

Confectionery products

General information

Imports of confectionery products from countries outside the European Union (EU) must meet the same or equivalent food hygiene and compositional standards and procedures as food produced in the UK or other EU Member States.

Cakes, pastries, sweet pies and chocolate can contain small amounts of products of animal origin, such as eggs, milk, butter or suet. They may be treated as products of animal origin when they are imported if they have high levels of dairy products and have not undergone sufficient heat treatment or if they are not ambient stable (if they require refrigeration).

Preservatives, food colourings, sweeteners and flavourings

Some confectionery products may contain preservatives, food colourings, sweeteners or flavourings. Although these may be approved by the food authority in the country of origin, some of them may not be approved in the EU. For information on food flavourings, sweeteners, food colourings and preservatives, please contact the Food Standards Agency (FSA)'s Food Additives team on 020 7276 8570 or by email at foodadditives@foodstandards.gsi.gov.uk

Gelatine

Whilst gelatine is a product of animal origin (POAO), gelatine-based confectionery products are considered by the Department for Environment, Food and Rural Affairs (DEFRA) to be finished confectionery items and therefore are not covered by POAO regulations.

Labelling

For advice on the labelling of specific products, please contact your local authority's Trading Standards Department or Environmental Health Department. You can find contact details for these via the following link on our website <http://food.gov.uk/enforcement/yourarea/>

Organics

If you are importing organic products (live or unprocessed agricultural products, processed agricultural for use as food or feed and vegetative propagating material and seeds for cultivation), from outside the EU, please contact the Organic Imports team at DEFRA at organic.imports@defra.gsi.gov.uk. For information on organic regulation and standards, (including labelling) within the UK please contact the Organic Strategy team at organic.standards@defra.gsi.gov.uk

Packaging

Food contact materials and articles, including those used for food packaging, are controlled by a comprehensive EU harmonised legislation that has been fully implemented in the UK. This legislation is particularly thorough in its control of plastic materials and articles intended for food use. For information on the safety of packaging please contact the Food Contact Materials Team on 020 7276 8570 or by email at: FoodContactMaterial@foodstandards.gsi.gov.uk

Food hygiene

For general enquiries on food hygiene please contact the Food Hygiene Policy Team by email at foodhygiene.policy@foodstandards.gsi.gov.uk

Pesticides

For information on pesticides safety levels for imports please contact the Health & Safety Executive's Chemicals Regulation Directorate (CRD) at:
<http://www.pesticides.gov.uk/guidance/industries/pesticides>

Sweets with toys

Some confectionery products may contain toys. All toys sold in the UK must comply with the Toy (Safety) Regulations 1995 which implement a European Directive on the safety of toys. For further information on these regulations contact Tony Eden-brown at the Department for Business, Innovation and Skills on 020 7215 0360 or tony.edenbrown@bis.gsi.gov.uk

Contaminants

A guidance note on the Contaminants in Food (England) Regulations 2013, which make provision for enactment and enforcement of Commission Regulations setting regulatory limits for contaminants in food (nitrate, mycotoxins, metals, 3-MCPD dioxins and PAHs), can be found at
<http://www.food.gov.uk/news-updates/news/2013/oct/regulations>

Import restrictions

There are some other import restrictions/requirements that can apply to confectionery of which importers need to be aware.

“Higher-risk” products

As of 25 January 2010 imports of certain feed and food of non-animal origin that are considered to be “higher-risk” can only enter the UK through specific ports and airports which are designated points of entry (DPEs) where official controls will be carried out. A “higher-risk” product is feed or food that is either known to be, or is, an emerging risk to public health. Further information for business operators can be found at
http://www.food.gov.uk/foodindustry/imports/banned_restricted/highrisknonpoao

For a complete list of foods (not of animal origin) with current EU restrictions, please see the following link on the FSA's website:
www.food.gov.uk/foodindustry/imports/banned_restricted/restricted_foodstuffs

Chocolates

Although chocolates may contain milk, cream or butter in the ingredients, they are not normally considered by DEFRA to be products of animal origin and therefore their importation is covered by The Official Feed and Food Controls (England) Regulations 2009 (as amended).

However, if the chocolates contain a fresh cream filling, they are considered to be products of animal origin. The import of such products will be covered by the Trade in Animals and

Related Products (TARP) (England) Regulations 2011, and similar regulations in Scotland, Wales and Northern Ireland. These imports may only enter the UK/EU through approved Border Inspection Posts (BIPs) where they will be checked to ensure that they comply with the relevant animal and public health conditions. For more information please contact the Animal and Plant Health Agency (APHA) in Carlisle on 01228 403 600 (option 3) or by email at imports@apha.gsi.gov.uk . APHA is an Executive Agency of the Department for Environment, Food and Rural Affairs (DEFRA).

