
 S T A T U T O R Y I N S T R U M E N T S

1970 No. 1127 (S.91)

FOOD AND DRUGS

The Labelling of Food (Scotland) Regulations 1970

<i>Made</i> - - - -	23rd July 1970
<i>Laid before Parliament</i> -	10th August 1970
<i>Coming into Operation</i> -	
<i>Regulations 1, 2, 34, 35,</i> <i>Schedule 6</i> - - -	13th August 1970
<i>Remainder</i> - - - -	1st January 1973

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

1. Citation and commencement.
2. Interpretation.
3. "Appropriate designation".
4. Exemptions.

PART II

GENERAL REQUIREMENTS AS TO LABELLING AND ADVERTISEMENT OF FOOD

5. Labelling of pre-packed food for sale by retail.
6. Exemptions from regulation 5.
7. Labelling of exempted pre-packed food for sale by retail.
8. Labelling of pre-packed food for sale otherwise than by retail.
9. Labelling of food, other than pre-packed, for sale by retail.
10. Advertisement of food for sale from vending machines.
11. Labelling and advertisement of food as respects flavours.

PART III

SPECIAL REQUIREMENTS AS TO LABELLING AND ADVERTISEMENT OF CERTAIN FOODS

12. Acetic acid.
13. Chocolate confectionery containing intoxicating liquor.
14. Dried or dehydrated food.
15. Dry mixes.
16. Intoxicating liquor.
17. Intoxicating and other liquor.
18. Tenderised meat.
19. Processed peas.
20. Use of the words "milk", "butter" and "cream".

PART IV

CLAIMS

21. General, energy, calorie and protein claims.
22. Claims as to vitamins and minerals.
23. } Slimming claims.
24. }
25. Diabetic claims.
26. Tonic, restorative and medicinal claims.
27. Averaging. Supplemental to regulations 21, 22, 24 and 26.

PART V

SUPPLEMENTAL

28. Manner of marking and labelling.
29. Use of trade marks.

PART VI

ADMINISTRATION AND LEGAL PROCEEDINGS

30. Enforcement.
31. Penalties.
32. Defences.
33. Application of various sections of the Act.

PART VII

AMENDMENTS AND REVOCATIONS

34. Amendment of the Labelling of Food Order 1953.
35. Revocations and transitional provisions.

SCHEDULES

- Schedule 1. Appropriate designations of fish.
- Schedule 2. Foods partly exempt from regulation 5.
- Schedule 3. Part I. Foods required to be labelled when for sale by retail otherwise than pre-packed.
Part II. Foods exempt from a labelling requirement as to permitted additives when for sale by retail otherwise than pre-packed.
- Schedule 4. Vitamins and minerals.
- Schedule 5. Manner of marking or labelling.
- Schedule 6. Orders and regulations revoked.

In exercise of the powers conferred upon me by sections 7 and 56 of the Food and Drugs (Scotland) Act 1956(a), and of all other powers enabling me in that behalf, and after consultation with such organisations as appear to me to be

representative of interests substantially affected by these regulations and after reference to the Scottish Food Hygiene Council under section 25 of the said Act, I hereby make the following regulations:—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Labelling of Food (Scotland) Regulations 1970, and shall come into operation as follows:—

- (a) this regulation, regulations 2, 34 and 35 and Schedule 6 shall come into operation on 13th August 1970, and
- (b) the remaining provisions of these regulations shall come into operation on 1st January 1973.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Food and Drugs (Scotland) Act 1956;

“appropriate designation” has the meaning assigned to it by regulation 3;

“artificial sweetening tablet” has the meaning assigned to it by the Artificial Sweeteners in Food (Scotland) Regulations 1969(a);

“biscuits” includes wafers, rusks, crispbreads, oatcakes, matzos and chocolate-coated, chocolate-filled or chocolate-flavoured biscuits;

“carbohydrate” means any neutral polyhydroxy alcohol containing carbon, hydrogen and oxygen in which the hydrogen and oxygen occur in the same proportion as in water, but does not include any polysaccharide which is not metabolised by man;

“chocolate confectionery” means any solid or semi-solid product complete in itself and suitable for consumption without further preparation or processing, of which the characteristic ingredient is chocolate or cocoa, with or without the addition of nuts or fruit; and includes any kind of chocolate and products made by enrobing, coating or embedding sugar confectionery or other ingredients in chocolate, but does not include chocolate-coated, chocolate-filled or chocolate-flavoured biscuits, flour confectionery, any kind of ice-cream including chocolate ice-cream, or pharmaceutical products;

“container” includes any form of packaging of food for sale as a single item, whether by way of wholly or partly enclosing the food or by way of attaching the food to some other article and in particular includes a wrapper or confining band, but does not include any crimp case used to support the base or the base and sides of flour confectionery, sugar confectionery or chocolate confectionery or any similar product partly or wholly encased in pastry if such a product has been subject to a baking or cooking process;

“fish” includes edible molluscs and crustacea;

“flavouring” includes flavouring essence and flavouring extract and means any product consisting of a flavouring agent and such other substances, if any, the use of which in food is not forbidden and which are reasonably necessary to produce a solid, a solution or an emulsion, but no other ingredient or ingredients;

(a) S.I. 1969/1848 (1969 III, p. 5782).

“flavouring agent” means any sapid or odorous substance capable of imparting and primarily intended to impart a specific and distinctive taste or odour to food, but does not include herbs, spices, onions, garlic, salt, fruit juices, soft drinks, fruit acids, acetic acid, any carbohydrate material, any purine derivative, any preparation of yeast, coffee or chicory or any substances prepared by the hydrolysis of protein-containing materials;

“flour confectionery” means any solid or semi-solid product complete in itself and suitable for consumption without further preparation or processing other than heating, of which the characteristic ingredient, apart from any filling, is ground cereal, whether or not flavoured, coated with or containing any carbohydrate sweetening matter, chocolate or cocoa; and includes shortbread, sponges, pastry, pastry cases, crumpets, muffins, macarons, ratafias, meringues and petits fours, but does not include pharmaceutical products, bread, biscuits or any product containing a filling which has as an ingredient any meat or fish;

“food” means food intended for sale for human consumption and includes—

- (a) cream, separated milk and any food containing milk, and
- (b) drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products,

but does not include—

- (i) water, live animals or birds, or
- (ii) articles or substances used only as drugs;

“greatest dimension of container”, in relation to a rectilinear or approximately rectilinear container, means the height, length or breadth thereof, whichever is the greatest, and in relation to a container with a curvilinear or approximately curvilinear cross-section, the height or maximum diameter thereof, whichever is the greater;

“human consumption” includes use in the preparation of food for human consumption;

“intoxicating liquor” means spirits, wine, beer, cider, perry and sweets and any fermented, distilled or spirituous liquor which cannot lawfully be sold without an excise licence;

“main ingredient” means an ingredient which comprises not less than 90 per cent. by weight of the food of which it is an ingredient;

“meal” means any collection of two or more foods of distinctly different kinds which is suitable for consumption as a complete meal and is packed as a meal in a container bearing a label on which there appears in a conspicuous position a clear and legible statement to the effect that it is a complete meal and which at the time of sale is ready for consumption without cooking, heating or other preparation; but does not include any meat product or canned meat product of a kind referred to in regulation 6(2)(c) of the Sausage and Other Meat Product (Scotland) Regulations 1967(a), as amended (b), or regulation 7(8)(c) of the Canned Meat Product (Scotland) Regulations 1967(c), as amended (d), as the case may be;

“meat” means the flesh including fat, rind, skin, gristle and sinew of any animal or bird intended for human consumption and includes cured meat

(a) S.I. 1967/1078 (1967 II, p.3186).

(c) S.I. 1967/1079 (1967 II, p. 3199).

(d) S.I. 1969/326 (1969 I, p. 934).

(b) S.I. 1968/139, 1969/327 (1968 I, p. 381;

1969 I, p. 936).

and offal, but does not include fish, sausage, sausage meat, meat pie, pie filling, luncheon meat, meat roll or other meat products;

“mineral hydrocarbon” means any mineral hydrocarbon of a kind referred to in regulation 4(2) of the Mineral Hydrocarbons in Food (Scotland) Regulations 1966(a);

“permitted antioxidant” means any antioxidant inasmuch as its use in food is permitted by the Antioxidant in Food (Scotland) Regulations 1967(b);

“permitted artificial sweetener” means any artificial sweetener inasmuch as its use in food is permitted by the Artificial Sweeteners in Food (Scotland) Regulations 1969;

“permitted bleaching agent” means any bleaching agent inasmuch as its use in food is permitted by the Bread and Flour (Scotland) Regulations 1963(c);

“permitted colouring matter” means any colouring matter inasmuch as its use in food is permitted by the Colouring Matter in Food (Scotland) Regulations 1966(d);

“permitted emulsifier” means any emulsifier inasmuch as its use in food is permitted by the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1962(e);

“permitted improving agent” means any improving agent inasmuch as its use in food is permitted by the Bread and Flour (Scotland) Regulations 1963;

“permitted preservative” means any preservative inasmuch as its use in food is permitted by the Preservatives in Food (Scotland) Regulations 1962(f), as amended (g);

“permitted solvent” means any solvent inasmuch as its use in food is permitted by the Solvents in Food (Scotland) Regulations 1968(h);

“permitted stabiliser” means any stabiliser inasmuch as its use in food is permitted by the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1962;

“pharmaceutical product” means any product which is intended for use for a specific therapeutic purpose;

“pre-packed” means made up in advance in or on a container ready for sale by retail, save that in relation to any food with one main ingredient, this expression means so made up in or on a container other than a wholly transparent container; and where any food made up in or on a container is found on any premises where such food is so made up or is kept or stored for sale, that food shall be deemed to be pre-packed unless the contrary is proved, and it shall not be sufficient proof of the contrary to show that the food had not been labelled in accordance with the provisions of these regulations;

“registered trade mark” has the meaning assigned to it by section 68(1) of the Trade Marks Act 1938(i);

“sell” includes offer or expose for sale or have in possession for sale, and “sale” and “sold” shall be construed accordingly;

“sell by retail” means sell to a person buying otherwise than for the purpose of re-sale, but does not include selling to a caterer for the purposes of his

(a) S.I. 1966/1263 (1966 III, p.3474).

(c) S.I. 1963/1461 (1963 II, p. 2589).

(e) S.I. 1962/779 (1962 I, p. 766).

(g) S.I. 1967/1203 (1967 II, p. 3526).

(i) 1938 c. 22.

(b) S.I. 1967/105 (1967 I, p. 205).

(d) S.I. 1966/1384 (1966 III, p. 3715).

(f) S.I. 1962/1926 (1962 II, p. 2371).

(h) S.I. 1968/263 (1968 I, p. 789).

catering business or to a manufacturer for the purposes of his manufacturing business; and "sale by retail" and "sold by retail" shall be construed accordingly;

"soft drink" has the meaning assigned to it by the Soft Drinks (Scotland) Regulations 1964(a), as amended (b);

"sugar confectionery" means any solid or semi-solid product complete in itself and suitable for consumption without further preparation or processing, of which the characteristic ingredient is carbohydrate sweetening matter with or without the addition of any edible fat, dairy product, gelatine, edible gums, nuts or preserved fruit; and includes sweetened liquorice and chewing gum but does not include sugar, chocolate confectionery, sugared flour confectionery, any kind of ice-cream, ice lollies, table jellies, table jelly preparations, soft drink crystals, soft drink preparations, slab marzipan, meringues or pharmaceutical products;

"wholly transparent container" means, in relation to any food, a container through which no portion of that part of the surface of the food which is naturally adjacent to the inner surface of the container is obscured from view; and includes any net or mesh bag or other similar bag through which the food can be clearly seen but does not include any container on which there is any written matter other than such as is necessary to indicate the price of the food, whether or not that written matter is transparent;

and other expressions have the same meaning as in the Act.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) Any reference in these regulations to a label borne on a container shall be construed as including a reference to any legible marking on the container however effected.

(4) For the purposes of these regulations, the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food, and references to purchasing and purchasers shall be construed accordingly.

(5) Unless the context otherwise requires, any reference in these regulations to any order or other regulations shall be construed as a reference to such order or regulations as amended by any subsequent order or regulations, including these regulations.

