0. LEGAL INFORMATION

Regulation (EU) No 1169/2011 on the provision of food information to consumers (FIC) will replace the current requirements for the labelling of foodstuffs set out in Directive 2000/13/EC and the nutrition labelling requirements of Directive 90/496/EEC.

1. DATES of APPLICATION

The new rules came into effect on 13 December 2011 and will apply from 13 December 2014, with the exception of point (l) of Article 9(1) (mandatory nutrition declaration), which will apply from 13 December 2016.

The mandatory indication of the origin of certain ingredients or foods (Article 26) will not enter into force until:

- the adoption of implementing acts (for Art. 26.3);
- the presentation and adoption of proposals to modify the relevant Union provisions (for Art.26.5).

2. TRANSITIONAL MEASURES

Foods placed on the market or labelled prior to 13 December 2014 which are compliant with the existing rules (i.e. Directive 2000/13/EC) but which do not comply with the requirements of the new Regulation may be marketed until the stocks of the foods are exhausted.

Food business operators can place on the market products labelled in accordance with the Food Information to Consumers (FIC) Regulation (EU) No. 1169/2011 before 13 December 2014, provided that there is no conflict with the labelling requirements of Directive 2000/13/EC, which continues to apply until 13 December 2014.
## 3. Q&A and GUIDELINES

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>GOVERNMENT</th>
<th>INDUSTRY</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Commission</td>
<td>SANCO set up a working group who have prepared questions and answers on the application of the Regulation (EU) N° 1169/2011 on the provision of food information to consumers</td>
<td></td>
</tr>
<tr>
<td>Austria</td>
<td>The Bundesministerium für Gesundheit (Austrian Ministry of Health) has published a short of catalogue of specific interpretation questions (Q&amp;A)</td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td>The Food Safety Authority of Ireland published in July 2012 an Overview of changes to food labelling introduced under the food information Regulation which highlights some of the significant changes to the current rules.</td>
<td></td>
</tr>
<tr>
<td>Poland</td>
<td>The Polish Authorities have adopted Guidance on the implementation of the FIC Regulation</td>
<td></td>
</tr>
<tr>
<td>Portugal</td>
<td>The Guidance on the application of Regulation n. 1169/2011 adopted by the Portuguese Industry and Retailers associations (FIPA and APED) was officially approved by the Portuguese National Authorities.</td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td>The Swedish Food Industry published last year a Guidance on FIC and it is currently being updated.</td>
<td></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>The Department of Environment, Food and Rural Affairs (DEFRA) published in November 2012 a Guide to compliance with the new Regulation. In 2013, The Department of Health published a Guidance intended to provide informal, non-statutory advice for businesses on the nutrition-related requirements of the FIC Regulation (and an Annex)</td>
<td></td>
</tr>
<tr>
<td>FoodDrinkEurope and Eurocommerce</td>
<td>A Guidance on the Provision of Food information to Consumers was developed in 2013 by FoodDrinkEurope and EuroCommerce to help facilitate a common understanding between European retailers and manufacturers on FIC.</td>
<td></td>
</tr>
</tbody>
</table>
## 4. Mandatory Food Information

Mandatory information for all foods  
(Article 9)

