

PE2178/A: Introduce mandatory latex labelling for food products sold in Scotland

Scottish Government written submission, 30 August 2025

Does the Scottish Government consider the specific ask of the petition to be practical or achievable?

Food Standards Scotland (FSS) has responsibility for the policies around food safety, food contact materials and general food labelling and FSS is considering the subject from the food law context. However, the initial view is that as latex is not a food or food substance the general food labelling requirements around allergen labelling do not apply and to engage food safety provisions, the issue would need to have an effect on the food detrimental to consumer interests. For example, rendering it unsafe or affecting its taste, smell and appearance.

The petitioner's concern appears to be about the latex transferring onto the food causing allergic reactions that can be severe. This needs to be explored and considered further. To note, the petitioner also highlights Cadbury specifically in respect of this issue. Whilst Cadbury continue to have a presence in the UK there are no manufacturing sites in Scotland. It is understood Cadbury have two production sites in the UK, one in Birmingham and another in Wales. As a result, this will need consideration in the wider UK context.

What, if any, action the Scottish Government is currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask of this petition?

As mentioned above FSS is considering the subject from the food law context.

Key legislation includes:

[Regulation \(EC\) 178/2002](#) which lays down the general principles and requirements of food safety law. Article 14 of this Regulation imposes a requirement on food businesses not to place a product on the market that is unsafe. A food is unsafe if it is injurious to health or unfit for human consumption.

When assessing the safety of food, a food business must take account of the normal conditions of use of the food in question and the information provided to the consumer. They must also take account of particular health sensitivities of specific categories of consumers where the food is intended for them. They must also have regard to whether the food is unacceptable for human consumption because of e.g. contamination.

[Regulation \(EU\)1169/2011](#) on the provision of food information to consumers (FIC) covers general food labelling requirements, including a requirement to provide an ingredients list including allergen information. As set out above, the FIC Regulation contains a list of food substances or products which may cause allergies or intolerances. When any of these are intentionally used as ingredients their presence

must be emphasised. As set out above, in the case of latex, it is neither a food ingredient that would be expected to appear in a list of ingredients nor is it amongst the substances and products listed in the FIC Regulation as a food allergen. However, the FIC Regulation does [allow for the voluntary inclusion of food information on food labelling](#), as long as it meets certain criteria - it cannot be misleading, ambiguous or confusing to the consumer, and it must, where appropriate, be based on the relevant scientific data. FSS has advised SPICe in correspondence that “if a food business wished to include information about the use of latex in the manufacturing process and any potential risk of cross contamination of the product, they would be able to do so as long as they meet the stated criteria” i.e. in this Regulation.

Regulated Food Contact Materials (FCMs) need to be authorised before they can be used and placed on the market in Great Britain (GB). All such FCMs must comply with the requirements of [Regulation \(EC\) 1935/2004](#), which sets the general approach to the prevention of substances migrating into food. Any material or article intended to come into contact directly or indirectly with food must be sufficiently inert to preclude substances from being transferred to food in quantities large enough to endanger human health or to bring about an unacceptable change in the composition of the food or a deterioration in its organoleptic properties. The Good Manufacturing Practice Regulation (EC) 2023/2006 will also apply along with any specific measure appropriate to the substance. If used as a food contact material, latex would have to comply with the requirements of both the general and good manufacturing practice regulations.

Is there any further information the Scottish Government wish to bring to the Committee’s attention, which would assist it in considering this petition?

The General Product Safety Regulations 2005 (Reserved to Westminster).

As the petition raises a broader question about food packaging, officials plan to explore other consumer protection measures. Wider consumer protection matters are covered by UK-wide legislation.

[The General Product Safety Regulations 2005](#) ensure the safety of consumer products placed in the UK by imposing the general duty for producers to supply safe products.

Obligations on businesses include providing consumers with information about making safe use of the product, and investigating complaints about the safety of a product.

FSS understands that these overarching regulations apply to most consumer products, including materials and article in contact with food, unless any product specific measures are relevant.

Directorate for Population Health