
STATUTORY INSTRUMENTS

1995 No. 3187

The Miscellaneous Food Additives Regulations 1995

Title and commencement

1. These Regulations may be cited as the Miscellaneous Food Additives Regulations 1995, and shall come into force on 1st January 1996.

Interpretation

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

“acid” means any substance which increases the acidity of a food or imparts a sour taste to it, or both;

“acidity regulator” means any substance which alters or controls the acidity or alkalinity of a food;

“the Act” means the Food Safety Act 1990;

“anti-caking agent” means any substance which reduces the tendency of individual particles of a food to adhere to one another;

“anti-foaming agent” means any substance which prevents or reduces foaming;

“antioxidant” means any substance which prolongs the shelf-life of a food by protecting it against deterioration caused by oxidation, including fat rancidity and colour changes;

“bulking agent” means any substance which contributes to the volume of a food without contributing significantly to its available energy value;

“carrier” and “carrier solvent” mean any substance, other than a substance generally considered as food, used to dissolve, dilute, disperse or otherwise physically modify a miscellaneous additive, colour or sweetener, or an enzyme which is not acting as a processing aid, without altering its technological function (and without exerting any technological effect itself) in order to facilitate its handling, application or use;

“colour” has the same meaning as in the Colours in Food Regulations 1995(1);

“Directive 89/107/EEC” means Council Directive 89/107/EEC(2) on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption;

“Directive 89/398/EEC” means Council Directive 89/398/EEC(3) on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses;

“Directive 95/2/EC” means European Parliament and Council Directive 95/2/EC(4) on food additives other than colours and sweeteners (as corrected)(5);

“emulsifier” means any substance which makes it possible to form or maintain a homogenous mixture of two or more immiscible phases, such as oil and water, in a food;

(1) S.I. 1995/3124.

(2) OJNo. L40, 11.2.89, p.27.

(3) OJ No. L186, 30.6.89, p.27.

(4) OJ No. L61, 18.3.95, p.1.

(5) OJ No. L248, 14.10.95, p.60.

“emulsifying salt” means any substance which converts proteins contained in cheese into a dispersed form, thereby bringing about homogenous distribution of fat and other components;

“firming agent” means any substance which makes or keeps tissues of fruit or vegetables firm or crisp or which interacts with a gelling agent to produce or strengthen a gel;

“flavour enhancer” means any substance which enhances the existing taste or odour, or both, of a food;

“foaming agent” means any substance which makes it possible to form a homogenous dispersion of a gaseous phase in a liquid or solid food;

“food” means food sold, or intended for sale, for human consumption and in regulation 6 and for the purposes of regulation 9 includes a food additive;

“food additive” means—

(a) any substance not normally consumed as a food in itself and not normally used as a characteristic ingredient of food, whether or not it has nutritive value, the intentional addition of which to food for a technological purpose in the manufacture, processing, preparation, treatment, packaging, transport or storage of such food results, or may reasonably be expected to result, in it or its by-products becoming directly or indirectly a component of such foods; or

(b) a carrier or carrier solvent;

but does not include—

(i) any substance used for the treatment of drinking water as provided for in Council Directive [80/778/EEC\(6\)](#) relating to the quality of water intended for human consumption, as amended by Council Directive [81/858/EEC\(7\)](#) and Council Directive [91/692/EEC\(8\)](#);

(ii) any product containing pectin and derived from dried apple pomace or peel of citrus fruit, or from a mixture of both, by the action of dilute acid followed by partial neutralisation with sodium or potassium salts (liquid pectin);

(iii) chewing gum bases;

(iv) white or yellow dextrin, roasted or dextrinated starch, starch modified by acid or alkali treatment, bleached starch, physically modified starch and starch treated by amylolytic enzymes;

(v) ammonium chloride;

(vi) blood plasma, edible gelatin, protein hydrolysates and their salts, milk protein and gluten;

(vii) amino acids and their salts (other than glutamic acid, glycine, cysteine and cystine and their salts) having no additive function;

(viii) caseinates and casein;

(ix) inulin;

“gelling agent” means any substance which gives a food texture through the formation of a gel;

“glazing agent” means any substance which, when applied to the external surface of a food, imparts a shiny appearance or provides a protective coating, and includes lubricants;

“humectant” means any substance which prevents a food from drying out by counteracting the effect of an atmosphere having a low degree of humidity, or which promotes the dissolution of a powder in an aqueous medium;

(6) OJ No. L229, 30.8.80, p.11.

