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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 244**

**Miscellaneous Food Additives (Amendment)  
Regulations (Northern Ireland) 1999**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Miscellaneous Food Additives (Amendment) Regulations (Northern Ireland) 1999 and shall come into operation on 13th July 1999.

(2) In these Regulations “the principal Regulations” means the Miscellaneous Food Additives Regulations (Northern Ireland) 1996(1).

**Amendment of the principal Regulations**

2. The principal Regulations shall be amended in accordance with regulations 3 to 13.

3. In regulation 2(1) (interpretation)—

(a) in the definition of “Directive [95/2/EC](#)” there shall be inserted at the end “and European Parliament and Council Directive [98/72/EC](#)(2)”;

(b) in the definition of “Directive [96/77/EC](#)” there shall be inserted at the end “, as amended by Commission Directive [98/86/EC](#)(3)”;

(c) after the definition of “flavour enhancer” there shall be inserted the following—

““flour treatment agent” means a substance added to flour or dough to improve its baking quality, but does not include any emulsifier;”;

(d) in the definition of “miscellaneous additive”—

(i) after “flavour enhancer”, there shall be inserted “flour treatment agent,”;

(ii) there shall be inserted at the end “or any enzyme except invertase or lysozyme”.

4. In regulation 3(4) (use of miscellaneous additives) for “Notes 1 and 3” there shall be substituted “Notes 1, 3 and 4”.

5. In regulation 11 (transitional provisions and exemptions) there shall be inserted after paragraph (1A) the following paragraph—

“(1B) In any proceedings for an offence against these Regulations in respect of any food additive or food, it shall be a defence to prove that—

(a) the food additive or food concerned was put on the market or labelled before 1st July 1999 and the matter constituting the offence would not have constituted an offence against these Regulations if the amendments made by regulations 3(b) and 10 of the Miscellaneous Food Additives (Amendment) Regulations (Northern Ireland) 1999 had not been made when the food additive or, as the case may be, the food was put on the market or labelled, or

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(1) [S.R. 1996 No. 50](#) as amended by [S.R. 1997 No. 340](#)

(2) O.J. No. L295, 4.11.98, p. 18

(3) O.J. No. L334, 9.12.98, p. 1

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- (b) the food additive or food concerned was put on the market or labelled before 4th November 2000 and the matter constituting the offence would not have constituted an offence against these Regulations or the Bread and Flour Regulations (Northern Ireland) 1998(4) if the amendments made by regulations 3(c) and (d)(i), 7(b)(iii), 12 and 14(4) of the Miscellaneous Food Additives (Amendment) Regulations (Northern Ireland) 1999 had not been made when the food additive or, as the case may be, the food was put on the market or labelled.”.

6. In Schedule 1 (miscellaneous additives generally permitted for use in foods not referred to in Schedule 6, 7 or 8)—

- (a) after note (3) there shall be inserted—

“(4) The substance E 920 may be used only as a flour treatment agent.”;

- (b) in the table there shall be inserted sequentially according to EC number the following entries—

“E 469	Enzymatically hydrolysed carboxy methyl cellulose”,
“E 920	L-Cysteine”,
“E 1103	Invertase”, and
“E 1451	Acetylated oxidised starch”.

7. In Schedule 2 (conditionally permitted preservatives and antioxidants)—

- (a) in Part A (sorbates, benzoates and p-hydroxybenzoates) in the second table—

- (i) there shall be substituted for the entry relating to olives and olive-based preparations the following entry—

“Olives and olive-based preparations	1000	500	1000”
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- (ii) there shall be substituted for the entries relating to emulsified sauces with a fat content of 60% or more and emulsified sauces with a fat content less than 60% the following entries—

“Emulsified sauces with a fat content of 60% or more	1000	500	1000
Emulsified sauces with a fat content less than 60%	2000	1000	2000”

- (iii) there shall be inserted at the end the following entries—

(4) S.R. 1998 No. 24

“ . . . <i>Mehu and Makeutettu . . . Mehu</i>	500	200	
Analogues of meat, fish, crustaceans and cephalopods and cheese based on protein	2000		
<i>Dulce de membrillo</i>		1000	
<i>Marmelada</i>			1500
<i>Ostkaka</i>	2000		
<i>Pasha</i>	1000		
<i>Semmelkn 154 delteig</i>	2000		
Cheese and cheese analogues (surface treatment only)	<i>quantum satis</i>		
Cooked red beet		2000	
Collagen-based casings with a water activity greater than 0.6	<i>quantum satis</i> ”		

