
STATUTORY INSTRUMENTS

1990 No. 607

**The Milk and Milk Products (Protection
of Designations) Regulations 1990**

Title and commencement

1. These Regulations may be cited as the Milk and Milk Products (Protection of Designations) Regulations 1990 and shall come into force on 11th April 1990.

Offence, penalties and enforcement

2.—(1) If any person contravenes article 3 of Council Regulation (EEC) No. 1898/87(1)rs) on the protection of designations used in marketing of milk and milk products, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2000.

(2) Each food and drugs authority shall enforce and execute these Regulations in its area.

Defence

3. In any proceedings for an offence against these Regulations in relation to the publication of an advertisement, it shall be a defence for the defendant to prove that, being a person whose business it is to publish or arrange for the publication of advertisements, he received the advertisement for publication in the ordinary course of business.

Application of various provisions of the Food Act 1984

4.—(1) Subject to paragraph (2) of this regulation, the following provisions of the Food Act 1984 shall apply for the purposes of these Regulations as if references therein to proceedings, or a prosecution, under or taken or brought under that Act included references to proceedings, or a prosecution, as the case may be, taken or brought for an offence under these Regulations—

- (a) section 95(5) and (6) (which relates to prosecutions);
- (b) section 97(1), (2) and (3) (which relates to evidence of analysis);
- (c) section 99 (which relates to the power of a court to require analysis by the Government Chemist);
- (d) section 100 (which relates to a contravention due to some person other than the person charged);
- (e) section 102(2) (which relates to the conditions under which a warranty may be pleaded as a defence);
- (f) section 103 (which relates to offences in relation to warranties and certificates of analysis).

(2) Section 99 of the Food Act 1984 shall apply for the purposes of these Regulations as if the reference therein to section 95(6) of that Act included a reference to that subsection as applied by paragraph (1) of this regulation.

Amendment of the Food Labelling Regulations 1984

5. Schedule 7 to the Food Labelling Regulations 1984(2) shall be amended by substituting for the entry therein relating to the word “milk” or any other word or description which implies that the food being described contains milk and for the immediately following entry relating to the word “milk” together with the corresponding conditions applying thereto the following entries:—

“In column 1 (words and descriptions)”	In column 2 (conditions)
The word “milk” or any other word or description which implies that the food being described contains milk.	Shall not be used as part of the name of a food which contains the milk of an animal other than a cow, unless— <ul style="list-style-type: none"> <li data-bbox="815 689 1347 880">(a) (i) such milk has all the normal constituents in their natural proportions, and (ii) the word or description is accompanied by the name of that animal; or <li data-bbox="815 887 1347 1070">(b) (i) such milk has been subjected to a process or treatment, and (ii) the word or description is accompanied by the name of that animal and an indication of that process or treatment; or <li data-bbox="815 1077 1347 1234">(c) the word or description is used in accordance with any regulations made, or having effect as if made, under the Act or any order having effect as if contained in regulations so made.
The word “milk”.	Shall not be used as the name of an ingredient where the ingredient is the milk of an animal other than a cow, unless— <ul style="list-style-type: none"> <li data-bbox="815 1346 1347 1413">(a) the word is accompanied by the name of the animal; and <li data-bbox="815 1420 1347 1512">(b) the use of the word as the name of the ingredient complies in all other respects with these regulations.”.

Repeals and revocations

6. The Act and Regulations specified in the first and second columns of the Schedule to these Regulations are hereby repealed or revoked to the extent specified in relation thereto in the third column of that Schedule.

(2) S.I.1984/1305, to which there are amendments not relevant to these Regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 5th March 1990.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

6th March 1990

Kenneth Clarke
Secretary of State for Health

12th March 1990

Peter Walker
Secretary of State for Wales