
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 435

The Natural Mineral Water, Spring Water and
Bottled Drinking Water (Scotland) Regulations 2007

PART 2

Natural mineral water

Marking, labelling and advertisement of natural mineral waters

8.—(1) No person shall cause a natural mineral water to be bottled in a bottle marked or labelled with any of the following—

- (a) a trade description which includes the name of a locality, hamlet or place, unless that trade description refers to a natural mineral water the spring of which is exploited at the place indicated by that description and is not misleading as regards the place of exploitation of the spring;
- (b) a trade description which is different from the name of the spring or the place of its exploitation, unless the place of exploitation or the name of the spring is also marked or labelled on the bottle, using letters at least one and a half times the height and width of the largest of the letters used for that trade description;
- (c) any designation, proprietary name, trade mark, brand name, illustration or other sign, whether emblematic or not, the use of which suggests a characteristic which the water does not possess, in particular as regards its origin, the date of authorisation to exploit it, the results of analyses or any similar references to guarantees of authenticity;
- (d) any indication, other than those specified in sub-paragraphs (f) and (g), attributing to the natural mineral water properties relating to the prevention, treatment or cure of a human illness;
- (e) any indication listed in column 1 of the table in Schedule 8, except where the natural mineral water meets the criterion, if any, corresponding to that indication;
- (f) the indication “may be diuretic” or “may be laxative” unless the natural mineral water has been assessed as possessing the property attributed by the indication in accordance with physico-chemical analysis and pharmacological, physiological or clinical examination, as appropriate;
- (g) the indication “stimulates digestion” or “may facilitate the hepato-biliary functions” unless the natural mineral water has been assessed as possessing the property attributed by the indication in accordance with physico-chemical analysis and pharmacological, physiological and clinical examination; or
- (h) a sales description other than—
 - (i) in the case of an effervescent natural mineral water, one of the following—
 - (aa) “naturally carbonated natural mineral water” to describe water whose content of carbon dioxide from the spring after decanting, if any, and bottling is the same as at source, taking into account where appropriate the

reintroduction of a quantity of carbon dioxide from the same water table or deposit equivalent to that released in the course of those operations and subject to the usual technical tolerances;

(bb) “natural mineral water fortified with gas from the spring” to describe water whose content of carbon dioxide from the water table or deposit after decanting, if any, and bottling is greater than that established at source;

(cc) “carbonated natural mineral water” to describe water to which has been added carbon dioxide of an origin other than the water table or deposit from which the water comes;

(ii) in the case of a natural mineral water other than an effervescent natural mineral water, “natural mineral water”.

(2) No person shall cause natural mineral water to be bottled unless the bottle is marked or labelled with—

(a) a statement of analytical composition which statement shall indicate the characteristic constituents of the water;

(b) the name of the place where the spring is exploited and the name of the spring;

(c) in any case where it has undergone the treatment of total or partial elimination of free carbon dioxide by exclusively physical methods, the indication “fully de-carbonated” or “partially de-carbonated” as appropriate;

(d) in any case where it has undergone an authorised ozone-enriched air oxidation technique, “water subjected to an authorised ozone-enriched air oxidation technique”, which shall appear in proximity to the analytical composition of characteristic constituents; and

(e) in any case where its fluoride concentration exceeds 1.5 mg/l—

(i) “contains more than 1.5 mg/l of fluoride: not suitable for regular consumption by infants and children under 7 years of age”, which shall appear in proximity to the trade name and in clearly visible characters, and

(ii) the actual fluoride content in relation to the physico-chemical composition, which shall be included within the mandatory information referred to in paragraph (2)(a).

(3) Where in accordance with paragraph (1)(b) a bottle containing a natural mineral water is required to be marked or labelled with the place of exploitation or the name of the spring—

(a) the same requirement shall also apply to any written advertisement for that natural mineral water; and

(b) in any other advertisement, at least equivalent importance shall be given to the place of exploitation or the name of the spring as is given to the trade description.

(4) No person shall advertise any natural mineral water under any designation, proprietary name, trade mark, brand name, illustration or other sign, whether emblematic or not, the use of which suggests a characteristic which the water does not possess, in particular as regards its origin, the date of authorisation to exploit it, the results of analyses or any similar references to guarantees of authenticity.

(5) No person shall advertise any natural mineral water in contravention of paragraph (3).