
STATUTORY INSTRUMENTS

1996 No. 1499

The Food Labelling Regulations 1996

PART I

PRELIMINARY

Title and commencement

1. These Regulations may be cited as the Food Labelling Regulations 1996, and shall come into force on 1st July 1996.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Food Safety Act 1990;

“additive” means any substance not normally consumed as a food in itself and not normally used as a characteristic ingredient of food, whether or not it has nutritive value, the intentional addition of which to a food for a technological purpose in the manufacture, processing, preparation, treatment, packaging, transport or storage of such food results, or may be reasonably expected to result, in it or its by-products becoming directly or indirectly a component of such foods;

“the additives regulations” means the Flavourings in Food Regulations 1992(1), the Food Additives Labelling Regulations 1992(2), the Sweeteners in Food Regulations 1995(3), the Colours in Food Regulations 1995(4) and the Miscellaneous Food Additives Regulations 1995(5);

“advertisement” includes any notice, circular, invoice or other document, and any public announcement made orally or by any means of producing or transmitting light or sound, but does not include any form of labelling, and “advertise” shall be construed accordingly;

“appropriate durability indication” means—

- (a) in the case of a food other than one specified in sub-paragraph (b) of this definition, an indication of minimum durability, and
- (b) in the case of a food which, from the microbiological point of view, is highly perishable and in consequence likely after a short period to constitute an immediate danger to human health, a “use by” date;

“aromatised wine” has the meaning assigned to it by Article 2 of Council Regulation (EEC) No. 1601/91(6);

(1) S.I.1992/1971.

(2) S.I. 1992/1978.

(3) S.I. 1995/3123, amended by 1477.

(4) S.I. 1995/3124.

(5) S.I. 1995/3187.

(6) OJ No. L149, 14.6.91, p.1; there is an amendment to the Council Regulation which is not relevant to these Regulations.

“biscuits” includes wafers, rusks, oatcakes and matzos;

“the Bread and Flour Regulations” means the Bread and Flour Regulations 1995(7);

“carbohydrate” means any carbohydrate which is metabolised in man and includes polyols;

“catering establishment” means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer and is ready for consumption without further preparation;

“cheese” means the fresh or matured product intended for sale for human consumption, which is obtained as follows—

- (a) in the case of any cheese other than whey cheese, by the combining, by coagulation or by any technique involving coagulation, of any of the following substances, namely milk, cream, skimmed milk, partly skimmed milk, concentrated skimmed milk, reconstituted dried milk, butter milk, materials obtained from milk, other ingredients necessary for the manufacture of cheese provided that those are not used for replacing, in whole or in part, any milk constituent, with or without partially draining the whey resulting from coagulation;
- (b) in the case of whey cheese—
 - (i) by concentrating whey with or without the addition of milk and milk fat, and moulding such concentrated whey, or
 - (ii) by coagulating whey with or without the addition of milk and milk fat;

“chocolate product” has the meaning assigned to it by the Cocoa and Chocolate Products Regulations 1976(8);

“clotted cream” means cream which has been produced and separated by the scalding, cooling and skimming of milk or cream;

“cream” means that part of cows’ milk rich in fat which has been separated by skimming or otherwise and which is intended for sale for human consumption;

“cocoa product” has the meaning assigned to it by the Cocoa and Chocolate Products Regulations 1976;

“Community controlled wine” means wine, grape must, sparkling wine, aerated sparkling wine, liqueur wine, semi-sparkling wine and aerated semi-sparkling wine;

“confectionery product” means any item of chocolate confectionery or sugar confectionery;

“disease” includes any injury, ailment or adverse condition, whether of body or mind;

“edible ice” includes ice-cream, water ice and fruit ice, whether alone or in combination, and any similar food;

“EEA Agreement” means the Agreement on the European Economic Area(9) signed at Oporto on 2nd May 1992 as adjusted by the Protocol(10) signed at Brussels on 17th March 1993;

“EEA State” means a state which is a Contracting Party to the EEA Agreement;

“fancy confectionery product” means any confectionery product in the form of a figure, animal, cigarette or egg or in any other fancy form;

“fat”, in the context of nutrition labelling, means total lipids, and includes phospholipids;

the noun “flavouring” means an additive consisting of material used or intended for use in or on food to impart odour, taste or both, provided that such material does not consist entirely of—

(7) S.I. 1995/3202; amended by S.I. 1996/1501.

(8) S.I. 1976/541, to which there are amendments not relevant to these Regulations.

(9) OJ No. L1, 3.1.94, p.1.