Milk-based sweets

Sweets that contain high levels of dairy products (for example Indian sweets) are also considered to be products of animal origin when imported. This means that each batch you import may need to:

- have a veterinary and/or public health certificate
- come from European Union (EU) approved premises
- enter the EU through a Border Inspection Post (BIP) where veterinary checks must be carried out
- be pre-notified to the BIP by a Common Entry Veterinary Document
- come from a country authorised by the EU to export this type of product to the EU

Examples of Indian sweets that may be considered products of animal origin are gulab jamun, halwah or halva, ras malai, ras gullah, ladoos, burfi and chum-chum. Rules about products will depend on what percentage of the product is dairy.

For more information please contact the Animal Health and Veterinary Laboratories Agency (details as above).

Jelly mini-cup sweets

There are at present restrictions on importing jelly mini-cup sweets as well as other jelly confectionery which contains a product called Konjac, because they could pose a choking hazard. These restrictions have been extended to include jelly mini-cups containing the following additives: E400 alginic acid, E401 sodium alginate, E402 potassium alginate, E403 ammonium alginate, E404 calcium alginate, E406 agar, E407 carageenan, E407a processed eucheama seaweed, E410 locust bean gum, E412 guar gum, E413 tragacanth, E414 acacia gum, E415 xanthan gum, E417 tara gum, E418 gellan gum and/or E 440 pectins.

Further information on jelly sweets can be found in Note 4 of Annex 1 to Directive No. 95/2/EC, which can be accessed via the following link:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1995L0002:20060815:EN:PDF>

For further information on the ban of imports of jelly sweets, please contact your local Trading Standards Office using the following link:

<http://www.food.gov.uk/enforcement/enforceessential/yourarea/>

Southampton colours

The FSA has asked the UK food industry for a voluntary withdrawal of: Sunset yellow (E110), Quinoline yellow (E104), Carmoisine (E122), Allura red (E129), Tartrazine (E102), Ponceau 4R (E124). If a product is labelled and contains one, or more, of the six specified colours they will require a warning on the label as required by Article 24 and Annex V of Regulation (EC) No 1333/2008 to indicate that the colours may have an adverse effect on activity and attention in children. This followed a study commissioned by the FSA and

conducted by Southampton University (between 2004 and 2007) to see if these colours had any effect on children's behaviour. Since July 2010 foods containing any of the six colours have to be labelled with the following additional information: "name or E number of the colour(s) may have an adverse effect on activity and attention in children" (annex V of Regulation EC 1333/2008).

Non-permitted ingredients, Novel foods and Medicinal ingredients

Many confectionery items from non-EU countries contain ingredients that are not permitted in the EU. Other ingredients may be new to the EU and these may be considered to be Novel Foods – all foods that do not have a significant history of consumption within the EU prior to May 1997 are subject to the terms and conditions of the Novel Foods Regulation (EC) No 258/97. Other types of confectionery are marketed as an aid to increase energy or as an aid to stop smoking – like nicotine gum – may be considered as medicinal products rather than as food items. The onus is on the importer to ensure that all of the ingredients in their products are acceptable under UK food law.

To check that all of the ingredients in your confectionery have a significant history of consumption in the EU and do not require authorisation under the Novel Foods legislation, please contact the Novel Foods Division by email at novelfoods@foodstandards.gsi.gov.uk

The use of some ingredients may mean that a product is classed as medicinal. If the product is presented as having properties for treating or preventing disease in human beings or if it contains a substance or combination of substances which may be used in or administered to human beings either with a view to restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action the Medicines and Healthcare products Regulatory Agency (MHRA) should be contacted via the Information Centre, Room 10-2, Market Towers, 1 Nine Elms Lane, London, SW8 5NQ or on 020 3080 6000 or by email at info@mhra.gsi.gov.uk

Imports of feed and food from Japan

As of 27 March 2011 imports of all feed and food originating in or consigned from Japan to the EU are subject to special conditions. This is following the accident at the Fukushima Daiichi nuclear power plant in Japan in March 2011. This will mean that consignments of feed and food can only enter the UK through specific ports and airports where official controls will be carried out. Further information for business operators can be found at: http://www.food.gov.uk/foodindustry/imports/banned_restricted/japan

Melamine contamination of products containing milk from China*

Confectionery products from China for human consumption such as chocolate containing milk may be subjected to documentary, identity and physical checks, including laboratory analysis, on arrival to the UK. Food business operators must give prior notice to the port of entry prior to arrival, and will be liable for all costs incurred resulting from official controls. For further information please forward any queries to Richard Burden on 020 7276 8893 or by email at Richard.Burden@foodstandards.gsi.gov.uk

* This includes products from Hong Kong and Taiwan which either enter China, or were originally from China. Products imported directly from Hong Kong or Taiwan are not affected.