibitions for health and nutrition claims

Nutrition and health claims cannot be made if they:

- Are false, ambiguous or misleading
- Cause consumers to doubt the safety or the nutritional adequacy of other foods
- Encourage people to eat excessive amounts of food or suggest that it is okay to do so
- State, suggest or imply that a balanced diet cannot provide sufficient nutrition
- Refer to any change in bodily functions that could cause or exploit fear in consumers

Alcohol

Any beverage with an alcohol content greater than 1.2% must not bear health claims, and must not bear nutrition claims other than those relating to reduced alcohol or reduced energy.

Nutrition claims

A nutrition claim is any claim that states, suggests or implies that a food has beneficial nutritional properties due to the energy, nutrients or other substances that it either:

- Contains or does not contain
  or
- Contains in an increased or reduced amount

'Nutrient' includes protein, carbohydrate, fat, fibre, sodium, vitamins and minerals.

Making any nutritional claim triggers the requirement to provide a full nutritional declaration, even if the product would normally be exempt from needing one (prepacked products only).

Full information on nutrition declarations can be found in 'Labelling of prepacked foods: nutrition declaration'.

Only certain nutrients can be included in the nutrition declaration. If the substance to which the claim relates cannot be included in the nutrition declaration, you must:

- Make a nutrition declaration as normal
- State the amount per 100 g / 100 ml of the substance in the same field of vision as the nutrition declaration (same field of vision means that the product can be held so that both pieces of information can be seen at the same time)

Making a nutrition claim about a substance that cannot be included in the nutrition declaration still triggers the requirement to include a nutrition declaration.

Only certain nutritional claims can be made (the full details of which can be found in the attached 'Permitted nutrition claims' document); you must not make any nutrition claim that does not appear on the list. Each claim has conditions that must be met in order to satisfy the claim; you must not make the claim if the conditions cannot be satisfied.

'Contains x'

A statement that the product contains x nutrient ('Contains calcium' for example) is a nutrition claim. The claim must comply with the general rules, and if the subject of the claim is a vitamin or mineral, each portion consumed should provide a significant amount.

If the product states that the product contains x nutrient in x amount ('Each portion contains 10 mg calcium', for example), this is considered to be a statement of fact rather than a nutrition claim. It must be true and not misleading, and best practice is to follow the rules for nutrition claims (though it is not mandatory). If the wording states or implies that the consumer will receive a benefit from the substance ('Each portion contains 10 mg calcium - for strong bones', for example) then it is no longer a statement of fact; it must comply with all the requirements of nutrition or health claims, as appropriate.

Comparative nutrition claims

Comparative nutrition claims are those that compare a property of one product to the same property of

another product - for example, 'Contains half the sugar of similar products'.

Comparative claims are subject to the following rules:

- The product must only be compared to products in the same category of foods (for example, you couldn't compare the amount of calcium in a pint of milk to that in a chocolate bar)
- The comparison must be against a range of foods rather than a single competing product
- You may make comparisons to your own product (for example, '30% less salt than our standard beans'), but you must also consider the composition of similar products to ensure that your comparison is fair
- The products you are comparing against must not be able to satisfy the claim you are making on the product (for example, if you are making a 'source of zinc' claim on your product and stating 'X% more zinc than similar products', none of the products you compared against must be able to satisfy a source of zinc claim; in other words, they must provide less than 15% of the RI for zinc per portion consumed)
- The difference in the amounts of the substance must be stated
- All comparisons must be based on the same amount of food

Health claims

A health claim is any claim that states, suggests or implies that there is a relationship between health and a food, a type of food or something in a food.

Making any health claim triggers the requirement to provide a full nutritional declaration, even if the product would normally be exempt from needing one (prepacked products only).

Full information on nutrition declarations can be found in 'Labelling of prepacked foods: nutrition declaration'.

