

## 2024 "Our Food" Report Calls for Governmental Response to Food System Risks

On 19 June, the Food Standards Authority (FSA) and Food Standards Scotland (FSS) published their fourth post-Brexit [Our Food report for 2024](#), assessing food safety standards across the UK. The report's findings will be of interest across food and drinks value chains:

- While food safety and authenticity standards are "being upheld overall," the report highlighted the significant pressures facing local authorities on account of lack of resources, backlog of inspections, and the rise in the number of food businesses requiring inspections.
- Local authority sampling rates are well below pre-pandemic levels, which the FSA and FSS have identified as a concern given that their own sampling indicates that non-compliances continue, in particular in relation to labelling issues. Businesses are urged to "pay greater attention to the accuracy of labelling, especially for allergens."
- One in five UK households reports being food insecure in 2024, giving rise to concerns that a number of consumers cannot access affordable, nutritious food.
- 2024 saw the phased introduction of the Border Target Operating Model. The FSA and FSS welcomed the documentary checks and physical checks at the borders but stated that more work remains to be done "before we have complete data from the system to fully assess compliance."
- Given the significant disruptions to global supply chains caused by geopolitical changes in recent years, domestic food security "has assumed a greater prominence in our national debate."



## The New European Commission Strategy on Life Sciences and Its Impact on the Food Sector

Despite its title, the commission's [Positioning the EU as the World's Most Attractive Place for Life Sciences by 2030](#) strategy, published on 2 July, carries significant implications for the food industry.

From fostering advanced fermentation techniques and biotechnology, the life science strategy also embraces the commission's commitment to cutting red tape as it urges the EU to "increase efficiency and to significantly reduce the length of authorisation procedures in the health, medical devices and food areas."

A notable, albeit controversial highlight is the plan to seek both scientific and ethical guidance on "ultra-processed foods." The commission will tap into the Scientific Advice Mechanism and the European Group on Ethics in Science and New Technologies to inform its approach.

Another example is the comeback of the reference to sustainable food systems. Although the flagship sustainable food system policy of the former [Farm-to-Fork Strategy](#) never materialised under the first von der Leyen mandate, the life sciences strategy promises to put it back on the table as the commission "will develop a strategic R&I agenda on food systems to foster development of competitive, sustainable and resilient food systems solutions."

This brief overview offers just a glimpse of how the new life sciences strategy could reshape the EU food sector in the years ahead.

# Voluntary Compliance With Advertising Restrictions on foods High in Fat, Salt or Sugar (HFSS) by Advertisers and Broadcasters in the UK From 1 October 2025

The UK government has delayed the implementation of the Advertising (Less Healthy Food Definitions and Exemptions) Regulations 2024 (Advertising Regulations), which were due to come into force on 1 October 2025, in order to explicitly exempt "pure brand" advertising from the Advertising Regulations. The Advertising Regulations will now come into force on 5 January 2026.

However, despite this delay, advertisers and broadcasters have voluntarily committed to complying with the restrictions from 1 October 2025 (as originally planned). In a letter addressed to the government, representatives from the advertising industry stated their commitment not to run ads for specific, identifiable less healthy food or drink products. The letter was signed by key advertising bodies, such as the Advertising Association, Incorporated Society of British Advertisers (ISBA), the Institute of Practitioners in advertising (IPA) and Internet Advertising Bureau (IAB). The letter was also signed by major media organisations and broadcasters, including Channel 4, ITV, Sky and Reach plc, along with the Food and Drink Federation.

The Advertising Regulations will impose new restrictions banning ads for "identifiable" food and drinks that are HFSS from being shown on TV before 9 p.m. in the UK, or at any time in online paid-for advertising. The aim of the Advertising Regulations is to restrict the advertising of HFSS foods to children, and the restrictions will apply to businesses with 250 or more employees. The restrictions will be as follows:

- A 9 p.m. watershed for identifiable less healthy food and drink advertising on TV, which includes all on-demand programme services
- Introducing a complete ban on paid-for less healthy food and drink advertising online, including non-Ofcom regulated on-demand programme services

There is a two-stage test to determine which products fall within the remit of the regulations.

This will offer businesses the chance to self-assess their products to understand whether certain advertisements will be impacted.

Businesses that do not comply with these regulations could face enforcement notices to rectify advertisements and monetary penalties if there has been a serious breach. Therefore, businesses do not have long to familiarise themselves with these changes and are urged to monitor the evolving Advertising Standards Authority (ASA) guidance to ensure that they keep up to date with the most recent developments. For further detail, please read our [full article](#).