(7) OJ No. L319, 7.11.81, p.19.

(8) OJ No. L337, 31.12.91, p.48.

- “infants” means children under the age of twelve months;
- “member State” means a member State of the European Community;
- “miscellaneous additive” means any food additive which is used or intended to be used primarily as an acid, acidity regulator, anti-caking agent, anti-foaming agent, antioxidant, bulking agent, carrier, carrier solvent, emulsifier, emulsifying salt, firming agent, flavour enhancer, foaming agent, gelling agent, glazing agent, humectant, modified starch, packaging gas, preservative, propellant, raising agent, sequestrant, stabiliser or thickener, but does not include any processing aid;
- “modified starch” means any substance obtained by one or more chemical treatments of edible starch, which may have undergone a physical or enzymatic treatment, and may be acid or alkali thinned or bleached;
- “packaging gas” means any gas, other than air, which is introduced into a container before, during or after the placing of a food in that container;
- “permitted miscellaneous additive” means any miscellaneous additive listed in Schedule 1, 2, 3 or 4, which satisfies the purity criteria (if any) for that additive;
- “preservative” means any substance which prolongs the shelf-life of a food by protecting it against deterioration caused by micro-organisms;
- “processed”, in relation to any food, means having undergone any treatment resulting in a substantial change in the original state of the food, but does not include dividing, parting, severing, boning, mincing, skinning, paring, peeling, grinding, cutting, cleaning, trimming, deep-freezing, freezing, chilling, milling, husking, packing or unpacking, and “unprocessed” shall be construed accordingly;
- “processing aid” means any substance not consumed as a food by itself, intentionally used in the processing of raw materials, foods or their ingredients to fulfil a certain technological purpose during treatment or processing, and which may result in the unintentional but technically unavoidable presence of residues of the substance or its derivatives in the final product, provided that these residues do not present any health risk and do not have any technological effect on the finished product;
- “propellant” means any gas, other than air, which expels a food from a container;
- “purity criteria” means the purity criteria (if any) for that miscellaneous additive specified or referred to in Schedule 5;
- “raising agent” means any substance or combination of substances which liberates gas and thereby increases the volume of a dough or a batter;
- “relevant food additive” means any miscellaneous additive, colour or sweetener, or an enzyme which is not acting as a processing aid;
- “sell” includes possess for sale, and offer, expose or advertise for sale, and “sale” and “sold” shall be construed accordingly;
- “sequestrant” means any substance which forms a chemical complex with metallic ions;
- “stabiliser” means any substance which makes it possible to maintain the physico-chemical state of a food, including any substance which enables a homogenous dispersion of two or more immiscible substances in a food to be maintained, and any substance which stabilises, retains or intensifies an existing colour of a food;
- “sweetener” has the same meaning as in the Sweeteners in Food Regulations 1995(9);
- “thickener” means any substance which increases the viscosity of a food;
- “young children” means children aged between one and three years.

(2) Other expressions used in these Regulations and in Directive 95/2/EC have, in so far as the context admits, the same meaning in these Regulations as they bear in that Directive.

(3) Any reference in these Regulations to a Community instrument is a reference to it as amended, modified or otherwise adapted.

(4) Any reference in these Regulations to a numbered regulation or Schedule shall, unless the context otherwise requires, be construed as a reference to the regulation or Schedule bearing that number in these Regulations, and in the case of a Schedule shall be read with any note thereto.

(5) Any reference in these Regulations to—

- (a) a maximum level of permitted miscellaneous additive in or on a food, or in respect of a food additive, is to the maximum level of that permitted miscellaneous additive in or on the food, or in respect of the food additive, as sold, unless otherwise indicated;
- (b) *quantum satis* means that no maximum level of permitted miscellaneous additive in or on a corresponding food is specified but that in or on such food a permitted miscellaneous additive may be used in accordance with good manufacturing practice at a level not higher than is necessary to achieve the intended purpose and provided that such use does not mislead the consumer.

Use of miscellaneous additives

3.—(1) No person shall use in or on any food any miscellaneous additive other than a permitted miscellaneous additive.

