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trading standards law explained

Genetically modified foods

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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

A genetically modified organism (GMO) is one in which the genetic material has been altered in a way that does not occur naturally by mating and/or combination. Food retailers and caterers must tell their customers which foods and ingredients, if any, contain GMOs.

The Genetically Modified Food (Scotland) Regulations 2004 require products that consist of or contain

GMOs to be labelled as such.

The requirements relate to all food, whether it is sold prepacked, prepacked for direct sale or non-prepacked, or by mass caterers. Please see 'Labelling of prepacked foods: general', 'Labelling of prepacked-for-direct-sale foods', 'Labelling of non-prepacked foods' and Food labelling for caterers' for more information on the legal definitions and requirements.

You are not required to make any comment if the food does not contain GM ingredients.

Products consistently 100% free from GM material can be labelled as such, but its use is discouraged.

Information provided by mass caterers

A mass caterer is any premises, including stalls and vehicles, that is used to prepare food that is ready for immediate consumption by consumers (whether on or off the premises); this includes restaurants, cafes, canteens, food vans, market stalls, temporary concession stands, etc.

Your supplier must identify in writing those foods that contain GMOs. Food consisting of or containing GMOs (soya, for example) must be accompanied by written documentation. Each person in the supply chain, up to the sale to the ultimate consumer, must retain copies of the written documentation for a minimum of five years.

You must display a notice, menu, ticket or label that can be easily read by customers (at the place where they choose the food) with whichever of the following statements is most appropriate to the particular food in question:

- 'Genetically modified'
- 'Produced from genetically modified [name of organism]' - for example, 'Bread produced from genetically modified maize'

Public service and school canteens, hospitals, HM prisons, military catering establishments and similar premises are also required to declare the presence of genetically modified ingredients in the same way as commercial premises, even if the food is supplied free of charge.

Labelling

GM statement

Anyone involved up to the point of delivery to the ultimate consumer must ensure that for:

- Prepacked food (including prepacked for direct sale), the following words appear on the label:
  - 'This product contains genetically modified organisms'
    or
  - 'This product contains genetically modified [name of organism(s)]'
- Non-prepacked food (offered to the final consumer), the following words appear on or near the display of the product:
  - 'This product contains genetically modified organisms'
    or
  - 'This product contains genetically modified [name of organism(s)]'

Food, flavourings and food additives with a list of ingredients

Where the food consists of more than one ingredient, the words 'Genetically modified' or 'Produced from genetically modified [name of the ingredient]', must appear in brackets immediately after the ingredient appears in the ingredients list. For example, 'Ingredients: ... **soya** flour (genetically modified)'.

Where ingredients are designated by a category (herbs, spices etc), the designation must be completed by the words 'Contains genetically modified [name of organism]' or 'Contains [name of ingredient] produced from genetically modified [name of organism]' immediately after it appears in the list of ingredients. For example, for vegetable oils containing rape seed oil produced from genetically modified rape, the reference 'Contains rape seed oil produced from genetically modified rape' must appear in the list of ingredients.

For both of these, the indications may appear in a footnote to the list of ingredients, provided that they are printed in a font of at least the same size as the list of ingredients.

Food, flavourings and food additives without a list of ingredients

The words 'Genetically modified' or 'Produced from genetically modified [name of organism]' must appear on the labelling of the food. For example, 'A spirit containing caramel produced from genetically modified maize' or 'Genetically modified sweet maize.'

Manner of marking or labelling

All labelling, including the additional labelling required for foods produced in whole or in part from genetically modified organisms, must comply with the general requirements prescribed by the Regulations.

All particulars must appear on one of the following:

- The packaging
- A label attached to the packaging
- A label that is clearly visible through the packaging
- Commercial documents (where the sale is not to the final consumer)

They must also be:

- Easy to understand
- Clearly legible and indelible
- Marked in a conspicuous place in such a way as to be clearly visible
- Not in any way hidden, obscured or interrupted by any other written or pictorial matter

Small packages

If food is prepacked in small containers (the largest surface has an area of less than 10 cm^2), then the information must either appear on the product, or on a notice in close proximity to the product. The notice must be sufficiently prominent and in a sufficiently large print for it to be easily read.

Exemptions for products containing ingredients produced from GMOs

The labelling requirements do not apply to the following:

- Food that contains genetically modified material that is accidentally introduced or technically unavoidable. Each ingredient may contain no more than 0.9% GMO for the exemption to apply. For example, if a dish contains a sauce with soy flour in it, then it is the soy flour that must contain less than 0.9% GM material, not the sauce or the dish. This applies only to GMOs that are permitted for use in Great Britain (GB*) or the EU. There is no permitted level for unauthorised GMOs
- Additives whose presence in a given foodstuff is solely due to the fact that they were contained in one or more ingredients of that foodstuff, provided that they serve no technical function in the finished product
- Additives that are used as processing aids
- Substances used in the quantities strictly necessary as solvents or media for additives or flavouring
- Substances that are not additives but are used in the same way and with the same purpose as processing aids, and are still present in the finished product, even if in an altered form
- Products such as meat, milk and eggs from animals fed on GM animal feed
- Products produced with GM technology - for example, cheese produced from GM enzymes

[*GB countries are England, Scotland and Wales.]

Traceability

For products consisting of or containing GMOs, written documentation is required to be passed on throughout all stages of the supply chain. The documentation must state which of the food ingredients is produced from GMOs, or in the case of single ingredient products, indicate that the food is produced from GMOs.

Each operator in the supply chain must retain copies of the written documentation for a minimum period of five years.

Authorisation of GM ingredients

In order to be used in food, GM ingredients must first be authorised for use.

GM ingredients to be used in food sold in GB must appear on the GB list of authorised GMOs.

GM ingredients to be used in food sold in Northern Ireland or the EU must appear on the EU register of authorised GMOs.

Additives commonly derived from GM crops

Additives commonly derived from GM crops include the following:

- E101 and 101a* riboflavin
- E150* caramel
- E153* carbon black
- E160d lycopene
- E322 lecithin
- E415* xanthan gum

[*No residual DNA or protein could remain in these products, even if the source material was GM. However, consumers wishing to avoid GM foods due to environmental or ethical concerns would still wish to avoid these if derived from GM material. This is another concern regarding GM-free claims.]

Others are E270, E306-9, E325-7, E460 (a) and (b), E462-6, E471-9 (b), E570-3, E620-5, E1404, E1410, E1412-4, E1420, E1422, E1440, E1442, and E1450. These functional additives include lactic acid compounds, thickeners and emulsifiers, anti-caking agents, and flavour enhancers.

Further potential sources of genetically modified material are corn syrup, glucose syrup, dextrose, fructose, maltodextrin, starch and modified starch, flavourings, and processing aids such as enzymes, solvents and oils.

Modified starch

The description 'modified starch' does not refer to genetic modification, it is altered by physical or chemical treatment to give special properties of value in food processing.

'GM-free' or 'Produced from non-GM material' claims

For products consistently 100% free from genetically modified material, such claims are currently permitted as long as they can be substantiated. However, it is best practice to avoid such statements.

Further information

For further information, please refer to Food Standards Scotland's guidance notes on GM food and the European Commission Joint Research Centre website.

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: October 2026

Key legislation

- Assimilated Regulation (EC) No 1829/2003 *on genetically modified food and feed*
- Assimilated Regulation (EC) No 1830/2003 *concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms*
- Genetically Modified Food (Scotland) Regulations 2004
- Genetically Modified Organisms (Traceability and Labelling) (Scotland) Regulations 2004
- 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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