

**2005 No. 18**

**FOOD**

**The Sweeteners in Food (Amendment) Regulations  
(Northern Ireland) 2005**

*Made* - - - - - *20th January 2005*

*Coming into operation* *29th January 2005*

The Department of Health, Social Services and Public Safety<sup>(a)</sup>, in exercise of the powers conferred on it by Articles 15(1) (a) and (e), 16(1), 25(1) and (3), 26(3) and 47(2) of, and paragraph 1 of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991<sup>(b)</sup>, and of all other powers enabling it in that behalf, 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 as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council 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<sup>(c)</sup>, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Sweeteners in Food (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 29th January 2005.

**Amendment of the Sweeteners in Food Regulations (Northern Ireland) 1996**

2. The Sweeteners in Food Regulations (Northern Ireland) 1996<sup>(d)</sup> shall be amended in accordance with regulations 3 to 7.

3.—(1) In Regulation 2 (interpretation) paragraph (1) –

(a) in the definition of “Directive 94/35/EC” after “Directive 96/83/EC of the European Parliament and Council” there shall be inserted –

“and by Directive 2003/115/EC”<sup>(e)</sup>;

(b) in the definition of “Directive 95/31/EC” after “Directive 2001/52/EC” there shall be inserted –

“and by Directive 2004/46/EC”<sup>(f)</sup>; and

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(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, 1.2.2001, p. 1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L245, 29.9.2003, p. 4). By virtue of regulation 5 of the Food Safety (Northern Ireland) Order 1991 (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 482), with effect from 7th December 2004 the consultation requirement contained in Article 47(3) of the 1991 Order is disapplied in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002  
(d) S.R. 1996 No. 48 as amended by S.R. 1997 No. 257, S.R. 1999 No. 216, S.R. 2002 No. 39 and S.R. 2003 No. 257  
(e) O.J. No. L24, 29.1.2004, p. 65  
(f) O.J. No. L114, 21.4.2004, p. 15

- (c) for the definition of “permitted sweetener” there shall be substituted –  
 “ “permitted sweetener” means any sweetener specified in Column 2 of Schedule 1 which satisfies the specific purity criteria for that sweetener specified in the Annex to Directive 95/31/EC;”.
- (2) In regulation 2 paragraph (2) –
- (a) in sub-paragraph (c)(i) –  
 “and salt of aspartame-acesulfame”  
 shall be omitted; and
- (b) in sub-paragraph (c)(ii) after “as the case may be” where those words first appear in that sub-paragraph, there shall be inserted –  
 “the maximum amount of free imide contained in the”.
- 4.** In regulation 3 (sale and use of sweeteners) –
- (a) in paragraph (3) there shall be added at the end “as read with the notes to that Schedule”;  
 and
- (b) paragraph (5) shall be omitted.
- 5.** In regulation 4 (sale of table-top sweeteners) in paragraph (b)(iii) after “where it contains aspartame” there shall be inserted –  
 “or salt of aspartame – acesulfame”.
- 6.** In regulation 11 (transitional provision and exemption) after paragraph (1A) there shall be inserted –  
 “(1B) In any proceedings for an offence under these Regulations which allege a contravention of regulations 3, 4 or 5 it shall be a defence to prove that –  
 (a) the act was committed before 29th January 2006;  
 (b) the act was that of –  
 (i) selling a sweetener or food, or  
 (ii) using a sweetener in or on food,  
 which in either case was placed on the market before 29th July 2005; and  
 (c) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3(1)(a) or (c) or (2), or 4 to 7 of the Sweeteners in Food (Amendment) Regulations (Northern Ireland) 2005 had not been made when the act was committed.”.
- 7.** In Schedule 1 (permitted sweeteners and the foods in or which they may be used) –
- (a) in the entries in Column 3 relating to “E951 Aspartame” after “Snacks”: certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts” there shall be inserted in Column 3 –  
 “*Essoblaten*”  
 and in the corresponding place in Column 4 there shall be inserted –  
 “1000mg/kg”;
- (b) in the entries relating to “E952 Cyclamic Acid and its Na and Ca salts” –
- (i) in the entry under the heading “non-alcoholic drinks” relating to “Water-based flavoured drinks, energy-reduced or with no added sugar”, for the entry “400 mg/l” in Column 4 there shall be substituted –  
 “250 mg/l”,
- (ii) in the entry under that heading relating to “Milk and milk-derivative based or fruit juice-based energy- reduced or with no added sugar”, for the entry “400 mg/l” in Column 4 there shall be substituted –  
 “250 mg/l”,

