
STATUTORY INSTRUMENTS

1996 No. 1499

The Food Labelling Regulations 1996

PART I

PRELIMINARY

Title and commencement

1. These Regulations may be cited as the Food Labelling Regulations 1996, and shall come into force on 1st July 1996.

Interpretation

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

“the Act” means the Food Safety Act 1990;

“additive” means 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 a food for a technological purpose in the manufacture, processing, preparation, treatment, packaging, transport or storage of such food results, or may be reasonably expected to result, in it or its by-products becoming directly or indirectly a component of such foods;

“the additives regulations” means the Flavourings in Food Regulations 1992(1), the Food Additives Labelling Regulations 1992(2), the Sweeteners in Food Regulations 1995(3), the Colours in Food Regulations 1995(4) and the Miscellaneous Food Additives Regulations 1995(5);

“advertisement” includes any notice, circular, invoice or other document, and any public announcement made orally or by any means of producing or transmitting light or sound, but does not include any form of labelling, and “advertise” shall be construed accordingly;

“appropriate durability indication” means—

- (a) in the case of a food other than one specified in sub-paragraph (b) of this definition, an indication of minimum durability, and
- (b) in the case of a food which, from the microbiological point of view, is highly perishable and in consequence likely after a short period to constitute an immediate danger to human health, a “use by” date;

“aromatised wine” has the meaning assigned to it by Article 2 of Council Regulation (EEC) No. 1601/91(6);

(1) S.I.1992/1971.

(2) S.I. 1992/1978.

(3) S.I. 1995/3123, amended by 1477.

(4) S.I. 1995/3124.

(5) S.I. 1995/3187.

(6) OJ No. L149, 14.6.91, p.1; there is an amendment to the Council Regulation which is not relevant to these Regulations.

“biscuits” includes wafers, rusks, oatcakes and matzos;

“the Bread and Flour Regulations” means the Bread and Flour Regulations 1995(7);

“carbohydrate” means any carbohydrate which is metabolised in man and includes polyols;

“catering establishment” means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer and is ready for consumption without further preparation;

“cheese” means the fresh or matured product intended for sale for human consumption, which is obtained as follows—

- (a) in the case of any cheese other than whey cheese, by the combining, by coagulation or by any technique involving coagulation, of any of the following substances, namely milk, cream, skimmed milk, partly skimmed milk, concentrated skimmed milk, reconstituted dried milk, butter milk, materials obtained from milk, other ingredients necessary for the manufacture of cheese provided that those are not used for replacing, in whole or in part, any milk constituent, with or without partially draining the whey resulting from coagulation;
- (b) in the case of whey cheese—
 - (i) by concentrating whey with or without the addition of milk and milk fat, and moulding such concentrated whey, or
 - (ii) by coagulating whey with or without the addition of milk and milk fat;

“chocolate product” has the meaning assigned to it by the Cocoa and Chocolate Products Regulations 1976(8);

“clotted cream” means cream which has been produced and separated by the scalding, cooling and skimming of milk or cream;

“cream” means that part of cows’ milk rich in fat which has been separated by skimming or otherwise and which is intended for sale for human consumption;

“cocoa product” has the meaning assigned to it by the Cocoa and Chocolate Products Regulations 1976;

“Community controlled wine” means wine, grape must, sparkling wine, aerated sparkling wine, liqueur wine, semi-sparkling wine and aerated semi-sparkling wine;

“confectionery product” means any item of chocolate confectionery or sugar confectionery;

“disease” includes any injury, ailment or adverse condition, whether of body or mind;

“edible ice” includes ice-cream, water ice and fruit ice, whether alone or in combination, and any similar food;

“EEA Agreement” means the Agreement on the European Economic Area(9) signed at Oporto on 2nd May 1992 as adjusted by the Protocol(10) signed at Brussels on 17th March 1993;

“EEA State” means a state which is a Contracting Party to the EEA Agreement;

“fancy confectionery product” means any confectionery product in the form of a figure, animal, cigarette or egg or in any other fancy form;

“fat”, in the context of nutrition labelling, means total lipids, and includes phospholipids;

the noun “flavouring” means an additive consisting of material used or intended for use in or on food to impart odour, taste or both, provided that such material does not consist entirely of—

(7) S.I. 1995/3202; amended by S.I. 1996/1501.

(8) S.I. 1976/541, to which there are amendments not relevant to these Regulations.

(9) OJ No. L1, 3.1.94, p.1.

(10) OJ No. L1, 3.1.94, p.571.

- (a) any edible substance (including herbs and spices) or product, intended for human consumption as such, with or without reconstitution, or
- (b) any substance which has exclusively a sweet, sour or salt taste, and the components of which include at least one of the following—
 - (i) a flavouring substance,
 - (ii) a flavouring preparation,
 - (iii) a process flavouring,
 - (iv) a smoke flavouring;

“flavouring preparation” means a product (other than a flavouring substance), whether concentrated or not, with flavouring properties, which is obtained by physical, enzymatic or microbiological processes from appropriate material of vegetable or animal origin;

“flavouring substance” means a chemical substance with flavouring properties the chemical structure of which has been established by methods normally used among scientists and which is—

- (a) obtained by physical, enzymatic or microbiological processes from appropriate material of vegetable or animal origin,
- (b) either obtained by chemical synthesis or isolated by chemical processes and which is chemically identical to a substance naturally present in appropriate material of vegetable or animal origin, or
- (c) obtained by chemical synthesis but not included under sub-paragraph (b) of this definition,

and for the purposes of this definition and the definition of “flavouring preparation”—

- (i) distillation and solvent extraction shall be regarded as included among types of physical process;
- (ii) material of vegetable or animal origin is appropriate material of vegetable or animal origin if it either is raw or has been subjected to a process normally used in preparing food for human consumption and to no process other than one normally so used; and
- (iii) drying, torrefaction and fermentation shall be treated as included among the types of process normally so used to which sub-paragraph (ii) above refers.

“flour confectionery” means any cooked food which is ready for consumption without further preparation (other than reheating), of which a characterising ingredient is ground cereal, including shortbread, sponges, crumpets, muffins, macaroons, ratafias, pastry and pastry cases, and also includes meringues, petits fours and uncooked pastry and pastry cases, but does not include bread, pizzas, biscuits, crispbread, extruded flat bread or any food containing a filling which has as an ingredient any cheese, meat, offal, fish, shellfish, vegetable protein material or microbial protein material;

“follow-on formula” has the meaning assigned to it by the Infant Formula and Follow-on Formula Regulations 1995⁽¹¹⁾;

“food for a particular nutritional use” means a food intended for human consumption which—

- (a) owing to its special composition or process of manufacture, is clearly distinguishable from food intended for normal human consumption,
- (b) is suitable for its claimed particular nutritional purpose, and
- (c) is sold in such a way as to indicate that suitability;

(11) S.I. 1995/77.

“grape must” has the meaning assigned to it by Annex I to Council Regulation (EEC) No. 822/87(12) on the common organisation of the market in wine;

“infants” means children under the age of twelve months;

“infant formula” has the meaning assigned to it by the Infant Formula and Follow-on Formula Regulations 1995;

“ingredient” means any substance, including any additive and any constituent of a compound ingredient, which is used in the preparation of a food and which is still present in the finished product, even if in altered form, and a “compound ingredient” shall be composed of two or more such substances;

“intense sweetener” means an additive with a sweetness many times that of sucrose, which is virtually non-calorific and used solely for its sweetening properties;

“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 0.5 Gy,

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

“irradiated” means subjected to treatment by ionising radiation;

“labelling”, in relation to a food, includes any words, particulars, trade mark, brand name, pictorial matter or symbol relating to the food and appearing on the packaging of the food or on any document, notice, label, ring or collar accompanying the food;

“liqueur wine”—

- (a) in relation to a drink produced in the European Community, has the meaning assigned to it by Annex I to Council Regulation (EEC) No. 822/87, and
- (b) in relation to a drink originating from elsewhere, has the meaning assigned to it by Article 2 of Council Regulation (EEC) No. 2391/89(13);

“milk” means the milk intended for sale, or sold, for human consumption of—

- (a) one or more cows, and includes skimmed milk, semi-skimmed milk and whole milk, or
- (b) ;one or more ewes, goats or buffaloes;

“mono-unsaturates” means fatty acids with one cis double bond;

“natural mineral water” has the meaning assigned to it by the Natural Mineral Waters Regulations 1985(14);

“nutrient”, in the context of nutrition labelling, means any of the following: protein, carbohydrate, fat, fibre, sodium, any vitamin or mineral listed in Table A or B in Schedule 6 and present in any food in a significant amount as described in the Note to those Tables;

“nutrition claim” means any statement, suggestion or implication in any labelling, presentation or advertising of a food that that food has particular nutrition properties, but does not include a reference to any quality or quantity of any nutrient where such reference is required by law;

“nutrition labelling”, in relation to a food (other than a natural mineral water or other water intended for human consumption or any food supplement) means any information appearing on labelling (other than where such appears solely as part of a list of ingredients) and relating

(12) OJ No. L84, 27.3.87, p.1, to which there are amendments not relevant to these Regulations.

