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FOOD LABELLING GUIDELINES

GUIDANCE ON THE CLASSIFICATION AND LABELLING OF COLOURS AND COLOURING FOODS

The distinction between food extracts used as colours (food additives) and foods with colouring properties (colouring foods) is not always clear. This guidance provides advice on the classification and labelling for colours (food additives) and colouring foods in foods and food supplements and should be read in conjunction with the relevant legislation.

Classification

Colours

'Colours' is defined in Annex I of [assimilated Regulation 1333/2008](#) on food additives as

'substances which add or restore colour in a food and include natural constituents of foods and natural sources which are normally **not consumed as foods as such and not normally used as characteristic ingredients of foods**. Preparations obtained from foods and other edible natural source materials obtained by physical and/or chemical extraction resulting in a **selective** extraction of the pigments relative to the nutritive or aromatic constituents are colours within the meaning of this Regulation'.

The definition of a food additive is given in Article 3.2(a) of assimilated Regulation 1333/2008 as

'any substance not consumed as a food itself and not normally used as a characteristic ingredient of a food, whether or not it has nutritive value, the intentional addition of which to food for a technological purpose in the manufacture, processing, preparation, treatment, packaging, transport or storage of such food results, or may reasonably be expected to result, in it or its by-products becoming directly or indirectly a component of such foods.'

Recital 5 of assimilated Regulation 1333/2008 recognises that there is a difference between a colour used as a food additive – i.e. a selectively extracted substance falling within the definition given above that is intentionally added for a technological purpose to add or restore colour in a food – and a food with colouring properties – i.e. a food that may be used for a technical function for colouring purposes but that is not selectively extracted and does not fall within the definition of a food additive.

Thus legislation recognises a distinction between food colour additives and colouring foods.

Colouring foods

Colouring foods are food ingredients with colouring properties used for the primary purpose of imparting colour to food and beverage products.

They are obtained from foods such as fruits, vegetables, flowers, spices, algae and/or other edible source materials and offer an alternative to using food additive colours in a wide range of food products.



Surrey and Buckinghamshire Trading Standards have assessed CLEAR CHECK service for its food standards support and concluded that *"The quality level has been independently reviewed and in our opinion is likely to provide users of those services with a defence of 'having taken all reasonable precautions and exercised all due diligence'..."*. Please contact CLEAR CHECK for further details.

Colouring foods are not obtained by way of 'selective extraction' which differentiates them from colour 'additives'.

The specific criteria for a food extract with colouring properties to be classified as a colouring food (and not as a food colour additive) are:

- The food extract is added during the manufacturing of compound foods with the **primary purpose** of delivering colour to the compound food and not for other uses such as aromatic or nutritive properties, even where it has a secondary colouring effect (in this case it would be a food or flavouring).
- The source material must be a food or a characteristic ingredient of food which is normally consumed as such within the UK/EU.
- The pigments present in the source material must NOT undergo selective, physical and/or chemical extraction relative to the nutritive and aromatic constituents.

These criteria are defined in the EU Guidance notes on the classification of food extracts with colouring properties, a guidance document compiled in 2013 and endorsed by the EU Standing Committee on the Food Chain and Animal Health (SCOFCAH).

[Please note that these 2013 Guidance notes were endorsed by a large majority of EU Member States as a 'working tool' for business operators and enforcement authorities of the EU member states and so were applicable to the UK. They were removed in 2018 for a legal review and have not since been replaced.]

Subsequently, NATCOL (the Natural Food Colours Association) produced a [Code of Practice](#) for the Classification, Manufacturing, Use and Labelling of Colouring Foods (EU) in Sept 2021.

The Code is intended as a B2B tool, describing current industry practice and providing support to producers and users of colouring foods, thereby helping to ensure consistency, transparency and harmonisation of practices. Whilst the Code is based on relevant EU legislation, much of this is now assimilated into UK law and so the principles of the Code will apply within the UK.

General labelling requirements

Colours

Labelling of food colour additives must be in accordance with [the assimilated Food Information Regulation \(EU\) No 1169/2011](#).

Where a colour is used, it must be designated in the ingredients list by its additive function category 'Colour' followed by either the specific additive name, its E number or both, e.g.

Colour: beetroot red OR *Colour: E162* OR *Colour: beetroot red (E162)*

Legislation on use of six artificial colours

Article 24 of EC Regulation 1333/2008 on food additives

Requires that foods containing the colours listed below carry a clear indication of the name or E number of the colour with the accompanying statement '**may have an adverse effect on activity and attention in children**'

Sunset Yellow (E110)
Quinoline Yellow (E104)
Carmoisine (E122)
Allura Red (E129)
Tartrazine (E102)
Ponceau 4R (E124)

Recommended labelling statement example – ‘*contains the colour Allura Red: may have an adverse effect on activity and attention in children*’

A labelling statement is required on all foods and food supplements which contain the above colours, irrespective of whether the product is intended for consumption by children.

This requirement has applied from 20 July 2010.

Colouring foods

Labelling of Colouring Foods must be in accordance with [the assimilated Food Information Regulation \(EU\) No 1169/2011](#). The labelling needs to be clear and understandable to the consumer and must not be misleading.

- Colouring foods must not be designated in the ingredients list in the same way as food colour additives i.e. the additive function category name of ‘Colour’ must not be used; in addition colouring foodstuffs do not have E numbers.
- Colouring foods should be designated in the ingredients list by their customary or descriptive names. Examples are:

Blackcurrant concentrate

OR

Fruit and vegetable extracts (radish concentrate, apple concentrate, blackcurrant concentrate)

For more information and further reading see:

<https://www.food.gov.uk/safety-hygiene/food-additives> - FSA information on food additives including colours

[Additives Regulation \(EC\) No 1333/2008](#) - assimilated additives legislation

[Food Information Regulation \(EU\) No 1169/2011](#) – assimilated Food Information Regulation

[NATCOL CodeOfPractice FullDocument 23_09_2021.pdf](#) – includes decision tree for classification

[Entering the European market for natural food colours | CBI](#) – interesting information on market entry

From 1st January 2021 when the UK left the EU, existing EU Regulation was retained as UK law under the powers of the European Union (Withdrawal) Act 2018, including EC Regulation 1333/2008 on food additives. This is now assimilated into UK law under the Retained EU Law (Revocation and Reform) Act 2023 (REUL(RR)A 2023). In Northern Ireland, the Northern Ireland Protocol means that EU legislation continues to be directly applicable in Northern Ireland. Ultimately, this means these labelling statements are still applicable to the UK market.

The guidance in this document reflects HFMA CLEAR CHECK opinion only of applicable regulatory requirements. Enforcement and interpretation of legislation is a matter for the appropriate regulatory body and/or the courts. The legal responsibility for the labelling and presentation of foodstuffs remains with the food business operator.