(6) Any reference in these regulations to a numbered regulation or schedule shall, unless the reference is to a regulation of, or schedule to, specified regulations or to a schedule to a specified order, be construed as a reference to the regulation or schedule bearing that number in these regulations.

"Appropriate designation"

3.—(1) In these regulations "appropriate designation" means, as respects any food, a name or description or a name and description sufficiently specific, in each case, to indicate to an intending purchaser the true nature of the food to which it is applied and, as respects any ingredient or any constituent, a specific (and not generic) name or description which will indicate to an intending purchaser the true nature of the ingredient or constituent, as the case may be, to which it is applied.

(a) S.I. 1964/767 (1964 II, p. 1634).
(c) 1889 c. 63.

(b) S.I. 1969/1847 (1969 III, p. 5778).

(2) Where any regulation made, or having effect as if made, under the Act or any order having effect as if so made—

- (a) provides for a compositional standard for any specified food, or
- (b) specifies (without providing for any compositional standard) any name or description for any specified food,

the name or description applied to, or specified for, that food by such regulation or order shall be deemed to be the appropriate designation of that food for the purposes of these regulations, so however that nothing in this paragraph shall prevent the use as an appropriate designation of a more specific name or description than that so applied or specified, except where the relevant regulation or order requires the specified name or description to be used.

(3) Where an appropriate designation of any food contains the names of two or more ingredients of that food, used otherwise than adjectivally, those names shall be used in the order of the proportion by weight in which the ingredients were used in the manufacturing process (greatest first) unless these regulations or any other regulations made, or having effect as if made, under the Act or any order having effect as if so made provide otherwise:

Provided that where any food is sold in vinegar, brine, syrup or other carrying liquor, the name of the food may precede the name of the liquor.

(4) Where a name has been used throughout a period of not less than 30 years before 4th January 1971 to describe any food and where that name does not falsely describe that food and is not calculated to mislead as to its nature, substance or quality, that name shall be deemed to be an appropriate designation of that food.

(5) The appropriate designation of any species of fish specified in column 2 of Schedule 1 shall be as specified in relation thereto in column 1 or 3 of that Schedule, and for the purposes of these regulations any of the said designations, whether modified or not, shall not be an appropriate designation of any species of fish other than that in column 2 of that Schedule in relation to which it is specified:

Provided that nothing in this paragraph shall prevent the use of a traditional name for any fish which has been subjected to smoking or any similar process.

(6) The appropriate designation of hydrolised starch in liquid form shall be "glucose syrup".

Exemptions

4.—(1) The following provisions of these regulations, except in so far as they relate to advertisements, shall not apply to—

- (a) any food intended at the time of sale for exportation to any place outside the United Kingdom;
- (b) any food supplied under Government contracts for consumption by Her Majesty's forces or supplied for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(a).

(2) Until 3rd January 1983, the following provisions of these regulations shall not apply as respects any bottle containing a drink and bearing a fired-on or embossed, but no other, label if—

- (a) the first use of that bottle for the sale of such a drink occurred before 4th January 1971, and
- (b) the label complies with any regulations made, or having effect as if made, under the Act or with any order having effect as if so made, being regulations or, as the case may be, an order in force on 1st January 1968 or the day when the bottle is first used, whichever is the later, which then applied to the kind of drink for the time being in the bottle.

PART II

GENERAL REQUIREMENTS AS TO LABELLING AND ADVERTISEMENT OF FOOD

Labelling of pre-packed food for sale by retail

5.—(1) Subject to the provisions of regulation 6, no person shall sell by retail any pre-packed food, other than intoxicating liquor, unless there appears on a label marked on, or securely attached to, the container a true statement as respects that food in compliance with this regulation.

- (2) The said statement shall specify—
 - (a) in the case of a food consisting of one ingredient, an appropriate designation of the ingredient;
 - (b) in the case of a food consisting of two or more ingredients—
 - (i) an appropriate designation of the food or, except in the case of any food to which the provisions of paragraph (2), (5) or (6) of regulation 3 apply, the common or usual name thereof; and
 - (ii) an appropriate designation of each ingredient thereof in the form of a list:

Provided that—

- (a) it shall not be necessary to state that the food contains water;
- (b) where a food contains an ingredient which is made from two or more constituents, appropriate designations of those constituents shall be so specified and it shall not be necessary to specify an appropriate designation of that ingredient, though appropriate designations of the ingredient and the constituents may be specified in accordance with paragraph (6) of this regulation.

(3) The said statement shall also specify the name of either the packer or the labeller of the food and an address at which such person carries on business:

Provided that—

- (a) where the food is packed or labelled on behalf of, or on the instructions of, another person and such other person carries on business at an address in the United Kingdom, the statement may specify the name and address of that other person instead of the name and address of the packer or labeller, as the case may be;
- (b) this paragraph shall not apply in relation to any bottle containing intoxicating liquor and bearing a label other than a fired-on or embossed label if the said liquor was bottled before 1st January 1970 and the label complies with any regulations made, or having effect as if made, under the Act or any order having effect as if so made, being regulations or, as the case may be, an order in force on 1st January 1970 which then applied to the kind of liquor for the time being in the bottle.

(4) Where, in accordance with paragraph (2) of this regulation, appropriate designations of ingredients or constituents are required to be listed they shall, unless the quantity or proportion of each ingredient or constituent is specified, be listed in order of the proportion by weight in which the ingredients or constituents, as the case may be, were used in the manufacturing process (the appropriate designation of the ingredient or constituent used in the greatest proportion by weight being listed first) except that—

- (a) the appropriate designation of any ingredient or constituent so used in a dried, dehydrated or concentrated state may be listed as if it had first been reconstituted by the addition of an appropriate quantity of water;
- (b) in the case of any food sold by retail in a dried, dehydrated or concentrated state for reconstitution before consumption by the addition of water, appropriate designations of the ingredients or constituents may, as an alternative, be listed in order of the proportion by weight (greatest first) of the ingredients or constituents as reconstituted by the addition of the appropriate quantity of water;
- (c) in the case of food consisting solely of, or containing, mixed fruit or mixed vegetables where no particular fruit or vegetable, as the case may be, significantly predominates (in proportion by weight), the appropriate designations of the mixed fruit or vegetables may be listed in alphabetical order, so however that where such appropriate designations are listed with those of other ingredients they shall be listed in such a way as not to mislead an intending purchaser as to the quantity of fruit or vegetable, as the case may be, used in the manufacture of the food.

(5) Where in accordance with the foregoing provisions of this regulation appropriate designations of ingredients or constituents are required to be listed, each such list shall be headed or preceded by the word "Ingredients" or the words "Ingredients in order of quantity", save that in each case where the appropriate designations of ingredients or constituents are listed in accordance with—

- (a) paragraph 4(b) of this regulation, each such list shall be headed or preceded by the words "Ingredients in order, by weight, when reconstituted" or the words "Ingredients when reconstituted";
- (b) paragraph 4(c) of this regulation and the food consists solely of mixed fruit or mixed vegetables, each such list shall be headed or preceded by the words "Ingredients in alphabetical order".

(6) Where a food contains an ingredient which is made from two or more constituents, an appropriate designation of the ingredient may be specified in the said statement if the appropriate designations of the constituents follow immediately in, or in close proximity to, the list of all the ingredients in such a way as to make it clear that the constituents are the constituents of that ingredient, so however that if an ingredient or constituent contains any permitted preservative, permitted antioxidant, permitted colouring matter, permitted emulsifier, permitted stabiliser, permitted artificial sweetener, permitted bleaching agent, permitted improving agent, permitted solvent or flavouring and the total quantity of that substance present in the food is insufficient to produce a preservative, antioxidant, colouring, emulsifying, stabilising, sweetening, bleaching, improving, solvent or flavouring effect, as the case may be, or if an ingredient or constituent contains any mineral hydrocarbon and the total quantity of that substance present in the food is insufficient to produce a significant effect on the food, the appropriate designation of the ingredient or constituent may be signified by the expression "X with permitted preservative", "X with permitted antioxidant", "X with permitted colour", "X with permitted

emulsifier", "X with permitted stabiliser", "X with saccharin", "X with permitted bleaching agent", "X with permitted improving agent", "X with permitted solvent", "X with flavouring" or "X with mineral hydrocarbon", as appropriate, the designation being completed by inserting at "X" an appropriate designation of the remainder of the ingredient or constituent, as the case may be:

Provided that—

- (a) the word "permitted" may be omitted from any of the aforesaid expressions;
- (b) in any of the aforesaid expressions there may appear in place of the word or words following "with" or "permitted", as the case may be, an appropriate designation of the substance to which the first-mentioned word or words refer;
- (c) where any permitted preservative or permitted antioxidant is present in an ingredient in a quantity insufficient to produce a preservative or, as the case may be, antioxidant effect on the ingredient or in a proportion of less than 5 per cent. (calculated on the weight of the ingredient) of the amount permitted in that ingredient by the Preservatives in Food (Scotland) Regulations 1962, as amended, or the Antioxidant in Food (Scotland) Regulations 1967, as the case may be, the presence of that preservative or antioxidant need not be stated.

Exemptions from regulation 5

6.—(1) Subject to the provisions of paragraph (4) of this regulation, any food of a description specified in column 1 of Part I or II of Schedule 2 shall be exempt from the provisions of regulation 5(2) to the extent specified in relation thereto in column 2 of that Schedule and any food of a description specified in column 1 of Part III of that Schedule shall be exempt from the provisions of regulation 5(2) and (6) to the extent specified in relation thereto in column 2 of that Schedule.

(2) Regulation 5(2)(a) shall not apply to any food consisting of one ingredient sold by a retailer on the premises where it was pre-packed by him or sold from a delivery van used by him:

Provided that this exemption shall not apply if the container or any label given with the food bears any words referring in any way to the food other than such as are necessary to indicate the price and quantity thereof.

(3) Regulation 5(3) shall not apply—

- (a) to any food sold by a retailer on the premises where it was pre-packed by him or sold from a delivery van used by him;
- (b) to any flour confectionery or bread sold on premises by the producer thereof if there is displayed on those premises, as the name or style under which the producer's business is carried on, a name or style which is the same as, or substantially similar to, that displayed on the premises on which the flour confectionery or bread was produced.

(4) Where any food is pre-packed in or on a container the greatest dimension of which does not exceed 5 centimetres and appropriate designations of ingredients or constituents of the food are required by virtue of the provisions of these regulations to be listed on a label on that container, but owing to insufficiency of space on the container it is not reasonably practicable for the particulars specified in paragraph (3) of regulation 5 and the list of the said ingredients or constituents to appear on the label, it shall only be necessary to

specify on that label an appropriate designation or, if permitted by paragraph (2)(b)(i) of regulation 5, the common or usual name of the food and, if it is reasonably practicable, the list of the said ingredients or constituents, so however that if it is not reasonably practicable so to specify all the said ingredients or constituents none of them shall be so specified.

(5) Where any food consisting of one ingredient or, if consisting of two or more ingredients, being food the ingredients or constituents of which are not required by virtue of the provisions of these regulations to appear on a label on the container, is pre-packed in or on a container the greatest dimension of which does not exceed 5 centimetres, but owing to insufficiency of space on the container it is not reasonably practicable for the particulars specified in paragraph (3) of regulation 5 and an appropriate designation or the common or usual name of that food to appear on the label on that container, it shall only be necessary to specify on that label an appropriate designation or, if permitted by paragraph (2)(b)(i) of regulation 5, the common or usual name of the food.

(6) If a container of any pre-packed food to which paragraph (1) of this regulation applies bears a label on which there appears a statement specifying any ingredient or ingredients of that food, not being an appropriate designation or the common or usual name of that food or a brand or trade name nor being a statement required by any other provisions of these regulations or any other regulations made, or having effect as if made, under the Act or any order having effect as if so made, a true statement specifying every ingredient of that food shall appear on a label on that container in accordance with the provisions of these regulations.

(7) Until 5th January 1976, the provisions of regulation 5 shall not apply to any soft drink if there appear on a label marked on, or securely attached to, the container the common or usual name of the soft drink, if any, and either—

- (a) the particulars specified in regulation 5(3) relating to that soft drink, or
- (b) a trade mark, other than a certification trade mark, of which there is in the register of trade marks kept under the Trade Marks Act 1938 a subsisting entry in respect of that soft drink, and associated therewith on the label the words "Registered Trade Mark".