- (iii) the entries listed in Columns 3 and 4 under the heading “Confectionery” shall be omitted, and
- (iv) the entry in Columns 3 and 4 under the heading “Miscellaneous” relating to “Edible ices, energy-reduced or with no added sugar” shall be omitted;
- (c) after the entries relating to “E954 Saccharin and its Na, K and Ca salts”, the following entries shall be inserted –

|       |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                      |
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| “E955 | Sucralose | <p><b>Non-alcoholic drinks</b></p> <ul style="list-style-type: none"> <li>– Water-based flavoured drinks, energy-reduced or with no added sugar</li> <li>– Milk and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar</li> </ul> <p><b>Desserts and similar products</b></p> <ul style="list-style-type: none"> <li>– Water-based flavoured desserts, energy-reduced or with no added sugar</li> <li>– Milk and milk-derivative-based preparations, energy-reduced or with no added sugar</li> <li>– Fruit and vegetable-based desserts, energy-reduced or with no added sugar</li> <li>– Egg-based desserts, energy-reduced or with no added sugar</li> <li>– Cereal-based desserts, energy-reduced or with no added sugar</li> <li>– Breakfast cereals with a fibre content of more than 15% and containing at least 20% bran, energy-reduced or with no added sugar</li> <li>– Fat-based desserts, energy-reduced or with no added sugar</li> </ul> <p><b>Confectionery</b></p> <ul style="list-style-type: none"> <li>– Confectionery with no added sugar</li> <li>– Cocoa or dried-fruit based confectionery, energy-reduced or with no added sugar</li> <li>– Starch-based confectionery, energy-reduced or with no added sugar</li> <li>– Cornets and wafers, for ice cream, with no added sugar</li> <li>– Breath freshening micro-sweets with no added sugar</li> <li>– Strongly flavoured freshening throat pastilles with no added sugar</li> <li>– Chewing gum with no added sugar</li> <li>– Energy-reduced tablet form confectionery</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>– “Snacks”: certain flavours of ready to eat, pre-packed, dry, savoury starch products and coated nuts</li> </ul> | <p>300 mg/l</p> <p>300 mg/l</p> <p>400 mg/kg</p> <p>400 mg/kg</p> <p>400 mg/kg</p> <p>400 mg/kg</p> <p>400 mg/kg</p> <p>400 mg/kg</p> <p>400 mg/kg</p> <p>1000 mg/kg</p> <p>800 mg/kg</p> <p>1000 mg/kg</p> <p>800 mg/kg</p> <p>2400 mg/kg</p> <p>1000 mg/kg</p> <p>3000 mg/kg</p> <p>200 mg/kg</p> <p>200 mg/kg</p> |
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| – <i>Essoblaten</i>                                                                                                                           | 800 mg/kg   |
| – Cocoa, milk, dried fruit or fat-based sandwich spreads, energy-reduced or with no added sugar                                               | 400 mg/kg   |
| – Cider and Perry                                                                                                                             | 50 mg/l     |
| – Drinks consisting of a mixture of non-alcoholic drink and beer, cider, perry, spirits or wine                                               | 250 mg/l    |
| – Spirit drinks containing less than 15% alcohol by volume                                                                                    | 250 mg/l    |
| – Alcohol-free beer or with an alcohol content not exceeding 1.2% vol                                                                         | 250 mg/l    |
| – Biere de table/Tafelbier/Table beer (original wort content less than 6% except for ‘Obergäriges Einfachbier’)                               | 250 mg/l    |
| – Beers with a minimum acidity of 30 milli-equivalents expressed as NaOH                                                                      | 250 mg/l    |
| – Brown beer of the ‘oud bruin’ type                                                                                                          | 250 mg/l    |
| – Energy-reduced beer                                                                                                                         | 10 mg/l     |
| – Edible ices, energy-reduced or with no added sugar                                                                                          | 320 mg/kg   |
| – Canned or bottled fruit, energy-reduced or with no added sugar                                                                              | 400 mg/kg   |
| – Energy-reduced jams, jellies and marmalades                                                                                                 | 400 mg/kg   |
| – Energy-reduced fruit and vegetable preparations                                                                                             | 400 mg/kg   |
| – Sweet-sour preserves of fruit and vegetables                                                                                                | 180mg/kg    |
| – <i>Feinkostsalat</i>                                                                                                                        | 140 mg/kg   |
| – Sweet-sour preserves and semi-preserved of fish and marinades of fish, crustaceans and molluscs                                             | 120 mg/kg   |
| – Energy-reduced soups                                                                                                                        | 45 mg/l     |
| – Sauces                                                                                                                                      | 450 mg/kg   |
| – Mustard                                                                                                                                     | 140 mg/kg   |
| – Fine bakery products for special nutritional uses                                                                                           | 700 mg/kg   |
| – Foods intended for use in energy-restricted diets for weight reduction as referred to in Directive 1996/8/EC                                | 320 mg/kg   |
| – Dietary foods for special medical purposes as defined in Directive 1999/21/EC                                                               | 400 mg/kg   |
| – Food supplements as defined in Directive 2002/46/EC supplied in a liquid form                                                               | 240 mg/l    |
| – Food supplements as defined in Directive 2002/46/EC supplied in a solid form                                                                | 800 mg/kg   |
| – Food supplements as defined in Directive 2002/46/EC based on vitamins and/or mineral elements and supplied in a syrup-type or chewable form | 2400 mg/kg” |

