
STATUTORY INSTRUMENTS

2000 No. 768

**The Genetically Modified and Novel Foods
(Labelling) (England) Regulations 2000**

Food to which Regulation 1139/98 or Regulation 50/2000 applies

Manner of marking or labelling: special rules

5.—(1) This regulation applies to—

- (a) food which is not prepacked;
- (b) food which is prepacked for direct sale; and
- (c) any individually wrapped fancy confectionery product which is not enclosed in any further packaging and which is intended for sale as a single item.

(2) When any food to which this regulation applies is sold to the final consumer, any particulars with which it is required to be marked or labelled by Regulation 1139/98 or Regulation 50/2000 shall, except as provided in paragraph (3) below, appear—

- (a) on a label attached to the food, or
- (b) on a menu, notice, ticket or label which is readily discernible by an intending purchaser at the place where he chooses that food.

(3) In any case where food—

- (a) is food to which the labelling requirements of Regulation 1139/98 or Regulation 50/2000 apply,
- (b) is—
 - (i) not prepacked, or
 - (ii) prepacked for direct sale, and
- (c) is sold to the final consumer at appropriate premises,

use of alternative labelling in place of the GMO particulars shall not alone be treated as a contravention of those labelling requirements and for this purpose alternative labelling is used where, instead of the particulars referred to in Article 2(3) of Regulation 1139/98 or in Articles 2 and 4 of Regulation 50/2000 appearing in the manner specified in paragraph (2)(a) or (b) above, alternative particulars are displayed in accordance with paragraph (4) below.

(4) Alternative particulars are displayed in accordance with this paragraph in relation to any food referred to in paragraph (3) above if there appears on a menu, notice, ticket or label which is readily discernible by an intending purchaser and which is located at the place at the premises where he chooses that food—

- (a) in the case of food to which the labelling requirements of Regulation 1139/98 apply, indications to the effect that some of the food sold at those premises contains ingredients produced from genetically modified soya beans or maize, or both, as the case may be, and that further information is available from the staff; and

- (b) in the case of food to which the labelling requirements of Regulation 50/2000 apply, indications to the effect that some of the food sold at those premises contains additives or flavourings, or both, as the case may be, produced from a genetically modified organism, and that further information is available from the staff.
- (5) In this regulation, “premises” includes any ship or aircraft and “ appropriate premises” means premises where–
- (a) the staff provide clarification at the request of an intending purchaser as to whether–
 - (i) particular food sold at those premises, other than food falling within Article 1(2) or 2(2) of Regulation 1139/98, is produced in whole or in part from a genetically modified product referred to in Article 1(1) of that Regulation, and
 - (ii) particular food sold at those premises contains additives or flavourings produced in whole or in part from a genetically modified organism; and
 - (b) there is an established procedure at those premises for keeping staff informed of that information.
- (6) When any food to which this regulation applies is sold otherwise than to the final consumer, the particulars with which it is required to be marked or labelled by Regulation 1139/98 or Regulation 50/2000 shall appear–
- (a) on a label attached to the food, or
 - (b) on a ticket or notice which is readily discernible by the intending purchaser at the place where he chooses the food, or
 - (c) in commercial documents relating to the food where it can be guaranteed that such documents either accompany the food to which they relate or were sent before, or at the same time as, delivery of the food.