(8) The matter required to appear on a label by virtue of the last preceding paragraph shall be conspicuous and in a prominent position on the label and clearly legible.

Labelling of exempted pre-packed food for sale by retail

7.—(1) Subject to the provisions of paragraph (3) of this regulation, no person shall sell by retail any pre-packed food to which this regulation applies unless there appears on a label marked on, or securely attached to, the container the following statement, or as much thereof as is appropriate:—

“contains permitted preservative
permitted antioxidant
permitted colour
saccharin”:

Provided that in the said statement—

- (a) the word “permitted” may be omitted;
- (b) an appropriate designation of the permitted preservative, permitted antioxidant or permitted colouring matter in that food may be substituted

for the words "permitted preservative", "permitted antioxidant" or "permitted colour" respectively;

- (c) where the food consists of artificial sweetening tablets, the said statement need not include the words "contains saccharin";
- (d) where any permitted preservative or permitted antioxidant is present in any food only by virtue of its presence in an ingredient of that food—
 - (i) in a quantity insufficient to produce a preservative or, as the case may be, antioxidant effect on the food and in a proportion of less than 5 per cent. (calculated on the weight of the ingredient) of the amount permitted in that ingredient by the Preservatives in Food (Scotland) Regulations 1962, as amended, or the Antioxidant in Food (Scotland) Regulations 1967, as the case may be, or
 - (ii) in a quantity insufficient to produce a preservative or, as the case may be, antioxidant effect on the ingredient,the presence of that preservative or antioxidant in the food need not be stated.

(2) The said statement may include a true statement of the quantity (calculated by weight) of permitted preservative, permitted antioxidant, permitted colouring matter or permitted artificial sweetener present in the food.

(3) Where any food to which this regulation applies is pre-packed in or on a container the greatest dimension of which does not exceed 5 centimetres and owing to insufficiency of space on the container it is not reasonably practicable for all the particulars required by paragraph (1) of this regulation to appear on the label in addition to an appropriate designation or the common or usual name of the food, none of the said particulars shall appear on the label.

(4) The food to which this regulation applies is pre-packed food—

- (a) which is exempt, by virtue of regulation 6(1) and Part I of Schedule 2, from the requirement to specify ingredients or constituents thereof in accordance with regulation 5(2);
- (b) the container of which does not bear on a label a statement specifying ingredients or constituents thereof in accordance with regulation 5 and Schedule 5; and
- (c) which contains permitted preservative, permitted antioxidant, permitted colouring matter or permitted artificial sweetener, none of the said substances being naturally present in the food.

Labelling of pre-packed food for sale otherwise than by retail

8. No person shall deliver any pre-packed food pursuant to a sale otherwise than by retail unless he either—

- (a) delivers the food labelled in the manner prescribed in regulation 5, 6 or 7 in relation to a sale by retail of such food; or
- (b) delivers the food unlabelled and furnishes to the purchaser not later than 14 days after the delivery an invoice or other document containing a statement of such particulars as may be necessary to enable a retail trader to comply with the provisions of regulation 5, 6 or 7, as the case may require.

For the purposes of this regulation, pre-packed food shall be regarded as unlabelled only if no words or marking referring in any way to the food appear on the container or on any label borne thereon or attached thereto, save that

the food shall not be regarded as labelled merely because the container has been marked at the time of packing with such words or other marking as are reasonably necessary to identify the food.

Labelling of food, other than pre-packed, for sale by retail

9.—(1) No person shall sell by retail any food of a description specified in column 1 of Part I of Schedule 3 which is not pre-packed unless a true statement of the particulars specified in relation thereto in column 2 of that Part of that Schedule appears on a ticket displayed on or in immediate proximity to that food and so as to be clearly visible to an intending purchaser.

(2) No person shall sell by retail any food, other than food of a description specified in Part II of Schedule 3, which is not pre-packed but which contains permitted preservative, permitted antioxidant, permitted colouring matter or permitted artificial sweetener, none of the said substances being naturally present in the food, unless there appears on a ticket displayed on or in immediate proximity to that food and so as to be clearly visible to an intending purchaser the statement referred to in paragraphs (1) and (2) of regulation 7.

(3) Where food is sold for immediate consumption on or near the place of sale—

(a) in so far as it is food to which paragraph (1) of this regulation applies, there shall be deemed to be sufficient compliance with this regulation if the purchaser is notified at or before the delivery of the food to him of the particulars referred to in paragraph (1) of this regulation relating to the food;

(b) paragraph (2) of this regulation shall not apply as respects any such food.

(4) Where any food to which paragraph (1) or (2) of this regulation applies is sold without having been previously exposed for sale, there shall be deemed to be sufficient compliance with this regulation if the purchaser is notified at or before the delivery of the food to him of the particulars referred to in the said paragraph (1) and the contents of the statement referred to in the said paragraph (2) relating to such of that food as is food to which either of those paragraphs respectively applies.

Advertisement of food for sale from vending machines

10.—(1) Save as hereinafter provided, no person shall sell in or from any vending machine any food, whether in a container or not, unless an appropriate designation or the common or usual name of that food appears in clear lettering in a prominent position on the front of that vending machine.

(2) This regulation shall not apply—

(a) where an appropriate designation or the common or usual name of that food appears, in the case of pre-packed food, on a label on the container of that food or a facsimile thereof or, in the case of food which is not pre-packed, on a ticket, being a label or a ticket, as the case may be, which complies with the requirements of these regulations as respects that food and, to the extent that it indicates an appropriate designation or the common or usual name of the food, is conspicuous and legible to an intending purchaser on or through the outside of the vending machine;

(b) as respects the sale of any soft drink where the requirements of regulation 13 of the Soft Drinks (Scotland) Regulations 1964, as amended, are complied with.

*Labelling and advertisement of food as respects flavours***11.** No person shall—

- (a) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement for food, which bears or includes—
 - (i) as part of the appropriate designation or description or name of that food the name of any other food or foods in such a manner as to indicate a specific flavour unless—
 - (aa) such flavour is derived wholly or mainly from such other food or foods, or
 - (ab) except as respects any advertisement presented orally, the word “flavour” immediately follows the name of that other food or, as the case may be, the names of those other foods in letters of the same size, style and colour, or
 - (ac) as respects any advertisement presented orally, the word “flavour” is spoken audibly and clearly immediately after the name of that other food or, as the case may be, the names of those other foods;
 - (ii) any pictorial device depicting another food or foods in a manner which suggests directly or indirectly that such other food or foods has or have imparted a specific flavour to the first-mentioned food unless the flavour is derived wholly or mainly from such other food or foods:

Provided that this regulation shall not apply as respects any label to which regulation 9 of the Soft Drinks (Scotland) Regulations 1964, as amended, applies.

PART III**SPECIAL REQUIREMENTS AS TO LABELLING AND ADVERTISEMENT OF CERTAIN FOODS***Acetic acid*

12. No person, other than a pharmacist or an authorised seller of poisons, shall sell for human consumption any pre-packed concentrated acetic acid or solution of acetic acid, whether coloured or not, containing more than 150 grammes per litre of acetic acid unless—

- (a) it is described as “Concentrated solution of acetic acid (x) per cent.”, the description being completed by inserting at (x) the appropriate figure, and
- (b) there appear on a label marked on, or securely attached to, the container the words “Dangerous—not to be used unless diluted”.

*Chocolate confectionery containing intoxicating liquor***13.** No person shall—

- (a) give with any chocolate confectionery sold by him for human consumption any label, whether attached to or borne on the container or not, or display with any chocolate confectionery offered or exposed by him for sale for human consumption any ticket or notice, or

(b) publish, or be a party to the publication of, any advertisement for chocolate confectionery for sale for human consumption, which describes or depicts the chocolate confectionery directly or indirectly either in words or by means of any pictorial device—

- (i) as a liqueur chocolate or a chocolate liqueur or as any other chocolate confectionery containing a liquid filling comprising any liqueur or spirits or fortified wine, whether any of the said descriptions is qualified or not, unless such chocolate confectionery contains a liquid filling comprising a significant quantity of such liqueur, spirits or fortified wine, as the case may be;
- (ii) as “X liqueur chocolate” or “X chocolate liqueur”, each description being completed by inserting at “X” the name of any liqueur or spirits or fortified wine, or as any other chocolate confectionery containing a liquid filling comprising a specified kind of liqueur or spirits or fortified wine, whether any of the said descriptions is qualified or not, unless such chocolate confectionery contains a liquid filling comprising a significant quantity of the liqueur, spirits or fortified wine, as the case may be, specified in the description.

Dried or dehydrated food

14.—(1) Save as may otherwise be provided in these or any other regulations made, or having effect as if made, under the Act or any order having effect as if so made, no person shall sell any food which consists of one main ingredient and which is dried or dehydrated, being food of a kind to which this paragraph applies, unless there is applied to that food an appropriate designation or common or usual name which includes the word “dried” or “dehydrated” or “desiccated”.

(2) Food of a kind to which paragraph (1) of this regulation applies is food of a kind which customarily is sold both after having been dried or dehydrated and without having been dried or dehydrated.

(3) The words “instant tea” (without any inclusion of the word “dried”, “dehydrated” or “desiccated”) shall be an appropriate designation of any dried extract of tea, save that no person shall sell by retail any such food pre-packed in a container with a label bearing the said appropriate designation unless the words “soluble solids of tea” are included in the list of ingredients on the label required by regulation 5(2).

(4) This regulation shall not apply as respects any such food as is mentioned in paragraph (1) of this regulation—

- (a) to which an appropriate designation or common or usual name which does not include the word “dried”, “dehydrated” or “desiccated” has been customarily and exclusively applied, and
- (b) to which such an appropriate designation or common or usual name is applied.

Dry mixes

15. No person shall sell by retail, pre-packed, for human consumption or advertise for sale for human consumption any dry mix or any similar food which is intended to be made into another food, whether or not that other food is intended for sale, by the addition of any substance other than water, whether or not water is also to be added, if the name of that other food is included in

any name, description or statement on any label or ticket relating to the first-mentioned food or in any advertisement which includes a statement relating to the use of the first-mentioned food in making the other food unless—

- (a) except as respects any advertisement presented orally, the name or names of the substance or substances, other than water, which are to be added to the first-mentioned food appear clearly, legibly and in immediate proximity to the name, description or statement which includes the name of that other food in the form of the statement “Add Y”, the statement having been completed by inserting at “Y” the name or names of the substance or substances, other than water, required to be added, or in the form of a statement substantially similar thereto;
- (b) as respects any advertisement presented orally, a statement is made audibly and clearly, at least once, indicating the substance or substances, other than water, required to be added and that it or they have to be added.

Intoxicating liquor

16.—(1) No person shall sell by retail for human consumption any intoxicating liquor, pre-packed for sale as such, unless there appears on a label marked on, or securely attached to, the container a true statement in compliance with this regulation.

(2) The said statement shall specify as respects any such intoxicating liquor—

- (a) the particulars required or permitted by regulation 5(3);
- (b) an appropriate designation, which shall include, or be accompanied in the statement by, a reference to the name of the country or countries of origin of the liquor expressed as a noun or an adjective.

(3) In the said statement—

- (a) no geographical name shall be applied to intoxicating liquor produced in any country or locality other than that indicated by the name unless it is the name of a distinctive type of intoxicating liquor; and
- (b) no description or geographical name which implies or suggests that an intoxicating liquor is a distinctive type of intoxicating liquor which has originated in a particular country or locality shall be applied to any such liquor produced elsewhere than in that country or locality unless that description or name is immediately preceded by an adjective in identical lettering indicating the true country or locality of origin.