(10) OJ No. L1, 3.1.94, p.571.

- (a) any edible substance (including herbs and spices) or product, intended for human consumption as such, with or without reconstitution, or
- (b) any substance which has exclusively a sweet, sour or salt taste, and the components of which include at least one of the following—
 - (i) a flavouring substance,
 - (ii) a flavouring preparation,
 - (iii) a process flavouring,
 - (iv) a smoke flavouring;

“flavouring preparation” means a product (other than a flavouring substance), whether concentrated or not, with flavouring properties, which is obtained by physical, enzymatic or microbiological processes from appropriate material of vegetable or animal origin;

“flavouring substance” means a chemical substance with flavouring properties the chemical structure of which has been established by methods normally used among scientists and which is—

- (a) obtained by physical, enzymatic or microbiological processes from appropriate material of vegetable or animal origin,
- (b) either obtained by chemical synthesis or isolated by chemical processes and which is chemically identical to a substance naturally present in appropriate material of vegetable or animal origin, or
- (c) obtained by chemical synthesis but not included under sub-paragraph (b) of this definition,

and for the purposes of this definition and the definition of “flavouring preparation”—

- (i) distillation and solvent extraction shall be regarded as included among types of physical process;
- (ii) material of vegetable or animal origin is appropriate material of vegetable or animal origin if it either is raw or has been subjected to a process normally used in preparing food for human consumption and to no process other than one normally so used; and
- (iii) drying, torrefaction and fermentation shall be treated as included among the types of process normally so used to which sub-paragraph (ii) above refers.

“flour confectionery” means any cooked food which is ready for consumption without further preparation (other than reheating), of which a characterising ingredient is ground cereal, including shortbread, sponges, crumpets, muffins, macaroons, ratafias, pastry and pastry cases, and also includes meringues, petits fours and uncooked pastry and pastry cases, but does not include bread, pizzas, biscuits, crispbread, extruded flat bread or any food containing a filling which has as an ingredient any cheese, meat, offal, fish, shellfish, vegetable protein material or microbial protein material;

“follow-on formula” has the meaning assigned to it by the Infant Formula and Follow-on Formula Regulations 1995⁽¹¹⁾;

“food for a particular nutritional use” means a food intended for human consumption which—

- (a) owing to its special composition or process of manufacture, is clearly distinguishable from food intended for normal human consumption,
- (b) is suitable for its claimed particular nutritional purpose, and
- (c) is sold in such a way as to indicate that suitability;

(11) S.I. 1995/77.

“grape must” has the meaning assigned to it by Annex I to Council Regulation (EEC) No. 822/87(12) on the common organisation of the market in wine;

“infants” means children under the age of twelve months;

“infant formula” has the meaning assigned to it by the Infant Formula and Follow-on Formula Regulations 1995;

“ingredient” means any substance, including any additive and any constituent of a compound ingredient, which is used in the preparation of a food and which is still present in the finished product, even if in altered form, and a “compound ingredient” shall be composed of two or more such substances;

“intense sweetener” means an additive with a sweetness many times that of sucrose, which is virtually non-calorific and used solely for its sweetening properties;

“ionising radiation” means any gamma rays, x-rays or corpuscular radiations which are capable of producing ions either directly or indirectly other than those rays or radiations—

- (a) which are emitted by measuring or inspection devices,
- (b) which are emitted at an energy level no higher than the appropriate maximum level, and
- (c) the dose of energy imparted by which does not exceed 0.5 Gy,

and for the purposes of this definition the appropriate maximum level is 10 MeV in the case of x-rays and 5 MeV otherwise;

“irradiated” means subjected to treatment by ionising radiation;

“labelling”, in relation to a food, includes any words, particulars, trade mark, brand name, pictorial matter or symbol relating to the food and appearing on the packaging of the food or on any document, notice, label, ring or collar accompanying the food;

“liqueur wine”—

- (a) in relation to a drink produced in the European Community, has the meaning assigned to it by Annex I to Council Regulation (EEC) No. 822/87, and
- (b) in relation to a drink originating from elsewhere, has the meaning assigned to it by Article 2 of Council Regulation (EEC) No. 2391/89(13);

“milk” means the milk intended for sale, or sold, for human consumption of—

- (a) one or more cows, and includes skimmed milk, semi-skimmed milk and whole milk, or
- (b) ;one or more ewes, goats or buffaloes;

“mono-unsaturates” means fatty acids with one cis double bond;

“natural mineral water” has the meaning assigned to it by the Natural Mineral Waters Regulations 1985(14);