(13) OJ No. L232, 9.8.89, p.10.

(14) S.I. 1985/71, to which there are amendments not relevant to these Regulations.

to energy value or any nutrient or to energy value and any nutrient, including any information relating to any substance which belongs to, or is a component of, a nutrient;

“nutrition properties” means either or both of—

- (a) the provision (including provision at a reduced or increased rate), or the lack of provision, of energy,
- (b) the content (including content in a reduced or increased proportion), or the lack of content, of any nutrient (including any substance which belongs to, or is a component of, a nutrient);

“particular nutritional purpose” means the fulfilment of the particular nutritional requirements of—

- (a) a person whose digestive processes are, or whose metabolism is, disturbed, or
- (b) a person whose physiological condition renders him able to obtain a special benefit from the controlled consumption of any substance in food, or
- (c) infants or young children in good health;

“polyunsaturates” means fatty acids with cis, cis-methylene interrupted double bonds;

“prepacked”, in relation to a food, means put into packaging before being offered for sale in such a way that the food, whether wholly or only partly enclosed, cannot be altered without opening or changing the packaging and is ready for sale to the ultimate consumer or to a catering establishment, and includes a food which is wholly enclosed in packaging before being offered for sale and which is intended to be cooked without opening the packaging and which is ready for sale to the ultimate consumer or to a catering establishment, but does not include individually wrapped sweets or chocolates which are not enclosed in any further packaging and which are not intended for sale as individual items;

“prepacked for direct sale”, means—

- (a) in relation to a food other than flour confectionery, bread, edible ices and cows’ milk, prepacked by a retailer for sale by him on the premises where the food is packed or from a vehicle or stall used by him,
- (b) in relation to flour confectionery, bread and edible ices, prepacked by a retailer for sale as in sub-paragraph (a) of this definition, or prepacked by the producer of the food for sale by him either on the premises where the food is produced or on other premises from which he conducts business under the same name as the business conducted on the premises where the food is produced, and
- (c) in relation to cows’ milk, put into containers on the premises where the milk is produced by the person owning or having control of the herd from which the milk is produced for sale by him on those premises or from a vehicle or stall used by him;

“preparation”, in relation to food, includes manufacture and any form of processing or treatment, and “prepared” shall be construed accordingly;

“prescribed nutrition labelling” means nutrition labelling given in accordance with Schedule 7;

“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;

“process flavouring” means a product which is obtained according to good manufacturing practices by heating to a temperature not exceeding 180°C for a continuous period not

exceeding 15 minutes a mixture of ingredients (whether or not with flavouring properties) of which at least one contains nitrogen (amino) and another is a reducing sugar;

“protein” means the protein content calculated using the formula: $\text{protein} = \text{total Kjeldahl nitrogen} \times 6.25$;

“raw milk”, in relation to cows’ milk, has the meaning assigned to it by Article 3.1 of Council Regulation (EEC) No. 1411/71⁽¹⁵⁾ laying down additional rules on the common market organisation in milk and milk products for drinking milk, as amended⁽¹⁶⁾, and in relation to the milk of ewes, goats or buffaloes means milk which has neither been heat-treated beyond 40°C nor undergone any treatment having the same effect;

“recommended daily allowance”, in relation to a vitamin or mineral, means the recommended daily allowance specified for that vitamin or mineral in column 2 of Table A or B in Schedule 6;

“saturates” means fatty acids without double bond;

“seasonal selection pack” means a pack consisting of two or more different items of food which are wholly or partly enclosed in outer packaging decorated with seasonal designs;

“sell” includes offer or expose for sale and have in possession for sale, and “sale” and “sold” shall be construed accordingly;

“semi-skimmed milk”, in relation to cows’ milk, has the meaning assigned to it by Article 3.1 of Council Regulation (EEC) No. 1411/71, as amended;

“skimmed milk”, in relation to cows’ milk, has the meaning assigned to it by Article 3.1 of Council Regulation (EEC) No. 1411/71, as amended;

“smoke flavouring” means an extract from smoke of a type normally used in food smoking processes;

“sparkling wine”, “aerated sparkling wine”, “semi-sparkling wine” and “aerated semi-sparkling wine”—

- (a) in relation to drinks produced in the European Community, have the meanings respectively assigned to them by Annex I to Council Regulation (EEC) No. 822/87, and
- (b) in relation to drinks produced elsewhere, have the meanings respectively assigned to them by Article 2 of Council Regulation (EEC) No. 2391/89;

“sterilised cream” means cream which has been subjected to a process of sterilisation by heat treatment in the container in which it is to be supplied to the consumer;

“sugars”, in the context of nutrition labelling, means all monosaccharides and disaccharides present in food, but excludes polyols;

“treating”, in relation to disease, includes doing or providing anything for alleviating the effects of the disease, whether it is done or provided by way of cure or not;

“ultimate consumer” means any person who buys otherwise than—

- (a) for the purpose of resale,
- (b) for the purposes of a catering establishment, or
- (c) for the purposes of a manufacturing business;

“whole milk”, in relation to cows’ milk, has the meaning assigned to it by Article 3.1 of Council Regulation (EEC) No. 1411/71, as amended;

“wine” has the meaning assigned to it by Annex I to Council Regulation (EEC) No. 822/87;

⁽¹⁵⁾ OJ No. L148, 3.7.71, p.4 (OJ/SE 1971 (II), p.412).

⁽¹⁶⁾ Relevant amending instruments are Corrigenda (OJ No. L188, 20.8.71, p.24), Corrigenda (OJ No. L199, 19.7.73, p.38), Commission Regulation 566/76/EEC (OJ No. L67, 15.3.76, p.23), Corrigenda (OJ No. L107, 24.4.76, p.22), Commission Regulation 222/88/EEC (OJ No. L28, 1.2.88, p.1), Council Regulation 2138/92/EEC (OJ No. L214, 30.7.92, p.6).

“young children” means children aged between one and three years.

(2) Unless the context otherwise requires, all proportions mentioned in these Regulations are proportions calculated by weight.

(3) 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 so numbered in these Regulations.

(4) Where any Schedule to these Regulations contains any note or notes, the provisions of that Schedule shall be interpreted and applied in accordance with such note or notes.

Exemptions

3.—(1) Except for Regulation 31, these regulations shall not apply in respect of—

- (a) any food to which the provisions of the EEA Agreement applies brought into Great Britain from an EEA State in which it was lawfully produced and sold;
- (b) any food lawfully produced in another Member State brought into Great Britain from a Member State in which it was lawfully sold;
- (c) any food lawfully produced outside the European Community brought into Great Britain from a Member State in which it was in free circulation and lawfully sold,

which is labelled with a name that is sufficiently precise to inform a purchaser of its true nature and to enable it to be distinguished from food with which it could be confused, the label being in a language easily understood by the purchaser.

(2) For the purposes of paragraph (1) of this regulation “free circulation” has the same meaning as in Article 9.2 of the Treaty establishing the European Community.

(3) These Regulations, except in so far as they relate to advertising, shall not apply to any food which is—

- (a) not intended for sale for human consumption, or
- (b) supplied under Government contracts for consumption by Her Majesty’s forces or supplied for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952⁽¹⁷⁾, and was prepared and labelled for sale before 16th November 1992.

(4) Subject to paragraph (5) of this regulation, regulation 29 and Part III of these Regulations shall not apply to natural mineral water (other than such water which has been artificially carbonated).

(5) Regulations 40 and 41 shall apply to natural mineral water in so far as they relate to item 1 in Part II of Schedule 6, and regulation 41 shall apply to such water in so far as it relates to the descriptions “dietary” and “dietetic” in Schedule 8.

⁽¹⁷⁾ 1952 c. 67; the definition of “visiting force” in section 12 was amended by the Criminal Justice Act 1988 (c. 33), section 170 and Schedule 15, paragraph 14.

PART II

FOOD TO BE DELIVERED AS SUCH TO THE ULTIMATE CONSUMER OR TO CATERERS

Scope and general labelling requirement

Scope of Part II

4.—(1) Subject to paragraphs (2) and (3) of this regulation, this Part of these Regulations applies to food which is ready for delivery to the ultimate consumer or to a catering establishment.