(4) Subject to the provisions of the next following paragraph, in the case of all intoxicating liquor pre-packed for sale as such for human consumption, (except beer, cider, perry and wine obtained by the fermentation of the juice of grapes but of no other fruit, which wine has not been subject to any process so as to alter its character), the said statement shall also include such one of the following declarations as may be applicable, that is to say:—

- (a) in the case of undistilled fermented liquor, not made from grapes, which in so far as it is derived from fruit is derived exclusively from one variety of fruit—

<p>FRUIT BASIS EXCLUSIVELY (x) NOT LESS THAN (y)</p>
--

(b) in the case of undistilled fermented liquor derived from more than one variety of fruit—

FRUIT BASIS (x) AND (x)
NOT LESS THAN (y)

(c) in the case of undistilled fermented liquor which is not derived wholly or partly from fruit—

NOT MADE FROM FRUIT
NOT LESS THAN (y)

(d) in the case of brandy, gin, rum, vodka and whisky, the alcohol content of which is less than 65 per cent. proof spirit either—

DILUTED WITH WATER TO NOT
LESS THAN (y)

or—

UNDERSTRENGTH NOT LESS
THAN (y)

Provided that this requirement shall not apply to brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask;

(e) in the case of any other intoxicating liquor to which the requirements of this paragraph as to declaration apply—

NOT LESS THAN (y)

The declaration shall be completed by inserting at (x) in sub-paragraphs (a) and (b) above a word or words accurately specifying the description of fruit or fruit products as used by the manufacturer in the process of fermentation and at (y) in sub-paragraphs (a), (b), (c) and (e), except as respects brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask, the minimum alcohol content expressed in figures either as a percentage by volume or as a percentage of proof spirit and followed by the words “PER CENT. ALCOHOL BY VOLUME” or “PER CENT. PROOF SPIRIT”, as the case may be.

In sub-paragraph (d) and in sub-paragraph (e) as respects brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask the declaration shall be completed by inserting at (y) the minimum alcohol content expressed in figures either as a percentage of proof spirit followed by the words “PER CENT. PROOF SPIRIT” or as degrees proof followed by “°PROOF”.

In sub-paragraph (b) the fruit or fruit products used shall be specified in the declaration in the order of the proportion in which they were used, that used in the greatest proportion by weight being specified first.

(5) Notwithstanding the provisions of the last preceding paragraph, in the case of brandy, gin, rum, vodka and whisky the alcohol content of which is not less than 65 per cent. proof spirit and of any other intoxicating liquor the alcohol content of which is not less than 40 per cent. proof spirit, it shall be sufficient for the declaration to be in the following form—

(z) °PROOF

inserting at (z) the figure which represents the percentage of proof spirit.

(6) For the purposes of this regulation—

(a) “fruit” includes rhubarb;

(b) intoxicating liquor shall be deemed not to be derived from any fruit which is present therein only in insignificant quantities.

Intoxicating and other liquor

17. No person shall—

(a) give with any liquor sold by him for human consumption any label, whether attached to or borne on the container or not, or display with any liquor offered or exposed by him for sale for human consumption any ticket or notice, or

(b) publish, or be a party to the publication of, any advertisement for liquor for sale for human consumption,

which—

(i) bears or includes any statement, name or words indicating either directly or indirectly that the liquor is, or resembles, wine obtained by the fermentation of the juice of grapes, or is a substitute for or has the flavour of such wine, unless it is derived from grapes and from no other fruit;

(ii) in the case of intoxicating liquor which is not derived from fruit or which is wholly or partly derived from fruit other than grapes, bears or includes the word “wine”, unless that word is immediately preceded in identical lettering by a word or words accurately specifying the description of fruit or fruit product or vegetable or plant or other saccharine material used:

Provided that nothing in this sub-paragraph shall prevent the use of the description “Ginger Wine” or “Orange Wine” for products customarily so described which are wholly or partly derived from fruit other than grapes;

(iii) bears or includes any statement, name or words indicating either directly or indirectly that the liquor is, or resembles, a sweetened liqueur, or is a substitute for or has the flavour of a sweetened liqueur, unless it is a suitably flavoured compounded spirit which has been rendered sweet and viscous only by the addition of sucrose, dextrose or invert sugar and not by the use of any other ingredient:

Provided that nothing in this sub-paragraph shall prevent the use of the expression “vin de liqueur” in relation to any wine with a natural sugar content remaining after fermentation of grape juice to a minimum alcohol content of 14 per cent. by volume;

(iv) in the case of cider and perry which has not been subject to a process of secondary fermentation, bears or includes any statement, name or words indicating either directly or indirectly that the liquor resembles, or is a substitute for or has the character of or is in any way connected with, champagne;

(v) in the case of spirits the alcohol content of which is less than 65 per cent. proof spirit, bears or includes the name brandy, gin, rum, vodka or whisky, unless such name is immediately preceded in identical lettering by the word "diluted" or "understrength" or by any qualifying adjective which customarily has been used to indicate a spirit the alcohol content of which is less than 65 per cent. proof spirit:

Provided that this requirement shall not apply to brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask;

(vi) in the case of liquor, not being wine obtained by the fermentation in the district of its origin of the juice of freshly gathered grapes and not being brandy, bears or includes the word "vintage" or any word of which "vintage" forms a part or any word derived from "vintage":

Provided that in the case of cider, the word "vintage" may be used in or in conjunction with the expression "made from vintage apples";

(vii) bears or includes any statement, name or words indicating either directly or indirectly that the liquor is "shandy" or is described by any name derived from or similar to the word "shandy", whether qualified or not, other than "shandygaff", "ginger beer shandy", "cider shandy", "cyder shandy", "cider shandygaff", "cyder shandygaff", "cider and ginger beer shandy" or "cyder and ginger beer shandy" unless that liquor is a mixture of beer and lemonade with a minimum strength of 1.5 per cent. proof spirit;

(viii) bears or includes any statement, name or words indicating either directly or indirectly that the liquor is "shandygaff" or "ginger beer shandy" other than the words "cider shandygaff", "cyder shandygaff", "cider and ginger beer shandy" or "cyder and ginger beer shandy" unless such liquor is a mixture of beer and ginger beer with a minimum strength of 1.5 per cent. proof spirit;

(ix) bears or includes any statement, name or words indicating either directly or indirectly that the liquor is "cider shandy" or "cyder shandy" unless such liquor is a mixture of cider and lemonade with a minimum strength of 1.5 per cent. proof spirit;

(x) bears or includes any statement, name or words indicating either directly or indirectly that the liquor is "cider shandygaff" or "cyder shandygaff" or "cider and ginger beer shandy" or "cyder and ginger beer shandy" unless such liquor is a mixture of cider and ginger beer with a minimum strength of 1.5 per cent. proof spirit;

(xi) in the case of liquor, not being intoxicating liquor, bears or includes the expression "non-alcoholic" when qualifying or referring to any name or word commonly associated with an intoxicating liquor:

Provided that the word "wine" may be used in association with the expression "non-alcoholic" to describe a product which is derived from unfermented grape juice and is intended exclusively for communion or sacramental use and is described clearly and legibly on the label, ticket, notice or advertisement, as the case may be, as being exclusively for such use.

Tenderised meat

18.—(1) No person shall sell by retail, pre-packed, any meat which has been treated with proteolytic enzymes or meat derived from live animals which have been so treated unless the word “tenderised” appears as part of the appropriate designation or common or usual name, as the case may be, of that meat.

(2) No person shall sell by retail any meat which has been treated or derived as aforesaid and is not pre-packed unless the word “tenderised” (whether or not forming part of the appropriate designation or common or usual name of that meat) appears conspicuously and legibly on a ticket displayed on or in immediate proximity to that meat and so as to be clearly visible to an intending purchaser save that, in the case of any such meat which is sold for immediate consumption on or near the premises where it is sold, there shall be deemed to be sufficient compliance with the provisions of this paragraph if the purchaser is notified at or before the delivery of the meat to him that the meat has been tenderised.

(3) No person shall deliver pursuant to a sale otherwise than by retail any meat which has been treated with proteolytic enzymes or any meat which has been derived from live animals which have been so treated unless he notifies the purchaser at or before delivery that the meat has been so treated or derived, as the case may be.

Processed peas

19. No person shall—

- (a) give with any canned or frozen peas sold by him for human consumption, which have been dried or soaked prior to canning or freezing, any label, whether attached to or borne on the container or not, or display with any such food offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement for canned or frozen peas for sale for human consumption which have been so treated,

which describes those canned or frozen peas—

- (i) as “peas” unless the word “peas” wherever it appears on the label, ticket, notice or advertisement, as the case may be, is immediately preceded in identical lettering by the word “processed”, save that in any list of ingredients required by the provisions of regulation 5(2) the expression “dried peas” or “soaked peas” may be substituted for the expression “processed peas”;
- (ii) as being “fresh”, “garden” or “green” or by the use of any word indicating either directly or indirectly that the peas are other than peas which have been dried or soaked prior to canning or freezing.

Use of the words “milk”, “butter” and “cream”

20.—(1) No person shall—

- (a) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, or

(b) publish, or be a party to the publication of, any advertisement for food, which bears or includes as part of an appropriate designation or the common or usual name of the food or as an appropriate designation of any ingredient or constituent thereof the word "milk" or any derivative thereof or any word substantially similar thereto unless that food contains cow's milk with all the normal constituents thereof, or unless the word—

- (i) is qualified by the name of the animal, other than the cow, from which the milk has been obtained; or
- (ii) is qualified by the word "skimmed" or any other word or words giving a true description of any process or treatment to which the milk has been subjected; or
- (iii) is used in such a context as to indicate clearly that it does not refer to the presence of milk, or any constituent thereof, in that food; or
- (iv) is used in accordance with the provisions of any regulations made, or having effect as if made, under the Act or any order having effect as if so made.

(2) No person shall—

(a) give with any sugar confectionery or chocolate confectionery sold by him for human consumption any label, whether attached to or borne on the container or not, or display with any sugar confectionery or chocolate confectionery offered or exposed by him for sale for human consumption any ticket or notice, or

(b) publish, or be a party to the publication of, any advertisement for sugar confectionery or chocolate confectionery for sale for human consumption,

which bears or includes in the name, description or designation of the sugar confectionery or chocolate confectionery the word "butter" or "cream", or any word derived from or substantially similar to either of those words, in a manner which suggests the presence of butter or, as the case may be, cream in the sugar confectionery or chocolate confectionery or some part thereof unless that sugar confectionery or chocolate confectionery or the part thereof to which the said word is applied contains not less than 4 per cent. of milk fat, calculated by weight.

PART IV

CLAIMS

General, energy, calorie and protein claims

21.—(1) Subject to the provisions of regulation 27, no person shall—

(a) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, or

(b) publish, or be a party to the publication of, any advertisement for food, which bears or includes any words, device or description which constitute or constitutes a claim—

(i) for any particular value in, or benefit to be derived from, that food, other than a claim of a kind mentioned in regulation 24(1)(i), unless that value or that benefit can be wholly contributed by, or derived from, that food;

(ii) as to the nature or effect of such food based either directly or indirectly on its ability to provide energy or its calorie content

unless, in each case, the calorie content is significant, having regard to the normal and any recommended consumption of such food, and unless any such label, ticket, notice or advertisement, as the case may be, bears or includes a true statement of the calorie content of one ounce or one fluid ounce of that food as the case may be:

Provided that where the weight of the food is shown in grammes, the statement may be expressed in terms of the calorie content of 100 grammes of that food and where the volume of the food is shown in litres, the statement may be expressed in terms of the calorie content of 100 millilitres of that food;

- (iii) as to the nature or effect of such food suggesting either directly or indirectly that such food is a source of protein unless at least 12 per cent. of the calorie content of such food is provided by protein:

Provided that the provisions of this sub-paragraph shall not apply—

(aa) as respects any words, device or description to which regulation 22 of the Bread and Flour (Scotland) Regulations 1963 applies;

(ab) if no claim is made on the label or in the advertisement other than a statement, without further elaboration, that the food contains protein if such statement is accompanied by a true statement of the minimum protein content or a mention of protein in a list of ingredients in compliance with the provisions of regulation 5 or a statement of the minimum protein content as part of a statement of the total nutrient content of such food;

(ac) to any milk food intended for consumption by babies, being a food to which the Dried Milk (Scotland) Regulations 1965(a) or the Condensed Milk (Scotland) Regulations 1959(b), as amended (c), or the Skimmed Milk with Non-Milk Fat (Scotland) Regulations 1960(d), as amended (e), apply and the protein content of which is approximately similar to the protein content of human milk.