(d) after the entries relating to E959 Neohesperidine DC the following shall be inserted –

|       |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| “E962 | Salt of aspartame-acesulfame | <p><b>Non-alcoholic drinks</b></p> <ul style="list-style-type: none"> <li>– Water-based flavoured drinks, energy-reduced or with no added sugar</li> <li>– Milk and milk-derivative-based or fruit-juice based drinks, energy-reduced or with no added sugar</li> </ul> <p><b>Desserts and similar products</b></p> <ul style="list-style-type: none"> <li>– Water-based flavoured desserts, energy-reduced or with no added sugar</li> <li>– Milk and milk-derivative-based preparations, energy-reduced or with no added sugar</li> <li>– Fruit and vegetable-based desserts, energy-reduced or with no added sugar</li> <li>– Egg-based desserts, energy-reduced or with no added sugar</li> <li>– Cereal-based desserts, energy-reduced or with no added sugar</li> <li>– Breakfast cereals with a fibre content of more than 15% and containing at least 20% bran, energy-reduced or with no added sugar</li> <li>– Fat-based desserts, energy-reduced or with no added sugar</li> </ul> <p><b>Confectionery</b></p> <ul style="list-style-type: none"> <li>– Confectionery with no added sugar</li> <li>– Cocoa or dried-fruit-based confectionery, energy-reduced or with no added sugar</li> <li>– Starch-based confectionery, energy-reduced or with no added sugar</li> <li>– Breath freshening micro-sweets with no added sugar</li> <li>– Chewing gum with no added sugar</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>– “Snacks”: certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts</li> <li>– <i>Essoblaten</i></li> <li>– Cocoa, milk, dried-fruit or fat-based sandwich spreads, energy-reduced or with no added sugar</li> <li>– Cider and perry</li> <li>– Drinks consisting of a mixture of a non-alcoholic drink and beer, cider, perry, spirits or wine</li> </ul> | <p>350 mg/l<sup>(a)</sup></p> <p>350 mg/l<sup>(a)</sup></p> <p>350 mg/kg<sup>(a)</sup></p> <p>350 mg/kg<sup>(a)</sup></p> <p>350 mg/kg<sup>(a)</sup></p> <p>350 mg/kg<sup>(a)</sup></p> <p>350 mg/kg<sup>(a)</sup></p> <p>1000 mg/kg<sup>(b)</sup></p> <p>350 mg/kg<sup>(a)</sup></p> <p>500 mg/kg<sup>(a)</sup></p> <p>500 mg/kg<sup>(a)</sup></p> <p>1000 mg/kg<sup>(a)</sup></p> <p>2500 mg/kg<sup>(a)</sup></p> <p>2000 mg/kg<sup>(a)</sup></p> <p>500 mg/kg<sup>(b)</sup></p> <p>1000 mg/kg<sup>(b)</sup></p> <p>1000 mg/kg<sup>(b)</sup></p> <p>350 mg/l<sup>(a)</sup></p> <p>350 mg/l<sup>(a)</sup></p> |
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|  | – Spirit drinks containing less than 15% alcohol by volume                                                                                    | 350 mg/l <sup>(a)</sup>   |
|  | – Alcohol-free beer or with an alcohol content not exceeding 1.2% vol                                                                         | 350 mg/l <sup>(a)</sup>   |
|  | – ‘Biere de table/Tafelbier/Table beer’ (original wort content less than 6%) except for ‘Obergäriges Einfachbier’                             | 350 mg/l <sup>(a)</sup>   |
|  | – Beers with a minimum acidity of 30 milli-equivalents expressed as NaOH                                                                      | 350 mg/l <sup>(a)</sup>   |
|  | – Brown beers of the ‘oud bruin’ type                                                                                                         | 350 mg/l <sup>(a)</sup>   |
|  | – Energy-reduced beer                                                                                                                         | 25 mg/l <sup>(b)</sup>    |
|  | – Edible ices, energy-reduced or with no added sugar                                                                                          | 800 mg/kg <sup>(b)</sup>  |
|  | – Canned or bottled fruit, energy-reduced or with no added sugar                                                                              | 350 mg/kg <sup>(a)</sup>  |
|  | – Energy-reduced jams, jellies and marmalades                                                                                                 | 1000 mg/kg <sup>(b)</sup> |
