
STATUTORY INSTRUMENTS

1987 No. 1523

The Materials and Articles in
Contact with Food Regulations 1987

PART II

COMPOSITION AND LABELLING OF MATERIALS AND ARTICLES

Sale etc. of materials and articles

4.—(1) This regulation shall apply to materials and articles which are in their finished state and are intended to come into contact with food or which are in contact with food and are intended for that purpose.

(2) Materials and articles to which this regulation applies shall be manufactured in accordance with good manufacturing practice, that is to say in such a way that under normal or foreseeable conditions of use they do not transfer their constituents to foods with which they are, or are likely to be, in contact, in quantities which could—

- (a) endanger human health or
 - (b) bring about a deterioration in the organoleptic characteristics of such food or an unacceptable change in its nature, substance or quality.
- (3) No person shall—
- (a) sell,
 - (b) import, or
 - (c) use in the course of a business in connection with the storage, preparation, packaging, selling or serving of food,

any such material or article which does not comply with this regulation.

Vinyl chloride monomer

5.—(1) Materials and articles to which regulation 4 applies and which are manufactured with vinyl chloride polymers or copolymers—

- (a) shall not contain vinyl chloride monomer in a quantity exceeding 1 milligram per kilogram of the material or article as measured by the method of analysis specified in regulation 14(1); and
 - (b) shall be manufactured in such a way that they do not transfer to foods with which they are in contact any quantity of vinyl chloride exceeding 0.01 milligrams of vinyl chloride per kilogram of food as measured by the method of analysis specified in regulation 14(2).
- (2) No person shall—
- (a) sell,
 - (b) import, or

(c) use in the course of a business in connection with the storage, preparation, packaging, selling or serving of food,
any such material or article which does not comply with this regulation.

Regenerated cellulose film

6.—(1) Subject to paragraph (2) below, this regulation shall apply to regenerated cellulose film which—

- (a) constitutes a finished product in itself; or
- (b) is a part of a finished product containing other materials;

and is intended to come into contact with food or is in contact with food and is intended for that purpose.

(2) This regulation shall not apply to—

- (a) regenerated cellulose film which has a coating exceeding 50 milligrams per square decimetre of film on the side intended to come into contact with food;
- (b) synthetic casings of regenerated cellulose.

(3) No regenerated cellulose film to which this regulation applies shall be manufactured with any substance or group of substances other than the substances named or described in Schedule 1—

- (a) in column 1 of Part I, in the case of uncoated film; or
- (b) in column 1 of Part II, in the case of coated film;

and used in accordance with the conditions and restrictions specified in the corresponding entry in column 2 of the appropriate Part of Schedule 1 as read with footnotes 1 and 2 to that Schedule.

(4) Regenerated cellulose film to which this regulation applies shall be manufactured in such a way that it does not transfer any adhesive or colourant to food in any detectable quantity.

(5) Coated regenerated cellulose film to which this regulation applies shall be manufactured in such a way that it does not transfer bis(2-hydroxyethyl) ether, ethanediol or both these substances to food in a quantity exceeding 50 milligrams per kilogram of food.

(6) No person shall—

- (a) sell,
- (b) import, or
- (c) use in the course of a business in connection with the storage, preparation, packaging, selling or serving of food,

any such regenerated cellulose film which does not comply with this regulation.

(7) No person shall use in the course of a business in connection with the storage, preparation, packaging, selling or serving of food—

- (a) containing water physically free at the surface, any coated regenerated cellulose film to which this regulation applies and which contains bis(2-hydroxyethyl) ether, ethanediol or both these substances;
- (b) any regenerated cellulose film to which this regulation applies in such a way that any printed surface of that regenerated cellulose film comes into contact with the food.

