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trading standards law explained

Herbal medicine and health food shops

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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.

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

Many traditional herbal products (such as Chinese herbal products) are popular with consumers who are looking for products with health benefits. Such products are often on the borderline between regulated categories of goods such as medicines, foods and cosmetics. As different legal requirements apply to these different product types, it is important that you are clear about the categories your products fall into. The legal requirements governing these products are enforced mainly by Trading Standards services and by the Medicines and Healthcare products Regulatory Agency (MHRA).

There are specific requirements for herbal remedies, which are classed as 'medicines' and must be safe. You may also be selling food items, cosmetic products or animal products, all of which have their own legal

requirements.

Whether or not your products fall within these categories, it is important to ensure that consumers are not misled about the extent or existence of products' health benefits, and there are some restrictions on claims. There are further requirements in relation to claims made about the product, quantity markings, pricing and consumer rights.

Medicines

Herbal remedies are classed as medicinal products. They cannot be sold unless they are either:

- registered under the Traditional Herbal Registration Scheme (these products will usually show a traditional herbal registration (THR) number on the packaging)
  or
- licensed as medicines with a marketing authorisation these products will usually show a product licence (PL) number on the packaging)

MHRA has a searchable database.

Unlicensed herbal medicines can only be prepared by a herbal practitioner for an individual patient following a one-to-one consultation. They cannot be sold over the counter or marketed to the general public.

Herbal remedies must be safe, appropriately labelled and comply with the Human Medicines Regulations 2012. Products with a PL number placed on the market since 1 January 2025 require a 'UK only' statement on the packaging. 'UK only' may also appear on remedies registered under the THR scheme. Labels must be in English, unless the licensing authority has agreed otherwise. The name of the medicine should also be indicated in Braille. If more than one strength is available, the strength must also be given in Braille.

The Medicines and Healthcare products Regulatory Agency (MHRA) decides whether a product is classed as a medicine. If you are unsure whether any of the products you sell are medicinal products, or whether they need authorisation, you should contact MHRA (see the contact details at the bottom of the MHRA home page on the GOV.UK website).

Animal products

Strict import controls exist regarding products of animal origin. Products of animal origin include all types of meat and meat products (including poultry), all types of fish and shellfish and products made from them (like oyster sauce), eggs and egg products, wild game, honey, and dairy products. It is recommended that you only purchase food products of animal origin from reputable suppliers that can prove the food has been legally imported into the UK via proper commercial channels. If you wish to import animal products, your local authority Environmental Health service should be able to advise you on the current legal situation.

If officers believe that an animal product has been imported illegally into the UK, they may take it away for destruction or ask you not to use it until you can prove it has been imported legally. A sample may also be taken of the item. You could be prosecuted for importing animal products illegally.

Some traditional remedies have been found to contain both animal and plant parts from endangered species, in contravention of legislation enforced by a number of bodies, including the Police. Should you have any concerns about ingredients, detailed information on endangered species is available on the

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) website. CITES's main aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. Alternatively, you could seek advice from the wildlife crime unit of your local Police force or the Animal and Plant Health Agency (APHA).

Food

The definition of food includes any food, drink or food supplement that is part of the diet. Anything that is not a medicinal product, and is eaten or taken as a drink, is a food. Many of the products you sell are likely to be legally classed as food, particularly prepacked items such as herbal teas.

The Food Safety Act 1990, assimilated Regulation (EU) No 1169/2011 *on the provision of food information to consumers* and the Food Information (Scotland) Regulations 2014 govern, amongst other things, labelling, ingredients and quality. The Act creates specific offences for contaminants in food, false descriptions and misleading claims.

All foods and food supplements must be labelled with certain information in English. Where the food is sold loose, such as Chinese herbs from jars, or is packed by you in the shop for direct sale to your customers, the following details are required:

- a food name that customers can understand, indicating the true nature of the food
- a statement, where applicable, that the product or ingredients have been irradiated or genetically modified (see also 'Genetically modified foods')
- a declaration of the presence of any of the 14 specified allergens (see 'Food allergens and intolerance')

Allergen labelling is particularly important for food items. For more information, see 'Food allergens and intolerance'.

Where the food is 'prepacked', a number of labelling requirements need to be fulfilled (see 'Labelling of prepacked foods: general', 'Labelling of prepacked-for-direct-sale foods', 'Language requirements for food labelling' and 'Date and lot marking of prepacked food').

Specific guidance on food supplements can be found on the GOV.UK website. Please note that the GOV.UK web page states that the guidance is for England only, but most of the PDFs on the page cover the whole of the UK.