## Supply Chain Transparency – Updates on UK and EU Provisions on Forced Labour and Modern Slavery

Forced labour and modern slavery have been the subject of renewed focus across the UK and EU in recent months. Trade press [reports](#) last year indicated that forced labour in food supply chains is on the rise, and there were also reports in Autumn 2024 of modern slavery victims forced to work for a UK quick-service restaurant and a bread manufacturer supplying various major UK retailers.

Against this background, while not changing the fundamental reporting requirements under the UK Modern Slavery Act, new [guidance](#) from the UK Home Office in March 2025 offers practical advice to businesses and sets higher expectations on organisations for the contents of their modern slavery statements.

In the EU, the Forced Labour Regulation (or FLR) entered into force on 13 December 2024 and will apply to EU member states from 14 December 2027. It prohibits individuals and businesses from importing into, making available in, or exporting from the EU any product made with forced labour. Details have also emerged of a settled investigation by the Italian Competition Authority highlighting the ways that issues relating to modern slavery can be subject to regulatory intervention.

For further information, read our [full article](#).

## Competition & Markets Authority Has Fake Reviews in its Sights

FSA [research](#) (into food hygiene rating schemes) notes how ratings and reviews from other customers shapes and influences eating out choices and ordering online from food outlets.

Building on new powers under the Digital Markets, Competition and Consumers Act 2024 the Competition and Markets Authority (CMA) has published statutory guidance on the measures that businesses who publish consumer reviews are expected to have in place to protect against the risk of fake reviews.

Having secured undertakings from a number of high-profile publishers of consumer reviews to improve their measures, the CMA is now conducting an initial sweep of review platforms more generally to identify those that need to do more to comply with these new requirements. Read our [blog post](#) for further detail.

## The Uncertain Future of the EU Green Claims Directive

Many food products are labelled or advertised with "green claims", i.e. claims as to the environmental credentials of a product, or the "impact" that a product, or its packaging, has on the environment. Claims can include misleading impressions created by symbols, logos or colours (as well as words) and by nonspecific, generalised terms, such as "green" or "sustainable", by way of example.

On 20 May 2025, a [spokesperson](#) for the European Commission surprisingly announced the commission's intention to withdraw its [legislative proposal on green claims](#), sparking immediate reactions and confusion within the Brussels policymaking bubble. However, the commission later clarified that the Green Claims Directive may ultimately not be withdrawn, provided that the controversial amendment extending its scope to microenterprises, seen as conflicting with the commission's "cutting red tape" agenda, is removed.

In the wake of this announcement, the final trilogue meeting was abruptly cancelled at the last minute by the Polish presidency. Several European Parliament committee members expressed their disappointment regarding the cancellation, [stating](#), "What's more, fighting greenwashing would create a more level playing field for businesses that already work sustainably. As Chairs of the responsible committees at the European Parliament, we are ready to continue negotiations as soon as possible by resuming the institutional dialogue."

As of writing those lines, the future of the Green Claims Directive remains uncertain. The withdrawal of the proposal by the European Commission remains a possibility in line with the treaties and as long as any such action complies with the criteria laid out by the Court of Justice in [Case C-409/13](#) for doing so, namely, not amounting to a "right of veto in the conduct of the legislative process". Further commentary is available in this article from [Food Navigator](#), quoting the firm's Manon Ombredane.

## Packaging and Packaging Waste Regulation Is Being Challenged Before the EU Court

The Packaging and Packaging Waste Regulation (PPWR) has significant implications for food businesses supplying to the EU market, promoting a move towards biodegradable and compostable packaging, reducing waste and meeting consumer demand for sustainable options. This must be balanced against requirements for food safety.

In June 2025, it was made public that the PPWR is being challenged before the General Court by individual companies or associations. First, on 6 June 2025, the notice of appeal in [Case T-197/25](#) was published in the EU Official Journal. The applicant, a Czech association, is seeking a partial annulment of the PPWR, specifically targeting Article 50, which pertains to the deposit and return system.

Then, on 10 June 2025, seven additional notices of appeal were published in the EU Official Journal. Each of them seeks annulment of the PPWR in full, and alternatively, they request either the annulment of part of Article 29 concerning reuse targets (cases [T-241/25](#), [T-247/25](#), [T-236/25](#), [T-242-25](#) and [T-249/25](#)) or Article 25 and Annex V regarding the restrictions on certain packaging formats (cases [T-244/25](#) and [T-248/25](#)).

Whether the General Court will favourably welcome the arguments put forward by the various parties and ultimately annul the PPWR in full or in part remains to be seen. Not least because the question of admissibility of those actions will be a significant hurdle to overcome.

## 2025 Base Fees for Extended Producer Responsibility for Packaging (pEPR) Have Been Published

On 27 June 2025, PackUK published the 2025 [base fees](#) for pEPR. The fees vary by packaging material and are based on 2024 packaging data reported by producers and waste management costs reported by local authorities. Compared to the illustrative fees from December 2024, fees have been reduced by 39% for aluminium and 20% for glass.