<table>
<thead>
<tr>
<th>MANDATORY PARTICULARS</th>
<th>NEW?</th>
<th>COMMENTS</th>
<th>RELATED ARTICLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Name of the food</td>
<td>No</td>
<td>“Sales denomination” under Reg. 110/2008</td>
<td>Art. 16.4 (exemption)</td>
</tr>
<tr>
<td>(b) list of ingredients</td>
<td>No</td>
<td>Alcoholic beverages exempted for the moment</td>
<td>Art. 18-20 Annex VII</td>
</tr>
<tr>
<td>(c) allergens</td>
<td>No</td>
<td>Cereals used for making distillates or ethyl alcohol are exempted</td>
<td>Art. 21 Annex II</td>
</tr>
<tr>
<td>(e) net quantity</td>
<td>No</td>
<td></td>
<td>Art. 23 Annex IX</td>
</tr>
<tr>
<td>(f) date of minimum durability</td>
<td>No</td>
<td>Spirits exempted (more than 10% vol)</td>
<td>Art. 24 Annex X</td>
</tr>
<tr>
<td>(g) any special storage condition</td>
<td>No</td>
<td>In case where foods require so</td>
<td>Art. 25</td>
</tr>
<tr>
<td>(h) the food business operator responsible</td>
<td>No</td>
<td></td>
<td>Art. 8</td>
</tr>
<tr>
<td>(i) country of origin or place of provenance</td>
<td>Yes</td>
<td></td>
<td>Art. 26</td>
</tr>
<tr>
<td>(j) instructions of use</td>
<td>No</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>(k) actual alcoholic strength by volume</td>
<td>No</td>
<td>Introduces a new concept of Tolerance</td>
<td>Art. 28 Annex XII</td>
</tr>
<tr>
<td>(l) nutrition declaration</td>
<td>Yes</td>
<td>Alcoholic beverages exempted for the moment</td>
<td>Art. 16.4 (exemption) Art. 30-35 Annex XIII-XIV</td>
</tr>
</tbody>
</table>

In relation with Directive 2000/13/EC, certain particulars have been extended and 2 voluntary indications are now requested on a mandatory basis:
- Origin labelling
- Nutritional information

**Exemptions (Article 16)**  
Only particulars (a), (c), (e) and (f) are required in the case of:
- Glass bottles intended for reuse which are indelibly marked and which bear no label  
- Packaging or containers the largest surface of which has an area of less than 10 cm²

---

1 In 1997, general guidelines for implementing the principle of Quantitative Ingredients Declaration (QUID) were introduced by the European Commission. Labels are to indicate the quantity of certain ingredients expressed as a percentage of the final product. The Guidelines have been revised in December 1998 (available at COM [website](http://www.official-journal.europa.eu)).
Mandatory indication of additional particulars for specific types of foods
(Article 10 and Annex III)

- Beverages containing sweeteners:

<table>
<thead>
<tr>
<th>CONDITIONS</th>
<th>INDICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food containing sweetener(s)</td>
<td>“with sweetener(s)” this statement shall accompany the name of the food</td>
</tr>
<tr>
<td>Food containing both, sugars and sweetener(s)</td>
<td>“with sugar(s) and sweetener(s)” this statement shall accompany the name of the food</td>
</tr>
<tr>
<td>Food containing aspartame</td>
<td>“contains aspartame” shall appear on the label in cases where aspartame/aspartame-acesulfame salt is designated in the list of ingredients only by reference to the E number. ‘contains a source of phenylalanine’ shall appear on the label in cases where aspartame/aspartame-acesulfame salt is designated in the list of ingredients by its specific name</td>
</tr>
</tbody>
</table>

- Beverages containing glycyrrhizinic acid:

<table>
<thead>
<tr>
<th>CONDITIONS</th>
<th>INDICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beverages (including alcoholic beverages) containing glycyrrhizinic acid or its ammonium salt due to the addition of the substance(s) as such or the liquorice plant Glycyrrhiza glabra, at concentration of 100 mg/kg or 10 mg/l or above.</td>
<td>‘contains liquorice’ shall be added immediately after the list of ingredients, unless the term ‘liquorice’ is already included in the list of ingredients or in the name of the food. In the absence of a list of ingredients, the statement shall accompany the name of the food</td>
</tr>
<tr>
<td>Alcoholic beverages containing glycyrrhizinic acid or its ammonium salt due to the addition of the substance(s) as such or the liquorice plant Glycyrrhiza glabra at concentrations of 300 mg/l or above</td>
<td>‘contains liquorice – people suffering from hypertension should avoid excessive consumption’ shall be added immediately after the list of ingredients. In the absence of a list of ingredients, the statement shall accompany the name of the food</td>
</tr>
</tbody>
</table>

- Beverages high caffeine content:

