

1990 No. 2505 (S. 207)

FOOD

**The Food Labelling (Amendment) (Irradiated Food)
(Scotland) Regulations 1990**

Made - - - - *11th December 1990*

Laid before Parliament *11th December 1990*

Coming into force *1st January 1991*

The Secretary of State, in exercise of the powers conferred on him by sections 4(1), 16(1)(e), 17(1), 26 (1) and 48(1) of the Food Safety Act 1990(a) and of all other powers enabling him in that behalf, and, after consultation in accordance with section 48(4) of the said Act with such organisations as appear to him to be representative of interests likely to be substantially affected by the Regulations, hereby makes the following Regulations:

Citation, extent and commencement

1. These Regulations may be cited as the Food Labelling (Amendment) (Irradiated Food) (Scotland) Regulations 1990, shall extend to Scotland only, and shall come into force on 1st January 1991.

Amendment of previous Regulations – general

2. The Food Labelling (Scotland) Regulations 1984(b) shall be amended as specified in the following provisions of these Regulations and any reference in those provisions to any specified provision shall, unless the context requires otherwise, be taken to be a reference to the provision so specified in the Food Labelling (Scotland) Regulations 1984.

Amendment of regulation 2

3. In regulation 2(1) (interpretation), after the definition of “intense sweetener”, there shall be inserted the following definitions:

““ionising radiation” means any gamma rays, x-rays or corpuscular radiations which are capable of producing ions either directly or indirectly other than those rays or radiations—

- (a) which are emitted by measuring or inspection devices,
- (b) which are emitted at an energy level no higher than the appropriate maximum level, and
- (c) the dose of energy imparted by which does not exceed 0.5Gy,

and for the purposes of this definition the appropriate maximum level is 10MeV in the case of x-rays and 5MeV otherwise;

“irradiated” means subjected to treatment by ionising radiation;”

(a) 1990 c.16.

(b) S.I. 1984/1519, amended by S.I. 1984/1714, 1985/71, 1068, 1986/836, 1987/26, 2014, 1988/2084, 1989/809, 1990/1, 816, 2506 and 2625.

Amendment of regulation 15

4. In regulation 15 (names of ingredients)–

(a) after paragraph (1) there shall be inserted the following paragraph:–

“(1A) The name used in any list of ingredients for any food which has been irradiated shall include or be accompanied by the word “irradiated” or the words “treated with ionising radiation.”; and

(b) in paragraph (2), after the word “Where”, there shall be inserted the words “, in any case other than one to which paragraph (1A) of this regulation applies,”.

Substitution of regulation 24(2)

5. For paragraph (2) of regulation 24 (food which is not prepacked and similar food) there shall be substituted the following paragraph:–

“(2) Food to which this regulation applies need not be marked or labelled with any of the particulars specified in regulation 6, except that–

(a) any such food which has been irradiated and is exposed for sale shall be marked or labelled with the name of the food, and

(b) any such food which has not been irradiated, other than–

(i) food which is not exposed for sale,

(ii) white bread,

(iii) flour confectionery, and

(iv) carcasses and parts of carcasses which are not intended for sale in one piece, shall be marked or labelled with the name of the food.”.

Insertion of regulation 26A

6. After regulation 26 there shall be inserted the following regulation:–

“Indication of irradiated ingredients

26A.—(1) Subject to paragraph (2) below, any food which–

(a) by virtue of regulation 24 or 25 alone is exempted from the requirement to be marked or labelled with a list of ingredients, and

(b) contains any ingredient which has been irradiated (and which comprises a particular with which, had that food not been subject to that exemption, the food would have been required by these Regulations to be marked or labelled),

shall be marked or labelled with an indication that it contains that ingredient, and in such a case the reference within that indication to that ingredient shall include or be accompanied by the word “irradiated” or the words “treated with ionising radiation”.

(2) This regulation does not apply to food which is not exposed for sale.”.

Amendment of regulation 28

7. In regulation 28 (food for immediate consumption where sold)–

(a) for paragraph (1) there shall be substituted the following paragraphs:–

“(1) Subject to paragraph (3A) of this regulation, any food which has not been irradiated and–

(a) is not prepacked, and

(b) is sold at a catering establishment for immediate consumption there, and

(c) is not food to which regulation 29 applies,

need not be marked or labelled with any of the particulars specified in regulation 6.

(1A) Subject to paragraph (3A) of this regulation, any food which has been irradiated and–

(a) is not prepacked, and

(b) is sold at a catering establishment for immediate consumption there, and

(c) is not food to which regulation 29 applies,

need not be marked or labelled with any of the particulars specified in regulation 6 except the name of the food.”.

- (b) in each of paragraphs (2) and (3), at the beginning, for the word “Any” there shall be substituted the words “Subject to paragraph (3A) of this regulation, any”; and
- (c) after paragraph (3) there shall be inserted the following paragraph:—

“(3A) Where any food to which paragraph (1), (1A), (2) or (3) of this regulation applies contains an ingredient which has been irradiated (and which comprises a particular with which, had that food been prepacked, the food would have been required by these Regulations to be marked or labelled), that food shall (subject to regulation 33(1B) to (1D)) be marked or labelled with an indication that it contains that ingredient and the reference within that indication to that ingredient shall include or be accompanied by the word “irradiated” or the words “treated with ionising radiation”.”.

