businesscompanion
trading standards law explained

Food contact materials

In the guide

Definition of food contact materials
What is required?
Further information
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.

This guidance is for Scotland

If you package food yourself, you must ensure that you use packaging that is suitable for food use. Suitable packaging will be marked 'for food contact' or have a symbol on it that looks like a wine glass and a fork.



It includes things like cling film, ceramic and plastic containers.

Definition of food contact materials

Food contact materials are those that:

- are intended to be brought into contact with food
- are already in contact with food and were intended for that purpose

- can reasonably be expected to be brought into contact with food or transfer their constituents to the food under normal or foreseeable use

This includes direct or indirect contact.

What is required?

You should ask the business supplying you with the food contact materials to supply written evidence that the materials comply with the relevant requirements.

This is known as a 'declaration of compliance' and you can get it from your packaging supplier. You also have to get one if you buy food that is already packaged for sale in any of those materials.

The declaration of compliance will normally contain information about:

- who manufactured or imported the materials or articles or the substances intended for their manufacture
- what they are
- when the declaration was made
- confirmation that the materials or articles meet the relevant requirements of assimilated Regulation (EC) No 1935/2004 *on materials and articles intended to come into contact with food* and in any specific measures
- information about the compliance of substances used that are subject to any restrictions and/or specifications that will allow the downstream businesses to ensure compliance with those restrictions
- information about the compliance of substances subject to a restriction in food, about the level of their specific migration and, where appropriate, purity criteria, to enable the user of these materials or articles to comply with the law
- specifications on the use of the material or article, such as:
    - type or types of food it is intended to be put into contact with
    - time and temperature of treatment and storage in contact with the food
    - ratio of food-contact surface area to volume used to establish the compliance of the material or article
- confirmation that the material or article complies with any rules on functional barriers when one is incorporated into the material or article

You should keep the declarations with your other records, as these may be asked for by local authority officers when they visit you.

Further information

The Food Standards Scotland website has advice on food contact materials and FCM authorisation guidance.

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

No major changes.

Last reviewed / updated: December 2025

Key legislation

- assimilated Regulation (EC) No 1935/2004 *on materials and articles intended to come into contact with food*
- assimilated Regulation (EC) No 1895/2005 *on the restriction of use of certain epoxy derivatives in materials and articles intended to come into contact with food*
- assimilated Regulation (EC) No 2023/2006 *on good manufacturing practice for materials and articles intended to come into contact with food*
- assimilated Regulation (EC) No 450/2009 *on active and intelligent materials and articles intended to come into contact with food*
- assimilated Regulation (EU) No 10/2011 *on plastic materials and articles intended to come into contact with food*
- Materials and Articles in Contact with Food (Scotland) Regulations 2012

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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