“nutrient”, in the context of nutrition labelling, means any of the following: protein, carbohydrate, fat, fibre, sodium, any vitamin or mineral listed in Table A or B in Schedule 6 and present in any food in a significant amount as described in the Note to those Tables;

“nutrition claim” means any statement, suggestion or implication in any labelling, presentation or advertising of a food that that food has particular nutrition properties, but does not include a reference to any quality or quantity of any nutrient where such reference is required by law;

“nutrition labelling”, in relation to a food (other than a natural mineral water or other water intended for human consumption or any food supplement) means any information appearing on labelling (other than where such appears solely as part of a list of ingredients) and relating

(12) OJ No. L84, 27.3.87, p.1, to which there are amendments not relevant to these Regulations.

(13) OJ No. L232, 9.8.89, p.10.

(14) S.I. 1985/71, to which there are amendments not relevant to these Regulations.

to energy value or any nutrient or to energy value and any nutrient, including any information relating to any substance which belongs to, or is a component of, a nutrient;

“nutrition properties” means either or both of—

- (a) the provision (including provision at a reduced or increased rate), or the lack of provision, of energy,
- (b) the content (including content in a reduced or increased proportion), or the lack of content, of any nutrient (including any substance which belongs to, or is a component of, a nutrient);

“particular nutritional purpose” means the fulfilment of the particular nutritional requirements of—

- (a) a person whose digestive processes are, or whose metabolism is, disturbed, or
- (b) a person whose physiological condition renders him able to obtain a special benefit from the controlled consumption of any substance in food, or
- (c) infants or young children in good health;

“polyunsaturates” means fatty acids with cis, cis-methylene interrupted double bonds;

“prepacked”, in relation to a food, means put into packaging before being offered for sale in such a way that the food, whether wholly or only partly enclosed, cannot be altered without opening or changing the packaging and is ready for sale to the ultimate consumer or to a catering establishment, and includes a food which is wholly enclosed in packaging before being offered for sale and which is intended to be cooked without opening the packaging and which is ready for sale to the ultimate consumer or to a catering establishment, but does not include individually wrapped sweets or chocolates which are not enclosed in any further packaging and which are not intended for sale as individual items;

“prepacked for direct sale”, means—

- (a) in relation to a food other than flour confectionery, bread, edible ices and cows’ milk, prepacked by a retailer for sale by him on the premises where the food is packed or from a vehicle or stall used by him,
- (b) in relation to flour confectionery, bread and edible ices, prepacked by a retailer for sale as in sub-paragraph (a) of this definition, or prepacked by the producer of the food for sale by him either on the premises where the food is produced or on other premises from which he conducts business under the same name as the business conducted on the premises where the food is produced, and
- (c) in relation to cows’ milk, put into containers on the premises where the milk is produced by the person owning or having control of the herd from which the milk is produced for sale by him on those premises or from a vehicle or stall used by him;

“preparation”, in relation to food, includes manufacture and any form of processing or treatment, and “prepared” shall be construed accordingly;

“prescribed nutrition labelling” means nutrition labelling given in accordance with Schedule 7;

“processing aid” means any substance not consumed as a food by itself, intentionally used in the processing of raw materials, foods or their ingredients, to fulfil a certain technological purpose during treatment or processing, and which may result in the unintentional but technically unavoidable presence of residues of the substance or its derivatives in the final product, provided that these residues do not present any health risk and do not have any technological effect on the finished product;

“process flavouring” means a product which is obtained according to good manufacturing practices by heating to a temperature not exceeding 180°C for a continuous period not

exceeding 15 minutes a mixture of ingredients (whether or not with flavouring properties) of which at least one contains nitrogen (amino) and another is a reducing sugar;

“protein” means the protein content calculated using the formula: protein=total Kjeldahl nitrogen×6.25;

“raw milk”, in relation to cows’ milk, has the meaning assigned to it by Article 3.1 of Council Regulation (EEC) No. 1411/71⁽¹⁵⁾ laying down additional rules on the common market organisation in milk and milk products for drinking milk, as amended⁽¹⁶⁾, and in relation to the milk of ewes, goats or buffaloes means milk which has neither been heat-treated beyond 40°C nor undergone any treatment having the same effect;

“recommended daily allowance”, in relation to a vitamin or mineral, means the recommended daily allowance specified for that vitamin or mineral in column 2 of Table A or B in Schedule 6;

“saturates” means fatty acids without double bond;

“seasonal selection pack” means a pack consisting of two or more different items of food which are wholly or partly enclosed in outer packaging decorated with seasonal designs;