(2) Except for regulations 33 and 34 and, insofar as they relate to regulations 33 and 34, regulations 35 and 38, this Part of these Regulations does not apply to—

- (a) any specified sugar product as defined in the Specified Sugar Products Regulations 1976⁽¹⁸⁾;
- (b) any cocoa product or chocolate product as defined in the Cocoa and Chocolate Products Regulations 1976;
- (c) any honey as defined in the Honey Regulations 1976⁽¹⁹⁾;
- (d) any condensed milk product or dried milk product as defined in the Condensed Milk and Dried Milk Regulations 1977⁽²⁰⁾ which is ready for delivery to a catering establishment other than any such product which is specially prepared for infant feeding and in the labelling of which there appears a clear statement that such food is intended for consumption by infants and no statement to the effect that such is intended for consumption by any other class of person;
- (e) any coffee, coffee mixture, coffee extract product, chicory extract product or other designated product as defined in the Coffee and Coffee Products Regulations 1978⁽²¹⁾ which is ready for delivery to a catering establishment;
- (f) hen eggs, in so far as their labelling is regulated by Council Regulation (EEC) No. 1907/90⁽²²⁾ on certain marketing standards for eggs, as amended⁽²³⁾, Commission Regulation (EEC) No. 1274/91⁽²⁴⁾ introducing detailed rules for implementing Regulation (EEC) No. 1907/90, as amended⁽²⁵⁾, and Council Decision 94/371/EC⁽²⁶⁾ laying down specific public health conditions for the putting on the market of certain types of eggs;
- (g) spreadable fats, in so far as their labelling is regulated by Council Regulation (EC) No. 2991/94⁽²⁷⁾ laying down standards for spreadable fats;

⁽¹⁸⁾ S.I. 1976/509; relevant amending instrument is S.I. 1980/1849.

⁽¹⁹⁾ S.I. 1976/1832, to which there are amendments not relevant to these Regulations.

⁽²⁰⁾ S.I. 1977/928; relevant amending instrument is S.I. 1982/1066.

⁽²¹⁾ S.I. 1978/1420; relevant amending instrument is S.I. 1987/1986.

⁽²²⁾ OJ No. L173, 6.7.90, p.5 as read with Corrigendum at OJ No. L195, 26.7.90, p.40.

⁽²³⁾ Council Regulation (EEC) No. 2617/93 (OJ No. L240, 25.9.93, p.1) and Council Regulation (EC) No. 3117/94 (OJ No. L330, 12.12.94, p.4).

⁽²⁴⁾ OJ No. L121, 16.5.91, p.11.

⁽²⁵⁾ Commission Regulation (EEC) No. 3540/91 (OJ No. L335, 6.12.91, p.12), Commission Regulation (EEC) No. 2221/92 (OJ No. L218, 1.8.92, p.81, as read with Corrigendum at OJ No. L292, 8.10.92, p.34), Commission Regulation (EC) No. 3300/93 (OJ No. L296, 1.12.93, p.52), Commission Regulation (EC) No. 1259/94 (OJ No. L137, 1.6.94, p.54), Commission Regulation (EC) No. 3239/94 (OJ No. L338, 28.12.94, p.48), Commission Regulation (EC) No. 786/95 (OJ No. L79, 7.4.95, p.12) and Commission Regulation (EC) No. 2401/95 (OJ No. L246, 13.10.95, p.6).

⁽²⁶⁾ OJ No. L168, 2.7.94, p.34.

⁽²⁷⁾ OJ No. L316, 9.12.94, p.2.

- (h) wines or grape musts, in so far as their labelling is regulated by Council Regulation (EEC) No. 2392/89(28) laying down general rules for the description and presentation of wines and grape musts, as amended(29);
 - (i) sparkling wines and aerated sparkling wines, in so far as their labelling is regulated by Council Regulation (EEC) No. 2333/92(30) laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines;
 - (j) liqueur wines, semi-sparkling wines and aerated semi-sparkling wines, in so far as their labelling is regulated by Council Regulation (EEC) No. 3895/91(31) laying down rules for the description and presentation of special wines, and Commission Regulation (EEC) No. 3901/91(32) laying down certain detailed rules on the description and presentation of special wines;
 - (k) any spirit drinks, in so far as their labelling is regulated by Council Regulation (EEC) No. 1576/89(33) laying down general rules on the definition, description and presentation of spirit drinks, Commission Regulation (EEC) No. 3773/89(34) laying down transitional measures relating to spirituous beverages, as amended(35), and Commission Regulation (EEC) No. 1014/90(36) laying down detailed implementing rules on the definition, description and presentation of spirit drinks, as amended(37);
 - (l) fresh fruit and vegetables, in so far as their labelling is regulated by Council Regulation (EEC) No. 1035/72(38) on the common organisation of the market in fruit and vegetables, as amended(39);
 - (m) preserved sardines, in so far as their labelling is regulated by Council Regulation (EEC) No. 2136/89(40) laying down common marketing standards for preserved sardines;
 - (n) preserved tuna and bonito, in so far as their labelling is regulated by Council Regulation (EEC) No. 1536/92(41) laying down common marketing standards for preserved tuna and bonito;
 - (o) any additive sold as such which is required to be labelled in accordance with regulation 4(3) of the Extraction Solvents in Food Regulations 1993(42), or the appropriate provisions of any of the additives regulations.
- (3) This Part of these Regulations does not apply to—
- (a) any drink bottled before 1st January 1983 which has an alcoholic strength by volume of more than 1.2 per cent and which is labelled in accordance with the legislation in force at the time of bottling;
 - (b) any food prepared on domestic premises for sale for the benefit of the person preparing it by a society registered under the Industrial and Provident Societies Act 1965(43);

(28) OJ No. L232, 9.8.89, p.3.

(29) Council Regulation (EEC) No. 3886/89 (OJ No. L378, 27.12.89, p.12) and Council Regulation (EEC) No. 3897/91 (OJ No. L386, 31.12.91, p.5).

(30) OJ No. L231, 13.8.92, p.9.

(31) OJ No. L368, 31.12.91, p.1.

(32) OJ No. L368, 31.12.91, p.15.

(33) OJ No. L160, 12.6.89, p.1.

(34) OJ No. L365, 15.12.89, p.48.

(35) Commission Regulation (EEC) No. 1759/90 (OJ No. L162, 28.6.90, p.23), Commission Regulation (EEC) No. 3207/90 (OJ No. L307, 7.11.90, p.11), and Commission Regulation (EEC) No. 3750/90 (OJ No. L360, 22.12.90, p.40).

(36) OJ No. L105, 25.4.90, p.9.

(37) Commission Regulation (EEC) No. 1180/91 (OJ No. L115, 8.5.91, p.5), Commission Regulation (EEC) No. 1781/91 (OJ No. L160, 25.6.91, p.5), and Commission Regulation (EEC) No. 3458/92 (OJ No. L350, 1.12.92, p.59).

(38) OJ No. L118, 20.5.72, p.1.

(39) The relevant amending instrument is Council Regulation (EEC) No. 1603/91 (OJ No. L149, 14.6.91, p.12).

(40) OJ No. L212, 22.7.89, p.79.

(41) OJ No. L163, 17.6.92, p.1.

(42) S.I. 1993/1658, amended by S.I. 1995/1440.

(43) 1965 c. 12.

- (c) any food prepared otherwise than in the course of a business carried on by the person preparing it.

General labelling requirement

5. Subject to the following provisions of this Part of these Regulations, all food to which this Part of these Regulations applies shall be marked or labelled with—

- (a) the name of the food;
- (b) a list of ingredients;
- (c) the appropriate durability indication;
- (d) any special storage conditions or conditions of use;
- (e) the name or business name and an address or registered office of either or both of—
 - (i) the manufacturer or packer, or
 - (ii) a seller established within the European Community;
- (f) particulars of the place of origin or provenance of the food if failure to give such particulars might mislead a purchaser to a material degree as to the true origin or provenance of the food; and
- (g) instructions for use if it would be difficult to make appropriate use of the food in the absence of such instructions.

Name of the food

Name prescribed by law

6.—(1) If there is a name prescribed by law for a food, that is to say if a particular name is required to be used for the food, that name shall be used as the name of the food.

(2) The name used for food specified in Schedule 1 shall be the name required by that Schedule.

(3) A name that is required to be used for a food by paragraph (1) or (2) of this regulation may be qualified by other words which make it more precise.

Customary name

7. If there is no name prescribed by law for a food, a customary name, that is to say a name which is customary in the area where the food is sold, may be used for the food.

Indication of true nature of food

8. If—

- (a) there is no name prescribed by law for a food, and
- (b) there is no customary name or the customary name is not used,

the name used for the food shall be sufficiently precise to inform a purchaser of the true nature of the food and to enable the food to be distinguished from products with which it could be confused and, if necessary, shall include a description of its use.

Form of name

9. The name of a food may consist of a name or description or of a name and description and it may contain more than one word.

Trade marks, brand names and fancy names

10. A trade mark, brand name or fancy name shall not be substituted for the name of a food.

Indication of physical condition or treatment

11.—(1) Where a purchaser could be misled by the omission of an indication—

- (a) that a food is powdered or is in any other physical condition, or
- (b) that a food has been dried, freeze-dried, frozen, concentrated or smoked, or has been subjected to any other treatment,

the name of the food shall include or be accompanied by such an indication.

