

UK and EU Sanitary and Phytosanitary (SPS) Alignment

The UK government has announced that it will align with the EU's Sanitary and Phytosanitary (SPS) legislation from mid-2027, following trade negotiations. Various legislation will come under the [scope of the agreement](#), including legislation relating to food and feed safety; food supplements; fortified foods; nutrition and health claims; and nutrition labelling.

Pesticide and biocide regulations, including around matters such as maximum residue levels and authorisation of active substances, will also come within the scope of the new SPS agreement (which commentators view as significant, because of current divergence between the EU and Great Britain – and not entirely expected).

The [agenda](#) for the Food Standards Agency (FSA) Board Meeting for March includes an update on how the FSA is preparing for a UK-EU SPS agreement. The report notes that the proposed timeline is “ambitious” and will require both the FSA and industry to “move at pace to be ready”. It also recognises that the practical implications of an SPS agreement will involve changes across several areas, including “future legislative alignment, approaches to managing incidents, the way in which certain border processes operate and how market authorisations are handled”.

It will be particularly interesting to monitor “market authorisations”, which essentially means applications to authorise products such as additives, flavourings, food contact materials, genetically modified organisms (GMOs), precision bred organisms and novel foods, among others. Of course, such applications in the UK post-Brexit have needed to be made to the FSA, rather than the European Food Standards Agency (EFSA), and it is not clear how an authorisation by the UK authority will translate to the EU market, although the “common understanding” between the European Commission and the UK notes that each party “will respect each other’s decision-making autonomy”.

Those UK businesses that already export to one or more EU countries will be well placed ahead of the changes, because their products already need to meet EU requirements to be lawfully marketed in those countries; those EU businesses who supply to Great Britain will likely welcome this news, as it will avoid the need to consider any potential divergence. However, those who only supply domestic markets in Great Britain may need to adapt processes, update supply chains, amend labels or, in some cases, reformulate products (bearing in mind that certain substances have been prohibited or restricted in the EU post-Brexit, such as titanium dioxide).

The government is conducting a “call for evidence” to understand business impacts, which closes on 23 April. Potentially affected businesses can share their views through a link on [DEFRA's overview](#) of the reasons for the changes.



The New European Commission Strategy on Life Austria – Next for Legislation Restricting HFSS Advertising?

We reported in [December's edition](#) of newsBITE that the House of Lords had reported on exemptions for brand advertising from UK advertising restrictions on “less healthy” foods, and the Advertising Standards Agency (ASA) had issued final guidance on this topic. The restrictions came into force in early January.

Perhaps heralding similar changes in Austria, a recent study from the Centre for Nutrition Advance Knowledge in Food and Farming examined the exposure of Austrian children to high fat, salt or sugar (HFSS) food and drink advertisements on TV and the changes in advertising following the implementation of Austria's self-regulatory HFSS marketing restrictions. The study compared the WHO Europe Nutrient Profile Model (NPM) classification of permitted and nonpermitted foods with Austria's own NPM.

The study found that the advertising rate for food advertisements increased throughout the day and culminated during child/teen peak viewing times. Emotional themes were more common in advertisements that were not permitted, compared to permitted advertisements. The study concluded that further regulation is needed to protect children from the influence of HFSS food and drink. Despite the self-regulatory measures currently in place, it found children and teenagers in Austria remain highly exposed to HFSS food and drink marketing.



Consultation on Change to UK Nutrient Profiling Model

The UK government has [confirmed](#) that there will be a public consultation in 2026 to apply an updated NPM (which was prepared in 2018 but has not yet been applied (NPM 2018)) to advertising and promotions restrictions. This is perhaps frustrating for those businesses that have reformulated products to be outside of the scope of HFSS/less healthy advertising restrictions which have only recently come into force, based on the UK NPM currently in force (prepared 2004-2005).

The drive to modernise the 2004/2005 NPM is related to the evolution in the last 20 years on dietary guidance, especially in relation to sugar reduction and the importance of dietary fibre. The differences between 2004/2005 NPM and NPM 2018 are set out in the [introduction to the Consultation on the 2018 Review of the UK Nutrient Profiling Model](#) (which was focused on the technical basis of the modifications to the UK NPM 2004/2005/alignment with the UK dietary recommendations) as follows:

