



# Food Safety Act 1990

## 1990 CHAPTER 16

### PART II

#### MAIN PROVISIONS

##### *Defences etc.*

#### 22 Defence of publication in the course of business.

In proceedings for an offence under any of the preceding provisions of this Part consisting of the advertisement for sale of any food, it shall be a defence for the person charged to prove—

- (a) that he is a person whose business it is to publish or arrange for the publication of advertisements; and
- (b) that he received the advertisement in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under that provision.

#### Modifications etc. (not altering text)

- C1** S. 22 applied: (13.9.1992) by S.I. 1992/1971, **reg. 9(e)**; (14.9.1992) by S.I. 1992/1978, **reg. 7(e)**  
S. 22 applied (14.7.1993) by S.I. 1993/1520, **reg. 2(2)(e)**
- C2** S. 22 applied (with modifications): (1.1.1996) by S.I. 1995/3116, **reg. 8**; (1.1.1996) by S.I. 1995/3123, **reg. 9(e)** and S.I. 1995/3124, **reg. 11(e)**; (1.1.1996) by S.I. 1995/3187, **reg. 9**; (1.1.1996) by S.I. 1995/3202, **reg. 11**  
S. 22 applied (with modifications) (1.7.1996) by S.I. 1996/1499, **reg. 48**  
S. 22 applied (with modifications): (11.8.1997) by S.I. 1997/1729, **reg. 34(1)(e)**; (31.3.1999) by S.I. 1997/2042, **reg. 9** and S.I. 1997/2182, **reg. 9**  
S. 22 applied (with modifications) (19.2.1998) by S.I. 1998/141, **reg. 10(e)**  
S. 22 applied (with modifications): (19.3.1999) by S.I. 1996/1499, **reg. 48** (as substituted by S.I. 1999/747, **reg. 11**); (30.6.1999) by S.I. 1999/1540, **reg. 19(1)(e)**; (1.10.1999) by S.I. 1999/2457, **reg. 8(1)**; (1.10.1999) by S.S.I. 1999/34, **reg. 8(1)**