Some packaging types are excluded from these fees as they fall under the Deposit Return Scheme, which comes into force in October 2027. These include single use PET plastic, aluminium and steel drinks containers between 150 millilitres and 3 litres.

Large producers must report their data for 1 January to 31 June 2025 by 1 October 2025 and will then be invoiced using the base fees. The data reported in October will be used to calculate 2026 fees.

Alongside the base fees, PackUK published a [Producer Fee Modulation Policy Statement](#), outlining how recyclability will be used to modulate household packaging waste disposal fees from 2026 to 2029. Modulation will be applied for the first time to the 2026 base fees and will impact how costs are allocated by material, meaning that packaging classified as non-recyclable will pay higher fees, while recyclable materials may receive discounts, so packaging producers should review their packaging to make it more recyclable and reduce their fees. Further environmental sustainability indicators will be introduced for modulated fees from 2029.



## European Commission Imposes Substantial Fines in Connection With a Cartel in the Online Food Delivery Sector

On 2 June 2025, the European Commission fined Delivery Hero and Glovo – two major players in the online food delivery sector – a total of €329 million for participating in a cartel between 2018 and 2022, facilitated through Delivery Hero's minority, noncontrolling shareholding (16%) in Glovo. The cartel ended in 2022, with the acquisition of sole control of Glovo.

The commission's decision is the first to address two key issues discussed in recent years: (i) the risk of anticompetitive collusion resulting from a minority shareholding in a rival's business, and (ii) no-poach agreements (where the companies agreed not to "poach" each other's staff).

The companies were found by the commission to have exchanged commercially sensitive information (e.g. commercial strategies, prices, capacity, costs, etc.), as well as agreeing which locations each would trade in (they agreed to divide between them the national markets for online food delivery in the EEA and not to compete in each other's markets), thereby reducing choice and increasing prices for consumers.

Both companies admitted their involvement in the cartel and agreed to settle the case with the commission, leading to a 10% reduction in their respective penalties. Delivery Hero will pay €223 million in fines and Glovo will pay €106 million.

See the commission's [press release](#).

## Deposit Requirement for Non-alcoholic Spirits – German Courts Clarify Legal Position

Under Germany's Packaging Act (VerpackG), most single-use beverage packaging is subject to a mandatory deposit. While certain products – such as wine or spirits with over 15% alcohol – are exempt under the law, non-alcoholic spirit alternatives do not benefit from this exception.

Recent rulings by the Munich Higher Regional Court and the Braunschweig Regional Court have confirmed that alcohol-free alternatives like "non-alcoholic gin" must be sold with a deposit. The courts rejected the common industry argument that these products are merely "bases," instead classifying them as beverages intended for consumption, even when diluted.

An analogous application of the alcohol exemption is an option but has not been recognised by the courts. On the one hand, one can argue in favour of an analogous application that the environmental costs of a take-back system outweigh the benefits – similar to spirits – which was the argument used by the legislator to justify the exemption of spirits and wine, but on the other hand, these products are basically – in simple terms – flavoured water, which is why these beverages are more similar to "near-water beverages" which are subject to the deposit requirement.

Bottom line: alcohol-free spirits are beverages under VerpackG and must comply with the deposit obligation. Manufacturers and retailers still selling them without deposits risk enforcement action and should take steps to align with the law. Further commentary is available (in German) in this [article](#) from About Drinks, authored by the firm's Christian Boehler.



## No German Deposit Required for Non-alcoholic Sparkling Wine Alternatives Based on Fruit Juice

In another recent decision, the Higher Administrative Court of Baden-Württemberg (VGH) ruled that a non-alcoholic sparkling wine alternative made from fruit juice, carbon dioxide and spices is exempt from the deposit requirement under the Packaging Act (VerpackG).

This overturns a previous ruling by a lower court, which had argued that the beverage did not qualify as "fruit juice" due to its carbonation and added ingredients. The VGH, however, took a broader view, stating that terms in packaging law must be interpreted in light of the objectives of the VerpackG, and not strictly according to food law definitions.

The court held that while food law can offer guidance, it is not decisive. As such, the product in question qualifies as fruit juice under packaging law, and thus benefits from the deposit exemption granted to fruit juice products. The implication is that producers of similar fruit juice-based sparkling wine alternatives may continue to sell their products without a deposit, provided the fruit juice content remains central to the formulation.