(2) For the purposes of this regulation and of regulations 24(1)(i)(ac) and 25(i), the following factors shall be employed in calculating the calorie content of a food, namely:—

- (a) 1 gramme of carbohydrate shall be deemed to contribute 3.75 kilocalories;
- (b) 1 gramme of glycitol shall be deemed to contribute 3.75 kilocalories;
- (c) 1 gramme of protein shall be deemed to contribute 4 kilocalories;
- (d) 1 gramme of alcohol shall be deemed to contribute 7 kilocalories; and
- (e) 1 gramme of fat shall be deemed to contribute 9 kilocalories.

Claims as to vitamins and minerals

22. Subject to the provisions of regulation 27, no person shall—

- (a) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement for food, which bears or includes any words, device or description—

(a) S.I. 1965/1007 (1965 I, p. 2464). (b) S.I. 1959/1115 (1959 I, p. 1311).
 (c) S.I. 1962/1668 (1962 II, p. 2029). (d) S.I. 1960/2437 (1960 II, p. 1491).
 (e) S.I. 1962/1668, 1968/1495 (1962 II, p. 2029; 1968 III, p. 4249).

- (i) which constitute or constitutes a general claim that vitamins or minerals are present in that food unless that food contains, in the case of a claim as to vitamins, one or more of the substances specified in column 1 of the table in, or in paragraph 1 of, Part I of Schedule 4 or, in the case of a claim as to minerals, one or more of the substances specified in column 1 of Part II of that Schedule and the words, device or description, as the case may be, are or is accompanied by a true statement, expressed in the manner prescribed in the said Schedule, of the minimum quantity of every such substance contained in each ounce, fluid ounce, hundred grammes or hundred millilitres of the food, so however that where the minimum quantity of the food in the container is stated by weight the minimum quantity of each such substance per ounce, or per hundred grammes if the minimum quantity of the food in the container is stated in grammes or kilogrammes, shall be specified and where the minimum quantity of the food in the container is stated by volume the minimum quantity of every such substance per fluid ounce, or per hundred millilitres if the minimum quantity of the food in the container is stated in millilitres or litres, shall be specified;
- (ii) which constitute or constitutes any claim or in any way suggest or suggests that any particular substance or substances specified in column 1 of the table in, or in paragraph 1 of, Part I of Schedule 4 or in column 1 of Part II of that Schedule is or are present in that food unless the words, device or description, as the case may be, are or is accompanied by a true statement, expressed in the manner prescribed in the said Schedule, of the minimum quantity of every such substance contained in each ounce, fluid ounce, hundred grammes or hundred millilitres of the food, so however that where the minimum quantity of the food in the container is stated by weight the minimum quantity of each such substance per ounce, or per hundred grammes if the minimum quantity of the food in the container is stated in grammes or kilogrammes, shall be specified and where the minimum quantity of the food in the container is stated by volume the minimum quantity of every such substance per fluid ounce, or per hundred millilitres if the minimum quantity of the food in the container is stated in millilitres or litres, shall be specified:
- Provided that the requirements of this sub-paragraph shall not apply in relation to any substance specified in Schedule 4 if the only claim or suggestion that the substance is present in a food is contained in a statement of the ingredients of that food made on a label on the container thereof in order to comply with the provisions of regulation 5;
- (iii) which constitute or constitutes any claim or in any way suggest or suggests that any particular vitamin or mineral not specified in Schedule 4 is present in that food.

Slimming claims

23. No person shall—

- (a) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, being a label, ticket or notice which bears any words, device or description calculated to indicate either directly or indirectly that the food has specific weight-reducing properties, or

- (b) publish, or be a party to the publication of, any advertisement for any food, being an advertisement which includes any such words, device or description as aforesaid, or
- (c) use on, or in connection with, the sale of any food any such words, device or description as aforesaid.

24.—(1) Subject to the provisions of this regulation and of regulation 27, no person shall—

- (a) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement for food, which bears or includes any words, device or description calculated to indicate either directly or indirectly—
 - (i) that the food is an aid to slimming or to weight control or to weight reduction unless—
 - (aa) such food can make a definite and positive contribution to weight control or, as the case may be, to weight reduction:

Provided that the foregoing provisions of this regulation shall not apply to any label on a container of a soft drink by reason of the appearance on that label of the words “low calorie” in accordance with regulation 12 of the Soft Drinks (Scotland) Regulations 1964, as amended;
 - (ab) the indication given as aforesaid by such words, device or description can be substantiated;
 - (ac) except as respects any advertisement presented orally, a statement to the effect that such food cannot aid slimming or weight control or weight reduction, as the case may be, except as part of a diet in which the total intake of calories is controlled and a true statement of the calorie content of a specified quantity of the food expressed in accordance with the provisions of regulation 21(2) are clearly and legibly comprised in or incorporated by such words, device or description;
 - (ad) as respects any advertisement presented orally, statements as aforesaid are made audibly and clearly at least once; and
 - (ae) in the case of any food other than an artificial sweetening tablet, there appears on the label on the container of that food a list of the ingredients of the food in accordance with the provisions of regulation 5(2), whether or not the food is otherwise exempt, wholly or in part, from the provisions of regulation 5(2) by virtue of the provisions of regulation 6(1);
 - (ii) that the food is “starch-reduced”, unless the starch content of the food is substantially less than the starch content of a similar food for the time being sold or advertised under the same or a substantially similar name but without any suggestion in any label, ticket, notice or advertisement relating thereto that the last mentioned food has been starch-reduced and unless the first-mentioned food contains less than 50 per cent. of anhydrous carbohydrate calculated by weight on the dry matter of the food.

(2) No person shall—

- (a) give with any food consisting wholly or mainly of minerals or vitamins which is sold by him any label, whether attached to or borne on the container or not, or display with any such food offered or exposed by him for sale any ticket or notice, being a label, ticket or notice which bears any words, device or description calculated to indicate either directly or indirectly that the food is an aid to slimming or to weight control or to weight reduction, or
- (b) publish, or be a party to the publication of, any advertisement for any such food, being an advertisement which includes any such words, device or description as aforesaid, or
- (c) use on, or in connection with, the sale of any such food any such words, device or description as aforesaid.

Diabetic claims

25. No person shall—

- (a) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement for food, which bears or includes any words, device or description calculated to indicate either directly or indirectly—
 - (i) that such food has been specially prepared for diabetics unless the carbohydrate content of the food, calculated by weight, is substantially less than the carbohydrate content of similar food for the time being sold or advertised under the same or a substantially similar name but without any suggestion in any label, ticket, notice or advertisement relating thereto that the last-mentioned food is suitable for diabetics or that it has been prepared specially for diabetics and unless there is specified on or in the label, ticket, notice or advertisement, as the case may be, as respects the first-mentioned food, the carbohydrate content thereof, expressed in grammes per ounce or grammes per hundred grammes, and the calorie content thereof per ounce or per hundred grammes expressed in accordance with the provisions of regulation 21(2);
 - (ii) in the case of any food which contains any carbohydrate, whether added or present in an ingredient of the food, that such food is suitable, or has been specially prepared, for diabetics and that it contains no sugar.

Tonic, restorative and medicinal claims

26. Subject to the provisions of regulation 27, no person shall—

- (a) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement for food, which bears or includes any words, device or description calculated to indicate either directly or indirectly that the food has tonic, restorative or medicinal properties or properties which make it beneficial for invalids or which will cure, alleviate or prevent disease unless—

- (i) the food contains a substance or substances, other than alcohol, in such quantity as to confer such properties, or in the case of an indication as to tonic properties unless the food contains a substance or substances, other than alcohol, carbohydrate, protein or any substance prepared from the hydrolysis of protein or caffeine or other purine derivatives, in such quantity as to confer tonic properties, and in every case unless the words, device or description, as the case may be, are or is accompanied by a true statement of the minimum quantity of each such substance present in the food, calculated by weight and expressed as a percentage of the weight of the food, and, if a specific purpose is claimed, of the amount of such food which has to be consumed to achieve that purpose; or
- (ii) the food is sufficiently deficient in a substance or substances as to confer such properties and the words, device or description, as the case may be, are or is accompanied by a true statement of either the maximum quantity of each such substance present in the food, calculated by weight and expressed as a percentage of the weight of the food, or the minimum difference between the said maximum quantity, calculated by weight, and the minimum quantity, also calculated by weight, of each such substance present in similar food from which such substance or substances has or have not been removed or omitted, expressed as a percentage of the said minimum quantity, and in every case where a specific purpose is claimed the said statement shall specify the amount of the first-mentioned food which has to be consumed to achieve that purpose:

Provided that this regulation shall not apply, as respects the use of the word "tonic" in the appropriate designation or common or usual name of the food, to a soft drink described as "Indian tonic water" or "quinine tonic water" and which complies with the requirements as to composition specified for Indian or quinine tonic water in Part I of Schedule 2 to the Soft Drinks (Scotland) Regulations 1964, as amended.

Averaging. Supplemental to regulations 21, 22, 24 and 26

27. In relation to—

- (a) fruit and vegetables, including fruit and vegetables which have been preserved by freezing or by gas or cold storage or by any other method of storage, but excluding fruit or vegetables which have been canned or bottled or preserved otherwise than aforesaid,
- (b) butter, cream and cheese, not including processed cheese or cheese spread,
- (c) shell eggs,
- (d) unprocessed meat, and
- (e) unprocessed fish,

the provisions of regulations 21(1)(ii), 22, 24(1)(i)(ac) and 26(i) may be construed as if the references therein to a true statement of the calorie content of a specified quantity of the food or, as the case may be, of the minimum quantity of a substance present in the food, or in a specified quantity thereof, were references to a statement of the average normal calorie content of, or the average minimum quantity of a substance normally present in, food of the same kind, or a specified quantity thereof, so however that in each such case the said statement shall be so expressed as to show clearly that it is a statement of the average normal

calorie content of a specified quantity of food of the same kind or, as the case may be, of the average minimum quantity of a substance normally present in food of the same kind, or in a specified quantity thereof.

PART V

SUPPLEMENTAL

Manner of marking or labelling

28.—(1) The provisions of Schedule 5 shall apply to any appropriate designation or common or usual name of a food required by regulation 5(2)(a) or (2)(b)(i) or 16(2)(b), any particulars required by regulation 5(3) or 16(2)(a), any list of appropriate designations of ingredients or constituents required by regulation 5(2) or 24(1)(i)(ae) and the word or words heading or preceding it in accordance with regulation 5(5), any statement required by regulation 7 or 9, any statement required by regulation 15, 21, 22, 24, 25 or 26 appearing elsewhere than in an advertisement, the words required by regulation 12(b), any declaration required or permitted by regulation 16(4) or (5), any indication of the country or locality of origin of intoxicating liquor, not included in the appropriate designation of such liquor, in accordance with regulation 16(2)(b) or (3)(b) and the word required by regulation 18(2).

(2) If any food is pre-packed in more than one container, any label which by virtue of any provision of these regulations is required to be marked on or securely attached to the container shall either be marked on or securely attached to the outermost container or shall be readily discernible and easily read through, or notwithstanding, that outermost container.

Use of trade marks

29. Nothing in these regulations shall prohibit the use on any label on a container or on any ticket or notice of any registered trade mark registered and used in relation to the food in the container, or to which the ticket or notice applies, before 1st January 1968.

PART VI

ADMINISTRATION AND LEGAL PROCEEDINGS

Enforcement

30.—(1) The local authority of any area shall, subject to the provisions of the next following paragraph, enforce and execute the provisions of these regulations within their area.

(2) Where any part of the area of a local authority lies within the area of a port local authority such of the functions of the local authority under these regulations in relation to any food imported into that part shall, in so far as these functions fall to be exercised by the port local authority by virtue of any order made under section 172 of the Public Health (Scotland) Act 1897(a), be exercised by that port local authority.

(3) In this regulation “local authority” means the council of a county or of a large burgh within the meaning of the Local Government (Scotland) Act 1947(b); and any small burgh within the meaning of that Act shall, for the purposes of

(a) 1897 c. 38.

(b) 1947 c. 43.

these regulations, be included in the county in which it is situated; and “port local authority” includes a joint port local authority.