(b) in Part B (sulphur dioxide and sulphites) in the second table—

(i) there shall be substituted for the entries relating to crustaceans and cephalopods the following entries—

Crustaceans and cephalopods:	
— fresh, frozen and deep-frozen	150 <sup>(*)</sup>
— crustaceans, <i>panaeidae solenoceridae, aristeidae</i> family:	
— up to 80 units	150 <sup>(*)</sup>
— between 80 and 120 units	200 <sup>(*)</sup>
— over 120 units	300 <sup>(*)</sup>
— cooked	50 <sup>(*)</sup>

“(\*) In edible parts

(ii) in column 1 there shall be substituted for “Dehydrated granulated potatoes” the words “Dehydrated potatoes”;

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- (iii) in the entry relating to sugars as defined in Directive 73/437/EEC(5) except glucose syrup, whether or not dehydrated, there shall be substituted in column 2 for the number “15” the number “10”;
- (iv) there shall be substituted for the entry relating to vegetable — and cereal-protein-based meat, fish and crustacean analogues the following entry—

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“Analogues of meat, fish and crustacean based on protein 200”;

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- (v) there shall be inserted at the end the following entries—

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“Marinated nuts	50
Vacuum packed sweet corn	100
Distilled alcoholic beverages containing whole pears	50”,

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- (c) in Part C (other preservatives)—

- (i) in the first table the entry relating to E 233 Thiabendazole shall be omitted;
- (ii) in the first table in the entry relating to E 234 Nisin there shall be inserted at the end in column 3 the word “Mascarpone” and in column 4 opposite that word “10 mg/kg”;
- (iii) in the second table there shall be substituted for the entries relating to E 251 Sodium nitrate and E 252 Potassium nitrate the following entries—

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E 251 Sodium nitrate	Cured meat products	300	250 <sup>(*)</sup>
E 252 Potassium nitrate	Canned meat products		
	Hard, semi-hard and semi-soft cheese		50 <sup>(*)</sup>
	Dairy-based cheese analogue		
	Pickled herring and sprat		200 <sup>(**)</sup>
	<i>Foie gras, foie gras entier, blocs de foie gras</i>	50 <sup>(*)</sup>	

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“(\*) Expressed as NaNO<sub>3</sub>,

“(\*\*) Residual amounts nitrite formed from nitrate included, expressed as NaNO<sub>2</sub>

- (iv) in the third table there shall be substituted for the entries relating to E 280 Propionic acid, E 281 Sodium propionate, E 282 Calcium propionate and E 283 Potassium propionate the following entries—

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E 280	Propionic acid <sup>(*)</sup>	Pre-packed sliced bread and rye bread	3000 mg/kg expressed as propionic acid
E 281	Sodium propionate <sup>(*)</sup>		
E 282	Calcium propionate <sup>(*)</sup>		
E 283	Potassium propionate <sup>(*)</sup>	Energy reduced bread	2000 mg/kg expressed as propionic acid
		Partially baked, pre-packed bread	
		Pre-packed fine bakery wares (including flour confectionery) with a water activity of more than 0.65	
		Pre-packed rolls, buns and <i>pitta</i>	
		Prepacked <i>pølsebrød boller</i> and <i>dansk flutes</i>	
		<i>Christmas pudding</i>	1000 mg/kg expressed as propionic acid
		Pre-packed bread	
	Cheese and cheese analogues (surface treatment only)	<i>Quantum satis</i> ”;	

“(\*) Propionic acid and its salts may be present in certain fermented products resulting from the fermentation process following good manufacturing practice.

(d) in Part D (other antioxidants) in the table there shall be substituted in column 3 for “Dehydrated granulated potatoes” the words “Dehydrated potatoes”.