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- S. 22 applied (with modifications): (E.) (1.11.2001) by S.I. 2000/845, **reg. 7(e)**; (W.) (1.11.2001) by S.I. 2000/1866, **reg. 7(e)**; (S.) (1.11.2001) by S.S.I. 2000/130, **reg. 7(e)**; (E.) (15.1.2001) by S.I. 2000/3323, **reg. 10(e)**
- S. 22 applied (with modifications): (S.) (17.3.2001) by S.S.I. 2001/38, **reg. 10**; (W.) (1.5.2001) by S.I. 2001/1361, **reg. 8(1)** and S.I. 2001/1440, **reg. 10(e)**
- S. 22 applied (with modifications): (E.W.) (8.3.2002) by S.I. 2002/333, **reg. 6(e)**; (S.) (8.3.2002) by S.S.I. 2002/50, **reg. 6(e)**; (E.) (5.8.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/1817, regs. 1(2)(3), **9(e)**; (S.) (23.9.2002 for certain purposes and otherwise 1.4.2004) by S.S.I. 2002/397, regs. 1(2)(3), **8(e)**; (W.) (31.12.2002 for certain purposes and otherwise 1.4.2004) by S.I. 2002/2939, regs. 1(2)(3), **9(e)**; (S.) (1.1.2003) by S.S.I. 2002/523, **reg. 5(1)(e)**; (W.) (9.1.2003) by S.I. 2002/3157, **reg. 5(1)(e)**; (E.) (13.1.2003) by S.I. 2002/3169, **reg. 5(1)(e)**
- C3** S. 22 applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (England) Regulations 2003 (S.I. 2003/1564), regs. 1(b), **9(e)**
- C4** S. 22 applied (with modifications) (12.7.2003) by Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (S.S.I. 2003/293), regs. 1(1), **10(e)**
- C5** S. 22 applied (with modifications) (12.7.2003) by Specified Sugar Products (England) Regulations 2003 (S.I. 2003/1563), regs. 1, **9(e)**
- C6** S. 22 applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (England) Regulations 2003 (S.I. 2003/1596), regs. 1, **9(1)(e)** (with reg. 11)
- C7** S. 22 applied (with modifications) (17.7.2003) by Condensed Milk and Dried Milk (Scotland) Regulations 2003 (S.S.I. 2003/311), regs. 1(1), **10(1)(e)** (with reg. 3)
- C8** S. 22 applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (England) Regulations 2003 (S.I. 2003/1659), regs. 1, **10(e)**
- C9** S. 22 applied (with modifications) (3.8.2003) by The Cocoa and Chocolate Products (Scotland) Regulations 2003 (S.S.I. 2003/291), regs. 1, **11(e)** (with reg. 4)
- C10** S. 22 applied (with modifications) (2.9.2003) by Meat Products (England) Regulations 2003 (S.I. 2003/2075), regs. 1(c), **8(e)** (with reg. 3)
- C11** S. 22 applied (with modifications) (25.9.2003) by Honey (England) Regulations 2003 (S.I. 2003/2243), regs. 1, **9(e)**
- C12** S. 22 applied (with modifications) (28.11.2003) by The Specified Sugar Products (Wales) Regulations 2003 (S.I. 2003/3047), regs. 1, **9(e)**
- C13** S. 22 applied (with modifications) (28.11.2003) by Specified Sugar Products (Scotland) Regulations 2003 (S.S.I. 2003/527), regs. 1(1), **9** (with reg. 10)
- C14** S. 22 applied (with modifications) (28.11.2003) by The Fruit Juices and Fruit Nectars (Wales) Regulations 2003 (S.I. 2003/3041), regs. 1, **9(e)**
- C15** S. 22 applied (with modifications) (28.11.2003) by Cocoa and Chocolate Products (Wales) Regulations 2003 (S.I. 2003/3037), regs. 1, **10(e)**
- C16** S. 22 applied (with modifications) (28.11.2003) by Honey (Wales) Regulations 2003 (S.I. 2003/3044), regs. 1, **9(e)**
- C17** S. 22 applied (with modifications) (28.11.2003) by Condensed Milk and Dried Milk (Wales) Regulations 2003 (S.I. 2003/3053), regs. 1, **9(1)(e)** (with reg. 3)
- C18** S. 22 applied (with modifications) (18.12.2003) by Honey (Scotland) Regulations 2003 (S.S.I. 2003/569), regs. 1(1), **10(e)** (with regs. 3, 11)
- C19** S. 22 applied (with modifications) (31.12.2003) by Jam and Similar Products (England) Regulations 2003 (S.I. 2003/3120), regs. 1, **9(e)** (with reg. 3)
- C20** S. 22 applied (with modifications) (4.2.2004) by Meat Products (Scotland) Regulations 2004 (S.S.I. 2004/6), regs. 1(1), **9(1)(e)**
- C21** S. 22 applied (with modifications) (5.3.2004) by Jam and Similar Products (Wales) Regulations 2004 (S.I. 2004/553), regs. 1, **9(1)(e)** (with reg. 3)
- C22** S. 22 applied (with modifications) (28.4.2004) by Jam and Similar Products (Scotland) Regulations 2004 (S.S.I. 2004/133), regs. 1(1), **10(e)**
- C23** S. 22 applied (with modifications) (31.5.2004) by Meat Products (Wales) Regulations 2004 (S.I. 2004/1396), regs. 1(c), **8(e)** (with reg. 3)