<table>
<thead>
<tr>
<th>CONDITIONS</th>
<th>INDICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beverages, with the exception of those based on coffee, tea or coffee or tea extract where the name of the food includes the term ‘coffee’ or ‘tea’, which: - are intended for consumption without modification and contain caffeine, from whatever source, in a proportion in excess of 150 mg/l, or, - are in concentrated or dried form and after reconstitution contain caffeine, from whatever source, in a proportion in excess of 150 mg/l</td>
<td>‘High caffeine content. Not recommended for children or pregnant or breast-feeding women’ in the same field of vision as the name of the beverage, followed by a reference in brackets and in accordance with Article 13(1) of this Regulation to the caffeine content expressed in mg per 100 ml.</td>
</tr>
</tbody>
</table>

2 Pursuant Regulation (EC) No 1333/2008, spirit drinks are not authorised any of the additives classified as “sweeteners”. Instead, some of this additives can be used for the production of category 14.2.8 “Other alcoholic drinks including mixtures of alcoholic drinks with non-alcoholic drinks and spirits with less than 15 % of alcohol”.
5. VOLUNTARY FOOD INFORMATION

Where to indicate it (Article 37)
Voluntary food information must not be displayed to the detriment of the space available for mandatory food information.

How to indicate it (Article 36)
Where food information referred to in Articles 9 and 10 is provided on a voluntary basis, such information shall comply with the requirements laid down in Sections 2 and 3 of Chapter IV.

Exemptions (COM Q&A)
For alcoholic beverages, the nutrition declaration is not mandatory and may be limited to the energy value. No specific format is required.

6. PRESENTATION OF MANDATORY FOOD INFORMATION

(Articles 12, 13 and 15)
These articles set the general rules for the presentation of mandatory particulars.
New rules concern mainly the new minimum x-height.

Conspicuous place (Article 13.1)
Mandatory food information shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible.

x-height
- (Art. 13.2 and Annex IV) All mandatory particulars listed in Article 9 shall be printed in characters using a font size where the x-height is equal to or greater than 1.2 mm.
- (Art. 13.3 and Annex IV) In case of packaging or containers the largest surface of which has an area of less than 80 cm², the x-height of the font size shall be equal or greater than 0.9 mm.

Same visual field (Article 13.5)
Three mandatory particulars shall appear in the same visual field: (a) the name of the food, (e) the net quantity and (k) the alcoholic strength by volume.
The requirement to include also (f) date of minimum durability, in the same field of vision has been removed.

Language (Article 15)
• Food information must be given in a language that is easily understood by consumers of the Member State where a food is marketed.
• Within their own territory, the Member States in which the food is marketed may stipulate that the particulars shall be given in one or more languages from among the official languages of the Union.
• However, that does not mean that food information cannot also be provided in other languages, including non official languages, on a voluntary basis.

3 COM Q&A: For cylindrical shapes (e.g. cans) or bottle-shaped packages (e.g. bottles) which often have uneven shapes, a pragmatic way to clarify the concept of 'largest surface' could be, for example, the area excluding tops, bottoms, flanges at the top and bottom of cans, shoulders as well as necks of bottles and jars.
7. (b) LIST OF INGREDIENTS

Exemption and report (Article 16.4)
The declaration of (b) the list of ingredients, shall not be mandatory for beverages containing more than 1,2% by volume of alcohol.

- The Commission shall produce, by 13 December 2014, a report addressing whether alcoholic beverages should in future be covered by the mandatory indication of (b) the list of ingredients and (l) the nutritional declaration and the reasons justifying possible exemptions
- The Commission shall accompany that report by a legislative proposal, if appropriate determining the rules for a list of ingredients or a mandatory nutrition declaration for those products.

Member States authority (Article 41)
Member States may, pending the adoption of the Union provisions referred to in Article 16(4), maintain national measures as regards the listing of ingredients in the case of beverages containing more than 1,2% by volume of alcohol.

How to present the list? (Articles 18 and 20)
The list of ingredients:
- shall be headed or preceded by a suitable heading which consists of or includes the word “ingredients”
- shall include all the ingredients in descending order of weight, as recorded at the time of their use in the manufacture of the food.
The dilution water used for the production of spirit drinks shall be cited in the list of ingredients.

8. (c) ALLERGENS

How to indicate them (Art. 21.1)
- Substances or products causing allergies (listed in Annex II):
  - shall be indicated in the list of ingredients;
  - shall be indicated with a clear reference to the name of the substances listed in Annex II;
  - shall be emphasized through a typeset that clearly distinguishes it from the rest of the list of ingredients, for example by means of the font, style or background colour;

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4 Article 16.4: In this context [the report to be produced], the Commission shall consider the need to propose a definition of “alcopops”.