(2) Subject to regulation 4(2) and Note 2 to Schedule 1, no person shall use any permitted miscellaneous additive listed in Schedule 1 in or on any food which is listed in Schedule 6 but not in column 1 of Schedule 7.

(3) Subject to regulation 4(2) and Note 2 to Schedule 1, no person shall use any permitted miscellaneous additive listed in Schedule 1 in or on any food listed in column 1 of Schedule 7, except a permitted miscellaneous additive which is listed, or referred to, in relation to that food in column 2 of that Schedule in an amount not exceeding the maximum level (if any) for such additive in or on such food as listed in column 3 of that Schedule.

(4) No person shall use any permitted miscellaneous additive listed in Schedule 1 in or on any food which is not listed in Schedule 6 or in column 1 of Schedule 7 and is not referred to in paragraph (7) below in an amount higher than *quantum satis* or otherwise than in compliance with Notes 1 and 3 to Schedule 1.

(5) Subject to paragraphs (1) and (2) of regulation 4, no person shall use any permitted miscellaneous additive listed in Schedule 2 or 3 in or on any food which is not referred to in paragraph (7) below, other than a food listed in either of those Schedules in relation to that additive and in accordance with the provisions contained in those Schedules governing the use of such additive in or on such food.

(6) No person shall use any miscellaneous additive primarily as a carrier or carrier solvent unless that additive is a permitted miscellaneous additive listed in Schedule 4 and its use complies with the restrictions (if any) mentioned in relation to that additive in column 3 of that Schedule.

(7) Subject to Note 2 to Schedule 1, no person shall use any permitted miscellaneous additive in or on any food for infants or young children as referred to in Directive 89/398/EEC (including any food for infants and young children not in good health) unless that additive is listed in Schedule 8, in which case it may be used only in accordance with the conditions contained in that Schedule.

(8) No person shall use in or on any food for infants or young children as referred to in Directive 89/398/EEC (including any food for infants and young children not in good health) any relevant food additive in combination with a miscellaneous additive which has been used primarily as a carrier or

carrier solvent unless that miscellaneous additive is listed in Schedule 8 and its presence in or on the food is in accordance with the conditions contained in that Schedule.

Use of miscellaneous additives in or on compound foods

4.—(1) Subject to paragraphs (3) and (4) below, any food in or on which a permitted miscellaneous additive is used without contravening any of the provisions of paragraphs (2) to (5) or (7) of regulation 3 may itself be used as an ingredient in a compound food in or on which the use of such miscellaneous additive is not otherwise permitted; and the presence in or on that compound food of such miscellaneous additive as a result of its containing such an ingredient shall not constitute a contravention of any of the provisions of those paragraphs of regulation 3.

(2) Subject to paragraph (4) below, there may be used in or on a food any permitted miscellaneous additive the use of which would otherwise constitute a contravention of any of the provisions of paragraphs (2) to (5) or (7) of regulation 3, where such a food is destined to be used solely in the preparation of a compound food and the resulting presence in or on that compound food of such miscellaneous additive does not itself constitute a contravention of any of the provisions of those paragraphs of regulation 3.

(3) Paragraph (1) above shall not apply in the case of any compound food listed in Schedule 6 or in column 1 of Schedule 7.

(4) Paragraphs (1) and (2) above shall not apply in the case of any food for infants or young children as referred to in Directive [89/398/EEC](#), except where specifically provided in these Regulations.

Sale of food additives and food containing miscellaneous additives

5.—(1) No person shall sell any miscellaneous additive for use in or on food unless that additive is a permitted miscellaneous additive.

(2) No person shall sell any miscellaneous additive for use primarily as a carrier or carrier solvent unless that additive is a permitted miscellaneous additive listed in Schedule 4.

(3) No person shall sell directly to the consumer any miscellaneous additive other than a permitted miscellaneous additive.

(4) No person shall sell any food having in it or on it any added miscellaneous additive other than a permitted miscellaneous additive which has been used, or is present, in or on that food without contravening any of the provisions of paragraphs (1) to (5), (7) or (8) of regulation 3.