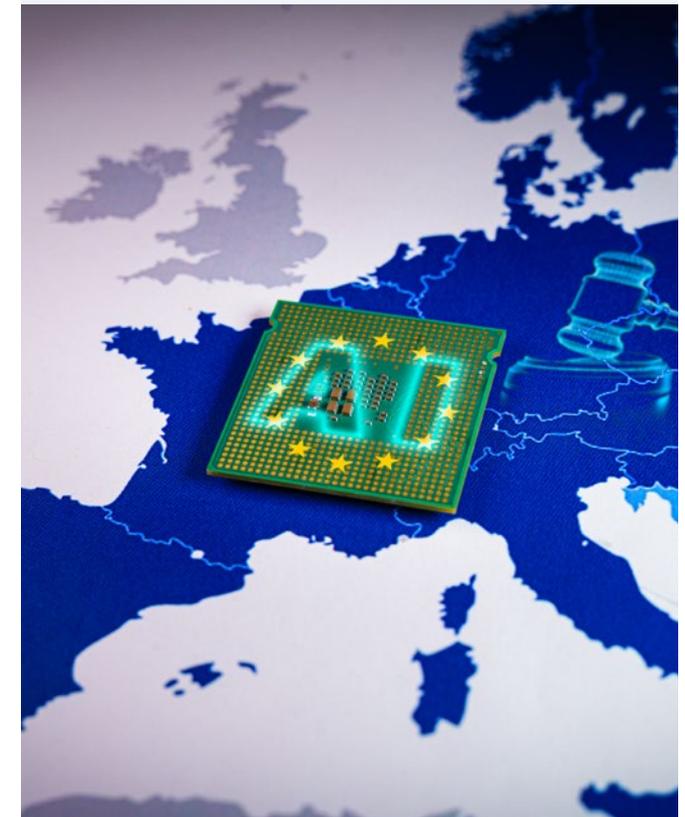
- the adjustment of the energy criterion in line with food labelling regulation intake of 8,400kJ (2,000kcal) as a result, nutrient components such as saturated fat and sugars were recalculated as a proportion of food/total dietary energy
- the replacement of the total sugars component of the NPM 2004/5 with 5% of total dietary energy for free sugars
- the adjustment of the fibre criterion as a proportional change from the existing UK NPM 2004/5 value to the current UK dietary recommendation for fibre
- the replacement of the sodium criterion with salt”

There are some concerns as to the effect of the changes under NPM 2018 on beverages, in particular. The British Soft Drinks Association [highlights](#) mixed messaging (e.g. the range of products captured by the new model includes fruit juice, on the basis of naturally occurring sugars, although it has widely recognised health benefits) and the risk of “significant unintended consequences” in particular in relation to “undermining the extensive investment in reformulation to reduce sugar by the wider soft drinks industry for the last decade.”

There are also concerns as to the move from total sugars towards free sugars, because many businesses do not measure this (there could be technical feasibility problems).

Artificial Intelligence (AI) meets Enforcement of EU Food Law!

The European Commission has launched [TraceMap](#), a new AI platform designed to help national authorities detect food fraud, contamination and other agrifood risks more quickly. Drawing on data from the Rapid Alert System for Food and Feed (RASFF), the Trade Control and Expert System (TRACES) and the Alert and Cooperation Network (ACN), TraceMap is intended help the authorities identify links between operators and consignments, detect suspicious trade or production patterns, and support more targeted controls. It is [reported](#) that a pilot version of the tool was recently used in the investigation into infant formula made with contaminated arachidonic acid (ARA) oil, helping identify the relevant products and inform the recall.



Upcoming Changes to UK Price Marking Order 2004 – Scope for Prepacked Food and Drink

As reported in our [last edition](#) of newsBITE, from 6 April 2026, changes to the Price Marking Order 2004 in Great Britain will mean a requirement for traders to list “unit prices” (in addition to selling price) for certain products, including prepacked food and drink sold in store, online and via aggregators/third-party online delivery providers. A unit price is essentially the cost in pounds per kilogram or pounds per litre.

The scope of the price marking legislation has been broadened to essentially cover all prepacked food and drinks, by reference to products that are required to be marked with an indication of quantity by virtue of Article 9 of Regulation (EU) 1169/2011 (as assimilated in the UK post-Brexit). As such, many products that were not previously in scope will be in future.

There are certain exemptions, including where a product is prepacked in a constant quantity and is for sale in a “small shop” or by an itinerant trader, or from a vending machine; for adverts by various means in any ‘small shop’; and where products have been reduced due to damage or danger of deterioration (for example, short-dated products). The relevant threshold for a small shop is 280 square metres.