Amendment of regulation 29

8. In regulation 29 (other food for immediate consumption)–

- (a) for paragraph (2) there shall be substituted the following paragraph:—

“(2) Food to which this regulation applies need not be marked or labelled with any of the particulars specified in regulation 6–

 - (a) in a case where the food neither has been irradiated nor contains any ingredient which has been irradiated, if, subject to paragraph (5) of this regulation, the provisions of paragraph (3) or, as the case may be, (4) of this regulation are observed,
 - (b) in a case where the food has been irradiated, if the provisions of paragraph (3) or, as the case may be, (4) of this regulation are observed, and
 - (c) in a case where the food contains an ingredient which has been irradiated, if the provisions of paragraph (4A) of this regulation are observed and, subject to paragraph (5) of this regulation, the provisions of paragraph (3) or, as the case may be, (4) of this regulation are observed.”;
- (b) after paragraph (4) there shall be inserted the following paragraph:—

“(4A) Where any food to which this regulation applies contains an ingredient which has been irradiated (and which comprises a particular with which, had that food been prepacked, the food would have been required by these Regulations to be marked or labelled), that food shall (subject to regulation 33(1B) to (1D)) be marked or labelled with an indication that it contains that ingredient and the reference within that indication to that ingredient shall include or be accompanied by the word “irradiated” or the words “treated with ionising radiation”.”; and
- (c) for paragraph (5) there shall be substituted the following paragraph:—

“(5) Subject to–

 - (a) paragraphs (3) and (4) of this regulation insofar as they relate to food which has been irradiated, and
 - (b) paragraph (4A) of this regulation,

prepared meals provided for persons staying at a hotel or other establishment at which sleeping accommodation is provided by way of trade or business need not be marked or labelled with any of the particulars specified in regulation 6.”.

Amendment of regulation 33

9. In regulation 33 (food to which regulation 24, 25, 28, 29 or 31A applies)–

- (a) in paragraph (1), after the words “by these regulations shall”, there shall be inserted the words”, except in a case to which paragraph (1A) of this regulation applies,”; and
- (b) after paragraph (1) there shall be inserted the following paragraphs:—

“(1A) In any case where food to which paragraph (1) of this regulation applies has been or contains an ingredient which has been irradiated and that food is sold and delivered to the ultimate consumer in a catering establishment, the particulars with which it is required to be marked or labelled by these Regulations shall appear

on a menu, notice, ticket or label that is readily discernible by an intending purchaser at the place where he chooses that food.

(1B) In any case to which paragraph (1A) of this regulation applies use of alternative labelling shall not alone be treated as a contravention of these Regulations and for this purpose alternative labelling is used where, instead of the particulars referred to in that paragraph appearing in the manner specified therein, alternative particulars are displayed in accordance with paragraph (1C), with paragraph (1D) or with paragraphs (1C) and (1D) of this regulation.

(1C) Alternative particulars are displayed in accordance with this paragraph in relation to any ingredient which has been irradiated if there appears, in the manner specified in paragraph (1A) of this regulation, an indication that the food of which that irradiated ingredient forms part may contain that irradiated ingredient and if the reference within that indication to that ingredient includes or is accompanied by the word "irradiated" or the words "treated with ionising radiation".

(1D) Alternative particulars are displayed in accordance with this paragraph if the irradiated ingredients to which they relate are dried substances normally used for seasoning, if there appears, in the manner specified in paragraph (1A) of this regulation, an indication to the effect that food sold in the catering establishment contains (or may contain) those irradiated ingredients and if the reference within that indication to those ingredients includes or is accompanied by the word "irradiated" or the words "treated with ionising radiation".

Amendment to Schedule 2

10. At the end of Schedule 2 (indications of treatment) there shall be inserted the following paragraph:-

"Irradiated food

5. The name used for a food which has been irradiated shall include or be accompanied by the word "irradiated" or the words "treated with ionising radiation".

St Andrew's House, Edinburgh
11th December 1990

Strathclyde
Parliamentary Under Secretary of State
Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Scotland only, amend the Food Labelling (Scotland) Regulations 1984 and implement Article 5 of Council Directive No 79/112/EEC (OJ No L33, 8.2.79, p.1) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, as last amended by Council Directive 89/395/EEC (OJ No L186, 30.06.89, p.17) in so far as they require indications of irradiation in the labelling of prepacked food sold to the ultimate consumer or to catering establishments and (subject to derogations which Member States are empowered to permit) of other food sold without pre-packing (including food sold in catering establishments) to the ultimate consumer. By virtue of these Regulations indications of irradiation must, subject to exceptions, be included in—

- (a) labelling of irradiated food, or food with irradiated ingredients, prepacked for sale to the ultimate consumer or to catering establishments (regulations 4 and 10);
- (b) labelling of such food when sold to the ultimate consumer or to a catering establishment without being prepacked (regulations 5 and 6); and
- (c) labelling of such foods when sold in catering establishments including take-away establishments (regulations 7 and 8).

For food sold in catering establishments, provision is made for the indication of irradiation to be given on a menu, notice, ticket or label that can be seen by the purchaser when he chooses the food (regulation 9).