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- C24 S. 22 applied (4.10.2004) by [Genetically Modified Food \(England\) Regulations 2004 \(S.I. 2004/2335\)](#), regs. 1(b), **6(1)(d)**
- C25 S. 22 applied (with modifications) (15.11.2004) by [Genetically Modified Food \(Scotland\) Regulations 2004 \(S.S.I. 2004/432\)](#), regs. 1(1), **6(1)(d)**
- C26 S. 22 applied (17.12.2004) by [Genetically Modified Food \(Wales\) Regulations 2004 \(S.I. 2004/3220\)](#), regs. 1(b), **6(1)(d)**
- C27 S. 22 applied (with modifications) (1.1.2005) by [General Food Regulations 2004 \(S.I. 2004/3279\)](#), regs. 1, **7(1)(c)**
- C28 S. 22 applied (with modifications) by SI 1995/77 reg. 23 (as substituted (6.3.2005) by [Infant Formula and Follow-on Formula \(Amendment\) \(England\) Regulations 2003 \(S.I. 2003/3208\)](#), regs. 1, **9**)
- C29 S. 22 applied (with modifications) (6.3.2005) by [The Processed Cereal-based Foods and Baby Foods for Infants and Young Children \(England\) Regulations 2003 \(S.I. 2003/3207\)](#), regs. 1, **12(e)** (with reg. 3)
- C30 S. 22 applied (with modifications) (6.3.2005) by [Processed Cereal-based Foods and Baby Foods for Infants and Young Children \(Scotland\) Regulations 2004 \(S.S.I. 2004/8\)](#), regs. 1(1), **12(e)**
- C31 S. 22 applied (with modifications) (6.3.2005) by [The Processed Cereal-based Foods and Baby Foods for Infants and Young Children \(Wales\) Regulations 2004 \(S.I. 2004/314\)](#), regs. 1, **12(e)** (with reg. 3)
- C32 S. 22 applied (16.6.2005) by [Smoke Flavourings \(Wales\) Regulations 2005 \(S.I. 2005/1350\)](#), regs. 1(b)(ii), **6(d)**
- C33 S. 22 applied (16.6.2005) by [Smoke Flavourings \(England\) Regulations 2005 \(S.I. 2005/464\)](#), regs. 1(b)(ii), **6**
- C34 S. 22 applied (with modifications) (1.8.2005) by [The Food Supplements \(Wales\) Regulations 2003 \(S.I. 2003/1719\)](#), regs. 1, **11(e)** (with reg. 3)
- C35 S. 22 applied (with modifications) (1.8.2005) by [The Food Supplements \(England\) Regulations 2003 \(S.I. 2003/1387\)](#), regs. 1, **11(e)**
- C36 S. 22 applied (with modifications) (1.8.2005) by [Food Supplements \(Scotland\) Regulations 2003 \(S.S.I. 2003/278\)](#), regs. 1(1), **11(e)** (with regs. 3, 5)
- C37 S. 22 applied (with modifications) (14.7.2006) by [Kava-kava in Food \(Wales\) Regulations 2006 \(S.I. 2006/1851\)](#), regs. 1(b), **5(1)**
- C38 S. 22 applied (with modifications) (1.3.2007) by [Notification of Marketing of Food for Particular Nutritional Uses \(England\) Regulations 2007 \(S.I. 2007/181\)](#), regs. 1(b), **7(e)**
- C39 S. 22 applied (with modifications) (1.3.2007) by [Notification of Marketing of Food for Particular Nutritional Uses \(Scotland\) Regulations 2007 \(S.S.I. 2007/37\)](#), regs. 1(1), **7(e)**
- C40 S. 22 applied (with modifications) (1.4.2007) by [Notification of Marketing of Food for Particular Nutritional Uses \(Wales\) Regulations 2007 \(S.I. 2007/1040\)](#), regs. 1(b), **7(e)**
- C41 S. 22 applied (with modifications) (7.8.2007) by [Addition of Vitamins, Minerals and Other Substances \(Wales\) Regulations 2007 \(S.I. 2007/1984\)](#), regs. 1, **5(e)**
- C42 S. 22 applied (with modifications) (7.8.2007) by [Addition of Vitamins, Minerals and Other Substances \(Scotland\) Regulations 2007 \(S.S.I. 2007/325\)](#), regs. 1(1), **5(e)**
- C43 S. 22 applied (with modifications) (7.8.2007) by [Addition of Vitamins, Minerals and Other Substances \(England\) Regulations 2007 \(S.I. 2007/1631\)](#), regs. 1, **5(e)**
- C44 S. 22 applied (with modifications) (1.10.2007) by [Nutrition and Health Claims \(England\) Regulations 2007 \(S.I. 2007/2080\)](#), regs. 1, **6(e)**
- C45 S. 22 applied (with modifications) (1.10.2007) by [Nutrition and Health Claims \(Scotland\) Regulations 2007 \(S.S.I. 2007/383\)](#), regs. 1(1), **6(e)**
- C46 S. 22 applied (with modifications) (1.10.2007) by [Nutrition and Health Claims \(Wales\) Regulations 2007 \(S.I. 2007/2611\)](#), regs. 1, **6(e)**
- C47 S. 22 applied (with modifications) (30.10.2007) by [Natural Mineral Water, Spring Water and Bottled Drinking Water \(Scotland\) \(No.2\) Regulations 2007 \(S.S.I. 2007/483\)](#), regs. 1(1), **22(1)(e)** (with reg. 3)
- C48 S. 22 applied (with modifications) (31.10.2007) by [Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) Regulations 2007 \(S.I. 2007/2785\)](#), regs. 1, **22(1)(e)** (with reg. 3)
- C49 S. 22 applied (with modifications) (31.10.2007) by [Natural Mineral Water, Spring Water and Bottled Drinking Water \(Scotland\) Regulations 2007 \(S.S.I. 2007/435\)](#), regs. 1(1), **22(1)(e)** (with reg. 3)