Penalties

31.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence under these regulations.

(2) Any person who is guilty of an offence under these regulations shall be liable—

(a) on summary conviction to—

- (i) a fine not exceeding £100 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment; and
- (ii) in the case of a continuing offence, to a further fine not exceeding £10 for every day during which the offence is continued; or

(b) on conviction on indictment to—

- (i) a fine not exceeding £500 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment; and
- (ii) in the case of a continuing offence, to a further fine not exceeding £50 for every day during which the offence is continued.

Defences

32.—(1) In any proceedings for an offence against these regulations in relation to the publication of an advertisement, it shall be a defence for the accused to prove that, being a person whose business it is to publish or arrange for the publication of advertisements, he received the advertisement for publication in the ordinary course of business and did not himself make, or cause to be made, any material alteration in the substance of that advertisement.

(2) In any proceedings against the manufacturer or importer of food for an offence against these regulations in relation to the publication of an advertisement, it shall rest on the accused to prove that he did not publish, and was not a party to the publication of, the advertisement.

(3) In any proceedings for an offence against regulation 21(1)(b)(ii), 22(b)(i) or (ii), 24(1)(b)(i)(ac) or (ad), 25(b)(i) or 26(b)(i) or (ii) in respect of a failure to include in an advertisement for any food the required statement or to specify therein the required particulars, it shall be a defence for the accused to prove that he took all reasonable steps to secure that the food when sold pre-packed would not be so sold without a label bearing or including the required statement or particulars, as the case may be.

Application of various sections of the Act

33.—(1) Sections 41(2) and (5) (which relates to proceedings), 42(1), (2) and (3) (which relates to evidence of certificates of analysis), 44 (which relates to the power of a court to require analysis by the Government Chemist), 46(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 47 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if

references therein to proceedings, or a prosecution, under or taken under the Act included references to proceedings, or a prosecution as the case may be, taken for an offence against these regulations and in addition as if—

- (a) in the case of section 44(1) of the Act, the reference therein to section 41(5) of the Act included a reference to said section 41(5) as applied by these regulations; and
- (b) in the case of section 47(1) and (2) of the Act, the references therein to an offence against the Act included references to an offence against these regulations.

(2) Section 41(4) of the Act shall apply for the purposes of these regulations as if the reference therein to section 47 of the Act included a reference to said section 47 as applied by these regulations.

PART VII

AMENDMENTS AND REVOCATIONS

Amendment of the Labelling of Food Order 1953

34. The Labelling of Food Order 1953(a), as amended (b), shall be further amended by adding to Table A of Schedule 1 thereto immediately after item 7 the following item:—

“ Column 1	Column 2	Column 3
7A. Permitted artificial sweetener as defined in the Artificial Sweeteners in Food (Scotland) Regulations 1969, when forming an ingredient of some other food.	Article 4(3)	As respects any sale or display for sale by retail during the period from 13th August 1970 to 31st December 1970 inclusive, exempt to the extent that it may be designated as ‘permitted artificial sweetener’ or ‘artificial sweetener’ or by its appropriate designation without, in any case, further specification as to composition. ”

Revocations and transitional provisions

35.—(1) The orders and regulations specified in column 1 of Schedule 6 shall, to the extent specified in relation thereto in column 3 of that Schedule, be revoked on 1st January 1973.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the orders and regulations revoked, or partially revoked, by these regulations were Acts of Parliament repealed by an Act of Parliament.

(a) S.I. 1953/536 (1953 I, p. 665).

(b) S.I. 1953/1889, 1956/1146, 1958/719, 1959/571, 1961/469, 1966/98, 1967/1079 (1953 I, p. 685; 1956 I, p. 1007; 1958 I, p. 1174; 1959 I, p. 1328; 1961 I, p. 1103; 1966 I, p. 210; 1967 II, p. 3199).

(3) Until revoked, any provision of the Labelling of Food Order 1953, as amended, shall not apply in relation to any food, label, statement, advertisement or invoice which complies with a corresponding provision of these regulations.

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
23rd July 1970.

Regulation 3(5)

SCHEDULE 1

APPROPRIATE DESIGNATIONS OF FISH

Column 1	Column 2
Appropriate designation	Species
SEA FISH	
Anchovy	All species of <i>Engraulis</i> .
Angel-fish or Monk-fish	<i>Squatina squatina</i> (L).
Angler	<i>Lophius piscatorius</i> L.
Argentine	All species of <i>Argentina</i> .
Atherine	All species of <i>Atherina</i> .
Bass	{ All species of <i>Roccus</i> . All species of <i>Morone</i> . All species of <i>Dicentrarchus</i> .
Beluga	<i>Huso huso</i> (L).
Brill	<i>Scophthalmus rhombus</i> (L).
Brisling or Sprat	<i>Sprattus sprattus</i> (L).
Cod or Codling	<i>Gadus morhua</i> L.
Conger or Conger Eel	All species of <i>Conger</i> .
Dab	<i>Limanda limanda</i> (L).
Dory or John Dory	<i>Zeus faber</i> L.
Eel	All species of <i>Anguilla</i> .

Column 1	Column 2
Appropriate designation	Species
Flake or Huss or Rigg or Dogfish	{ All species of <i>Eugaleus</i> . All species of <i>Mustelus</i> . All species of <i>Scyliorhinus</i> . <i>Pristiurus melastomus</i> (Rafin.). <i>Squalus acanthias</i> L.
Flounder or Fluke	<i>Platichthys flesus</i> (L).
Forkbeard	{ All species of <i>Phycis</i> . All species of <i>Urophycis</i> . <i>Raniceps raninus</i> (L).
Garfish	All species of <i>Belone</i> .
Greenland Halibut	<i>Reinhardtius hippoglossoides</i> (Walbaum).
Grey Mullet	All species of <i>Mugil</i> .
Gurnard	{ All species of <i>Trigla</i> . <i>Peristedion cataphractum</i> (L).
Haddock	<i>Melanogrammus aeglefinus</i> (L).
Hake	All species of <i>Merluccius</i> .
Halibut	<i>Hippoglossus hippoglossus</i> (L).
Herring	<i>Clupea harengus</i> L and sub-species.
Kingfish	All species of <i>Scomberomorus</i> .
Lance	{ All species of <i>Ammodytes</i> . All species of <i>Gymnammodytes</i> .
Lascar	<i>Pegusa lascaris</i> (Risso).
Lemon Sole	<i>Microstomus kitt</i> (Walbaum).
Ling	All species of <i>Molva</i> .
Mackerel	All species of <i>Scomber</i> .
Megrim	All species of <i>Lepidorhombus</i> .
Pilchard	<i>Sardina pilchardus</i> (Walbaum).
Californian Pilchard	<i>Sardinops sagax caerulea</i> (Girard).
Chilean Pilchard	<i>Sardinops sagax sagax</i> (Jenyns).
Japanese Pilchard	<i>Sardinops sagax melanosticta</i> (Schlegel).

Column 1	Column 2
Appropriate designation	Species
South African Pilchard	<i>Sardinops sagax ocellata</i> (Poppe).
Plaice	<i>Pleuronectes platessa</i> L.
Pollack or Lythe	<i>Pollachius pollachius</i> (L).
Pouting or Pout	<i>Trisopterus luscus</i> (L).
Redfish	{ All species of <i>Sebastes</i> . <i>Scorpaena dactyloptera</i> De la Roche.
Red Mullet	All species of <i>Mullus</i> .
Rockfish	All species of <i>Anarhichas</i> .
Rough-back	<i>Hippoglossoides platessoides</i> (Fabr.).
Saithe or Coley or Coal Fish	<i>Pollachius virens</i> (L).
Sardine	Small <i>Sardina pilchardus</i> (Walbaum).
Scad	All species of <i>Trachurus</i> .
Sea-Bream	{ All species of <i>Dentex</i> . All species of <i>Pagellus</i> . All species of <i>Sparus</i> . All species of <i>Spondyliosoma</i> . All species of <i>Boops</i> . All species of <i>Pagrus</i> . All species of <i>Chrysoblephus</i> .
Sild	Small <i>Clupea harengus</i> L.
Skate or Ray or Roker	All species of <i>Raja</i> .
Smelt or Sparling	All species of <i>Osmerus</i> .
Sole or Dover Sole	<i>Solea solea</i> (Linn).
Sprat or Brisling	<i>Sprattus sprattus</i> (L).
Sturgeon	All species of <i>Acipenser</i> .
Thickback	<i>Microchirus variegatus</i> (Don.).
Tuna or Tunny	{ All species of <i>Thunnus</i> except <i>Thunnus alalunga</i> (Bonaterre). All species of <i>Neothunnus</i> .
Albacore Tuna	<i>Thunnus alalunga</i> (Bonaterre).
Bonito Tuna	All species of <i>Sarda</i> .

Column 1	Column 2
Appropriate designation	Species
Skipjack Tuna	All species of <i>Euthynnus</i> . <i>Katsowonus pelamis</i> (L).
Turbot	<i>Psetta maxima</i> (L).
New Zealand Turbot	<i>Colisteum nudipinnis</i> (Waite).
Tusk	<i>Brosme brosme</i> (Ascanius).
Wahoo	<i>Acanthocybium solanderi</i> (Cuvier).
Whitebait	{ Young of <i>Clupea harengus</i> L. Young of <i>Sprattus sprattus</i> (L).
Whiting	<i>Merlangius merlangus</i> (L).
Winter Flounder	<i>Pseudopleuronectes americanus</i> (Walbaum).
Witch	<i>Glyptocephalus cynoglossus</i> (L).
Wrasse	{ All species of <i>Labrus</i> . All species of <i>Centrolabrus</i> . All species of <i>Crenilabrus</i> . All species of <i>Acantholabrus</i> . <i>Coris julis</i> (L). <i>Symphodus melops</i> (L).
Yellowtail	All species of <i>Seriola</i> .

Column 1	Column 2
Appropriate designation	Species
SALMON AND FRESHWATER FISH	
Bream	All species of <i>Abramis</i> .
Carp	<i>Cyprinus carpio</i> L.
Char	All species of <i>Salvelinus</i> .
Perch	<i>Perca fluviatilis</i> L.
Pike	<i>Esox lucius</i> L.
Pikeperch	<i>Lucioperca lucioperca</i> (L).
Salmon	<i>Salmo salar</i> L.
Cherry Salmon	<i>Oncorhynchus masou</i> (Walbaum).
Chum Salmon or Keta Salmon	<i>Oncorhynchus keta</i> (Walbaum).
Medium Red Salmon or Coho Salmon or Silver Salmon	<i>Oncorhynchus kisutch</i> (Walbaum).
Pink Salmon	<i>Oncorhynchus gorbuscha</i> (Walbaum).
Red Salmon or Sockeye Salmon	<i>Oncorhynchus nerka</i> (Walbaum).
Spring Salmon or King Salmon or Chinook Salmon	<i>Oncorhynchus tshawytscha</i> (Walbaum).
Brown Trout	<i>Salmo trutta</i> L which has spent all its life in fresh water.
Cut-throat Trout	<i>Salmo clarkii</i> Richardson.
Rainbow Trout or Steelhead Trout	<i>Salmo gairdneri</i> Richardson.
Sea Trout or Salmon-Trout	<i>Salmo trutta</i> L which has spent all except the first year of its life in sea water.

Column 1	Column 2	Column 3
Appropriate designation	Species	Appropriate designation
SHELL-FISH		
Abalone or Ormer	All species of <i>Haliotis</i> .	
Clam	All species of <i>Venerupis</i> (\equiv <i>Paphis</i>). <i>Mya arenaria</i> L. <i>Venus (Mercenaria) mercenaria</i> L and <i>Venus verrucosa</i> L. All species of <i>Ensis</i> and <i>Solen</i> .	Soft shell clam. Hard shell clam. Razor clam.
Cockle	All species of <i>Cardium</i> (\equiv <i>Cerastoderma</i> or <i>Parvicardium</i>).	
Crab	All species of <i>Cancer</i> . All species of <i>Lithodes</i> . All species of <i>Paralithodes</i> . All species of <i>Callinectes</i> . All species of <i>Geryon</i> . All species of <i>Chionoecetes</i> . <i>Erimacrus isenbeckii</i> (Brandt). <i>Maia squinado</i> (Herbst.)	
Crawfish or Spiny Lobster	All species of <i>Palinurus</i> . All species of <i>Panulirus</i> . All species of <i>Jasus</i> .	
Crayfish	All species of <i>Astacus</i> . All species of <i>Cambarus</i> .	
Lobster	All species of <i>Homarus</i> .	
Norway Lobster or Dublin Bay Prawn or Scampi	<i>Nephrops norvegicus</i> (L).	
Squat Lobster	All species of <i>Cervimunida</i> .	
Mussel	All species of <i>Mytilus</i> .	
Oyster	All species of <i>Ostrea</i> except <i>Ostrea edulis</i> L. All species of <i>Crassostrea</i> except <i>Crassostrea angulata</i> (Lmk.).	
Native Oyster	<i>Ostrea edulis</i> L.	
Portuguese Oyster	<i>Crassostrea angulata</i> (Lmk.).	

