
STATUTORY INSTRUMENTS

1989 No. 846

The Food (Northern Ireland) Order 1989

PART II

GENERAL PROVISIONS AS TO FOOD

Composition and labelling of food

Defences available in proceedings under Article 4

- 5.—(1) In any prosecution under Article 4 for an offence consisting of the sale of food—
- (a) to which any substance has been added, or
 - (b) in the preparation of which any substance has been used as an ingredient, or
 - (c) from which any constituent has been abstracted, or
 - (d) which has been subjected to any other process or treatment,
- other than food thereby rendered injurious to health, it shall be a defence to prove—
- (i) that the operation in question was not carried out fraudulently; and
 - (ii) that the article was sold with a notice attached to it of adequate size, distinctly and legibly printed and conspicuously visible, stating explicitly the nature of the operation, or was sold in a wrapper or container displaying such a notice.
- (2) In any prosecution under Article 4 for an offence alleged to have been committed by the sale of an article containing extraneous matter, it shall be a defence for the person charged to prove that the presence of that matter was an unavoidable consequence of the process of collection or preparation.
- (3) In any prosecution under Article 4 for an offence alleged to have been committed by the sale of diluted spirit, being whisky, brandy, rum or gin, it shall be a defence for the person charged to prove—
- (a) that the spirit in question was diluted with water only; and
 - (b) that its alcoholic strength by volume was not lower than 37.2 per cent.