(5) No person shall sell any relevant food additive in combination with a miscellaneous additive which has been used primarily as a carrier or carrier solvent unless that miscellaneous additive has been used in respect of that relevant food additive without contravening the provisions of regulation 3(6).

Condemnation of food

6. Where any food is certified by a food analyst as being food which it is an offence against these Regulations to sell, that food may be treated for the purposes of section 9 of the Act (under which a food may be seized and destroyed on the order of a justice of the peace) as failing to comply with food safety requirements, and section 8(3) shall apply for the purposes of these Regulations as it applies for the purposes of the Act.

Offences, penalties and enforcement

7.—(1) If any person contravenes or fails to comply with any of the provisions of these Regulations he shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Where an offence under these Regulations is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(3) Subject to paragraph (4) below, each food authority shall enforce and execute these Regulations in its area.

(4) In this regulation “food authority” does not include—

- (a) the council of a district in a non-metropolitan county in England except where the county functions have been transferred to that council pursuant to a structural change,
- (b) until 1st April 1996, the council of a district in Wales, or
- (c) the appropriate Treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner Temple and the Middle Temple).

Defence in relation to exports

8. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove—

- (a) that the food or, as the case may be, the food additive in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that such food or food additive complies with that legislation; and
- (b) in the case of export to another member State, that the legislation complies with Directive [89/107/EEC](#) and Directive [95/2/EC](#).

Application of various provisions of the Act

9. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 8, 14 or 15 of the Act and, unless the context otherwise requires, any reference in them to the Act shall be construed for the purposes of these Regulations as a reference to these Regulations—

- (a) section 2 (extended meaning of “sale” etc.);
- (b) section 3 (presumption that food intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence);
- (e) section 22 (defence of publication in the course of business);
- (f) section 30(8) (which relates to documentary evidence);
- (g) section 33 (obstruction etc. of officers);
- (h) section 36 (offences by bodies corporate);
- (i) section 44 (protection of officers acting in good faith).

Revocations and amendments

10.—(1) The Regulations specified in columns 1 and 2 of Schedule 9 shall be revoked to the extent specified in column 3 of that Schedule.

(2) In the Mineral Hydrocarbons in Food Regulations 1966(**10**), in regulation 3 (exemptions)—

(a) there shall be substituted for paragraph (1) the following paragraph—

“(1) Regulation 4 of these regulations shall not apply in relation to—

(a) any food containing mineral hydrocarbon by reason not of the inclusion of mineral hydrocarbon as an ingredient in such food but because of the use of mineral hydrocarbon as a lubricant or greasing agent on some surface with which such food has necessarily to come into contact during the course of preparation if such food contains by reason thereof not more than 0.2 part by weight of mineral hydrocarbon per 100 parts by weight of the food;

(b) any chewing compound which—

(i) contains no more than 60 parts by weight of solid mineral hydrocarbon per 100 parts by weight of chewing compound, and

(ii) contains no mineral hydrocarbon other than any mineral hydrocarbon which complies with the specification therefor set forth in paragraph 4 of Part I of the Schedule to these regulations;

(c) the rind of any whole pressed cheese;

(d) any food containing mineral hydrocarbon where the use of that mineral hydrocarbon in or on that food is as a miscellaneous additive, as defined in the Miscellaneous Food Additives Regulations 1995, and complies with the provisions of those Regulations.”;

(b) in the proviso to paragraph (2), for the words “paragraph (1)(e)” there shall be substituted the words “paragraph (1)(b)”;

(c) in paragraph (3), for the words “paragraph (1)(a) to (g)” there shall be substituted the words “paragraph (1)(a) to (c)”.

(3) In the Mineral Hydrocarbons in Food (Scotland) Regulations 1966(**11**), in regulation 4 (exemptions)—

(a) there shall be substituted for paragraph (1) the following paragraph—

“(1) Regulation 5 of these regulations shall not apply in relation to—

(a) any food containing mineral hydrocarbon by reason not of the inclusion of mineral hydrocarbon as an ingredient in such food but because of the use of mineral hydrocarbon as a lubricant or greasing agent on some surface with which such food has necessarily to come into contact during the course of preparation if such food contains by reason thereof not more than 0.2 part by weight of mineral hydrocarbon per 100 parts by weight of the food;

(b) any chewing compound which—

(i) contains no more than 60 parts by weight of solid mineral hydrocarbon per 100 parts by weight of chewing compound, and

(ii) contains no mineral hydrocarbon other than any mineral hydrocarbon which complies with the specification therefor set forth in paragraph 4 of Part I of the Schedule to these regulations;

(10) S.I. 1966/1073; the relevant amending instrument is S.I. 1991/1476.