Column 1	Column 2	Column 3
Appropriate designation	Species	Appropriate designation
Prawn	Large <i>Pandalus borealis</i> Kroyer. Large fish of:— All species of <i>Palaemonidae</i> . All species of <i>Penaeidae</i> . All species of <i>Pandalidae</i> .	Deepwater Prawn.
Scallop or Escallop	All species of <i>Pectinidae</i> .	
Queen Scallop or Queen Escallop	<i>Chlamys</i> (\equiv <i>Acquipton</i>) <i>opercularis</i> (L).	
Shrimp	<i>Pandalus montagui</i> Leach. All species of <i>Crangon</i> . Small fish of:— All species of <i>Palaemonidae</i> . All species of <i>Penaeidae</i> . All species of <i>Pandalidae</i> .	Pink Shrimp. Brown Shrimp.
Whelk	All species of <i>Buccinum</i> . All species of <i>Neptunea</i> .	
Winkle	All species of <i>Littorina</i> .	

Regulations 6(1) and 7(4) SCHEDULE 2

FOODS PARTLY EXEMPT FROM REGULATION 5

Column 1	Column 2
Description of food	Extent of exemption from regulation 5(2)

PART I

1. Any food of a description specified below in this item.	Exempt to the extent that it may be designated by the word or words specified in this column in relation to its description without further specification as to its appropriate designation or common or usual name or as to its composition.
--	---

Column 1	Column 2
Description of food	Extent of exemption from regulation 5(2)
Any deodorised fatty oil, whether hydrogenated or not, when forming an ingredient of some other food.	Edible oil, or oil or shortening, or edible fat, or fat or shortening.
Emulsifying salts (sodium citrate, sodium phosphates and sodium tartrate) when forming an ingredient of some other food.	Emulsifying salts.
Prepared purified starch when forming an ingredient of some other food.	Edible starch, or food starch or starch.
Imitation cream when forming an ingredient of some other food.	Imitation cream.
Fish when forming an ingredient of any fish product.	Fish.
Cheese when forming an ingredient of cheese spread, processed cheese, except when the appropriate designation or common or usual name, as the case may be, of such processed cheese includes the name of a particular variety of cheese, and other food containing cheese.	Cheese.
Fruit acids (citric acid, tartaric acid and malic acid) when forming an ingredient of some other food.	Fruit acids.
Vine fruits (muscatels, raisins, sultanas and currants) when forming an ingredient of some other food, not being a beverage.	Vine fruits.
Vinegar when forming an ingredient of some other food.	Vinegar.
Spices, when forming an ingredient of some other food but not exceeding one per cent. by weight of such food.	Spices or mixed spices.
Herbs, when forming an ingredient of some other food but not exceeding one per cent. by weight of such food.	Herbs or mixed herbs.
Edible gums (acacia, carob, ghatti, guar, karaya and tragacanth) when forming an ingredient of some other food.	Edible gums.

Column 1	Column 2
Description of food	Extent of exemption from regulation 5(2)
<p>Any kind of meat when forming an ingredient of a sausage, meat pie, meat pudding, sausage roll, vol-au-vent, faggot, hamburger, rissole, croquette, meat ball or haggis, except when the appropriate designation or common or usual name, as the case may be, of any of the said products includes the name of a kind of meat and the meat content of such product does not consist wholly of that kind of meat.</p> <p>Any kind of meat when forming an ingredient of a sausage, meat pie, meat pudding, sausage roll, vol-au-vent, faggot, hamburger, rissole, croquette or meat ball, other than a meat named in the appropriate designation or common or usual name, as the case may be, of such product, when that appropriate designation or common or usual name includes the name of a kind of meat.</p> <p>Cereal binders (flour, and starch derived therefrom, of all non-leguminous starchy grains, roots or tubers or physical modifications thereof and soya flour and soya starch and groundnut flour and groundnut lipoprotein) when forming an ingredient of any meat product or fish product.</p>	<p>Meat.</p> <p>Other meat.</p> <p>Cereal binder.</p>
<p>2. Flavourings—</p> <p>(a) When pre-packed for sale as such, other than flavourings consisting of a single ingredient.</p> <p>(b) When forming an ingredient of some other food.</p> <p>Permitted preservatives when prepacked for sale as such.</p>	<p>Exempt to the extent that the ingredients or constituents need not be specified.</p> <p>Exempt to the extent that they may be designated as "flavourings" or by their appropriate designation without, in either case, further specification as to composition.</p> <p>Wholly exempt if labelled in accordance with Schedule 3 to the Preservatives in Food (Scotland) Regulations 1962, as amended.</p>

Column 1	Column 2
Description of food	Extent of exemption from regulation 5(2)
Permitted antioxidants when prepacked for sale as such.	Wholly exempt if labelled in accordance with Schedule 3 to the Antioxidant in Food (Scotland) Regulations 1967.
Permitted colouring matters when prepacked for sale as such.	Wholly exempt if labelled in accordance with Schedule 2 to the Colouring Matter in Food (Scotland) Regulations 1966.
Permitted emulsifiers or permitted stabilisers when pre-packed for sale as such.	Wholly exempt if labelled in accordance with Schedule 2 to the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1962.
Permitted bleaching agents or permitted improving agents when pre-packed for sale as such.	Wholly exempt if labelled in accordance with Schedule 2 to the Bread and Flour (Scotland) Regulations 1963.
Permitted solvents when pre-packed for sale as such.	Wholly exempt if labelled in accordance with Schedule 2 to the Solvents in Food (Scotland) Regulations 1968.
3. Permitted preservative, permitted antioxidant, permitted colouring matter, permitted emulsifier, permitted stabiliser or permitted solvent when forming, in each case, an ingredient of some other food.	Exempt to the extent that it may be designated "permitted preservative", "permitted antioxidant", "permitted colour", "permitted emulsifier", "permitted stabiliser" or "permitted solvent", as the case may be, or by its appropriate designation without, in either case, further specification as to composition, so however that the word "permitted" may be omitted from any of the aforesaid expressions.
4. Any of the following when prepacked for sale as such:— Artificial sweetening tablets Condensed milk Coffee and chicory mixtures including French coffee Coffee with fig flavour or fig seasoning, including Viennese coffee	

Column 1	Column 2
Description of food	Extent of exemption from regulation 5(2)
<p>Curry powder</p> <p>Dried milk</p> <p>Edible gelatine</p> <p>Natural spa waters</p> <p>Any preparation which is the subject of, and conforms with the requirements of, a monograph in the 1968 edition of the British Pharmacopoeia or the addendum thereto of 1969 or in the formulary section of the 1968 edition of the British Pharmaceutical Codex, if the letters "B.P." or "B.P.C.", as the case may be, appear as part of the appropriate designation or common or usual name of the preparation.</p>	<p>Exempt to the extent that the ingredients or constituents need not be specified.</p>

Column 1	Column 2
Description of food	Extent of exemption from regulation 5(2)

PART II

5. Any of the following when pre-packed for sale as such:—

Any meal

Biscuits

Bread (not including bread-crumbs)

Butter

Cheese (not including processed cheese and cheese spread)

Chocolate confectionery

Flour (including self-raising flour)

Flour confectionery

Fresh fruit and vegetables

Ice-cream (including dairy ice-cream and milk ice)

Parev or Kosher ice

Sugar confectionery.

Exempt to the extent that the ingredients or constituents need not be specified.

Column 1	Column 2
Description of food	Extent of exemption from regulation 5(2) and (6)

PART III

<p>6. Any of the following when forming an ingredient of some other food:—</p> <p>Any food specified in item 4 or 5 of this Schedule</p> <p>Liquid cow's milk (not including condensed milk)</p> <p>Baking powder</p> <p>Bread-crumbs and rusks</p> <p>Compound cooking fat</p> <p>Golden raising powder</p> <p>Macaroni and other forms of pasta</p> <p>Margarine</p> <p>Mustard</p> <p>Pickles and sauce for which the appropriate designation clearly indicates the kind of pickles or sauce or the major ingredient or ingredients thereof</p> <p>Sausage, sausage meat, hamburger, faggot, rissole, croquette or meat ball</p> <p>Tomato ketchup, catsup, sauce or relish.</p>	<p>Exempt to the extent that it may be designated by its appropriate designation without specifying the appropriate designations of its constituents.</p>
---	---

SCHEDULE 3

Regulation 9

PART I

FOODS REQUIRED TO BE LABELLED WHEN FOR SALE BY RETAIL OTHERWISE THAN PRE-PACKED

Column 1	Column 2
Description of food	Particulars
<p>All food containing two or more ingredients, other than bread, flour confectionery, sugar confectionery, chocolate confectionery or any drink or wholly liquid product.</p> <p>Fish.</p>	<p>An appropriate designation or, except in the case of any food to which the provisions of regulation 3(2) apply, the common or usual name.</p> <p>In the case of any fish of a species specified in column 2 of Schedule 1, the appropriate designation. In the case of any other fish, an appropriate designation or the common or usual name.</p>

PART II

FOODS EXEMPT FROM A LABELLING REQUIREMENT AS TO PERMITTED ADDITIVES WHEN FOR SALE BY RETAIL OTHERWISE THAN PRE-PACKED

- Any drink or wholly liquid product.
- Biscuits.
- Bread, not including bread-crumbs.
- Butter.
- Cheese, other than processed cheese or cheese spread.
- Chocolate confectionery.
- Raw fish.
- Flour, including self-raising flour.
- Flour confectionery.
- Fresh fruit and vegetables.
- Ice-cream, including dairy ice-cream and milk ice.
- Parev or Kosher ice.
- Sugar confectionery.

Regulation 22

SCHEDULE 4

PART I

VITAMINS

Column 1	Column 2
Group and Substance	To be calculated as
1. Vitamin A (Retinol)	Microgrammes of retinol or, until 31st December 1974, international units of vitamin A.
2. Biologically active carotenoids	Microgrammes of retinol equivalents, on the basis that 6 microgrammes of beta-carotene or 12 microgrammes of other biologically active carotenoids equals one microgramme of retinol equivalent, or, until 31st December 1974, international units of vitamin A, on the basis that 0.6 microgrammes of beta-carotene equals one international unit of vitamin A.
3. Vitamin B1 (Thiamine)	Milligrammes of thiamine hydrochloride.
4. Vitamin B2 (Riboflavine)	Milligrammes of riboflavine.
5. Nicotinic acid Nicotinamide	Milligrammes of nicotinic acid.
6. Vitamin C (Ascorbic acid) Dehydroascorbic acid	Milligrammes of ascorbic acid.
7. Vitamin D Vitamin D2 (Ergocalciferol) Vitamin D3 (Cholecalciferol)	Microgrammes of cholecalciferol or, until 31st December 1974, international units of vitamin D.

1. Each substance specified in column 1 of the above table shall include its biologically active equivalent or derivative.

2. The quantity of any substance specified in column 1 of the above table (as extended by the preceding paragraph) shall be calculated in the manner prescribed in relation thereto in column 2 and may be specified accordingly, so however that such quantity may be specified together with a reference to any of the substances included in the group specified in column 1 in relation to the first-mentioned substance.

