
STATUTORY INSTRUMENTS

1995 No. 3187

The Miscellaneous Food Additives Regulations 1995

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;

“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;

(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.

“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;

“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,

(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.

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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(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.