
STATUTORY INSTRUMENTS

1987 No. 2014

**The Coffee and Coffee Products
(Scotland) Amendment Regulations 1987**

Title and commencement

1. These Regulations may be cited as the Coffee and Coffee Products (Scotland) Amendment Regulations 1987, and shall come into force for the purposes of regulations 1 and 4 on 28th December 1987, and for all other purposes on 28th December 1988.

Amendment of the Coffee and Coffee Products (Scotland) Regulations 1979

2. The Coffee and Coffee Products (Scotland) Regulations 1979(1) are hereby further amended—

(a) by adding at the end of regulation 2 thereof the following paragraph:—

“(6) Where a designated product contains the ingredients coffee and chicory, or extracts of those ingredients, or extracts of coffee and fig, the reserved description of the product shall be such that in it the name of the ingredient of which the higher proportion was used in the manufacturing process shall precede the name of the other ingredient.”

(b) by substituting for regulations 5 and 6 thereof the following regulations:—

“Labelling and description of designated products for retail sale

5.—(1) Without prejudice to the provisions of the Food Labelling (Scotland) Regulations 1984(2), and subject to regulation 6, no person shall sell by retail, or consign or deliver pursuant to a sale by retail, any designated product in a container unless that container is correctly marked or labelled with the following particulars:—

(a) subject to paragraph (2) below, a reserved description of the product, which shall be the name prescribed by law for that product for the purposes of regulation 7(1) of the Food Labelling (Scotland) Regulations 1984;

(b) the word “decaffeinated” in the case of—

(i) a designated product specified in Part I of Schedule 1 produced from coffee which has been subjected to a decaffeination process and in which the residual anhydrous caffeine content determined according to the method of analysis referred to in item (1) of Schedule 2 does not exceed 0.10% of its coffee-based dry matter content, or

(ii) a designated product specified in Part II or Part IV of Schedule 1 produced from coffee which has been subjected to a decaffeination process and in which the residual anhydrous caffeine content determined according to the method of analysis referred to in item (1) of Schedule 2 does not exceed 0.30% of its coffee-based dry matter content;

(1) S.I. 1979/383; relevant amending instruments are S.I. 1982/409 and 1985/1068

(2) S.I. 1976/946; relevant amending instruments are S.I. 1982/410 and 1985/1068

- (c) in the case of any of the following designated products, namely, liquid coffee extract, liquid chicory extract, liquid coffee and chicory extract, chicory and coffee essence and liquid coffee and fig extract—
- (i) the declaration “roasted with sugar”, if the product is obtained from the raw material roasted with sugar;
 - (ii) the declaration “with sugar”, “preserved with sugar”, or “with added sugar”, if the sugar has been added to the raw material after roasting, the word “sugar” being replaced in that declaration by the name of any sugar product used instead of sucrose which name shall be the reserved description of that product as specified in relation thereto in the Specified Sugar Products (Scotland) Regulations 1976⁽³⁾ or, if the sugar product has no such reserved description, the name of the product which, if the sugar product were itself being sold as a food, would be used, pursuant to the Food Labelling (Scotland) Regulations 1984, as the name of the food;
- (d) in the case of the following designated products:—
- (i) coffee extract paste and liquid coffee extract or mixtures containing these products, a declaration of the minimum coffee-based dry matter content expressed as a percentage;
 - (ii) chicory extract paste and liquid chicory extract or mixtures containing these products, a declaration of the minimum chicory-based dry matter content expressed as a percentage.

(2) In the case of the designated product liquid coffee extract containing more than 25% coffee-based dry matter and of the designated product liquid chicory extract containing more than 45% chicory-based dry matter, the word “concentrated” may be added to the reserved description.

Labelling and description of designated products for non-retail sale

5A. Subject to regulation 6, no person shall sell otherwise than by retail, or consign or deliver pursuant to a sale otherwise than by retail, any designated product in a container unless that container is correctly marked or labelled with the following particulars:—

- (a) a reserved description of the product;
- (b) the name or business name and the address of the manufacturer, or packer or of a seller established within the Community;
- (c) a marking by which the batch can be identified;
- (d) in the case of a designated product containing any added permitted anti-caking agent in accordance with paragraph (a) of the proviso to regulation 8, the declaration “for use in vending machines only”.

Manner of marking or labelling

6.—(1) Regulations 32(1) and 34(1) and (2) of the Food Labelling (Scotland) Regulations 1984 (which relate to the manner of marking or labelling of food) shall apply to the particulars with which a designated product is required to be marked or labelled by regulation 5 as if they were particulars with which food is required to be marked or labelled by the Food Labelling (Scotland) Regulations 1984.

(3) S.I. 1984/1519, to which there are amendments not relevant to these Regulations.

(2) Any indication of minimum durability required by regulation 21 of the Food Labelling (Scotland) Regulations 1984 shall appear in the labelling of the designated product sold by retail, or consigned or delivered pursuant to a sale by retail, in the same field of vision as the particulars required by regulation 5(1)(a), (b) and (c).

(3) The particulars with which any designated product is required to be marked or labelled by regulation 5A shall appear on the container, on a label attached to the container or in an accompanying document.”

- (c) by omitting, in regulation 8(e), the words and ellipsis “with added ...” ;
- (d) by substituting for the Schedules thereto Schedules 1 and 2 set out in the Schedule to these Regulations.

Amendment of the Food Labelling (Scotland) Regulations 1984

3. The Food Labelling (Scotland) Regulations 1984 are hereby further amended by substituting for paragraph (3) of regulation 5 thereof the following paragraph:—

“(3) This Part of these Regulations does not apply to any coffee, coffee mixture, coffee extract product, chicory extract product or other designated product as defined in the Coffee and Coffee Products (Scotland) Regulations 1979 which is ready for delivery to a catering establishment.”

Transitional provisions

4.—(1) In any proceedings in respect of an act done before 28th December 1988 which is alleged to constitute an offence under the Coffee and Coffee Products (Scotland) Regulations 1979, the accused shall not be convicted of an offence—

- (a) against regulation 5 unless the prosecution prove that the act alleged would have constituted an offence against regulation 5 or 5A as substituted for that regulation by regulation 2 of these Regulations if it had been in force when the act was done;
- (b) against regulation 6 unless the prosecution prove that the act alleged would have constituted an offence against regulation 6 as substituted for that regulation by regulation 2 of these Regulations if it had been in force when the act was done.

(2) In any proceedings in respect of an alleged failure before 28th December 1988 to mark or label with a list of ingredients in accordance with Part III of the Food Labelling (Scotland) Regulations 1984 any coffee, coffee mixture, coffee extract product, chicory extract product or other designated product as defined in the Coffee and Coffee Products (Scotland) Regulations 1979, which is ready for delivery to a catering establishment, the accused shall not be convicted of an offence.

New St Andrew’s House,
Edinburgh
23rd November 1987

Sanderson of Bowden
Minister of State, Scottish Office