

# business companion

## trading standards law explained

### Colours in food

In the guide

[Foods to which the Regulations apply](#)

[Compulsory warnings](#)

[Avoiding selling food with excess or non-permitted colours](#)

[Titanium dioxide](#)

[Other additives](#)

[Trading Standards](#)

[In this update](#)

[Key legislation](#)

Although the United Kingdom has left the European Union (EU), certain pieces of legislation (formally known as 'retained EU law') will still apply until such time as they are replaced by new UK legislation; this means that you will still see references to EU regulations in our guidance.

#### This guidance is for England and Wales

The Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013 (and the equivalent regulations for Wales) 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.

#### 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, Carmine
- 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 BN, 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 160f - Ethyl ester of beta-apo-8'-carotenic acid (C30) (there is no reference to this on the additives database)
- E 161b - Lutein

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

- E 160d - Lycopene: 50 mg/kg and not permitted in tomato-based sauces
- 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

The maximum permitted amounts of these three colours is different in other types of food - for example, Quinoline Yellow 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
- E 122 - Carmoisine
- E 124 - Ponceau 4R
- E 129 - Allura Red

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 (England) 2013 (and the equivalent regulations for Wales).

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 Trading Standards service.

### Titanium dioxide

Titanium dioxide (E171) has been banned in Europe. 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 Trading Standards service for further advice. You must always ensure that any instructions for use are followed and, if in doubt, check. Do not guess.

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

### 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 this update

No major changes.

Last reviewed / updated: June 2023

### Key legislation

[Food Safety Act 1990](#)

[Regulation \(EC\) No 1332/2008 on food enzymes](#)

[Regulation \(EC\) No 1333/2008 on food additives](#)

[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 \(England\) Regulations 2013](#)

[Food Additives, Flavourings, Enzymes and Extraction Solvents \(Wales\) 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 often only shows the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on changes to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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