

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

The petitioner is calling on the Scottish Parliament to urge the Scottish Government to introduce mandatory latex labelling on food products sold in Scotland if there is a chance of contamination.

Latex allergy: [Latex allergy](#) is caused by the proteins in natural rubber, or by chemicals added in the manufacturing process. The [charity Anaphalaxis UK suggests that](#) an estimated 1-6% of people could be sensitised to latex, but not everyone who is sensitised will have symptoms. The [UK Health and Safety Executive \(HSE\) state that](#):

- Natural rubber latex (NRL) proteins can cause asthma and dermatitis. Although rare, serious allergic reactions such as anaphylaxis are possible.
- The amount of latex exposure needed to induce sensitisation is unknown. Once sensitisation has taken place, further exposure to the substance, even to low levels, may cause a reaction. Increasing exposure increases the risk of inducing a sensitised state and triggering allergic symptoms.
- Latex in products can cause 'type I' (immediate) hypersensitivity, or 'type IV' (delayed) hypersensitivity reactions.

Latex in products: The [charity Allergy UK states that](#) natural rubber latex can be found in many products in the home, work or social environment. For example, latex is found in many products used in healthcare such as disposable gloves, although use of latex gloves has reduced and alternatives developed due to increased awareness of allergies. It states that "once the diagnosis of allergy to natural rubber latex has been confirmed avoidance is the key to preventing exposure and further reactions".

Latex and regulation of food products and packaging: In Scotland (and the rest of the UK), food manufacturers are currently not legally required to set out if latex is used, either in packaging or in food production. This is because latex is not a food substance or product and is therefore not included in the list of mandatory allergens e.g. milk, nuts, peanuts, soya that must be labelled under the assimilated [Food Information to Consumers Regulation \(FIC\)](#)

[Regulation](#)). As it is not a food or food ingredient, it would also not fall under the general requirement to be shown in the ingredients list.

More [information and guidance for businesses on the regulation of food labelling for allergens is provided by Food Standards Scotland](#) (FSS). FSS is a public sector body whose statutory objectives, set under the Food (Scotland) Act 2015, include “To protect the public from risks to health which may arise in connection with the consumption of food”). There is no specific FSS guidance on the use of latex in food packaging.

Law on food safety, food labelling and food contact materials (general):

Information on the [general law on food safety](#) and [on food labelling](#) can be found on the FSS website. 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 with 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. 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 listed in the FIC Regulation as a food allergen. However, the FIC Regulation does [allow for the voluntary inclusion of food information on labels](#) 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 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”.
- 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. The [Good Manufacturing Practice Regulation \(EC\) 2023/2006](#) also sets out various rules which importers and manufacturers must follow. FSS has advised SPICe that if used as a food contact material, latex would have to comply with good manufacturing practice regulations.

Extent of latex use in packaging: It is unclear to what extent latex is used in food packaging. FSS has advised SPICe in correspondence that:

- The typical cold seal adhesive is derived from natural rubber latex. There are two main types of cold seal adhesive, based on either natural latex or synthetic polymers, but they are still generally based on natural rubber latex as the key ingredient. The adhesive is used to seal the edges of packaging such as paper and plastic films, for a wide variety of applications such as packing chocolate bars. The absence of heat during sealing makes cold seals ideal for packaging temperature-sensitive foods such as ice cream, chocolate, or biscuits.
- While direct contact is not intended with the foodstuff, it cannot be excluded on seams or edges. However, FSS understands that the potential for the adhesives to migrate into the food product is very low.

A [study funded by the Food Standards Agency \(FSA\) in 2006](#) suggested that one third of food packaging tested contained or was contaminated with latex, and the latex was transferred to food in some cases. At the time [this was reported as the first attempt to quantify latex allergens in food packaging](#) and the FSA said that more research was needed in order to decide how to proceed. The FSA was reported as saying that food-labelling guidelines were designed to avoid restriction of choice due to excess use of warning labels and that “Advisory labelling should only be used when, following a thorough risk assessment, there is a real risk of allergic reactions”. (Note – as this study is nearly 20 years old and no longer appears to be available online, caution may be advised in assuming this remains the FSA’s position).

UK Internal Market Act and labelling in rest of the UK: Labelling of food products (and in relation to food safety, materials which come into contact with food) is a devolved area. While there is some variation in food labelling regulation between UK nations e.g. where divergence was permitted through EU Directives and Regulations, there is also a history of collaboration in this area and an intergovernmental commitment to collaborate in [the provisional Food and Feed Safety and Hygiene Common Framework](#) and provisional [Food Compositional Standards and Labelling Common Framework](#).

It should also be noted that this is an area which may trigger the market access principles of [the UK Internal Market Act 2020](#), meaning that while the Scottish Parliament can legislate in this area, in the absence of equivalent

standards in other parts of the UK, the impact of that regulation could be limited. This is because food products lawfully produced in or first imported into other parts of the UK (according to labelling requirements in those parts of the UK) would legally still be able to be sold in Scotland.

Alexa Morrison, Senior Researcher

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