“sell” includes offer or expose for sale and have in possession for sale, and “sale” and “sold” shall be construed accordingly;

“semi-skimmed milk”, in relation to cows’ milk, has the meaning assigned to it by Article 3.1 of Council Regulation (EEC) No. 1411/71, as amended;

“skimmed milk”, in relation to cows’ milk, has the meaning assigned to it by Article 3.1 of Council Regulation (EEC) No. 1411/71, as amended;

“smoke flavouring” means an extract from smoke of a type normally used in food smoking processes;

“sparkling wine”, “aerated sparkling wine”, “semi-sparkling wine” and “aerated semi-sparkling wine”—

- (a) in relation to drinks produced in the European Community, have the meanings respectively assigned to them by Annex I to Council Regulation (EEC) No. 822/87, and
- (b) in relation to drinks produced elsewhere, have the meanings respectively assigned to them by Article 2 of Council Regulation (EEC) No. 2391/89;

“sterilised cream” means cream which has been subjected to a process of sterilisation by heat treatment in the container in which it is to be supplied to the consumer;

“sugars”, in the context of nutrition labelling, means all monosaccharides and disaccharides present in food, but excludes polyols;

“treating”, in relation to disease, includes doing or providing anything for alleviating the effects of the disease, whether it is done or provided by way of cure or not;

“ultimate consumer” means any person who buys otherwise than—

- (a) for the purpose of resale,
- (b) for the purposes of a catering establishment, or
- (c) for the purposes of a manufacturing business;

“whole milk”, in relation to cows’ milk, has the meaning assigned to it by Article 3.1 of Council Regulation (EEC) No. 1411/71, as amended;

“wine” has the meaning assigned to it by Annex I to Council Regulation (EEC) No. 822/87;

(15) OJ No. L148, 3.7.71, p.4 (OJ/SE 1971 (II), p.412).

(16) Relevant amending instruments are Corrigenda (OJ No. L188, 20.8.71, p.24), Corrigenda (OJ No. L199, 19.7.73, p.38), Commission Regulation 566/76/EEC (OJ No. L67, 15.3.76, p.23), Corrigenda (OJ No. L107, 24.4.76, p.22), Commission Regulation 222/88/EEC (OJ No. L28, 1.2.88, p.1), Council Regulation 2138/92/EEC (OJ No. L214, 30.7.92, p.6).

“young children” means children aged between one and three years.

(2) Unless the context otherwise requires, all proportions mentioned in these Regulations are proportions calculated by weight.

(3) Any reference in these Regulations to a numbered regulation or Schedule shall, unless the context otherwise requires, be construed as a reference to the regulation or Schedule so numbered in these Regulations.

(4) Where any Schedule to these Regulations contains any note or notes, the provisions of that Schedule shall be interpreted and applied in accordance with such note or notes.

Exemptions

3.—(1) Except for Regulation 31, these regulations shall not apply in respect of—

- (a) any food to which the provisions of the EEA Agreement applies brought into Great Britain from an EEA State in which it was lawfully produced and sold;
- (b) any food lawfully produced in another Member State brought into Great Britain from a Member State in which it was lawfully sold;
- (c) any food lawfully produced outside the European Community brought into Great Britain from a Member State in which it was in free circulation and lawfully sold,

which is labelled with a name that is sufficiently precise to inform a purchaser of its true nature and to enable it to be distinguished from food with which it could be confused, the label being in a language easily understood by the purchaser.

(2) For the purposes of paragraph (1) of this regulation “free circulation” has the same meaning as in Article 9.2 of the Treaty establishing the European Community.

(3) These Regulations, except in so far as they relate to advertising, shall not apply to any food which is—

- (a) not intended for sale for human consumption, or
- (b) supplied under Government contracts for consumption by Her Majesty’s forces or supplied for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952⁽¹⁷⁾, and was prepared and labelled for sale before 16th November 1992.

(4) Subject to paragraph (5) of this regulation, regulation 29 and Part III of these Regulations shall not apply to natural mineral water (other than such water which has been artificially carbonated).

(5) Regulations 40 and 41 shall apply to natural mineral water in so far as they relate to item 1 in Part II of Schedule 6, and regulation 41 shall apply to such water in so far as it relates to the descriptions “dietary” and “dietetic” in Schedule 8.

⁽¹⁷⁾ 1952 c. 67; the definition of “visiting force” in section 12 was amended by the Criminal Justice Act 1988 (c. 33), section 170 and Schedule 15, paragraph 14.