The government has published some [guidance](#) on the changes. However, for many food business operators, where products were not previously in scope but will be in future, the assessment of scope and impact across different types of products could be complex. Those selling prepacked food for consumers should therefore ensure that they are familiar with the requirements and have arrangements in place to make available the relevant price information in good time for the legislation coming into force.



EU Proposal for Legal Framework on Precautionary Allergen Labelling

The EU Commission has announced that it intends to introduce harmonised legislation across member states in relation to precautionary allergen labelling (PAL), commonly known as “may contain” labelling. Adoption of the act is planned for Q4 2027.

To avoid unnecessary and purely precautionary warnings (that are found on many labels), it will be a requirement to undertake a risk assessment to establish whether there is a real risk of an involuntary cross-contamination with allergens, with PAL required to be limited to cases where there is a real risk.

The focus on PAL in European countries is not new. The EU Commission proposal is similar to the position under [guidance](#) from the Food Standards Agency in the UK, but guidance does not have the same status as enforceable law. There have also been recent developments on PAL in the Netherlands.

PAL has long been a challenge for food business operators: on the one hand, giving allergic consumers the information they need to be able to choose food safely is important, while on the other, failing to declare an allergen that may be present by cross-contamination could present a clear safety risk and form the basis of a claim. Food business operators will be well placed for any changes ahead if they understand and communicate with their supply chain, and maintain robust allergen management practices, in conjunction with relevant labelling policies.



Impact of Ultra-processed Food (UPF) Litigation Developments in the US

At the end of last year, the San Francisco city attorney filed a high-profile claim on behalf of the people of California against a number of processed food manufacturers, in relation to UPFs. The claim essentially alleges that the manufacturers were aware of the dangers of UPFs, hid them, and targeted particular consumers through packaging and advertising. This development followed the dismissal last summer of a personal injury test case in Philadelphia, brought by the same lawyers against the same manufacturers, alleging that their foods were addictive, causing diabetes and nonalcoholic fatty liver disease – that claim was dismissed due to a lack of detail in the way the claim was presented, rather than following an assessment of the merits, so further attempts were always expected.

While previously seen as more of a US issue, group litigation is on the rise in the UK generally, with claimant lawyers and funders actively looking for cases to pursue, and US trends finding their way across the Atlantic. Following the filing of the test claim in Philadelphia, UK claimant-side lawyers made it known that they were exploring the possibility of bringing claims relating to UPFs in the UK. This further development in the US brings the issue back under claimant-firm scrutiny.

The claims advanced in the Philadelphia and San Francisco cases do not necessarily readily lend themselves to causes of action in the UK, but UK claimant lawyers will be following the science behind and – if it gets that far – disclosure in the US proceedings, and considering how this could be used to mount a claim in the UK.

At present, while the NOVA classification system is in use in the UK (though not without issue), there is no formally adopted single definition of UPF in the UK (or Europe). The wider any definition, the more products and manufacturers are likely to be caught by it, including those manufacturing products at the healthier end of the scale (e.g. certain breakfast cereals, cereal bars, low-fat spreads and yoghurts and even prepackaged wholegrain bread).

It is therefore important that UK based food manufacturers are alive to the potential litigation risks, and the potential wider consequences of the foods they produce being classified as ultra-processed.

UK Deposit Return Schemes (DRS) Update

The DRS in the UK will affect manufacturers and retailers of drinks. Earlier this quarter, the UK Deposit Management Organisation (DMO) (the body responsible for the design and delivery of the DRS across England, Scotland and Northern Ireland) announced:

1. Its new trading name ([Exchange for Change](#)).
2. Its brand icon that will appear on every bottle, can and return point under the scheme. They say the “icon shows bottles and cans turning into coins, designed to be instantly recognisable in households, shops and communities, and to reflect the full range of eligible containers within the scheme.”

To date, there is still no (public facing) formal guidance on how and when to apply the logo, placement and sizing of the logo, etc.

However, Exchange for Change advised at the end of January, that “in the coming weeks”, this will be shared and that “supporting producers, retailers, wholesalers and hospitality will be a key focus as we move into this next phase.”



EU Ban on “Meat” Names for Plant Based Foods

It has been reported in early March that EU negotiators have agreed restrictions on meat-related names for plant-based foods, although the use of the terms “burger”, “sausage” and “nuggets” (for example “Veggie Burger”) will still be permitted. Prohibited names will include “beef”, “steak”, “pork”, “chicken”, “breast”, “thigh”, “liver” and “bacon”. There will be a transition period of three years after the legislation enters into force, allowing sell-through of products and packaging/labelling.