8. There shall be substituted for Schedule 3 (other permitted miscellaneous additives) Schedule 1 to these Regulations.

9. In Schedule 4 (permitted carriers and carrier solvents) in the table there shall be inserted at the end the following entries—

“E 322	Lecithins	Glazing agents for fruit
E 432-E436	Polysorbates	
E 470a	Sodium, potassium and calcium salts of fatty acids	
E 471	Mono and diglycerides of fatty acids	
E 491-E 495		

E 570	Sorbitans	
E 900	Fatty acids	
	Dimethylpolysiloxane	
	Polyethyleneglycol 6000	Sweeteners
E 425	Konjac	
	(i) Konjac gum	
	(ii) Konjac glucomannane	
E 459	Beta-cyclodextrine	Maximum 1 g/kg in or on the food
E 1451	Acetylated oxidised starch	
E 468	Cross linked sodium carboxy methyl cellulose	Sweeteners
E 469	Enzymatically hydrolysed carboxy methyl cellulose”.	

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**10.** In Schedule 5 (purity criteria)—

- (a) the entries relating to the miscellaneous additives listed in Schedule 2 to these Regulations shall be omitted;
- (b) in the entry relating to Propane-1,2-diol (propylene glycol) there shall be substituted for “Directive 78/663/EEC” the words “Directive 78/664/EEC(6)”.

**11.** In Schedule 6 (foods in which miscellaneous additives listed in Schedule 1 are generally prohibited)—

- (a) there shall be substituted for the words from “Pasteurised and sterilised” to the words “and semi-skimmed” the words “Pasteurised and sterilised (including UHT) milk (including plain, skimmed and semi-skimmed) and plain pasteurised cream”;
- (b) after the words “Dry pasta” there shall be inserted the words, “, excluding gluten-free pasta or pasta intended for hypoproteic diets, in accordance with Directive 89/398/EEC(7)”.

**12.** There shall be substituted for Schedule 7 (foods in which a limited number of miscellaneous additives listed in Schedule 1 may be used) Schedule 3 to these Regulations.

**13.** In Schedule 8 (miscellaneous additives permitted in foods for infants and young children)—

- (a) there shall be substituted for the first introductory note the following introductory notes—

“1. Formulae and weaning foods for infants and young children may contain E 414 (acacia gum, gum arabic) and E 551 (silicon dioxide) resulting from the addition of nutrient preparations containing not more than 150 g/kg of E 414 and 10 g/kg of E 551, as well as E 421 (mannitol) when used as a carrier for vitamin B12 (not less than 1 part vitamin B12 to 1000 parts mannitol). The carry over of E 414 in the product ready for consumption shall not be more than 10 mg/kg.

1A. Formulae and weaning foods for infants and young children may contain E 301 (sodium L-ascorbate), used at quantum satis level in coatings of nutrient preparations containing polyunsaturated fatty acids. The carry over of E 301 in the product ready for consumption shall not be more than 75 mg/l.”;

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(6) O.J. No. L223, 14.8.78, p. 30

(7) O.J. No. L186, 30.6.89, p. 27

(b) in Part I (miscellaneous additives permitted in infant formulae for infants in good health)—

(i) there shall be substituted for note (b) the following note—

“(b) if more than one of the substances E 322, E 471, E 472c and E 473 is added to a food, the maximum level established for that food for each of those substances is lowered by that relative part as is present of the other substances together in that food.”;

(ii) in the table where there shall be inserted at the end the following entries—

“E 304	L-ascorbyl palmitate	10 mg/1
E 331	Sodium citrates	2 g/1
E 332	Potassium citrates	Individually or in combination and in conformity with the limits set in Annex 1 to Directive 91/321/ EEC(8)
E 339	Sodium phosphates	1 g/1 expressed as P <sub>2</sub> O <sub>5</sub>
E 340	Potassium phosphates	Individually or in combination and in conformity with the limits set in Annex 1 to Directive 91/321/EEC
E 412	Guar gum	1 g/1, where the liquid product contains partially hydrolysed proteins and is in conformity with the conditions set in Annex IV to Directive 91/321 EEC, as amended by Directive 96/4/ EC(9)
E472c	Citric acid esters of mono- and diglycerides of fatty acids	7.5 g/1 sold as powder
	g/1 sold as liquid where the products contain partially hydrolysed proteins, peptides or amino acids and are in conformity with the conditions set in Annex IV to Directive 91/321/EEC, as amended by Directive 96/4/ EC	
E 473	Sucrose esters of fatty acids	120 mg/1 in products containing hydrolysed

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(8) O.J. No. L175, 4.7.91, p. 35