|  | – Energy-reduced fruit and vegetable preparations                                                                                             | 350 mg/kg <sup>(a)</sup>  |
|  | – Sweet-sour preserves of fruit and vegetables                                                                                                | 200 mg/kg <sup>(a)</sup>  |
|  | – <i>Feinkostsalat</i>                                                                                                                        | 350 mg/kg <sup>(b)</sup>  |
|  | – Sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs                                             | 200 mg/kg <sup>(a)</sup>  |
|  | – Energy-reduced soups                                                                                                                        | 110 mg/l <sup>(b)</sup>   |
|  | – Sauces                                                                                                                                      | 350 mg/kg <sup>(b)</sup>  |
|  | – Mustard                                                                                                                                     | 350 mg/kg <sup>(b)</sup>  |
|  | – Fine bakery products for special nutritional uses                                                                                           | 1000 mg/kg <sup>(a)</sup> |
|  | – Foods intended for use in energy-restricted diets for weight reduction as referred to in Directive 1996/8/EC                                | 450 mg/kg <sup>(a)</sup>  |
|  | – Dietary foods for special medical purposes as defined in Directive 1999/21/EC                                                               | 450 mg/kg <sup>(a)</sup>  |
|  | – Food supplements as defined in Directive 2002/46/EC supplied in a liquid form                                                               | 350 mg/l <sup>(a)</sup>   |
|  | – Food supplements as defined in Directive 2002/46/EC supplied in a solid form                                                                | 500 mg/kg <sup>(a)</sup>  |
|  | – Food supplements as defined in Directive 2002/46/EC based on vitamins and/or mineral elements and supplied in a syrup-type or chewable form | 2000 mg/kg <sup>(a)</sup> |

(e) the entries relating to Sucralose listed at the end of the Table in Columns 2 to 4 shall be omitted;

(f) for “Complete formulae for weight control intended to replace total daily food intake or an individual meal”, wherever they occur, there shall be substituted –  
“Foods intended for use in energy-restricted diets for weight reduction as referred to in Directive 96/8/EC”(a);

(a) O.J. No. L55, 6.3.1996, p. 22

- (g) for “Complete formulae and nutritional supplements for use under medical supervision”, wherever they occur, there shall be substituted –  
“Dietary foods for special medical purposes as defined in Directive 1999/21/EC”(a);
- (h) for “Liquid food supplements/dietary integrators”, wherever they occur, there shall be substituted –  
“Food supplements as defined in Directive 2002/46/EC supplied in a liquid form”(b);
- (i) for “Solid food supplements/dietary integrators”, wherever they occur, there shall be substituted –  
“Food supplements as defined in Directive 2002/46/EC supplied in a solid form”;
- (j) for “Food supplements/dietary integrators based on vitamins and/or mineral elements, syrup-type or chewable”, wherever they occur, there shall be substituted –  
“Food supplements as defined in Directive 2002/46/EC based on vitamins and/or mineral elements and supplied in a syrup-type or chewable form”; and
- (k) after notes 1 and 2 there shall be added –

“3. The maximum usable doses in Column 4 relating to salt of aspartame-acesulfame are derived from the maximum usable doses for its constituent parts, aspartame (E951) and acesulfame-K (E950). The maximum usable doses for both aspartame (E951) and acesulfame-K (E950) are not to be exceeded by use of the salt of aspartame-acesulfame, either alone or in combination with E950 or E951.