(11) S.I. 1966/1263; the relevant amending instrument is S.I. 1991/1476.

- (c) the rind of any whole pressed cheese;
- (d) any food containing mineral hydrocarbon where the use of that mineral hydrocarbon in or on that food is as a miscellaneous additive, as defined in the Miscellaneous Food Additives Regulations 1995, and complies with the provisions of those Regulations.”;
- (b) in the proviso to paragraph (2), for the words “paragraph (1)(e)” there shall be substituted the words “paragraph (1)(b)”;
- (c) in paragraph (3), for the words “paragraph (1)(a) to (g)” there shall be substituted the words “paragraph (1)(a) to (c)”.
- (4) In the Specified Sugar Products Regulations 1976(12) and the Specified Sugar Products (Scotland) Regulations 1976(13)—
 - (a) in regulation 2(1) (interpretation)—
 - (i) after the definition of “the Act” there shall be inserted the following definition—

““anti-caking agent” has the meaning assigned to it by the Miscellaneous Food Additives Regulations 1995;”;
 - (ii) there shall be substituted for the definition of “anti-foaming agent” the following definition—

““anti-foaming agent” has the meaning assigned to it by the Miscellaneous Food Additives Regulations 1995;”;
 - (iii) there shall be substituted for the definition of “appropriate designation” the following definition—

““appropriate designation”, as respects any colour, anti-caking agent or anti-foaming agent, means 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 colour, anti-caking agent or anti-foaming agent to which it is applied;”;
 - (iv) after the definition of “loaf sugar” there shall be inserted the following definition—

““permitted miscellaneous additive” means any miscellaneous additive in so far as its use in food is permitted by the Miscellaneous Food Additives Regulations 1995;”;
 - (b) there shall be substituted for paragraph (3) of regulation 2 the following paragraph—

“(3) Any permitted miscellaneous additive (other than E 220 sulphur dioxide) specified in Part B of Schedule 2 to the Miscellaneous Food Additives Regulations 1995, if calculated as, may be used in place of, E 220 sulphur dioxide, and any reference in these regulations to the permitted miscellaneous additive sulphur dioxide shall be construed accordingly.”;
 - (c) in regulation 5(3) (labelling and description of specified sugar products)—
 - (i) there shall be substituted for sub-paragraph (c) the following sub-paragraph—

“(c) for glucose syrup or dried glucose syrup containing more than 20 milligrams per kilogram of the permitted miscellaneous additive sulphur dioxide, a declaration that the product is not for sale by retail;”;
 - (ii) there shall be substituted for sub-paragraph (e) the following sub-paragraph—

(12) S.I. 1976/509; the relevant amending instruments are S.I. 1980/1849, 1990/2486, 1995/3124.

(13) S.I. 1976/946; the relevant amending instruments are S.I. 1981/137, 1990/2625, 1995/3124.

- ““permitted miscellaneous additive” means any miscellaneous additive in so far as its use in food is permitted by the Miscellaneous Food Additives Regulations 1995;”;
- (b) in the proviso to regulation 11(1) (permitted additional ingredients in fruit juice, concentrated fruit juice, dried fruit juice and fruit nectar)—
- (i) there shall be substituted for sub-paragraphs (a), (e), (g), (j) and (k) the following sub-paragraph—
- “(a) any such food may contain any permitted miscellaneous additive, so however that no apple juice, grape juice, pineapple juice or concentrated pineapple juice shall contain both added sugar and added acid;”;
- (ii) there shall be substituted for sub-paragraph (f) the following sub-paragraph—
- “(f) the fruit nectars referred to in Schedule 4 may contain lemon juice, in total or partial replacement of citric acid, in a proportion not exceeding 5 grams per litre;”;
- (c) there shall be substituted for Schedule 4 (fruit juices, concentrated fruit juices and fruit nectars which may contain added permitted acid and the nature and proportion of added permitted acid in each case) the following Schedule—