(9) O.J. No. L49, 28.2.96, p. 12

proteins, peptides or amino acids”;

(c) in Part II (miscellaneous additives permitted in follow-on formulae for infants in good health)—

(i) there shall be substituted for note (b) the following note—

“(b) if more than one of the substances E 322, E 471, E 472c and E 473 is added to a food, the maximum level established for that food for each of those substances is lowered by that relative part as is present of the other substances together in that food.”;

(ii) in note (c) there shall be substituted for the words “lowered with” the words “lowered by”;

(iii) in the table there shall be inserted at the end the following entries—

“E 304	L-ascorbyl palmitate	10 mg/1
E 331	Sodium citrates	2 g/1
E 332	Potassium citrates	Individually or in combination and in conformity with the limits set in Annex 1 to Directive <a href="#">91/321/EEC</a>
E 339	Sodium phosphates	1 g/1 expressed as P <sub>2</sub> O <sub>5</sub>
E 340	Potassium phosphates	Individually or in combination and in conformity with the limits set in Annex 1 to Directive <a href="#">91/321/EEC</a>
E 472c	Citric acid testers of mono- and diglycerides of fatty acids	7.5 g/1 sold as powder. 9 g/1 sold as liquid where the products contain partially hydrolysed proteins, peptides or amino acids and are in conformity with the conditions set in Annex IV to Directive <a href="#">91/321/EEC</a> , as amended by Directive <a href="#">96/4/EC</a>
E 473	Sucrose esters of fatty acids	120 mg/1 in products containing hydrolysed proteins, peptides or amino acids”;

(d) in Part III (miscellaneous additives permitted in weaning foods for infants and young children in good health) in the table there shall be inserted at the end the following entries—



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E 333	Calcium citrates <sup>(*)</sup>	Low-sugar fruit based products	<i>quantum satis</i>
E 341	Tricalcium phosphate <sup>(*)</sup>	Fruit based desserts	1 g/kg as P <sub>2</sub> O <sub>5</sub>
E 1451	Acetylated oxidised starch	Weaning foods	50 g/kg”;

“(\*) The note in Part IV does not apply.

- (e) in Part IV (miscellaneous additives permitted in foods for infants and young children for special medical purposes) there shall be inserted at the end the following table—

<i>“EC No.</i>	<i>Name</i>	<i>Max. level</i>	<i>Special Conditions</i>
E 401	Sodium alginate	1 g/l	From 4 months onwards in special food products with adapted composition, required for metabolic disorders and for general tube feeding
E 405	Propane 1, 2-diolalginat	200 mg/l	From 12 months onwards in specialised diets intended for young children who have cows' milk intolerance or inborn errors of metabolism
E 410	Locust bean gum	10 g/l	From birth onwards in products for reduction of gastro-oesophageal reflux
E 412	Guar gum	10 g/l	From birth onwards in products in liquid formulae containing hydrolysed proteins, peptides or amino acids in conformity with the conditions set in Annex IV to Directive <a href="#">91/321/EEC</a> , as amended by Directive <a href="#">96/4/EC</a>
E 415	Xanthan gum	1.2 g/l	From birth onwards for use in products

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<i>“EC No.</i>	<i>Name</i>	<i>Max. level</i>	<i>Special Conditions</i>
			based on amino acids or peptides for use with patients who have problems with impairment of the gastro-intestinal tract, protein mal-absorption or inborn errors of metabolism
E 440	Pectins	10 g/l	From birth onwards in products used in case of gastro-intestinal disorders
E 466	Sodium carboxy methyl cellulose	10g/1 or kg	From birth onwards in products for the dietary management of metabolic disorders
E 471	Mono-and diglycerides of fatty acids	5 g/l	From birth onwards in specialised diets, particularly those devoid of proteins
E 1450	Starch sodium octenyl succinate	20 g/l	In infant formulae and follow-on formulae”.