Only certain nutrients can be included in the nutrition declaration; if the substance to which the claim relates cannot be included in the nutrition declaration, you must:

- Make a nutrition declaration as normal
- State the amount per 100 g of the substance in the same field of vision as the nutrition declaration

Prohibited health claims

The following health claims must not be made:

- Claims that suggest that health could be negatively affected by not consuming the food
- Claims that refer to the rate or amount of weight loss, including:
    - Statements (for example, 'Lose two stone in two weeks')
    - 'Before and after' pictures
    - Testimonials used in commercial communications (see below)
- Claims that refer to recommendations of individual doctors or health professionals and other associations

Types of health claim

There are two types of health claim:

- General non-specific
- Specific

General non-specific health claims

These are claims that say nothing specific but state, suggest or imply in general terms that consuming the product will provide health benefits.

Examples include:

- Healthy
- Good for you
- Nutritious
- Sense of wellbeing
- Superfood
- Invigorating
- Antioxidant

General non-specific (GNS) health claims are permitted; however, if a GNS is used you must also include a specific health claim on the product (which will trigger the labelling requirements for specific health claims below).

The specific health claim used must be appropriate to the product; therefore the specific claim would need to relate to a substance that is in the product and present in a sufficient quantity to provide the beneficial effect (as per the general rules above).

An example of a general non-specific health claim supported by a specific authorised claim might be:

'*X Energy - soar like an eagle*
'X Energy contains vitamins B6 and B12. B-group vitamins are essential micronutrients that are required for maintaining normal body functions.'

Specific health claims

These claims link a nutrient to a specific health benefit - for example: 'Calcium contributes to normal energy-yielding metabolism'.

All claims must be authorised before they can be used. Claims will only be authorised if the applicant has provided enough scientific evidence to prove that there is a link between the substance and the health benefit being claimed.

You must only use authorised claims, all of which can be found on the Great Britain nutrition and health claims (NHC) register. Once a claim is authorised it can usually be used by anyone, not just the person who made the application.

Claims that have been authorised on the basis of proprietary data are listed in a separate annex (see link above). 'Proprietary data' (PD) is technical data that is considered a trade secret and has been developed at private expense. Claims that have been approved on the basis of PD can only be made by the business named in the entry for five years from the date of authorisation, after which time they can be used by anyone.

Most authorised claims relate to vitamins and minerals; there are very few authorised claims relating to other substances. Examples of rejected claims include the antioxidant properties of green tea and lowered cholesterol from eating soy protein.

Applications for authorisation of new health claims on goods to be sold on the GB market must be made to the UK Nutrition and Health Claims Committee (UKNHCC) by completing an application form for substantiation of a health claim in GB.

Applications for authorisation of new health claims on goods to be sold on the Northern Ireland (NI) or EU markets must be submitted for consideration by the European Commission. Please contact your local authority for further advice.

Specific claims follow the general rules above; you must not make the claim unless the substance is present in your product and in a suitably large amount to generate the claimed benefit.

Additionally, each claim has specific conditions that must be met; these can be found on the list of authorised health claims - for example, 'Vitamin C contributes to the reduction of tiredness and fatigue'. This claim can only be made if the amount of vitamin C in the portion consumed is at least a 'source' as explained in the 'Permitted nutrition claims' document attached above.

Wording of authorised claims

Each claim has specific wording (specified in the list of authorised claims). You are not required to use the specific wording and may make small alterations; however, you must not make a statement that is stronger than the specified wording, or one that alters the meaning of the authorised claim.

For example:

- 'Zinc contributes to normal cognitive function' is the authorised claim
- 'Zinc helps your brain to work normally' would be permitted alternative wording because it means the same as the authorised wording
- 'Zinc supercharges your brain' would not be permitted because it is a much stronger statement than the approved wording

Multiple active substances

Some claims list multiple active substances. Where this is the case, the authorised claim must not be used unless all active substances are present in the product in the amounts specified and subject to the conditions laid out in the list.

For example:

- Substance:
    - Alpha-linolenic acid and linoleic acid essential fatty acids
- Authorised claim:
    - 'Essential fatty acids are needed for normal growth and development of children'

The claim can only be used if the daily intake of the product provides at least 2 g of alpha-linolenic acid *and* at least 10 g of linoleic acid.