5 Article 2.2(f): “ingredient” means any substance or product, including flavourings, food additives and food enzymes, and any constituent of a compound ingredient, used in the manufacture or preparation of a food and still present in the finished product, even if in an altered form; residues shall not be considered as ‘ingredients’;

6 Article 20(e): Water can be omitted from the list of ingredients:
  i. where the water is used during the manufacturing process solely for the reconstruction of an ingredient used in concentrated or dehydrated form; or
  ii. in the case of a liquid medium which is not normally consumed.
• The indication of allergens shall not be required in cases where the name of the food clearly refers to the substance of product concerned.
• In the absence of a list of ingredients, the indication of the substances or products causing allergies shall comprise the word ‘contains’ followed by the name of the substance or product as listed in Annex II.

Exemptions (Annex II)
1. Cereals used for making alcoholic distillates including ethyl alcohol of agricultural origin;
2. Milk and products thereof when used for making alcoholic distillates including ethyl alcohol of agricultural origin;
3. Nuts used for making alcoholic distillates including ethyl alcohol of agricultural origin;
4. Sulphur dioxide and sulphites at concentrations of less than 10 mg/litre in terms of the total SO₂.

9. (d) QUANTITY OF CERTAIN INGREDIENTS

Which ingredients or category of ingredients are concerned? (Article 22)
The indication of the quantity of an ingredient or category of ingredients used in the manufacture or preparation of a food shall be required where the ingredient or category of ingredients concerned:
   a) appears in the name of the food or is usually associated with that name by the consumer;
   b) is emphasised on the labelling in words, pictures or graphics; or
   c) is essential to characterise a food and to distinguish it from products with which it might be confused because of its name of appearance.

How to indicate them (Annex VIII)
The indication of the quantity of an ingredient or category of ingredients shall:
   o be expressed as a percentage;
   o appear either in or immediately next to the name of the food or in the list of ingredients in connection with the ingredients in question

Exemptions (Annex VIII)
The quantitative indication shall not be required in respect of ingredients:
   1. The quantities of which must already appear on the labelling under Union provisions;
   2. Which is used in small quantities for the purposes of flavouring;
   3. Which, while appearing in the name under which the food is sold, is not such as to govern the choice of the consumer in the country of marketing because the variation of quantity is not essential to characterise the food or does not distinguish it from similar foods:
      - malt whiskey/whisky (QUID (1996))
      - liqueurs and fruit-based spirits (QUID (1996))

10. (f) DATE OF MINIMUM DURABILITY, “USE BY” DATE

Alcoholic beverages exempted (Annex X)
   1. Beverages containing 10% or more by volume of alcohol;
   2. wines, liqueur wines, sparkling wines, aromatised wines, and similar products obtained from fruit other than grapes, and beverages falling within CN code 2206 00 obtained from grapes or grape musts,
Consequently, alcoholic beverages based on spirits, under 10% vol, which do not fall under the 2206 category and are not based on grapes, will have to indicate the “best before” date.

What to indicate (Article 24 and Annex X)

- The date of minimum durability preceded by the words “best before ...” if the day is indicated or “Best before end ...” in other cases.
  - The indication of the year shall be sufficient for foods which will keep for more than 18 months;
  - The indication of the month and year shall be sufficient for foods which will keep more than 3 months but not more than 18 months;
  - The indication of the day and the month shall be sufficient for foods which will not keep for more than 3 months.

- The “use by” date preceded by the words “use by...” in the case of foods which, from a microbiological point of view, are highly perishable and are therefore likely after a short period to constitute an immediate danger to human health.

11. (i) ORIGIN INDICATION

Exemption for GIs (Article 26.1)

- Even if spirit GIs are not cited directly, they should be excluded from all provisions set in Article 26.

General rules on the indication of the origin of the product (Article 26.2)

Indication of the country of origin or place of provenance shall be mandatory where failure to indicate this might mislead the consumer as to the true country of origin or place of provenance of the food.