(2) Without prejudice to the generality of paragraph (1) of this regulation, the name used for a food specified in Schedule 2 shall include or be accompanied by such indication as is required by that Schedule.

List of ingredients

Heading of list of ingredients

12. The list of ingredients must be headed or preceded by an appropriate heading which consists of or includes the word “ingredients”.

Order of list of ingredients

13.—(1) Subject to the following paragraphs of this regulation, when a food is marked or labelled with a list of ingredients, the ingredients shall be listed in descending order of weight determined as at the time of their use in the preparation of the food.

(2) Subject to regulation 16, water and volatile products which are added as ingredients of a food shall be listed in order of their weight in the finished product, the weight being calculated in the case of water by deducting from the total weight of the finished product the total weight of the other ingredients used.

(3) In the case of an ingredient which is used in a food in concentrated or dehydrated form and which is reconstituted during preparation of the food, the weight used in determining the order of the list of ingredients may be the weight of the ingredient before concentration or dehydration.

(4) Without prejudice to regulation 12, where a food is in concentrated or dehydrated form and is intended to be reconstituted by the addition of water, its ingredients may be listed in descending order of their weight in the food when reconstituted as directed if the heading of the list of ingredients includes or is accompanied by the words “ingredients of the reconstituted product” or “ingredients of the ready to use product” or by some other indication to similar effect.

(5) Where a food consists of, or contains, mixed fruit, nuts, vegetables, spices or herbs and no particular fruit, nut, vegetable, spice or herb predominates significantly by weight, those ingredients may be listed otherwise than in descending order of weight if—

- (a) in the case of a food which consists entirely of such a mixture, the heading of the list of ingredients includes or is accompanied by the words “in variable proportion” or other words indicating the nature of the order in which the ingredients are listed, and
- (b) in the case of a food which contains such a mixture, that part of the list where the names of those ingredients appear is accompanied by the words “in variable proportion” or other words indicating the nature of the order in which those ingredients are listed.

Names of ingredients

14.—(1) Subject to the following paragraphs of this regulation, the name used for any ingredient in a list of ingredients shall be a name which, if the ingredient in question were itself being sold as a food, could be used as the name of the food.

(2) 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”.

(3) Where in any case other than one to which paragraph (2) of this regulation applies a purchaser could be misled by the omission from the name used for an ingredient of any indication which, if the ingredient were itself being sold as a food, would be required to be included in or to accompany the name of the food, the name used for the ingredient in a list of ingredients shall include or be accompanied by that indication unless the provision requiring the indication provides to the contrary.

(4) A generic name which appears in column 1 of Schedule 3 may be used for an ingredient which is specified in the corresponding entry in column 2 of that Schedule in accordance with any conditions that are laid down in the corresponding entry in column 3 of that Schedule.

(5) Where an ingredient being a flavouring is added to or used in a food it shall be identified by either—

- (a) the word “flavouring” or, where more than one such ingredient is used, “flavourings”, or
- (b) a more specific name or description of the flavouring (or flavourings).

(6) The word “natural”, or any other word having substantially the same meaning, may be used for an ingredient being a flavouring only where the flavouring component (or components) of such an ingredient consists (or consist) exclusively of—

- (a) a flavouring substance (or flavouring substances) which is (or are) obtained, by physical, enzymatic or microbiological processes, from material of vegetable or animal origin which material is either raw or has been subjected to a process normally used in preparing food for human consumption and to no process other than one normally so used,
- (b) a flavouring preparation (or flavouring preparations), or
- (c) both (a) and (b) above.

(7) If the name of an ingredient being a flavouring refers to the vegetable or animal nature or origin of the material which it incorporates, the word “natural”, or any other word having substantially the same meaning, may not be used for that ingredient unless, in addition to satisfying the requirements of paragraph (6) of this regulation, the flavouring component (or components) of that ingredient has (or have) been isolated by physical, enzymatic or microbiological processes, or by a process normally used in preparing food for human consumption, solely or almost solely from that vegetable or animal source.

(8) In paragraphs (6) and (7) of this regulation—

- (a) distillation and solvent extraction shall be regarded as included among types of physical process, and
- (b) drying, torrefaction and fermentation shall be treated as included among the types of process normally used in preparing food for human consumption.

(9) An additive which is added to or used in a food to serve the function of one of the categories of additives listed in Schedule 4 shall be identified by the name of that category followed by the additive’s specific name or serial number (if any). An additive which is added to or used in a food to serve more than one such function shall be identified by the name of the category that represents the principal function served by the additive in that food followed by the additive’s specific name or serial number (if any).

(10) An additive which is required to be named in the list of ingredients of a food and which is neither a flavouring nor serves the function of one of the categories of additives listed in Schedule 4 shall be identified by its specific name.

(11) In this regulation “serial number” means the number specified for an additive in any of the additive regulations or in Schedule 3 to the Bread and Flour Regulations.

Compound ingredients

15.—(1) Subject to paragraphs (3) and (4) of this regulation, where a compound ingredient is used in the preparation of a food, the names of the ingredients of the compound ingredient shall be given in the list of ingredients of the food either instead of or in addition to the name of the compound ingredient itself.

(2) If the name of a compound ingredient is given, it shall be immediately followed by the names of its ingredients in such a way as to make it clear that they are ingredients of that compound ingredient.

(3) The names of the ingredients of a compound ingredient need not be given in a case where the compound ingredient would not be required to be marked or labelled with a list of ingredients if it were itself being sold prepacked as a food.

(4) The names of the ingredients of a compound ingredient need not be given in a case where—

- (a) the compound ingredient is identified in the list of ingredients by a generic name in accordance with regulation 14(4), or
- (b) the compound ingredient constitutes less than 25 per cent of the finished product, except that, subject to regulation 17, any additive which is an ingredient of such a compound ingredient shall be named in the list of ingredients in accordance with paragraph (2) of this regulation.

Added water

16.—(1) Water which is added as an ingredient of a food shall be declared in the list of ingredients of the food unless—

- (a) it is used in the preparation of the food solely for the reconstitution or partial reconstitution of an ingredient used in concentrated or dehydrated form; or
- (b) it is used as, or as part of, a medium which is not normally consumed; or
- (c) it does not exceed 5 per cent of the finished product.

(2) Water which is added to any frozen or quick-frozen chicken carcase to which Commission Regulation (EEC) No. 1538/91(44) applies, as amended by Commission Regulation (EEC) No. 2891/93(45), introducing detailed rules for implementing Council Regulation (EEC) No. 1906/90 on certain marketing standards for poultry, need not be declared in the list of ingredients of the food.

Ingredients which need not be named

17. The following ingredients of a food need not be named in its list of ingredients:

- (a) constituents of an ingredient which have become temporarily separated during the manufacturing process and are later re-introduced in their original proportions;

(44) OJ No. L143, 7.6.91, p.11.

(45) OJ No. L263, 22.10.93, p.12.

- (b) any additive whose presence in the food is due solely to the fact that it was contained in an ingredient of the food, if it serves no significant technological function in the finished product;
- (c) any additive which is used solely as a processing aid;
- (d) any substance other than water which is used as a solvent or carrier for an additive and is used in an amount that is no more than that which is strictly necessary for that purpose.

Foods which need not bear a list of ingredients

18.—(1) The following foods need not be marked or labelled with a list of ingredients:

- (a) fresh fruit and vegetables, including potatoes, which have not been peeled or cut into pieces;
 - (b) carbonated water, to which no ingredient other than carbon dioxide has been added, and whose name indicates that it has been carbonated;
 - (c) vinegar which is derived by fermentation exclusively from a single basic product and to which no other ingredient has been added;
 - (d) cheese, butter, fermented milk and fermented cream, to which no ingredient has been added other than lactic products, enzymes and micro-organism cultures essential to manufacture or, in the case of cheese other than fresh curd cheese and processed cheese, such amount of salt as is needed for its manufacture;
 - (e) any food consisting of a single ingredient, including flour to which no substances have been added other than those which are required to be present in the flour by regulation 4 of the Bread and Flour Regulations;
 - (f) any drink with an alcoholic strength by volume of more than 1.2 per cent.
- (2) Without prejudice to regulation 12, in the case of—
- (a) any vinegar which is derived by fermentation exclusively from a single basic product and to which any other ingredient has been added, or
 - (b) any cheese, butter, fermented milk or fermented cream, to which any ingredient, other than one which is mentioned in paragraph (1)(d) of this regulation, has been added,

only those other added ingredients need be named in the list of ingredients, if the heading of the list includes or is accompanied by the words “added ingredients” or other words indicating that the list is not a complete list of ingredients.