UK FSA National Food Crime Unit Enforcement

The FSA has reported this quarter on a number of operations by its National Food Crime Unit (NFCU), including an [arrest and seizure](#) of a large amount of counterfeit wine and prosecco, and a [guilty plea](#) for conspiracy to place unsafe food, namely “smokie meat” on the market (sentencing has not yet taken place). The NFCU is responsible for enforcement of serious fraud and related criminality in food and drink supply chains.



Strait of Hormuz Impact on Food Supply Chain

The closure of the Strait of Hormuz has hit the headlines for its impact on oil and fuel prices. This will likely impact food inflation. However, the waterway is also used for the transport of food and fertilisers, as well as oil. The Gulf region is reported to have been significantly affected because of blocked food shipments, and blocked fertiliser is likely to have a broader impact. For an assessment of the possible relevance of war risks provisions in contracts, see our [article](#).

Closure of UK Allotment Due to Per- and Polyfluoroalkyl Substance (PFAS) Soil Contamination Against Context of UK PFAS Plan

It has been [reported](#) that a local authority, working with the UK’s Environment Agency, has closed an allotment in Lancashire, following an investigation under the “Contaminated Land Regime”, due to a form of PFAS, known as Perfluorooctanoic Acid (PFOA) being present in both shallow soil samples and the vegetable produce grown on site, at levels deemed to pose a potential risk to human health.

The FSA has also issued advice for those living within a relatively short distance of the site (1 kilometre), warning that people who eat large quantities of vegetables on a daily basis from the site are likely to be increasing their exposure to PFAS, based on results from produce sampling. The advice is to wash and peel the produce prior to eating. This followed on from advice [reported](#) in the previous month to avoid eating eggs or egg-laying poultry produced near the former Hillhouse Technology Enterprise Zone.

While this advice is geographically limited, it does indicate that food produced near sites where PFAS chemicals were used and/or released may potentially be subject to risks and/or restrictions in future. However, the independent review of the risks to human health connected with PFAS chemicals in food has not yet been completed, with the [UK PFAS Plan](#) noting that the FSA is working with the National Reference Laboratory to develop and validate PFAS tests for food (although this has already been done for some PFAS in certain foods). Local authorities are also due (according to the UK PFAS Plan) to receive updated information, advice and guidance on PFAS “to support them carrying out their contaminated land responsibilities”. This, combined with the publication of a “State of Contaminated Land Report” expected later this year (intended to assess the use of existing powers and local authority performance), may lead to similar local authority investigations in other parts of the country.



Food Contact Materials – Revision of the Plastic Regulation

On 3 February 2026, the European Commission published the [Commission Regulation \(EU\) 2026/245](#), amending the list of authorised substances for use in plastic food contact materials. The regulation amends Annex I of Regulation (EU) No 10/2011 and introduces new authorisations, revised use conditions, and clarifications for several additives and monomers used in food packaging. This is particularly relevant for manufacturers of polyolefins, polyamides, PET, PLA and PVC materials and articles intended for contact with food.



Targeted Consultation on a Revision of the Water Framework Directive

On 17 March 2026, the European Commission launched a [four week call for evidence](#) on a targeted revision of the Water Framework Directive (WFD). The initiative forms part of the commission's [RESourceEU Action Plan](#), presented in December 2025, which aims to accelerate the EU's access to critical raw materials. It marks the first step toward a potential revision of the WFD, announced for Q2 2026, to address the dual challenge that the extraction and processing of critical raw materials exert increasing pressure on water systems, while the current directive may create regulatory bottlenecks for these strategic projects. The revision seeks to better align environmental protection objectives with the EU's industrial and strategic autonomy ambitions.

New Public Consultation To Tackle Territorial Supply Constraints and Protect the Single Market

The European Commission has identified territorial supply constraints (TSCs), namely supplier or manufacturer imposed restrictions on the distribution of goods designed to segment markets by territory, typically by country, as one of the "[Terrible 10](#)" most harmful barriers to the single market. On 5 March, the commission launched a [call for evidence](#) to gather input from stakeholders, including public authorities, businesses, consumers, civil society, etc. on their experiences with TSCs. The issue is particularly relevant for the food industry, as some TSCs may be seen as limiting cross border sourcing opportunities within the EU, while for others it can be considered justified; for example, to comply with regulatory obligations such as food labelling requirements and language rules. Comments may be submitted until 2 April 2026. A follow up public consultation planned for Q2 2026 will feed into a legislative proposal expected by the end of the year.



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