## Top Tips for Food Businesses To Prepare for the UK Employment Rights Bill

In the last edition of newsBITE, we outlined UK labour and employment issues for food manufacturers for the year ahead. One of those issues is the Employment Rights Bill, which proposes wide-ranging changes to employment law, from “day one” unfair dismissal rights to greater rights for trade unions. Food and drink manufacturers (and others) have concerns regarding the draft legislation and the possibility for unintended consequences that could damage growth, jobs and investment. There are particular concerns as to provisions relating to “guaranteed hours contracts” (and, possibly to a lesser extent, zero hours contracts), overly broadly drafted fire and rehire provisions, and collective redundancy changes.

In our May [board briefing](#), we set out key action points for employers to prepare for this legislation, including assessing the likely financial impact; review of policies, procedures and working practices; review of contracts; training; and consideration of other points, such as zero hours workers, statutory sick pay, trade unions, gender pay gap action plans and holidays and holiday pay.



## First Glimpse at the Future European Biotech Act

In May 2025, the European Commission launched a [call for evidence](#) to gather feedback on regulatory obstacles and policy needs, laying the groundwork for the upcoming European Biotech Act. The EU Biotech Act will seek to harness the full potential of biotechnology to benefit society, the environment and the economy.

A central objective of the forthcoming work to be undertaken by the commission is to explore how the EU can “facilitate and speed up the development and approval of biotech products to bring them to market faster and more easily”, all while safeguarding public health, environmental protection and biosecurity standards. In that respect, one area likely to come under scrutiny is the often lengthy novel food authorisation process.

The role of AI is also expected to be a key focus. The commission plans to examine how AI can be leveraged to accelerate development, streamline regulatory workflows and unlock new avenues for biotech innovation.

## Labelling of Food for Special Medical Purposes

In May 2025, Advocate General Norkus delivered his opinion on [Case C-315/24 Nestlé Sverige AB v. Miljönämnden i Helsingborgs kommun](#) regarding the mandatory additional particulars that are required in the labelling of food for special medical purposes (FSMPs) governed by [Delegated Regulation 2016/128](#).

The opinion highlights the specific nature of FSMPs, which led Advocate General Norkus to recommend that the court conclude that “information concerning the energy value of the product and the amounts of various nutrients provided elsewhere than in the nutrition declaration cannot constitute an additional description of the product’s properties and characteristics” and therefore that repetition of additional nutritional elements on the front of FSMP packaging should be permissible, under certain conditions.

## Ireland Publishes a New Guidance for Preparing an Article 4 Request Under the Novel Food Regulation (EU) 2015/2283.

In June 2025, the Food Safety Authority of Ireland (FSAI) published a new [guidance](#) for food business operators (FBO) that would like to submit a request to Ireland about the novel food status of a food or ingredient, in accordance with Article 4 of the [Novel Food Regulation 2015/2283](#).

Among other matters, the guidance helpfully lists a series of information to assist FBOs in providing appropriate information to demonstrate a history of human consumption within the EU to a significant degree prior to 15 May 1997 or the similarity of a food of interest to an existing non-novel food.

# Contacts

## Nicola Smith

Partner, Birmingham  
T +44 121 222 3230  
E [nicola.smith@squirepb.com](mailto:nicola.smith@squirepb.com)

## Hannah Kendrick

Partner, Leeds  
T +44 113 284 7620  
E [hannah.kendrick@squirepb.com](mailto:hannah.kendrick@squirepb.com)

## Carlton Daniel

Partner, London  
T +44 20 7655 1026  
E [carlton.daniel@squirepb.com](mailto:carlton.daniel@squirepb.com)

## Natasha Maric

Senior Associate, London  
T +44 207 655 1375  
E [natasha.maric@squirepb.com](mailto:natasha.maric@squirepb.com)

## Manon Ombredane

Director, Brussels  
T + 32 2 627 1134  
E [manon.ombredane@squirepb.com](mailto:manon.ombredane@squirepb.com)

## Matthew Lewis

Partner, Leeds  
T +44 113 284 7525  
E [matthew.lewis@squirepb.com](mailto:matthew.lewis@squirepb.com)

## Hannah Laming

Partner, London  
T +44 20 7655 1682  
E [hannah.laming@squirepb.com](mailto:hannah.laming@squirepb.com)

## Francesco Liberatore

Partner, London | Milan | Brussels  
T +44 20 7655 1505  
T +322 627 11 11  
T +39 02 72 74 2001  
E [Francesco.liberatore@squirepb.com](mailto:Francesco.liberatore@squirepb.com)

## Francesca Puttock

Associate, Birmingham  
T +44 121 222 3215  
E [francesca.puttock@squirepb.com](mailto:francesca.puttock@squirepb.com)

## Dr. Christian Boehler

Senior Associate, Frankfurt  
T +49 69 1739 2421  
E [christian.boehler@squirepb.com](mailto:christian.boehler@squirepb.com)

## Sam Hare

Director, London  
T +44 207 655 1154  
E [sam.hare@squirepb.com](mailto:sam.hare@squirepb.com)