(3) The labelling of any food that is not required to bear a list of ingredients shall not include a list of ingredients unless the food is marked or labelled with a complete list of ingredients in accordance with regulations 12 to 17 as if it were required to be so marked or labelled.

Ingredients given special emphasis

Indication of minimum or maximum percentage of ingredients

19.—(1) Where a food is characterised by the presence of a particular ingredient, the labelling of the food shall not place special emphasis on the presence of that ingredient, unless it includes a declaration of the minimum percentage of that ingredient in the food, determined as at the time of its use in the preparation of the food.

(2) Where a food is characterised by the low content of a particular ingredient, the labelling of the food shall not place special emphasis on the low content of that ingredient, unless it includes a declaration of the maximum percentage of that ingredient in the food, determined as at the time of its use in the preparation of the food.

- (3) Any declaration required by paragraph (1) or (2) of this regulation shall either—
- (a) appear next to the name of the food, or
 - (b) accompany the name of the ingredient in question in the list of ingredients.
- (4) A reference in the name of a food to a particular ingredient shall not of itself constitute the placing of special emphasis on the presence or low content of that ingredient.
- (5) A reference in the labelling of a food to an ingredient which is used in a small quantity and only as a flavouring shall not of itself constitute the placing of special emphasis on the presence or low content of that ingredient.

Appropriate durability indication

Form of indication of minimum durability

20.—(1) Subject to the following paragraphs of this regulation, the minimum durability of a food shall be indicated by the words “best before” followed by—

- (a) the date up to and including which the food can reasonably be expected to retain its specific properties if properly stored, and
- (b) any storage conditions which need to be observed if the food is to retain its specific properties until that date.

(2) The date in the indication of minimum durability shall be expressed in terms of a day, month and year (in that order), except that—

- (a) in the case of a food which can reasonably be expected to retain its specific properties for three months or less, it may be expressed in terms of a day and month only;
- (b) in the case of a food which can reasonably be expected to retain its specific properties for more than three months but not more than 18 months it may be expressed in terms of a month and year only, if the words “best before” are replaced by the words “best before end”, and
- (c) in the case of a food which can reasonably be expected to retain its specific properties for more than 18 months it may be expressed either in terms of a month and year only or in terms of a year only, if (in either case) the words “best before” are replaced by the words “best before end”.

(3) Either—

- (a) the date up to and including which a food can reasonably be expected to retain its specific properties if properly stored, or
- (b) that date and any storage conditions which need to be observed if the food is to retain its specific properties until that date,

may appear on the labelling of a food separately from the words “best before” or “best before end”, as the case may be, provided that those words are followed by a reference to the place where the date (or the date and the storage conditions) appears (or appear).

Form of indication of “use by” date

21.—(1) Where a “use by” date is required in respect of a food it shall be indicated by the words “use by” followed by—

- (a) the date up to and including which the food, if properly stored, is recommended for use, and
- (b) any storage conditions which need to be observed.

(2) The “use by” date shall be expressed in terms either of a day and month (in that order) or of a day, a month and a year (in that order).

(3) Either—

(a) the date up to and including which a food required to bear a “use by” date is recommended for use, or

(b) that date and any storage conditions which need to be observed,

may appear separately from the words “use by”, provided that those words are followed by a reference to the place where the date (or the date and the storage conditions) appears (or appear).

Foods which need not bear an appropriate durability indication

22. The following foods need not be marked or labelled with an appropriate durability indication:

- (a) fresh fruit and vegetables (including potatoes but not including sprouting seeds, legume sprouts and similar products) which have not been peeled or cut into pieces;
- (b) wine, liqueur wine, sparkling wine, aromatised wine and any similar drink obtained from fruit other than grapes;
- (c) any drink made from grapes or grape musts and coming within codes 2206 00 39, 2206 00 59 and 2206 00 89 of the Combined Nomenclature given in Council Regulation (EEC) No. 2658/87(46) on the tariff and statistical nomenclature and on the Common Customs Tariff, as amended(47);
- (d) any drink with an alcoholic strength by volume of 10 per cent or more;
- (e) any soft drink, fruit juice or fruit nectar or alcoholic drink, sold in a container containing more than 5 litres and intended for supply to catering establishments;
- (f) any flour confectionery and bread which, given the nature of its content, is normally consumed within 24 hours of its preparation;
- (g) vinegar;
- (h) cooking and table salt;
- (i) solid sugar and products consisting almost solely of flavoured or coloured sugars;
- (j) chewing gums and similar products;
- (k) edible ices in individual portions.

Omission of certain particulars

Food which is not prepacked and similar food, and fancy confectionery products

23.—(1) This regulation applies to—

(a) food which is—

(i) not prepacked, or

(ii) prepacked for direct sale,

other than any such food to which regulation 27 applies;

(b) any flour confectionery which is packed in a crimp case only or in wholly transparent packaging which is either unmarked or marked only with an indication of the price of the food and any lot marking indication given in accordance with the Food (Lot Marking)

(46) OJ No. L256, 7.9.87, p.1.

(47) Relevant amendment is Commission Regulation (EEC) No. 2551/93, OJ No. L241, 27.9.93, p.1.

Regulations 1992(48), if there is not attached to the flour confectionery or its packaging any document, notice, label, ring or collar (other than a label (or labels) on which only the price of the food and any lot marking indication are marked); and

- (c) individually wrapped fancy confectionery products which are not enclosed in any further packaging and which are intended for sale as single items.

(2) Subject to paragraph (3) of this regulation, food to which this regulation applies need not be marked or labelled with any of the particulars specified in regulation 5 except—

- (a) the name of the food; and
- (b) in the case of milk, the particulars required by regulation 5(f) (where the appropriate circumstances described in that regulation apply) and, if such milk is raw milk, the particulars required by regulation 5(e)(i),

nor, where but for this regulation they would otherwise be required, with any of the particulars specified in regulations 32, 33 and 34; and

(3) Food to which this regulation applies which has not been irradiated and which is—

- (a) not exposed for sale, or
- (b) white bread or flour confectionery, or
- (c) carcasses and parts of carcasses which are not intended for sale in one piece,

need not be marked or labelled with any of the particulars specified in regulation 5.

Indication of additives

24.—(1) Subject to the following paragraphs of this regulation, any food which—

- (a) by virtue of regulation 23 alone is not marked or labelled with a list of ingredients, and
- (b) contains any additive which—
 - (i) but for regulation 23, would be required to be named in the list of ingredients of the food, and
 - (ii) was added to or used in the food or an ingredient of the food to serve the function of an antioxidant, colour, flavouring, flavour enhancer, preservative, or sweetener,shall be marked or labelled with an indication of every such category of additive that is contained in the food.

(2) Any edible ice or flour confectionery which, but for this paragraph, would be required to be marked or labelled in accordance with paragraph (1) of this regulation need not be so marked or labelled if there is displayed in a prominent position near the edible ice or flour confectionery a notice stating, subject to paragraph (3) of this regulation, that edible ices or flour confectionery, as the case may be, sold at the establishment where the notice is displayed may contain such categories of additives.

(3) Where, in the circumstances described in paragraph (1) or (2) of this regulation, an additive serves more than one of the functions specified in the said paragraph (1), it shall only be necessary to indicate that category which represents the principal function served by the additive in the food or ingredient to which it was added or in which it was used.

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

Indication of irradiated ingredients

25.—(1) Subject to paragraph (2) of this regulation, any food which—

- (a) by virtue of regulation 23 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.

Small packages and certain indelibly marked bottles

26.—(1) Subject to the following paragraphs of this regulation, any prepacked food, either contained in an indelibly marked glass bottle intended for re-use and having no label, ring or collar, or the largest surface of whose packaging has an area of less than ten square centimetres, need not by virtue of these Regulations be marked or labelled with any of the particulars specified in regulation 5 except the name of the food and, unless the food is not required to be marked or labelled with such an indication, the appropriate durability indication.

(2) Any bottle referred to in paragraph (1) of this regulation which contains milk shall also be marked or labelled with the particulars required by regulation 5(f) (where the appropriate circumstances described in that regulation apply) and, if such milk is raw milk, with the particulars required by regulation 5(e)(i).

- (3) Subject to paragraphs (4) and (5) of this regulation, any prepacked food which—

- (a) is sold or supplied as an individual portion, and
- (b) is intended as a minor accompaniment to either—
 - (i) another food, or
 - (ii) another service,

need not be marked or labelled with any of the particulars specified in regulation 5 except the name of the food nor, where but for this regulation they would otherwise be required, with any of the particulars specified in regulations 32, 33 and 34. Such prepacked food shall include butter and other fat spreads, milk, cream and cheeses, jams and marmalades, mustards, sauces, tea, coffee and sugar, and such other service shall include the provision of sleeping accommodation at an hotel or other establishment at which such accommodation is provided by way of trade or business.