PART II
MINERALS

Column 1	Column 2
Substance	To be calculated and specified as
Calcium	Milligrammes of calcium
Iodine	Microgrammes of iodine
Iron	Milligrammes of iron

Regulation 28(1)

SCHEDULE 5

MANNER OF MARKING OR LABELLING

General requirements as to manner of marking or labelling

1. Any designation, name, particulars, list, statement, declaration, indication of origin, word or words referred to in regulation 28(1)—
 - (a) shall be clear and legible;
 - (b) shall be in a conspicuous position on a label marked on, or securely attached to, the container or, as the case may be, on a ticket or notice on or in immediate proximity to the food to which the ticket or notice relates in such a manner that in either case it will be readily discernible and easily read by an intending purchaser or consumer under normal conditions of purchase or use;
 - (c) shall not be interrupted by other written or pictorial matter where such interruption might mislead the purchaser or consumer as to the nature of the food;
 - (d) shall not be in any way hidden or obscured or reduced in conspicuousness by any other matter, whether pictorial or not, appearing on a label.
2. The letters in each word in any designation, name, particulars, list, statement, declaration, indication of origin or words to which paragraph 1 above applies—
 - (a) shall be in characters of uniform colour and size, save that the initial letter of any word may be taller than any other letter in that word and the letters in any preposition, conjunction or participle may be shorter than the letters in any other word;
 - (b) shall appear on a contrasting ground, so however that where there is no ground other than such as is provided by a transparent container and the contents of that container are visible behind the letters, those contents shall be taken to be the ground for the purposes of this paragraph.
3. For the purposes of this Schedule—
 - (a) the height of any lower case letter shall be taken to be the x-height thereof, disregarding any ascender or descender thereof;
 - (b) any requirement that letters or characters shall be of uniform height, colour or size shall be construed as being subject to the saving that any inconsiderable variation in height, colour or size, as the case may be, may be disregarded.

Special requirements as to manner of marking or labelling

4. Any designation, name, particulars, list, statement, declaration, indication of origin, word or words referred to in regulation 28(1) shall respectively comply with such of the following provisions of this Schedule as are appropriate.

Appropriate designation or common or usual name

5.—(1) Any appropriate designation or common or usual name of a food shall appear in characters of such size that the height of the shortest letter in any word, other than a preposition, conjunction or participle, in that designation or name shall be not less than the height specified in the second column of the table in paragraph 13 of this Schedule in relation to that range of dimensions specified in the first column of that table within which the greatest dimension of the container of the food falls.

(2) Subject to the provisions of sub-paragraph (4) of this paragraph, any appropriate designation or common or usual name of a food shall be more prominent than any other matter required by these regulations to be stated, listed, indicated or declared on the same or any other label on the container and shall be so prominent in height, visual emphasis and position on the label as to be conspicuous by comparison with any other matter (whether pictorial or not) on the same or any other label on the container.

(3) Subject to the provisions of sub-paragraph (4) of this paragraph, the height of the letters in any word in that designation or name shall be such as is not calculated by any undue or insufficient prominence to mislead as to the nature, substance or quality of the food to which that designation or name relates; and without prejudice to the generality of the foregoing the height of the letters in any such word describing a minor ingredient shall be such as does not give undue prominence to that ingredient when the designation or name is taken as a whole.

(4) As respects any appropriate designation or common or usual name which appears on a label which was marked on or attached to the container on or before 1st January 1970, or which is identical in design and content to a label which was marked on or attached to a container before that date, the provisions of sub-paragraphs (2) and (3) of this paragraph shall be deemed to be complied with if—

- (a) the height of the shortest letter in any word, other than a preposition, conjunction or participle, in that designation or name is not less than one-quarter of the height of the tallest letter, other than an initial letter, in any word of more than one letter appearing on any label on the container; and
- (b) the height of the tallest letter, other than an initial letter, in that designation or name is not more than twice the height of the shortest letter in any word, other than a preposition, conjunction or participle, in that designation or name, so however that the tallest letter in any word in that designation or name describing a minor ingredient shall be such as does not give undue prominence to that ingredient when the designation or name is taken as a whole.

List of appropriate designations of ingredients or constituents and the word or words heading or preceding that list

6.—(1) Any list of appropriate designations of ingredients or constituents required by regulation 5(2) or 24(1)(i)(ae) and the word or words heading or preceding it in accordance with regulation 5(5) shall be—

- (a) in immediate proximity to the appropriate designation or common or usual name of the food to which it relates, or
- (b) so situated as to be simultaneously visible together with that appropriate designation or common or usual name to an intending purchaser under normal conditions of purchase or use, or
- (c) within a surrounding line or on a panel which is clearly distinguished in colour from the adjacent parts of the label and no other written or pictorial matter, save such as may be required by virtue of the provisions of any enactment or any order or regulations made thereunder to appear on a label marked on or attached to the container, shall appear within that surrounding line or on that panel, as the case may be.

(2) The height of the shortest letter in any word, other than a preposition, conjunction or participle, in that list, word or words, as the case may be, shall, having regard to the greatest dimension of the container of the food to which it or they relate, be not less than the height specified in the third column of the table in paragraph 13 of this Schedule in relation to the appropriate greatest dimension specified in the first column of that table.

(3) The word or words heading or preceding that list may be taller than the other words in the list.

Bottles containing soft drinks

7. Notwithstanding the provisions of regulation 5(2) and any other provisions of this Schedule, in the case of any soft drink where no words appear on any label on the container save such as appear on a cork, stopper or cap closing that container or are embossed or fired on the container, being words which do not contravene any provisions of these regulations, the appropriate designation or common or usual name of the soft drink, the list of appropriate designations of ingredients or constituents required by

regulation 5(2) and the word or words heading or preceding it in accordance with regulation 5(5) may appear not on a label on the container but on the exposed surface of the cork, stopper or cap closing that container and the said list and word or words need not be in immediate proximity to, or simultaneously visible with, the appropriate designation or common or usual name of the soft drink or within a surrounding line or on a panel if the height of the shortest letter in any word, other than a preposition, conjunction or participle, in the appropriate designation or common or usual name or in the said list, word or words is not less than 1 millimetre.

Exempted pre-packed food for sale by retail

8. The provisions of paragraph 6(2) of this Schedule shall apply to any statement required by regulation 7 as they apply to a list required by regulation 5(2).

Food other than pre-packed, for sale by retail

9. In any statement required by regulation 9(1) the height of the letters in any word in the statement shall be such as is not calculated by any undue or insufficient prominence to mislead as to the nature, substance or quality of the food to which that statement relates; and without prejudice to the generality of the foregoing the height of the letters in any such word describing a minor ingredient shall be such as does not give undue prominence to that ingredient when the statement is taken as a whole.

Acetic Acid

10. The words required by regulation 12(b) shall appear in red characters not less than 3 millimetres in height on a white ground.

Intoxicating liquor

11.—(1) Any declaration required by regulation 16(4) shall appear within a surrounding line and no matter other than that required by the appropriate sub-paragraph of that paragraph shall appear within that surrounding line.

(2) The height of the shortest letter or numeral in any declaration required or permitted by regulation 16(4) or (5) shall be not less than 3 millimetres, save that in the case of any intoxicating liquor pre-packed in a bottle smaller in size than the normal half bottle the height of any such letter or numeral shall be not less than 2 millimetres.

Tenderised meat

12.—(1) The provisions of paragraph 9 of this Schedule shall apply to any appropriate designation or common or usual name of meat on a ticket to which regulation 18(2) relates as they apply to a statement required by regulation 9(1).

(2) The letters of the word “tenderised” on any ticket to which regulation 18(2) relates shall be of uniform height and not shorter than the tallest letter, other than an initial letter, of any word in any appropriate designation or common or usual name of meat on that ticket.

13. TABLE

Greatest dimension of container	Minimum height of letters referred to in paragraph 5(1)	Minimum height of letters referred to in paragraph 6(2)
Not exceeding 12 centimetres	2 millimetres	1 millimetre
Exceeding 12 centimetres, but not exceeding 30 centimetres	3 millimetres	1.5 millimetres
Exceeding 30 centimetres, but not exceeding 45 centimetres	6 millimetres	3 millimetres
Exceeding 45 centimetres ...	8 millimetres	4 millimetres

SCHEDULE 6
Regulation 35(1)

Column 1	Column 2	Column 3
Orders and regulations revoked	References	Extent of revocation
The Labelling of Food Order 1953	S.I. 1953/536 (1953 I, p. 665).	The whole order.
The Labelling of Food (Amendment) Order 1953	S.I. 1953/1889 (1953 I, p. 685).	The whole order.
The Labelling of Food (Amendment) (Scotland) Regulations 1959 ...	S.I. 1959/571 (1959 I, p. 1328).	The whole regulations.
The Labelling of Food (Scotland) (Amendment) Regulations 1961 ...	S.I. 1961/469 (1961 I, p. 1103).	The whole regulations.
The Preservatives in Food (Scotland) Regulations 1962	S.I. 1962/1926 (1962 II, p. 2371).	Regulation 6 and paragraphs 1 to 3 of Schedule 3.
The Bread and Flour (Scotland) Regulations 1963	S.I. 1963/1461 (1963 II, p. 2589).	Regulation 24.
The Meat Pie and Sausage Roll (Scotland) Regulations 1967... ..	S.I. 1967/1077 (1967 II, p. 3174).	Regulation 11.
The Canned Meat Product (Scotland) Regulations 1967	S.I. 1967/1079 (1967 II, p. 3199).	Regulations 5 and 12.
The Sausage and Other Meat Product (Scotland) Regulations 1967 ...	S.I. 1967/1078 (1967 II, p. 3186).	Regulation 10.
The Fish and Meat Spreadable Products (Scotland) Regulations 1970	S.I. 1970/1065 (1970 II, p. 3313).	Regulation 8.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which apply to Scotland only, supersede the Labelling of Food Order 1953, as amended, on 1st January 1973.

The principal changes are that the Regulations—

- (a) amend the provisions relating to the labelling of pre-packed food for sale by retail and the list of foods to which they apply (Regulations 5 to 7 and 28, Schedules 1, 2 and 5);
- (b) similarly amend the provisions relating to the labelling of pre-packed food sold otherwise than by retail and the list of foods to which they apply (Regulation 8);
- (c) impose requirements as to the labelling of certain foods for sale by retail which are not pre-packed (Regulations 9 and 28, Schedules 3 and 5);
- (d) impose requirements as to the advertisement of food for sale from vending machines (Regulation 10);
- (e) impose restrictions on the use of the words “milk”, “butter” and “cream” on labels or in advertisements (Regulation 20);
- (f) impose restrictions on claims based on the value in, or benefit to be derived from, foods; on their ability to provide energy; on their calorie content; or that they are a source of protein (Regulations 21, 27 and 28, Schedule 5);
- (g) impose restrictions on claims as to the presence of vitamins and minerals in food (Regulations 22, 27 and 28, Schedules 4 and 5);
- (h) impose restrictions on claims that foods are starch-reduced or can aid slimming, and prohibit claims that foods have specific weight-reducing properties (Regulations 23, 24, 27 and 28, Schedule 5);
- (j) impose restrictions on claims that foods are suitable, or have been specially prepared, for diabetics (Regulations 25 and 28, Schedule 5);
- (k) impose restrictions on claims that foods have tonic, restorative or medicinal properties (Regulations 26 to 28, Schedule 5).

The Regulations also contain provisions as to the labelling and advertisement of acetic acid (Regulation 12), chocolate confectionery containing intoxicating liquor (Regulation 13), dried and dehydrated food (Regulation 14), dry mixes (Regulation 15), intoxicating and other liquor (Regulations 16 and 17), tenderised meat (Regulation 18) and processed peas (Regulation 19), and as to the labelling and advertisement of food as respects flavours (Regulation 11).

The Regulations further amend the Labelling of Food Order 1953, as amended, as respects the designation of a permitted artificial sweetener when forming an ingredient of some other food during the period from 13th August 1970 to 31st December 1970 (Regulation 34).

The Regulations do not apply—

- (a) except in so far as they relate to advertisements, to any food intended for export or supplied for consumption by Her Majesty's forces or a visiting force;
- (b) until 3rd January 1983, to any bottles containing a drink which were first used before 4th January 1971 and which bear a fired-on or embossed, but no other, label (Regulation 4).

SI 1970/1127
ISBN 0-11-001127-9



780110 011271