

Annex 1: Examples of commonly known unauthorised ingredients and non-compliant products

The table below provides examples of **imported Dubai-Style chocolate** products found to be non-compliant that were identified through import surveillance sampling and the occurrence of food incidents, signals and international alert notifications.

Reports of non-compliance relate to unauthorised additives, chemical contamination, undeclared allergens, allergens not listed in accordance with UK requirements, the presence of pathogenic bacteria such as *Salmonella* spp. and the presence of toxins produced by moulds. Some examples of these are included below. You should check the ingredients label on a case-by-case basis, as **some** products listed may come from a source that uses authorised ingredients.

Issue	Example
Undeclared allergens	Detection of sesame, milk, wheat [gluten] and soya not labelled in the list of ingredients or in allergen information
Allergens not listed in accordance with UK requirements	Allergens present not emphasized on the label
Chemical contamination	Glycidol in chocolate from the United Arab Emirates (UAE) via Italy
Unauthorised use of certain additives/colours	Lutein (E 161b), this colour is not permitted in chocolate products, but was detected in Kunafa chocolate from Dubai
Import restrictions	Import of pistachios is regulated. Bars have been seen to have between 9 and 30 per cent pistachio content, if originating from Türkiye or Iran and over 21 per cent, the products require a laboratory report and health certificate
Food labelling and composition	For example, there are legal minimum requirements for dry cocoa solids in milk chocolate in England, Wales and Northern Ireland, but as low as 4 per cent has been recorded on some products

Annex 2: Legislation

Please note: References to assimilated law for GB mean EU Law in Northern Ireland. The laws referenced below are not a comprehensive list and this communication is not a substantive guidance document. There will be variation in the laws which apply across Northern Ireland, England and Wales. It is the duty of food businesses to make sure the foods they place on the market meet the UK legal requirements and are safe. If you have any concerns or questions, you should raise them with the Trading Standards or the Food Safety team at your local authority or district council (Northern Ireland).

Imports

The principle aim of assimilated [Regulation 178/2002](#), 'General Food Law' is to ensure high level of human health protection, and to protect consumers interests in relation to food. [Article 11](#) of assimilated [Regulation 178/2002](#) requires that food which is imported into Great Britain (GB) for placing on the market in GB shall comply with the requirements of GB food law, or if there is a specific agreement between GB and the exporting country, then the imported foods must follow agreed requirements. See the definition of "Placing on the market" in Article 3(8) of assimilated Regulation 178/2002.

Article 14 of assimilated [Regulation 178/2002](#) requires that food shall not be placed on the market if it is unsafe, Article 18 requires traceability to be established for foods placed on the market and Articles 17 and 19 requires set out the responsibilities for businesses placing foods on the market and making sure the foods they place on the market comply with UK food law with Food Business Operators (FBOs) being obliged, on request, to provide details of products they supply.

In respect of **pistachios**, pistachios of Turkish or Iranian origin fall under [Annex II of 2019/1793](#). Products which have pistachio content of 21 per cent or more require a laboratory report and export health certificate.

Regarding the **hygiene** of imported food, any import must conform to existing legislation, covering the hygiene of imports into the UK and it must comply with the same legislation

expected of domestically produced products. Please refer to [Article 10 of assimilated legislation 852/2004](#).

Labelling, compositional standards and additives

Regulation (EC) No. 1169/2011 on food information to consumers (assimilated in Great Britain) sets out labelling rules to ensure that consumers receive clear, accurate, and meaningful information about the food they buy.

Other product specific food legislation may apply to certain foods, including chocolate products (see below), and all food additives are regulated by assimilated [Regulation 1333/2008](#) (as enforced by the Food Additives, Flavourings, Enzymes and Extraction Solvents (England) Regulations 2013 and the relevant Regulations in Scotland, Wales and Northern Ireland). Under assimilated law Regulation (EU) 1169/2011, **all food additives need to appear clearly on the label in the list of ingredients** showing both their functional class, together with either the name of the additive, or its 'E' number"; e.g., 'Acidity Regulator' 'E 330' or 'Acidity Regulator' 'Citric acid'. The same would apply to the colours used in the product.

Furthermore regarding **colourings**, under Annex V of Regulation 1333/2008, products containing Tartrazine (E 102), Sunset yellow FCF (E 110), Quinoline yellow (E 104), Azorubine, Carmoisine (E 122), Ponceau 4R, Cochineal Red A (E 124), and Allura red AC (E 129) used in food/drink, **should also include the following additional information on the label**: 'name or E number of the colour(s)' and the statement: "may have an adverse effect on activity and attention in children".

Permitted additives and their conditions of use are set out in assimilated law Regulation (EC) No 1333/2008; the regulation details all authorised additives and their conditions of use (e.g., what food groups they can be used in and their maximum levels) or use in accordance with the principle of '*quantum satis*'.(QS) '*Quantum Statis*' means no maximum numerical level is specified and substances must be used in accordance with good manufacturing practice, at a level not higher than is necessary to achieve the intended purpose and provided the consumer is not misled. **Only food additives that are included in the regulation can be used.**

Food additives must also comply with the approved specifications set out in the assimilated law Regulation (EU) No. No 231/2012. The specifications comprise information which adequately identifies the food additive, including where appropriate its origin and

description of the manufacturing process. This legislation also establishes acceptable purity criteria for each additive, such as maximum limits for undesirable impurities.

Chocolate and chocolate products are also subject to specific composition and labelling requirements, which are provided in [The Cocoa and Chocolate Products \(England\) Regulations 2003](#); [The Cocoa and Chocolate Products \(Wales\) Regulations 2003](#); and [Cocoa and Chocolate Products Regulations \(Northern Ireland\) 2003](#).

Allergens

Under [Article 9\(1\)\(c\)](#) of assimilated [Regulation 1169/2011](#), also known as the Food Information to Consumers (FIC), **all FBOs must declare the presence of any of the 14 major allergens listed in Annex II to the Regulation**. The 14 allergens listed in Annex II of the FIC are recognised as the most common ingredients or processing aids that cause food allergies and intolerances. If a food contains or uses an ingredient or processing aid in the manufacture or preparation of the food derived from one of the substances or products listed in Annex II, and it is still present in the finished product, information regarding the presence or use of the allergen must be provided to the consumer. **The mandatory information must be easily accessible**, in a conspicuous place, easily visible and clearly legible and, if present, any of the 14 allergens must be identified within the list of ingredients and 'emphasised,' for example in **bold** lettering.