- (4) This regulation does not apply to any food to which regulation 23 or 27 applies.

- (5) Any bottle referred to in paragraph (1) of this regulation need not—

- (a) where it contains milk, or
- (b) where it contains any other food, in which case until 1st January 1997,

be marked or labelled with an appropriate durability indication.

Certain food sold at catering establishments

27.—(1) Subject to the following paragraphs of this regulation, any food which is sold at a catering establishment and is either—

- (a) not prepacked, or
- (b) prepacked for direct sale,

need not be marked or labelled with any of the particulars specified in regulation 5 nor, where but for this regulation they would otherwise be required, with any of the particulars specified in regulations 32, 33 and 34.

(2) In the case of any such food being milk which is prepacked for direct sale it shall be marked or labelled with the particulars required by regulations 5(f) (where the appropriate circumstances described in that regulation apply) and, if such milk is raw milk, the particulars required by regulation 5(e)(i).

(3) In the case of any such food which has been irradiated that food shall be marked or labelled with an indication of such treatment, which indication shall include or be accompanied by the word “irradiated” or the words “treated with ionising radiation”.

(4) In the case of any such food which 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 36(3) and (4)) 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”.

Seasonal selection packs

28. The outer packaging of a seasonal selection pack need not be marked or labelled with any of the particulars specified by these Regulations, provided that each item contained in the pack is individually prepacked and is marked or labelled in accordance with the provisions of these Regulations or any other Regulations applying to such item.

Additional labelling requirements for certain categories of food

Food sold from vending machines

29.—(1) Subject to paragraph (2) of this regulation, where any food is sold from a vending machine, without prejudice to any other labelling requirements imposed by these Regulations, there shall appear on the front of the machine a notice indicating the name of the food (unless that name appears on the labelling of the food in such a manner as to be easily visible and clearly legible to an intending purchaser through the outside of the machine), together with—

- (a) in the event that such food is not prepacked, and there is made in respect of it (whether on the machine or elsewhere) a claim of a type described in Part II of Schedule 6, a notice giving the prescribed nutrition labelling described in paragraph 2 of Part II of Schedule 7;
- (b) in the event that such food is one which should properly be reheated before it is eaten, but suitable instructions for such reheating are not given on the packaging (if any) of the food, a notice giving such instructions.

(2) A notice required under sub-paragraph (a) or (b) of paragraph (1) of this regulation shall appear either—

- (a) on the front of the vending machine, or
- (b) in close proximity to the machine and in such a way as to be readily discernible by an intending purchaser.

Prepacked alcoholic drinks other than Community controlled wine

30.—(1) In the case of prepacked alcoholic drinks other than Community controlled wine, every drink with an alcoholic strength by volume of more than 1.2 per cent shall be marked or labelled with an indication of its alcoholic strength by volume in the form of a figure to not more than one

decimal place (which may be preceded by the word “alcohol” or by the abbreviation “alc”) followed by the symbol “% vol”.

(2) Positive and negative tolerances shall be permitted in respect of the indication of alcoholic strength by volume and shall be those specified in Schedule 5, expressed in absolute values.

(3) For the purposes of this regulation, the alcoholic strength of any drink shall be determined at 20°C.

Raw milk

31.—(1) Subject to paragraph (3) of this regulation, and except in cases to which paragraph (2) of this regulation applies, the container in which any raw milk is sold shall be marked or labelled with the words “This milk has not been heat-treated and may therefore contain organisms harmful to health”.

(2) Subject to paragraph (3) of this regulation, in the case of any raw milk which is not prepacked and is sold at a catering establishment there shall appear—

- (a) on a label attached to the container in which that milk is sold, or
- (b) on a ticket or notice that is readily discernible by an intending purchaser at the place where he chooses that milk,

the words “Milk supplied in this establishment has not been heat-treated and may therefore contain organisms harmful to health”.

(3) The provisions of paragraphs (1) and (2) of this regulation shall not apply to raw milk from buffaloes.

Products consisting of skimmed milk together with non-milk fat

32. The container in which any product—

- (a) consisting of skimmed milk together with non-milk fat,
 - (b) which is capable of being used as a substitute for milk, and
 - (c) which is neither—
 - (i) an infant formula or a follow-on formula, nor
 - (ii) a product specially formulated for infants or young children for medical purposes,
- is sold shall be prominently marked or labelled with a warning that the product is unfit, or not to be used, as food for babies.

Foods packaged in certain gases

33. A food the durability of which has been extended by means of its being packaged in any packaging gas authorised pursuant to Council Directive [89/107/EEC](#)(**49**), concerning food additives for use in foodstuffs intended for human consumption, shall be marked or labelled with the indication “packaged in a protective atmosphere”.

Foods containing sweeteners, added sugar and sweeteners, aspartame or polyols

34.—(1) A food containing a sweetener or sweeteners authorised pursuant to the Sweeteners in Food Regulations 1995(**50**) shall be marked or labelled with the indication “with sweetener(s)”.

(49) OJ No. L40, 11.2.89, p.27.

(50) S.I. [1995/3123](#), as amended by S.I. [1996/1477](#).

(2) A food containing both an added sugar or sugars and a sweetener or sweeteners authorised pursuant to those Regulations shall be marked or labelled with the indication “with sugar(s) and sweetener(s)”.

(3) A food containing aspartame shall be marked or labelled with the indication “contains a source of phenylalanine”.

(4) A food containing more than 10% added polyols shall be marked or labelled with the indication “excessive consumption may produce laxative effects”.

(5) The indications required by paragraphs (1) and (2) above shall accompany the name of the food.

Manner of marking or labelling

General requirement

35. When any food other than food to which regulation 23, 27 or 31 applies is sold, the particulars with which it is required to be marked or labelled by these Regulations shall appear—

- (a) on the packaging, or
- (b) on a label attached to the packaging, or
- (c) on a label that is clearly visible through the packaging,

save that where the sale is otherwise than to the ultimate consumer such particulars may, alternatively, appear only on the commercial documents relating to the food where it can be guaranteed that such documents, containing all such particulars, either accompany the food to which they relate or were sent before, or at the same time as, delivery of the food, and provided always that the particulars required by regulation 5(a), (c) and (e) shall also be marked or labelled on the outermost packaging in which that food is sold.

Food to which regulation 23 or 27 applies

36.—(1) When any food to which regulation 23 or 27 applies is sold to the ultimate consumer, the particulars with which it is required to be marked or labelled by these Regulations shall, except in a case to which paragraph (2) of this regulation applies, appear—

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

(2) In any case where food to which paragraph (1)(b) 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, 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 (3), with paragraph (4) or with paragraphs (3) and (4) of this regulation.

(3) 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 (1)(b) 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”.

(4) 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 (1)(b) 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”.

(5) When any food to which regulation 23 applies is sold otherwise than to the ultimate consumer, the particulars with which it is required to be marked or labelled by these Regulations shall appear—

- (a) on a label attached to the food, or
- (b) on a ticket or notice that is readily discernible by the intending purchaser at the place where he chooses the food, or
- (c) in commercial documents relating to the food where it can be guaranteed that such documents either accompany the food to which they relate or were sent before, or at the same time as, delivery of the food.

Milk

37.—(1) Subject to paragraph (2) of this regulation, in the case of milk that is contained in a bottle, any particulars which are required to be given under these Regulations may be given on the bottle cap.

(2) In the case of raw milk contained in a bottle, the particulars specified in regulation 31(1) shall be given elsewhere than on the bottle cap.

Intelligibility

38.—(1) The particulars with which a food is required to be marked or labelled by these Regulations, or which appear on a menu, notice, ticket or label pursuant to these Regulations, shall be easy to understand, clearly legible and indelible and, when a food is sold to the ultimate consumer, the said particulars shall be marked in a conspicuous place in such a way as to be easily visible.

(2) Such particulars shall not in any way be hidden, obscured or interrupted by any other written or pictorial matter.

(3) Paragraph (1) of this regulation shall not be taken to preclude the giving of such particulars at a catering establishment, in respect of foods the variety and type of which are changed regularly, by means of temporary media (including the use of chalk on a blackboard).

Field of vision

39.—(1) Where a food is required to be marked or labelled with more than one of the following indications, such indications shall appear in the labelling of the food in the same field of vision—

- (a) the name of the food,
- (b) an appropriate durability indication,
- (c) an indication of alcoholic strength by volume,
- (d) the cautionary words in respect of raw milk,
- (e) the warning required on certain products by regulation 32, and
- (f) an indication of the net quantity as required by the Weights and Measures Act 1985⁽⁵¹⁾ or by any Order or Regulations made thereunder.

(2) Paragraph (1)(b), (c) and (f) of this regulation shall not apply to any food sold in a bottle or packaging where such bottle or packaging is the subject of regulation 26.

(51) 1985 c. 72.

