

businesscompanion

trading standards law explained

Labelling of sweets

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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

This guide covers the labelling of sweets sold in any of the following situations:

- loose or unwrapped
- pick 'n' mix
- placed into packaging at the request of the customer
- prepacked for direct sale (prepacked and sold from the same premises, or from a mobile stall or vehicle used by the business that packed the food, prior to being offered for sale)

This guide does not cover products packaged by you for sale from another premises, nor does it cover products packed by another packer and sold by you. These products are prepacked and require full labelling; they are therefore covered by '[Labelling of prepacked foods: general](#)'. Imported sweets need the full labelling required for prepacked products if that is how they are sold; see also '[Food labelled in a foreign language](#)'.

'Prepacked' means a single item of food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any event in such a

way that the contents cannot be altered without opening or changing the packaging.

Loose sweets, and those packaged at the request of the consumer (placed into packaging after purchase) need only be labelled with a name and any allergens that are present.

The information must be on a label attached to the food or on a label or notice in close proximity that can easily be seen and read by the purchaser (on the shelf edge, for example).

Sweets that are repacked for direct sale must be labelled with the name of the food and a full ingredient list that emphasises the allergenic ingredients that are present; this information must appear on a label attached to the food.

Imported sweets need the same labelling as those produced in the UK (see above); see also '[Food labelled in a foreign language](#)'.

What labelling is required?

The legal name of the sweets must be given, and under normal circumstances this is the name that describes the true nature of the food. For example, a product marketed as 'Wiggly Worms' would need the descriptive name of the food on the label for clarification, such as 'Fruit flavour jelly sweets'. The name 'Wiggly Worms' is a 'fancy name' and has no legal standing.

Sometimes a 'customary name' may be used instead of a descriptive name. A customary name is a name that is readily understood by UK consumers without further clarification and allows the sweet to be clearly distinguished from other similar types of sweet - for example, humbugs, black jacks, etc.

The requirement to provide a name, and the rules for the name of the food, will be the same regardless of how the product is sold (repacked, loose, etc). See '[Labelling of prepacked foods: product name](#)' for more information.

Loose and placed into packaging at the request of the consumer

If the sweets contain any of the following types of allergen then this must be declared using a 'contains' statement - for example 'contains: milk':

- cereals containing gluten, such as wheat, rye, barley, oats, spelt, kamut, and their hybridised strains
- peanuts (also called groundnuts)
- nuts, such as almonds, hazelnuts, walnuts, Brazil nuts, cashews, pecans, pistachios, macadamias and Queensland nuts
- fish
- crustaceans
- molluscs
- sesame seeds
- eggs
- milk and milk products (including lactose)
- soy beans
- celery
- lupin
- mustard
- sulphur dioxide and sulphites at levels above 10 mg/kg or 10 mg/litre expressed as SO₂

Prepacked for direct sale

The product must be labelled with a full ingredient list, following all the rules for an ingredient list as though the product were prepacked. See '[Labelling of prepacked foods: ingredients list](#)' for more information.

How must the information be given?

Loose and placed into packaging at the request of the consumer

When sold to the consumer the required information must be marked on either:

- a label attached to the food
- or
- a label, ticket or notice that can easily be seen and read by the purchaser at the place where they choose the food

Additionally, allergen information can be given verbally; if so, a notice must be prominently displayed instructing the customer to request allergen information from a member of staff. See '[Food allergens and intolerance](#)' for more information.

Sweets sold loose from boxes or jars will usually have been marked with this information by the manufacturer. This is sufficient, provided it can be easily read from the customer's side of the counter.

The responsibility for labelling rests with the retailer but your supplier has to provide you with all the information necessary for you to comply with your legal obligations. Certain information must be marked on transport packaging while other information may appear on documents that accompany the food.

Prepacked for direct sale

Information must appear on a label attached to the food. See '[Labelling of prepacked-for-direct-sale foods](#)' for more information.

Flavour / flavoured

The words 'flavour' and 'flavoured' have different meanings.

Flavour means that the food tastes of something but does not contain it, while flavoured means that the food contains the specified ingredient - for example, a strawberry flavoured sweet would contain strawberry, while a strawberry flavour sweet would not.

Chocolate

Particular care must be taken when describing products as 'chocolate' or as containing chocolate. If the product has only the flavour of chocolate and is not made from chocolate then it must be made clear in the name - for example 'Chocolate Flavour Easter Egg', and 'Peanuts with Chocolate Flavour Coating'.

The word 'choc' must only be used with products that contain chocolate.

The Cocoa and Chocolate Products (England) Regulations 2003 and the Cocoa and Chocolate Products (Wales) Regulations 2003 specify compositional and labelling requirements that must be complied with in order to describe a product as 'chocolate'; if you require advice please contact your local trading standards service.

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

Clarification regarding imported sweets.

Last reviewed / updated: November 2022

Key legislation

[Cocoa and Chocolate Products \(England\) Regulations 2003](#)

[Cocoa and Chocolate Products \(Wales\) Regulations 2003](#)

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

[Regulation \(EU\) No 1169/2011 on the provision of food information to consumers](#)

[Regulation \(EU\) No 232/2012 amending Annex II to Regulation \(EC\) No 1333/2008 as regards the conditions of use and the use levels for Quinoline Yellow \(E 104\), Sunset Yellow FCF / Orange Yellow S \(E 110\) and Ponceau 4R, Cochineal Red A \(E 124\)](#)

[Food Information Regulations 2014](#)

[Food Information \(Wales\) 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 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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