Origin of primary ingredient (Article 26.3)

- Where the country of origin or the place of provenance of a food is given (on a voluntary or mandatory basis) and where it is not the same as that of its primary ingredient:
  a. the country of origin or place of provenance of the primary ingredient in question shall also be given; or
  b. the country of origin or place of provenance of the primary ingredient shall be indicated as being different to that of the food.
- The application of this paragraph shall be subject to the adoption of the implementing acts. Which means that this provision can not be applied until the adoption of the implementing act. Commission implementing act should clarify at least:
  o When I’m giving the origin of the food and when I’m not;
  o What is a primary ingredient;

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7 Article 2.2(r): “date of minimum durability of a food” means the date until which the food retains its specific properties when properly stored;

8 Article 2.2(q): “primary ingredient” means an ingredient or ingredients of a food that represent more than 50 % of that food or which are usually associated with the name of the food by the consumer and for which in most cases a quantitative indication is required;
How can I determine the place of provenance of a food/primary ingredient;

How can I compare the origin of the food and the origin of its primary ingredient;

How and where on the label should I indicate the different origins or the origin of the primary ingredient.

**Origin of single ingredient and 50% ingredient** (Article 26.5)

- The Commission should present a report by 13 December 2014, accompanied eventually by a legislative proposal, regarding the mandatory indication of the origin of, among others:
  - single ingredient products – considering that dilution water is considered an ingredient, this section of the report should not affect spirit drinks -
  - ingredients that represent more than 50% of the food.

### 12. (k) ALCOHOLIC STRENGTH

**Tolerance** (Article 28 and Annex XII)

1. Positive and negative allowed tolerance in respect of the indication of the alcoholic strength by volume of spirit drinks is set at 0,3% vol.
2. This tolerance shall apply without prejudice to the tolerances deriving from the method of analysis used for determining the alcoholic strength (uncertainty of the method).

**Interpretation of Tolerance**

Concerning the interpretation of this provision:

3. SANCO has informed AGRI that this provision applies without prejudice to any Regulation 110/2008 provision or rule, i.e the definition of each spirit category.
4. Several Member States consider that only the uncertainty of the method of analysis applies at the minimum alcoholic strength of a category.

### 13. (l) NUTRITION LABELLING

**Exemption and report** (Article 16.4)

The declaration of (l) the nutritional declaration, shall not be mandatory for beverages containing more than 1,2% by volume of alcohol.

- The Commission shall produce, by 13 December 2014, a report addressing whether alcoholic beverages should in future be covered by the mandatory indication of (b) the list of ingredients and (l) the nutritional declaration and the reasons justifying possible exemptions.
- The Commission shall accompany that report by a legislative proposal, if appropriate determining the rules for a list of ingredients or a mandatory nutrition declaration for those products.

**Presentation on voluntary basis** (COM Q&A)

For alcoholic beverages, the nutrition declaration is not mandatory and may be limited to the energy value. No specific format is required.

**Calculation of energy content** (Article 31.1 and Annex XIV)

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9 Article 16.4: In this context [the report to be produced], the Commission shall consider the need to propose a definition of “alcopops”.
The energy value shall be calculated using the following conversion factors:

<table>
<thead>
<tr>
<th>Nutrient</th>
<th>Conversion factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>carbohydrate (except polyols)</td>
<td>17 kJ/g — 4 kcal/g</td>
</tr>
<tr>
<td>polyols</td>
<td>10 kJ/g — 2.4 kcal/g</td>
</tr>
<tr>
<td>protein</td>
<td>17 kJ/g — 4 kcal/g</td>
</tr>
<tr>
<td>fat</td>
<td>37 kJ/g — 9 kcal/g</td>
</tr>
<tr>
<td>salatrim</td>
<td>25 kJ/g — 6 kcal/g</td>
</tr>
<tr>
<td>alcohol (ethanol)</td>
<td>29 kJ/g — 7 kcal/g</td>
</tr>
<tr>
<td>organic acid</td>
<td>13 kJ/g — 3 kcal/g</td>
</tr>
<tr>
<td>fibre</td>
<td>8 kJ/g — 2 kcal/g</td>
</tr>
<tr>
<td>erythritol</td>
<td>0 kJ/g — 0 kcal/g</td>
</tr>
</tbody>
</table>

14. RESPONSIBILITIES

Context
The new Regulation clarifies the responsibility of food business operators (FBO) with respect to food information to consumers in accordance with the responsibility regarding the consumer under the general food law (Article 17 of Regulation (EC) No 178/2002). Article 8 fills the legal lacuna on the notion that operators need to only satisfy the “requirements of food law which are relevant to their activities” issue under existing EU law.