PART III

CLAIMS, NUTRITION LABELLING AND MISLEADING DESCRIPTIONS

Claims

40.—(1) A claim of the type described in Part I of Schedule 6 shall not be made, either expressly or by implication, in the labelling or advertising of a food.

(2) A claim of a type described in Part II of Schedule 6 shall not be made, either expressly or by implication, in the labelling or advertising of a food, except in accordance with the appropriate conditions set out in that Part of that Schedule.

(3) Where a claim is a claim of two or more of the types described in Part II of Schedule 6, the conditions appropriate to each of the relevant types of claim shall be observed.

Supplementary provisions relating to claims

41.—(1) Nothing in regulation 40 or Schedule 6 shall be taken to prevent the dissemination of useful information or recommendations intended exclusively for persons having qualifications in dentistry, medicine, nutrition, dietetics or pharmacy.

(2) A reference to a substance in a list of ingredients or in any nutrition labelling shall not of itself constitute a claim of a type described in Schedule 6.

(3) In Schedule 6 any condition that a food in respect of which a claim is made shall be marked or labelled with the prescribed nutrition labelling shall not apply in the case of—

- (a) a food (other than a food sold from a vending machine) which is not prepacked and which is sold to the ultimate consumer at a catering establishment, or
- (b) a claim contained within generic advertising,

but in respect of a food described in sub-paragraph (a) there may be given such of the elements of the prescribed nutrition labelling which, but for this paragraph, would have been required or permitted to be given, as it is wished to include, and where all or any such elements are given this shall be in accordance with Part I of Schedule 7, except that in applying paragraph 4 of that Part, in place of paragraphs (a)(i) and (ii) to that paragraph there shall be read references to—

- (i) an unquantified serving of the food, and
- (ii) any one portion of the food.

(4) Where nutrition labelling not being prescribed nutrition labelling is given it shall be given in all respects as if it were prescribed nutrition labelling except that in applying in this context the requirements for prescribed nutrition labelling described in Schedule 7, Part II of that Schedule shall be read as if paragraph 1(d), and the proviso to paragraph 1(a), were omitted.

Misleading descriptions

42.—(1) The words and descriptions specified in column 1 of Part I of Schedule 8 shall not be used in the labelling or advertising of a food, except in accordance with the appropriate conditions set out in column 2 of that Part of that Schedule.

(2) The name specified in column 1 of Part II of Schedule 8 shall not be used in the labelling or advertising of any cheese as the name of the cheese, whether or not qualified by other words, unless—

- (a) the amount of water in the cheese expressed as a percentage of the total weight of the cheese does not exceed the percentage stated in column 2 of Part II of Schedule 8 opposite that name, and

(b) the amount of milk fat in the cheese expressed as a percentage of the dry matter of the cheese is not less than 48 per cent.

(3) The name specified in column 1 of Part III of Schedule 8 shall not be used in the labelling or advertising of any cream as the name of the cream, whether or not qualified by other words, unless the cream complies with the requirements specified in column 2 of that Part of that Schedule opposite that name; except that the relevant requirement as to milk fat content need not be complied with if the name contains qualifying words which indicate that the milk fat content of the cream is greater or less than that specified in column 2, as the case may be.

The word “wine”

43.—(1) Subject to the following provisions of this regulation, the word “wine” may be used in a composite name in the labelling or advertising of food for a drink which is not wine as defined in Annex I to Council Regulation (EEC) No. 822/87.

(2) The word “wine” shall not be used pursuant to paragraph (1) of this regulation as part of a composite name which is likely to cause confusion with wine or table wine as defined in Annex I to Council Regulation (EEC) No. 822/87.

(3) Each word that forms part of a composite name used pursuant to paragraph (1) of this regulation must appear in lettering of the same type and colour and of such a height that the composite name is clearly distinguishable from other particulars.

(4) The composite name “non-alcoholic wine” shall not be used pursuant to paragraph (1) of this regulation, except for a drink derived from unfermented grape juice which is intended exclusively for communion or sacramental use and which is described clearly in its labelling or advertising, as the case may be, as being exclusively for such use.

(5) When the word “wine” is used in a composite name for a drink which is derived from fruit other than grapes, that drink shall be obtained by an alcoholic fermentation of that fruit.

PART IV

OFFENCES AND LEGAL PROCEEDINGS

Offences and penalties

44.—(1) If any person—

- (a) sells any food which is not marked or labelled in accordance with the provisions of Part II of these Regulations, or
- (b) sells or advertises for sale any food in respect of which a claim is made, nutrition labelling is given or a description or a name is used in contravention of the provisions of Part III of these Regulations, or
- (c) sells any food from a vending machine in contravention of regulation 29, or
- (d) sells any food after the date shown in a “use by” date relating to it, or
- (e) being a person other than whichever of—
 - (i) the manufacturer,
 - (ii) the packer, or
 - (iii) the seller established within the European Community,

was originally responsible for so marking the food, removes or alters the appropriate durability indication relating to that food,

he shall be guilty of an offence and shall be 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.

Enforcement

45.—(1) Subject to paragraph (2) of this regulation, each food authority shall enforce and execute these Regulations in its area.

(2) Each port health authority shall enforce and execute these Regulations in its district in relation to imported food.

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

(a) the council of a district in a non-metropolitan county in England except—

(i) where the county functions have been transferred to that council pursuant to a structural change; or

(ii) in relation to regulations 44(1)(d) and 44(1)(e);

(b) 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 case of alteration of appropriate durability indication

46. In any proceedings for an offence under regulation 44(1)(e) it shall be a defence for the person charged to prove that each removal or alteration in respect of which the offence is alleged was effected under the written authorisation of a person capable of effecting that removal or alteration without contravention of that provision.

Defence in relation to exports

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

(a) that the food 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 it complies with that legislation; and

(b) that the legislation complies with the provisions of Council Directive [79/112/EEC](#)(**52**) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, as amended(**53**), in the case of export to an EEA State.

Application of various sections of the Food Safety Act 1990

48. 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 as a reference to these Regulations—

(52) OJ No. L33, 8.2.79, p.1.

(53) Act concerning the Conditions of Accession and Adjustment to the Treaties—Accession to the European Communities of the Kingdom of Spain and the Portuguese Republic (OJ No. L302, 15.11.85, p.218), Council Directive [85/7/EEC](#) (OJ No. L2, 3.1.85, p.22), Council Directive [86/197/EEC](#) (OJ No. L144, 29.5.86, p.38), Council Directive [89/395/EEC](#) (OJ No. L186, 30.6.89, p.17), Commission Directive [91/72/EEC](#) (OJ No. L42, 15.2.91, p.27), Commission Directive [93/102/EEC](#) (OJ No. L291, 25.11.93, p.14), as read with the EEA Agreement (OJ No. L1, 3.1.94, p.1).

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

PART V

REVOCATIONS, AMENDMENTS AND TRANSITIONAL PROVISION

Revocations and amendments

49.—(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 Specified Sugar Products Regulations 1976(**54**), in paragraph (1) of regulation 2 (interpretation), for the definition of “sugar confectionery” there shall be substituted the following definition—

““sugar confectionery” means any food which is ready for consumption without further preparation, of which a characterising ingredient is carbohydrate sweetening matter, and includes sweetened liquorice and chewing gum, but does not include any chocolate confectionery, chocolate products, cocoa products, flour confectionery, edible ice, table jellies, slab marzipan or sugar;”

(3) In the Specified Sugar Products (Scotland) Regulations 1976(**55**), in paragraph (1) of regulation 2 (interpretation), for the definition of “sugar confectionery” there shall be substituted the following definition—

““sugar confectionery” means any food which is ready for consumption without further preparation, of which a characterising ingredient is carbohydrate sweetening matter, and includes sweetened liquorice and chewing gum, but does not include any chocolate confectionery, chocolate products, cocoa products, flour confectionery, edible ice, table jellies, slab marzipan or sugar;”

(4) In paragraph 2(c) of regulation 7 (declaration of the presence of certain ingredients in chocolate products) of both—

(a) the Cocoa and Chocolate Products Regulations 1976(**56**), for the words “regulation 22 of the Labelling of Food Regulations 1970, as amended”, and

(b) the Cocoa and Chocolate Products (Scotland) Regulations 1976(**57**), for the words “regulation 22 of the Labelling of Food (Scotland) Regulations 1970, as amended”,

there shall be substituted the words “regulations 40 and 41 of, as read with items 4 and 5 of Part II of Schedule 6 to, the Food Labelling Regulations 1996”.

(54) S.I. 1976/509; relevant amendment is S.I. 1980/1849.

(55) S.I. 1976/946; relevant amendment is S.I. 1981/137.

(56) S.I. 1976/541, to which there are amendments not relevant to these Regulations.

(57) S.I. 1976/914, to which there are amendments not relevant to these Regulations.