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- C50** S. 22 applied (with modifications) (28.11.2007) by The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007 (S.I. 2007/3165), regs. 1, **22(1)(e)** (with reg. 3)
- C51** S. 22 applied (with modifications) (1.7.2008) by Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (England) Regulations 2008 (S.I. 2008/1287), regs. 1, **7(1)(e)**
- C52** S. 22 applied (with modifications) (1.7.2008) by The Spreadable Fats (Marketing Standards) and the Milk and Milk Products (Protection of Designations) (Wales) Regulations 2008 (S.I. 2008/1341), regs. 1, **7(1)(e)**
- C53** S. 22 applied (with modifications) (20.1.2010) by Food Additives (Scotland) Regulations 2009 (S.S.I. 2009/436), regs. 1(1), **16(1)(d)**
- C54** S. 22 applied (with modifications) (20.1.2010) by Food Additives (England) Regulations 2009 (S.I. 2009/3238), regs. 1, **16(1)(d)**
- C55** S. 22 applied (with modifications) (20.1.2010) by The Food Additives (Wales) Regulations 2009 (S.I. 2009/3378), regs. 1, **16(1)(d)**
- C56** S. 22 applied (with modifications) (19.9.2014 for specified purposes, 13.12.2014 for specified purposes, 13.12.2016 in so far as not already in force) by The Food Information (Wales) Regulations 2014 (S.I. 2014/2303), reg. 1(3)(4)(b)(5)(b), **Sch. 4 Pt. 5** (with reg. 12(6))
- C57** S. 22 applied (with modifications) (13.12.2014) by The Food Information (Scotland) Regulations 2014 (S.S.I. 2014/312), regs. 1(2), **12(2)(e)**
- C58** S. 22 applied (1.7.2015) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (England and Scotland) Regulations 2015 (S.I. 2015/787), regs. 1(1), **32(1)(e)**
- C59** S. 22 applied (with modifications) (28.11.2015) by The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015 (S.I. 2015/1867), regs. 1(2), 35, **Sch. 12** Table 3 (with reg. 3)
- C60** S. 22 applied (with modifications) by S.S.I. 2014/289, reg. 7(da) (as inserted (25.2.2016) by The Products Containing Meat etc. (Scotland) Amendment Regulations 2016 (S.S.I. 2016/24), regs. 1, 2)
- C61** S. 22 applied (with modifications) (20.7.2016) by The Foods for Specific Groups (Scotland) Regulations 2016 (S.S.I. 2016/190), regs. 1(1), 5, **sch. 2**
- C62** S. 22 applied (with modifications) (20.7.2016) by The Food for Specific Groups (Information and Compositional Requirements) (England) Regulations 2016 (S.I. 2016/688), regs. 1(3), **4(6)(7)(d)**
- C63** S. 22 applied (with modifications) (2.8.2016) by The Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016 (S.I. 2016/639), regs. 1(3), **4(6)(7)(d)**
- C64** S. 22 applied (with modifications) (15.8.2014 for specified purposes, 13.12.2014 for specified purposes, 13.12.2016 in so far as not already in force) by The Food Information Regulations 2014 (S.I. 2014/1855), reg. 12(5), **Sch. 4 Pt. 5** (with reg. 1(9)(b))
- C65** S. 22 applied (with modifications) (22.12.2016) by The Caseins and Caseinates (Scotland) Regulations 2016 (S.S.I. 2016/383), regs. 1(1), 8, **sch. 4** (with reg. 3)
- C66** S. 22 applied (with modifications) (22.12.2016) by The Caseins and Caseinates (Scotland) (No. 2) Regulations 2016 (S.S.I. 2016/422), regs. 1(1), 8, **sch. 4** (with reg. 3)
- C67** S. 22 applied (with modifications) (1.1.2018) by The Novel Foods (Scotland) Regulations 2017 (S.S.I. 2017/415), regs. 1, **5(1)(d)**
- C68** S. 22 applied (with modifications) (8.3.2018) by The Novel Foods (England) Regulations 2018 (S.I. 2018/154), regs. 1, **7(1)(d)**
- C69** S. 22 applied (W.) (28.3.2019) by The Animals and Animal Products (Examination for Residues and Maximum Residue Limits) (Wales) Regulations 2019 (S.I. 2019/569), regs. 1(3), **33(1)(e)**

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