Health claims labelling

When using a specific health claim the product must also bear the following labelling:

- A statement indicating the importance of a varied and balanced diet and a healthy lifestyle
- the quantity of the food and pattern of consumption required to obtain the claimed beneficial effect - for example, 'One capsule per day with food'
- where appropriate, a statement addressed to persons who should avoid using the food - for example, energy drinks bearing the statement 'Not recommended for children or pregnant or breast-feeding women'
- an appropriate warning for products that are likely to present a health risk if consumed to excess - for example, 'Excessive consumption may produce laxative effects'

Nutrition / health claims in fancy names, trade marks and brand names

'Fancy name' means a name that gives no explanation of what the product is - for example, 'Coke'. It must be supplemented by a name that accurately describes the food, usually on the reverse of the product - for example, 'Sparkling soft drink with plant extracts'.

'Trade mark' means a word, image, phrase, etc that has been registered with the Intellectual Property Office for the sole use of the trade mark holder - for example, 'Pepsi'.

'Brand name' means a name given to a product or range of products by the manufacturer - for example, 'Daily Health - Pure Green Tea'. In this example, 'Daily Health' is a GNS health claim as it is suggesting a link between health and consuming the product.

Fancy names, trade marks and brand names can include both GNS and specific health claims. Any specific health claims used in a fancy name, trade mark or brand name do not have to be authorised for use in either GB or the EU.

If a fancy name, trade mark or brand name includes any type of health claim, then an appropriate authorised specific claim must also appear on the product following the same rules as outlined above (see 'Specific health claims' and 'Wording of authorised claims'). This includes having labelling that is appropriate to the claim being made in the name.

If a fancy name, trade mark or brand name includes any type of nutrition claim, then an appropriate permitted nutrition claim must appear on the product following the same rules as outlined above (including labelling).

Use of a nutrition or health claim in a fancy name, trade mark or brand name triggers the requirement to provide a nutrition declaration as outlined above.

Where a nutrition or health claim appears in a fancy name, trade mark or brand name that appears elsewhere than on the product (for example, in advertisements etc), then a permitted nutrition claim / authorised health claim must appear in the same medium in which the fancy name, trade mark or brand name is being used.

Commercial communications

Food information is much broader than food labels and includes everything that is said about a product in a commercial context (for the purposes of selling or promoting the sale of the product, or to provide some

other benefit to the party making the claim).

Examples include:

- Websites
- Social media posts made by the business
- Social media posts made by others and re-published or linked to in some way by the business
- Printed adverts (magazines, posters, etc)
- Radio and television adverts
- Paid 'advertorials' (where someone is employed to write a review and in doing so makes claims about the product). 'Paid' includes consideration by other means (free product etc)

Nutrition claims

Where a nutrition claim is made in a commercial communication it will trigger the need for a nutrition declaration, which must appear in the commercial communication.

Where the commercial communication is not in a printed form (TV, radio, etc) it will trigger the need for a nutrition declaration on the product, regardless of whether the claim appears on the product or if the product was otherwise exempt from needing a declaration. This applies to prepacked products only.

Health claims

The rules are the same regardless of the form of commercial communication. Only authorised specific claims can be made and any GNS used will trigger the need to include an appropriate specific claim and mandatory labelling in close proximity to where the GNS has been made.

Where a claim made on food is borderline (arguments can be made for and against it being a health claim), any health claim made in a commercial communication will strengthen the argument that the claim on the product should be treated as a health claim because it shows a clear intention to link consumption of the product to health. This would especially apply if the product included information directing the consumer to the health claim (a web address, for example).

Health claims on food for sale in the EU and Northern Ireland

The EU operates its own register of nutrition and health claims, which differs from the GB NHC register. Where food is intended for sale in the EU, only claims authorised for use in the EU may be used; as such you should confirm the status of any claim by checking the EU Register of Health Claims.

Due to the Northern Ireland Protocol food sold in NI must comply with EU food legislation; therefore, only claims authorised by the EU Register of Health Claims may appear on food being sold in NI.

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

General detail added.

Last reviewed / updated: September 2026

Key legislation

- Food Safety Act 1990
- Assimilated Regulation (EC) 1924/2006 *on nutrition and health claims*
- Nutrition and Health Claims (Scotland) Regulations 2007
- 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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