

2003 No. 159

FOOD

**Food Labelling (Amendment) Regulations
(Northern Ireland) 2003**

Made - - - - - *11th March 2003*

Coming into operation *21st April 2003*

The Department of Health, Social Services and Public Safety^(a), in exercise of the powers conferred on it by Articles 15(1)(e) and (f), 16(1), 25(1) and (3) and 47(2) of the Food Safety (Northern Ireland) Order 1991^(b), having had regard in accordance with Article 47(3A) of the said Order to relevant advice given by the Food Standards Agency and after consultation both as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council^(c) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety and in accordance with Articles 47(3) and (3B) of the said Order, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Food Labelling (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 21st April 2003.

Amendment of the Food Labelling Regulations (Northern Ireland) 1996

2. The Food Labelling Regulations (Northern Ireland) 1996^(d) shall be amended in accordance with regulations 3 to 5.

3. In regulation 14 (names of ingredients) there shall be substituted for paragraph (4) the following paragraph –

“(4) A generic name which is listed in or referred to in column 1 of Part I of Schedule 3 may be used for an ingredient which is specified in the corresponding entry in column 2 of that Part of that Schedule in accordance with any conditions that are laid down in the corresponding entry in column 3 of that Part of that Schedule.”.

4. In regulation 50 (transitional provision) there shall be inserted at the end the following paragraph –

“(10) In any proceedings for an offence under regulation 44(a), it shall be a defence to prove that –

(a) Formerly the Department of Health and Social Services: *see* S.I. 1999/283 (N.I. 1) Article 3(6)
(b) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5, and Schedule 6 to the Food Standards Act 1999 c. 28
(c) O.J. No. L31, 1.2.2002, p. 1
(d) S.R. 1996/383; the relevant amending Regulations are S.R. 1998 No.253, S.R. 1999 Nos.143, 244 and 286, and S.R. 2000 No. 189

- (a) the food concerned was sold before 1st July 2003 or marked or labelled before that date; and
- (b) the matters constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3 and 5 of the Food Labelling (Amendment) Regulations (Northern Ireland) 2003 had not been in operation when the food was sold.”.

5. In Schedule 3 (generic names in list of ingredients) –

- (a) there shall be inserted at the beginning the following heading –

“PART I

GENERAL”;

- (b) after the entries relating to herb, herbs, *or* mixed herbs, the following entries shall be inserted in column 1 (generic name), column 2 (ingredients) and column 3 (conditions of use of generic name) respectively –

<p>“Meat” and the name of the animal species from which it comes, or a word which describes the meat by reference to the animal species from which it comes</p>	<p>Any skeletal muscle, including the diaphragm and the masseters, of a mammalian or bird species recognised as fit for human consumption with any naturally included or adherent tissue, but excluding –</p> <ul style="list-style-type: none"> (a) the heart, (b) the tongue, (c) the muscles of the head (other than the masseters), (d) the muscles of the carpus, (e) the tarsus, (f) the tail, and (g) any products covered by the definition of “mechanically recovered meat” in Article 2(c) of Council Directive 64/433/EEC^(a) on health conditions for the production and marketing of fresh meat, as last amended by Council Directive 95/23/EC^(b). 	<p>The total fat and connective tissue content must not exceed the limits specified in Part II and the meat must constitute an ingredient of another food. If such a limit is exceeded, but the ingredient falls within the description in column 2 of this entry, any reference to the meat content must be adjusted downwards accordingly and the list of ingredients must also mention the presence of fat or connective tissue, as appropriate.”;</p>
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(a) O.J. No. L121, 28.7.64, p. 2012 (O.J./SE 1963–64 p. 185)

(b) O.J. No. L243, 11.10.95, p. 7

(c) there shall be inserted at the end the following Part –

“PART II

MAXIMUM FAT AND CONNECTIVE TISSUE CONTENTS FOR INGREDIENTS FOR WHICH THE
GENERIC NAME MEAT OR EQUIVALENT AS REFERRED TO IN PART I IS USED

<i>Species</i>	<i>Fat (%)</i>	<i>Connective tissue (%)¹</i>
Mammals (other than rabbits and porcines) and mixtures of species with mammals predominating	25	25
Porcines	30	25
Birds and rabbits	15	10

Note

¹ The connective tissue content is calculated on the basis of the ratio between collagen content and meat protein content. The collagen content means the hydroxyproline content multiplied by a factor of 8.”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 11th March 2003.

(L.S.)

W. B. Smith

A Senior Officer of the Department of Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which amend the Food Labelling Regulations (Northern Ireland) 1996, as amended (“the principal Regulations”), implement Commission Directive 2001/101/EC (O.J. No. L310, 28.11.2001, p. 19) as amended by Commission Directive 2002/86/EC (O.J. No. L305, 7.11.2002, p. 19). Directive 2001/101/EC amends Directive 2000/13/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs. The Regulations allow use of the generic name “meat” with the name of the animal species from which it comes (or equivalent terms such as “pork” or “beef”) for skeletal muscles of mammalian and bird species in ingredients lists, subject to certain conditions (regulations 2, 3 and 5). The rules in regulation 19 of the principal Regulations on indications of quantities of certain ingredients or categories of ingredients apply in respect of that generic name. These Regulations also insert a transitional provision in respect of that generic name in implementation of Directive 2002/86/EC for food sold before 1st July 2003 (regulation 4).

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