Labelling etc. of materials and articles sold by retail

7.—(1) The following particulars shall be shown with any material or article which, being in its finished state, is intended to come into contact with food but is not already in contact with food when such material or article is sold by retail—

- (a) unless the material or article is by its nature clearly intended to come into contact with food—
 - (i) the description “for food use”, or
 - (ii) a specific indication of the particular use for which the material or article is intended, or
 - (iii) the symbol that appears in Schedule 2,
 - (b) any special conditions to be observed when the material or article is being used, and
 - (c) either
 - (i) the name or trade name and address or registered office, or
 - (ii) the registered trade markof the manufacturer or processor of the material or article, or of a seller thereof established within the European Economic Community.
- (2) Such particulars shall be shown clearly, legibly and indelibly—
- (a) on the material or article or on its packaging, or
 - (b) on a label affixed to the material or article or to its packaging, or
 - (c) on a sign which is in the immediate vicinity of the material or article and is clearly visible to purchasers, but the particulars mentioned in paragraph (1)(c) above shall appear on such a sign only if it was not reasonably practicable for such particulars, or a label bearing them, to be marked on, of affixed to, the material or article or to its packaging at the time of manufacture or sale.
- (3) No person shall sell by retail any such material or article, unless the particulars mentioned in paragraph (1) above are shown in the manner required by paragraph (2) above.

Labelling etc. of materials and articles sold otherwise than by retail

- 8.—**(1) The following particulars shall be shown with any material or article which, being in its finished state, is intended to come into contact with food but is not already in contact with food when such material or article is sold otherwise than by retail or is imported—
- (a) (i) the description “for food use”, or
 - (ii) a specific indication of the particular use for which the material or article is intended, or
 - (iii) the symbol that appears in Schedule 2,
- (b) any special conditions to be observed when the material or article is being used, and
- (c) either
 - (i) the name or trade name and address or registered office, or
 - (ii) the registered trade markof the manufacturer or processor of the material or article, or of a seller thereof established within the European Economic Community.
- (2) Such particulars shall be shown clearly, legibly and indelibly—
- (a) on the material or article or on its packaging, or
 - (b) on a label affixed to the material or article or to its packaging, or
 - (c) in the accompanying documents.

(3) No person shall sell otherwise than by retail or import any such material or article, unless the particulars mentioned in paragraph (1) above are shown in the manner required by paragraph (2) above.

Restrictions on indications of suitability for food use

9.—(1) No person shall sell any material or article under the description “for food use” or under any other description directly or indirectly leading a purchaser to believe that he is purchasing a material or article suitable for use with food, unless that material or article complies with the provisions of regulation 4(2) and, if applicable, of regulation 5(1) or of regulation 6(3), (4) and (5).

(2) No person shall sell any material or article in relation to which the symbol that appears in Schedule 2 or any symbol substantially similar thereto is used, unless that material or article complies with the provisions of regulation 4(2) and, if applicable, of regulation 5(1) or of regulation 6(3), (4) and (5).

(3) No person shall publish, or be a party to the publication of, an advertisement for a material or article in which a description of the kind mentioned in paragraph (1) above is used, or in which the symbol that appears in Schedule 2 or any symbol substantially similar thereto is used unless the material or article to which the advertisement relates complies with the requirements of regulation 4(2) and, if applicable, of regulation 5(1) or of regulation 6(3), (4) and (5).

(4) In any proceedings brought under paragraph (3) above against the manufacturer, producer or importer of any material or article or of any food it shall rest on the person charged, or in Scotland the accused, to prove that he did not publish, and was not party to the publication of, the advertisement.

(5) In any proceedings brought under paragraph (3) above it shall be a defence for the person charged, or in Scotland 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 know and had no reason to suspect that its publication would amount to an offence under this regulation.

(6) Where a person sells a material or article to a purchaser in response to a request in which a description of the kind mentioned in paragraph (1) above is used, he shall be deemed to have sold that material or article under that description, unless he clearly notifies the purchaser at the time of sale that the material or article is not suitable for use with food.

Materials and articles as prizes, etc.

10.—(1) Regulations 4, 5, 6, 7 and 9 shall apply to—

- (a) any material or article which is offered as a prize or reward in connection with any entertainment to which the public are admitted, whether on payment of money or not, as if the material or article were, or had been, exposed for sale by each person concerned in the organisation of the entertainment;
- (b) any material or article which is offered as a prize or reward or given away for the purpose of advertisement, or in furtherance of any trade or business, as if the material or article were, or had been, exposed for sale by the person offering or giving away the material or article; and
- (c) any material or article which is exposed or deposited in any premises for the purpose of being so offered or given away as aforesaid, as if the material or article were, or had been, exposed for sale by the occupier of the premises.

(2) In this regulation the expression “entertainment” includes any social gathering, amusement, exhibition, performance, game, sport or trial of skill.