4. The maximum usable doses in Column 4 relating to E962 salt of aspartame-acesulfame are expressed either as (a) acesulfame-K equivalents or (b) aspartame equivalents.”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 20th January 2005.

(L.S.)

*D. Kenny*

A senior officer of the Department of Health, Social Services and Public Safety

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(a) O.J. No. L91, 7.4.1999, p. 29  
(b) O.J. No. L183, 12.7.2002, p. 51

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

1. These Regulations further amend the Sweeteners in Food Regulations (Northern Ireland) 1996 (S.R. 1996 No. 48 as already amended), and implement –
  - (a) Directive 2003/115/EC of the European Parliament and of the Council amending Directive 94/35/EC on sweeteners for use in foodstuffs (O.J. No. L24, 29.1.2004, p. 65); and
  - (b) Commission Directive 2004/46/EC amending Directive 95/31/EC as regards E955 Sucralose and E962 Salt of aspartame-acesulfame (O.J. No. L114, 21.4.2004, p. 15).
  
2. These Regulations amend the Sweeteners in Food Regulations (Northern Ireland) 1996 by –
  - (a) bringing up to date the definition of “Directive 94/35/EC” so as to cover the amendment of that Directive by Directive 2003/115/EC (*regulation 3(1)(a)*);
  - (b) bringing up to date the definition of “Directive 95/31/EC” (the Directive relates to specific purity criteria for sweeteners which are to be used in foodstuffs) so as to cover its amendment by Directive 2004/46/EC (*regulation 3(1)(b)*);
  - (c) substituting a new definition for the definition of the term “permitted sweetener” to reflect the fact that Sucralose and the Salt of aspartame-acesulfame are now permitted sweeteners (*regulation 3(1)(c)*);
  - (d) making minor amendments to the definition of the term “maximum usable dose” as applied to those sweeteners which under the Regulations are permitted to be used in specified foodstuffs (*regulation 3(2)*);
  - (e) making explicit the fact that Schedule 1 (permitted sweeteners and the foods in or on which they may be used) is to be read in conjunction with the notes thereto (*regulation 4(a)*);
  - (f) deleting the provision which laid down that the controls on the use in specified foods of aspartame and acesulfame-K to be contained in Schedule 1 applied also to Salt of aspartame-acesulfame in such foods (*regulation 4(b)*);
  - (g) extending to Salt of aspartame-acesulfame the existing requirement that table top sweeteners containing aspartame be marked or labelled as specified in the Regulations (*regulation 5*);
  - (h) including transitional provisions (*regulation 6*);
  - (i) adding a further category of food to the categories in which the permitted sweetener E951 Aspartame may lawfully be used and specifying the maximum usable dose applicable to such use (*regulation 7(a)*);
  - (j) as regards the permitted sweetener E952 Cyclamic Acid and its Na and Ca salts, reducing the maximum usable dose of that sweetener applicable in relation to specified foods, and making it unlawful to use that sweetener in specified items of confectionery and in certain edible ices (*regulation 7(b)*);
  - (k) inserting into Schedule 1 new entries relating to the permitted sweeteners E955 Sucralose and to E962 Salt of aspartame-acesulfame (*regulation 7(c) and (d) respectively*);
  - (l) omitting the entries relating to Sucralose previously contained in Schedule 1 (*regulation 7(e)*);
  - (m) in accordance with Directive 2003/115/EC, substituting new descriptions for the descriptions of certain food categories specified in Column 3 of Schedule 1 (*regulation 7(f) to (j)*); and
  - (n) adding to Schedule 1 further footnotes relating to the permitted sweetener Salt of aspartame-acesulfame (*regulation 7(k)*).









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