Who is responsible (Article 8)
• The FBO mainly responsible for the food information shall be:
  o the one which markets/imports the product by marking it under his name/business name/brand name (art. 8.1) and his address (art. 9.1.h);
  o the one which has the power to affect the information related to the foodstuff (art. 8.3);
  o the one which, ensures the presence and the accuracy of the food information in accordance with the European as well as the National rules (art. 8.2).
• Food Business Operators are responsible for any changes they make to food information accompanying a food.

Distance selling and responsibility (COM Q&A)
• The food business operator responsible for the food information is the operator under whose name or business name the food is marketed. The operator must ensure the presence and the accuracy of the food information provided.
• Where foods are offered for sale by means of distance selling, the responsibility for providing mandatory food information before the purchase is concluded lies with the owner of the website.
15. DISTANCE SELLING

Information to provide (Article 14 and COM Q&A)

• The Regulation set rules concerning the presentation of food sold by means of distance communication.

  1. With the exemption of “(f) the date of minimum durability”, all the relevant mandatory information must also be available before the purchase is concluded.

  2. All mandatory particulars must be available at the moment of delivery.

• In the context of a pragmatic approach, there should be no obligation for providing the “lot number” before the purchase is concluded.

• Ulterior Commission’s interpretations (e-mail exchange with SANCO):

  1. “According to Article 2.2(c), mandatory food information means the particulars that are required to be provided to the final consumers by Union provisions. Therefore, Article 14(1) on distance selling is to be understood as referring to the Union provisions. Nevertheless, at the moment of delivery of the foods in question, all mandatory information (including those required by the national law – i.e. the pregnant woman logo-) shall be available (Article 14(2)).”

  2. “The mandatory information on food available on the website is to be displayed in the language of the country of the consumer. “

Responsibilities (COM Q&A)

• The food business operator responsible for the food information is the operator under whose name or business name the food is marketed. The operator must ensure the presence and the accuracy of the food information provided.

• Where foods are offered for sale by means of distance selling, the responsibility for providing mandatory food information before the purchase is concluded lies with the owner of the website.

16. MULTIPACK PACKAGE

Mandatory information in multipack (Article 8.7 and COM Q&A)

In the case of a ‘multipack’ package consisting of individually packed items which are sold by producers to wholesalers/retailers (stage prior to sale to the final consumer where the sale/supply to mass caterers is not involved):

• The mandatory particulars required under Articles 9 and 10 of the FIC Regulation shall appear in one of the following places:

  o On the prepackaging [i.e. on the 'multipack' package]; or,
  o On a label attached thereto; or,
  o On the commercial documents referring to the foods, where it can be guaranteed that such documents either accompany the food to which they refer or were sent before or at the same time as delivery. In such cases, however, the following particulars must

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10 'lot number' is laid down in Directive 2011/91/EU of the European Parliament and of the Council of 13 December 2011 on indications or marks identifying the lot to which a foodstuff belongs
also appear on the external packaging in which the prepacked foods\(^\text{11}\) are presented for marketing:

- The name of the food;
- The date of minimum durability or the 'use by' date (not for spirits);
- Any special storage conditions and/or conditions of use;
- The name or business name and address of the responsible food business operator.

Therefore, each individually packed item need not to be labelled as such

- If the wholesaler/retailer decides to sell the individually packed items to the final consumer, he must ensure that the mandatory particulars required under Articles 9 and 10 of the FIC Regulation appear on each one of them

\(^{11}\) Article 2.2(e): “prepacked food” means any single item for presentation as such to the final consumer and to mass caterers, consisting of a food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging; ‘prepacked food’ does not cover foods packed on the sales premises at the consumer’s request or prepacked for direct sale;