The food label may also make claims about the nutritional properties of the food ('low fat', for example) and/or the potential health benefits that consuming the food may have. These claims are controlled by assimilated Regulation (EC) No 1924/2006 *on nutrition and health claims made on foods*, the Nutrition and Health Claims (Scotland) Regulations 2007. For more information, see 'Nutrition and health claims'.

If the food (or any advertising for the food) makes a claim that consuming it can treat or be a remedy for cancer, or it gives any advice in connection with the treatment of cancer, this is an offence under the Cancer Act 1939.

If you sell food you are required to register with your local Environmental Health service.

Cosmetic products

Assimilated Regulation (EC) No 1223/2009 *on cosmetic products* defines a cosmetic product as "any substance or mixture intended to be placed in contact with the external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, protecting them, keeping them in good condition or correcting body odours". It does not apply to medicinal products, medical devices or biocidal products.

There are particular requirements regarding the importation, manufacture, packaging and labelling of cosmetic products. For further information, see 'Cosmetic products'.

Misleading and illegal claims

In addition to the specific controls in food legislation outlined above, there are additional controls that apply more generally.

Any claims made about a product must be true and not misleading. This includes oral, written or pictorial claims. In addition, you are required to disclose any adverse information that you are aware of about a product if an average consumer would need to know this information to be able to make an informed choice - for example, if it is known to be ineffective for the purposes for which it is commonly bought.

It is forbidden to falsely claim that a product is able to do any of the following:

- prevent or treat disease or a malformation. 'Disease' includes any injury, ailment or adverse condition, whether it is of body or mind
- restore, correct or modify a physiological function
- modify a person's appearance

These requirements, which come under Part 4, Chapter 1 of the Digital Markets, Competition and Consumers Act 2024 (DMCCA), apply to all products, including (but not limited to) medicines, foods, food supplements and cosmetics.

As worldwide efforts to control the exploitation of endangered species increase, manufacturers have been known to include illegal ingredients (for example, tiger and bear parts) in products but remove any references to these ingredients from packaging and advertisements. These manufacturers rely on their customers' knowledge and experience of the products' contents instead. Under the ~~CPRs~~ DMCCA, it is illegal to hide the fact that a product cannot legally be sold.

For more information on the DMCCA, see 'Protection from unfair trading (criminal law)'. For the time being, consumers' rights of redress are still covered by the Consumer Protection from Unfair Trading Regulations 2008 (CPRs); information on these rights can be found in 'Protection from unfair trading (consumers' rights of redress)'.

Product safety

All consumer products (including food and medicines) must be safe.

Products must be sold to customers with appropriate safety information / warnings in English. Such information might include, for example, dosage instructions and possible side effects. They might also include classes of persons for whom the product is unsuitable - for example, pregnant women, children

and persons suffering from a particular disorder, such as high blood pressure.

You are strongly advised to obtain products from reputable suppliers and to retain any documentation that you receive from them, such as invoices.

Weights and measures

Prepacked goods (such as food, food supplements or cosmetics) all legally require an accurate quantity marking. This should typically be the weight, volume or number of items in the package. Metric quantities must be used.

If you are selling any products loose (from bulk) by reference to weight, you must use approved weighing equipment bearing the appropriate stamp or sticker. Sales must be by reference to metric quantities.

Please see 'Packaged goods: average quantity' and 'Weighing equipment for legal use'. Contact your local Trading Standards service for further advice and assistance with weights and measures issues.

Prices

There is a general requirement to display prices for retail goods on offer; however, if the goods can only be obtained as a result of a service (such as a consultation) then there is no need to price the goods. If your services have a 'fixed price', then you must provide your customers with price information (using a price list, for example).

Prices you display must be accurate. It is an unfair commercial practice to give false or deceptive information about the price of goods, to omit material information about the price (such as compulsory additional charges or taxes) or if the value of any 'saving' displayed on a special offer was exaggerated.

See 'Providing price information' for more information.

Trade organisations

You may also wish to seek advice from a trade or practitioner organisation, such as the British Herbal Medicine Association, the Register of Chinese Herbal Medicine or the Association of Traditional Chinese Medicine and Acupuncture (UK).

Please note that a link to an organisation in the list does not imply any approval or warranty as to the standing or capability of that organisation by the Chartered Trading Standards Institute.

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

The text in the 'Medicines' section has been re-written.

Last reviewed / updated: November 2025

Key legislation

- Cancer Act 1939
- Medicines Act 1968
- Food Safety Act 1990
- assimilated Regulation (EC) No 1924/2006 *on nutrition and health claims made on foods*
- Nutrition and Health Claims (Scotland) Regulations 2007
- Consumer Protection from Unfair Trading Regulations 2008
- assimilated Regulation (EC) No 1223/2009 *on cosmetic products*
- 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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