“SCHEDULE 4

Regulation 11

FRUIT NECTARS WHICH MAY CONTAIN
LEMON JUICE IN PLACE OF CITRIC ACID

1. Apple nectar obtained exclusively from apple purée or concentrated apple purée or an admixture thereof
 2. Peach nectar obtained exclusively from peach purée or concentrated peach purée or an admixture thereof
 3. Pear nectar obtained exclusively from pear purée or concentrated pear purée or an admixture thereof
 4. Any admixture of the fruit nectars referred to in items 1 to 3 above.”
- (7) In the Condensed Milk and Dried Milk Regulations 1977(18) and the Condensed Milk and Dried Milk (Scotland) Regulations 1977(19)—
- (a) in regulation 2(1) (interpretation) there shall be substituted for the definition of “permitted miscellaneous additive” the following definition—
- ““permitted miscellaneous additive” means any miscellaneous additive in so far as its use in food is permitted by the Miscellaneous Food Additives Regulations 1995;”;
- (b) in regulation 5(1) (labelling and description of condensed milk and dried milk products for retail sale) in sub-paragraph (b) there shall be substituted for the words “paragraph (c)” the words “paragraph (a)”;
- (c) in the proviso to regulation 9 (permitted additional ingredients in condensed milk and dried milk) there shall be substituted for paragraphs (a) to (d) the following paragraph—
- “(a) any condensed milk product or dried milk product may contain any permitted miscellaneous additive;”.
- (8) In the Coffee and Coffee Products Regulations 1978(20) and the Coffee and Coffee Products (Scotland) Regulations 1979(21)—

(18) S.I. 1977/928; the relevant amending instrument is S.I. 1986/2299.

(19) S.I. 1977/1027; the relevant amending instrument is S.I. 1987/26.

(20) S.I. 1978/1420; the relevant amending instruments are S.I. 1982/254, 1987/1986.

- (a) in regulation 2(1) (interpretation) after the definition of “human consumption” there shall be inserted the following definition—
 - ““permitted miscellaneous additive” means any miscellaneous additive in so far as its use in food is permitted by the Miscellaneous Food Additives Regulations 1995;”;
- (b) in the proviso to regulation 8 (permitted additional ingredients in certain designated products)—
 - (i) there shall be substituted for paragraphs (a), (b) and (e) the following paragraph—
 - “(a) any designated product may contain any permitted miscellaneous additive;”;
 - and
 - (ii) in paragraph (d) there shall be inserted after the words “liquid coffee and chicory extract,” the words “chicory and coffee essence.”
- (9) In the Jam and Similar Products Regulations 1981(22) and the Jam and Similar Products (Scotland) Regulations 1981(23)—
 - (a) in regulation 2(1) (interpretation)—
 - (i) immediately before the definition of “permitted sweetener” there shall be inserted the following definition—
 - ““permitted miscellaneous additive” means any miscellaneous additive in so far as its use in food is permitted by the Miscellaneous Food Additives Regulations 1995;”;
 - (ii) after the definition of “prepacked” there shall be inserted the following definition—
 - ““preservative” has the meaning assigned to it by the Miscellaneous Food Additives Regulations 1995;”;
 - (b) in regulation 8(4) (miscellaneous labelling requirements) there shall be substituted for sub-paragraph (c) the following sub-paragraph—
 - “(c) the food contains a permitted miscellaneous additive used primarily as a preservative.”;
 - (c) in regulation 14(1) (permitted additional ingredients) there shall be inserted at the end the words “or any permitted miscellaneous additive”.
- (10) In the Meat Products and Spreadable Fish Products Regulations 1984(24)—
 - (a) in regulation 2(1) (interpretation) in the definition of “additive” there shall be substituted for the words from “the Antioxidants in Food Regulations 1978” to “the Miscellaneous Additives in Food Regulations 1980” the words “the Miscellaneous Food Additives Regulations 1995”;
 - (b) in regulation 5(2) (name of the food for certain meat products) in sub-paragraph (b) there shall be inserted after the words “the conditions” the words “(if any)”;
 - (c) in Schedule 1 (ingredients of cured meat)—
 - (i) in the first division of ingredients in column 1 there shall be inserted after the entry “Water” the following entry—
 - “Additives other than flavourings, smoke and smoke solutions”;
 - (ii) in the third division of ingredients in column 1 there shall be substituted for the entry “Additives” the following entry—

(21) S.I. 1979/383; the relevant amending instruments are S.I. 1982/409, 1987/2014.