### Consequential amendments

14.—(1) In the following Regulations references to the Miscellaneous Food Additives Regulations (Northern Ireland) 1996 shall be construed as references to those Regulations as amended by the Miscellaneous Food Additives (Amendment) Regulations (Northern Ireland) 1997<sup>(10)</sup> and these Regulations:

- the Mineral Hydrocarbons in Food Regulations (Northern Ireland) 1966<sup>(11)</sup>;
- the Specified Sugar Products Regulations (Northern Ireland) 1976<sup>(12)</sup>;
- the Cocoa and Chocolate Products Regulations (Northern Ireland) 1976<sup>(13)</sup>;
- the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977<sup>(14)</sup>;
- the Condensed Milk and Dried Milk Regulations (Northern Ireland) 1977<sup>(15)</sup>;
- the Coffee and Coffee Products Regulations (Northern Ireland) 1979<sup>(16)</sup>;
- the Jam and Similar Products Regulations (Northern Ireland) 1982<sup>(17)</sup>;

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<sup>(10)</sup> S.R. 1997 No. 340

<sup>(11)</sup> S.R. & O. (N.I.) 1966 No. 200; the relevant amending regulations are S.R. 1996 No. 50

<sup>(12)</sup> S.R. 1976 No. 165; the relevant amending regulations are S.R. 1996 No. 50

<sup>(13)</sup> S.R. 1976 No. 183; the relevant amending regulations are S.R. 1996 No. 50

<sup>(14)</sup> S.R. 1977 No. 182; the relevant amending regulations are S.R. 1996 No. 50

<sup>(15)</sup> S.R. 1977 No. 196; the relevant amending regulations are S.R. 1996 No. 50

<sup>(16)</sup> S.R. 1979 No. 51; the relevant amending regulations are S.R. 1996 No. 50

<sup>(17)</sup> S.R. 1982 No. 105; the relevant amending regulations are S.R. 1996 No. 50

- the Meat Products and Spreadable Fish Products Regulations (Northern Ireland) 1984(18);  
the Food Additives Labelling Regulations (Northern Ireland) 1992(19);  
the Food Labelling Regulations (Northern Ireland) 1996(20);  
(2) In the Food Additives Labelling Regulations (Northern Ireland) 1992—  
(a) there shall be inserted after regulation 6 the following—

**“Transitional provision**

- 6A.** In any proceedings for an offence under these Regulations in respect of any food additive, it shall be a defence to prove that the food additive concerned was put on the market or labelled before 4th November 2000 and the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulation 14(1) and (2)(b) of the Miscellaneous Food Additives (Amendment) Regulations (Northern Ireland) 1999 had not been made when the food additive was put on the market or labelled.”;
- (b) in Schedule 1 (categories of food additives) in Part II (supplementary)—  
(i) paragraph (s) shall be omitted; and  
(ii) in paragraph (t) there shall be inserted at the beginning the words ““flour treatment agent”,” and there shall be inserted after the words “used as a” the words “flour treatment agent,”.
- (3) In the Food Labelling Regulations (Northern Ireland) 1996—  
(a) in regulation 14(11) (names of ingredients) the words “or in Schedule 3 to the Bread and Flour Regulations” shall be omitted;  
(b) in regulation 50 (transitional provision) there shall be inserted at the end the following paragraph—  
“(8) In any proceedings for an offence under regulation 44(a) as read with regulation 14(9) and (11), it shall be a defence to prove that the food concerned was prepacked before 4th November 2000 and the matter constituting the offence would not have constituted an offence under these Regulations if the amendment made by regulation 14(3)(a) of the Miscellaneous Food Additives (Amendment) Regulations (Northern Ireland) 1999 had not been made when the food was prepacked.”.
- (4) In the Bread and Flour Regulations (Northern Ireland) 1998(21)—  
(a) in regulation 5 (additional ingredients) there shall be substituted for paragraphs (1) and (2) the following paragraph—  
“(1) No person shall use as an ingredient in the preparation of flour or bread any flour bleaching agent.”;
- (b) Schedule 3 (ingredients permitted in flour and bread) shall be omitted.

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(18) S.R. 1984 No. 408; the relevant amending regulations are S.R. 1996 No. 50

(19) S.R. 1992 No. 417; the relevant amending regulations are S.R. 1996 No. 50

(20) S.R. 1996 No. 383; the relevant amending regulations are S.R. 1998 No. 253 and S.R. 1999 No. 143

(21) S.R. 1998 No. 24

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Sealed with the Official Seal of the Department of Health and Social Services on

L.S.

25th May 1999.

*J. O'Neill*  
Assistant Secretary

Sealed with the Official Seal of the Department of Agriculture on

L.S.

25th May 1999.

*L. McKibben*  
Assistant Secretary