(22) S.I. 1981/1063; the relevant amending instruments are S.I. 1990/2085, 1995/3124, 1995/3123.

(23) S.I. 1981/1320; the relevant amending instruments are S.I. 1990/2180, 1995/3124, 1995/3123.

(24) S.I. 1984/1566; the relevant amending instruments are S.I. 1995/3124, 1995/3123.

“Flavourings, smoke and smoke solutions”.

- (11) In the Meat Products and Spreadable Fish Products (Scotland) Regulations 1984⁽²⁵⁾—
- (a) in regulation 2(1) (interpretation) in the definition of “additive” there shall be substituted for the words from “the Antioxidants in Food (Scotland) Regulations 1978” to “the Miscellaneous Additives in Food (Scotland) Regulations 1980” the words “the Miscellaneous Food Additives Regulations 1995”;
 - (b) in regulation 5(2) (name of the food for certain meat products) in sub-paragraph (b) there shall be inserted after the words “the conditions” the words “(if any)”;
 - (c) in Schedule 1 (ingredients of cured meat)—
 - (i) in the first division of ingredients in column 1 there shall be inserted after the entry “Water” the following entry—

“Additives other than flavourings, smoke and smoke solutions”;
 - (ii) in the third division of ingredients in column 1 there shall be substituted for the entry “Additives” the following entry—

“Flavourings, smoke and smoke solutions”.
- (12) In the Food Additives Labelling Regulations 1992⁽²⁶⁾—
- (a) in regulation 2 (interpretation) after the definition of “food additive” there shall be inserted the following definitions—

““miscellaneous additive” has the same meaning as in the 1995 Regulations;

“the 1995 Regulations” means the Miscellaneous Food Additives Regulations 1995.”;
 - (b) in Schedule 1 (categories of food additives) in Part I (list of food additives)—
 - (i) there shall be substituted for item 9 the following item—

“9. Flavour enhancers.”;
 - (ii) there shall be substituted for item 19 the following item—

“19. Flour treatment agents.”;
 - (iii) there shall be substituted for item 25 the following item—

“25. Propellants.”;
 - (iv) there shall be inserted at the end the following item—

“27. Carriers and carrier solvents.”;
 - (c) in Schedule 1 in Part II (supplementary)—
 - (i) there shall be substituted for sub-paragraphs (b) to (m) the following sub-paragraph—

“(b) “antioxidant”, “preservative”, “emulsifier”, “emulsifying salt”, “thickener”, “gelling agent”, “stabiliser”, “flavour enhancer”, “acid”, “acidity regulator”, “anti-caking agent” and “modified starch” mean any miscellaneous additive primarily used as an antioxidant, preservative, emulsifier, emulsifying salt, thickener, gelling agent, stabiliser, flavour enhancer, acid, acidity regulator, anti-caking agent or modified starch, as the case may be, as defined in the 1995 Regulations.”;
 - (ii) there shall be substituted for sub-paragraphs (o) to (q) the following sub-paragraph—

(25) S.I. 1984/1714; the relevant amending instruments are S.I. 1995/3124, 1995/3123.

(26) S.I. 1992/1978; the relevant amending instruments are S.I. 1995/3124, 1995/3123.

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- (a) is brought into Great Britain on or after 25th March 1997 from a member State in which it was lawfully produced and sold or in which it was in free circulation and lawfully sold; and
 - (b) is suitably labelled to give the nature of the food additive or, as the case may be, the food.
- (4) For the purposes of paragraphs (2) and (3) above, “free circulation” shall be construed in accordance with Article 9.2 of the Treaty establishing the European Community.

4th December 1995

Angela Browning
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

Signed by authority of the Secretary of State for Health:

17th November 1995

Cumberlege
Parliamentary Under Secretary of State,
Department of Health

Signed by authority of the Secretary of State for Wales:

23rd November 1995

Rod Richards
Parliamentary Under Secretary of State, Welsh
Office

21st November 1995

Lindsay
Parliamentary Under Secretary of State, Scottish
Office