(5) In both the Fruit Juices and Fruit Nectars Regulations 1977(**58**) (hereinafter in this paragraph referred to as “the English and Welsh Regulations”) and the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977(**59**) (hereinafter in this paragraph referred to as “the Scottish Regulations”)—

(a) in—

(i) paragraph (1) of regulation 2 (interpretation), in the definition of “ultimate consumer”, and

(ii) paragraph (9) of regulation 7 (miscellaneous labelling),

for the words “Food Labelling Regulations 1984” in the English and Welsh Regulations, and the words “Food Labelling (Scotland) Regulations 1984” in the Scottish Regulations, there shall be substituted the words “Food Labelling Regulations 1996”;

(b) in—

(i) paragraph (1) of regulation 4 (name of the food),

(ii) regulation 6 (list of ingredients), and

(iii) paragraph (7)(b)(iii) of regulation 7,

for the words “Food Labelling Regulations 1980” in the English and Welsh Regulations, and the words “Food Labelling (Scotland) Regulations 1981” in the Scottish Regulations, there shall be substituted the words “Food Labelling Regulations 1996”;

(c) in paragraph (8) of regulation 7, for sub-paragraph (d) there shall be substituted the following sub-paragraph—

“(d) food to which regulation 27 of the Food Labelling Regulations 1996 (which relates to certain food sold at catering establishments) applies.”

, and

(d) in regulation 8 (manner of marking or labelling)—

(i) for the words “Regulation 31 to 33 of the Food Labelling Regulations 1980” at the beginning of that regulation, and the words “Food Labelling Regulations 1980” at the end of that regulation, in the English and Welsh Regulations, and

(ii) for the words “Regulation 31 to 33 of the Food Labelling (Scotland) Regulations 1981” at the beginning of that regulation, and the words “Food Labelling (Scotland) Regulations 1981” at the end of that regulation, in the Scottish Regulations,

there shall be substituted, at the beginning of that regulation, the words “Regulations 35, 36 and 38 of the Food Labelling Regulations 1996” and, at the end of that regulation, the words “Food Labelling Regulations 1996”.

(6) In both the Condensed Milk and Dried Milk Regulations 1977(**60**) (hereinafter in this paragraph referred to as “the English and Welsh Regulations”) and the Condensed Milk and Dried Milk (Scotland) Regulations 1977(**61**) (hereinafter in this paragraph referred to as “the Scottish Regulations”)—

(a) in paragraph (1) of regulation 5 (labelling and description of condensed milk and dried milk products for retail sale)—

(i) for the words “Food Labelling Regulations 1984” in the first place that they occur, and, in sub-paragraph (a), for the words “regulation 7(1) of the Food Labelling Regulations 1984”, in the English and Welsh Regulations, and

(58) S.I. 1977/927; relevant amendments are S.I. 1982/1311 and 1991/1284.

(59) S.I. 1977/1026; relevant amendments are S.I. 1982/1619 and 1991/1284.

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

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

(ii) for the words “Food Labelling (Scotland) Regulations 1984” in the first place that they occur, and, in sub-paragraph (a), for the words “regulation 7(1) of the Food Labelling (Scotland) Regulations 1984”, in the Scottish Regulations,

there shall be substituted, in the said first place, the words “Food Labelling Regulations 1996” and, in sub-paragraph (a), the words “regulation 6(1) of the Food Labelling Regulations 1996”;

(b) in paragraph (1) of regulation 6 (manner of marking or labelling for retail sale)—

(i) for the words “Regulations 32(1) and 34(1) and (2) of the Food Labelling Regulations 1984” at the beginning of that paragraph, and the words “Food Labelling Regulations 1984” at the end of that paragraph, in the English and Welsh Regulations, and

(ii) for the words “Regulations 32(1) and 34(1) and (2) of the Food Labelling (Scotland) Regulations 1984” at the beginning of that paragraph, and the words “Food Labelling (Scotland) Regulations 1984” at the end of that paragraph, in the Scottish Regulations.

there shall be substituted, at the beginning of that paragraph, the words “Regulations 35 and 38 of the Food Labelling Regulations 1996” and, at the end of that paragraph, the words “Food Labelling Regulations 1996”, and

(c) in paragraph (2) of regulation 6, for the words “regulation 21 of the Food Labelling Regulations 1984” in the English and Welsh Regulations and the words “regulation 21 of the Food Labelling (Scotland) Regulations 1984” in the Scottish Regulations there shall be substituted the words “regulation 20 of the Food Labelling Regulations 1996”.

(7) In both the Coffee and Coffee Products Regulations 1978(**62**) (hereinafter in this paragraph referred to as “the English and Welsh Regulations”) and the Coffee and Coffee Products (Scotland) Regulations 1979(**63**) (hereinafter in this paragraph referred to as “the Scottish Regulations”)—

(a) in paragraph (1) of regulation 5 (labelling and description of designated products for retail sale)—

(i) for the words “Food Labelling Regulations 1984” in the first and last places that they occur, and, in sub-paragraph (a), for the words “regulation 7(1) of the Food Labelling Regulations 1984”, in the English and Welsh Regulations, and

(ii) for the words “Food Labelling (Scotland) Regulations 1984” in the first and last places that they occur, and, in sub-paragraph (a), for the words “regulation 7(1) of the Food Labelling (Scotland) Regulations 1984”, in the Scottish Regulations,

there shall be substituted, in the said first and last places, the words “Food Labelling Regulations 1996” and, in sub-paragraph (a), the words “regulation 6(1) of the Food Labelling Regulations 1996”;

(b) in paragraph (1) of regulation 6 (manner of marking or labelling)—

(i) for the words “Regulations 32(1) and 34(1) and (2) of the Food Labelling Regulations 1984” at the beginning of that paragraph, and the words “Food Labelling Regulations 1984” at the end of that paragraph, in the English and Welsh Regulations, and

(ii) for the words “Regulations 32(1) and 34(1) and (2) of the Food Labelling (Scotland) Regulations 1984” at the beginning of that paragraph, and the words “Food Labelling (Scotland) Regulations 1984” at the end of that paragraph, in the Scottish Regulations,

(62) S.I. 1978/1420; relevant amending instrument is S.I. 1987/1986.

(63) S.I. 1979/383; relevant amending instrument is S.I. 1987/2014.

there shall be substituted, at the beginning of that paragraph, the words “Regulations 35 and 38 of the Food Labelling Regulations 1996” and, at the end of that paragraph, the words “Food Labelling Regulations 1996”, and

- (c) in paragraph (2) of regulation 6, for the words “regulation 21 of the Food Labelling Regulations 1984” in the English and Welsh Regulations and the words “regulation 21 of the Food Labelling (Scotland) Regulations 1984” in the Scottish Regulations there shall be substituted the words “regulation 20 of the Food Labelling Regulations 1996”.

(8) In both the Jam and Similar Products Regulations 1981⁽⁶⁴⁾ (hereinafter in this paragraph referred to as “the English and Welsh Regulations”) and the Jam and Similar Products (Scotland) Regulations 1981⁽⁶⁵⁾ (hereinafter in this paragraph referred to as “the Scottish Regulations”)—

(a) in—

(i) paragraph (1) of regulation 2 (interpretation), in the definitions of “additive”, “ingredient”, “labelling” and “prepacked”,

(ii) paragraph (1) of regulation 5 (name of the food),

(iii) paragraph (1) of regulation 7 (list of ingredients), and

(iv) sub-paragraph (c) of regulation 9 (field of vision),

for the words “Food Labelling Regulations 1980” in the English and Welsh Regulations and the words “Food Labelling (Scotland) Regulations 1981” in the Scottish Regulations there shall be substituted the words “Food Labelling Regulations 1996”;

- (b) in paragraph (1) of regulation 7A, for the words “Food Labelling Regulations 1984” in the English and Welsh Regulations and the words “Food Labelling (Scotland) Regulations 1984” in the Scottish Regulations there shall be substituted the words “Food Labelling Regulations 1996”;

- (c) in paragraph (7) of regulation 8 (miscellaneous labelling requirements), for sub-paragraph (c) there shall be substituted the following sub-paragraph—

“(c) food to which regulation 27 of the Food Labelling Regulations 1996 (which relates to certain food sold at catering establishments) applies.”, and

- (d) in regulation 10 (manner of marking or labelling)—

(i) for the words “Regulations 31 to 33 of the Food Labelling Regulations 1980” at the beginning of that regulation, and the words “Food Labelling Regulations 1980” at the end of that regulation, in the English and Welsh Regulations, and

(ii) for the words “Regulations 31 to 33 of the Food Labelling (Scotland) Regulations 1981” at the beginning of that regulation, and the words “Food Labelling (Scotland) Regulations 1981” at the end of that regulation, in the Scottish Regulations,

there shall be substituted, at the beginning of that regulation, the words “Regulations 35, 36 and 38 of the Food Labelling Regulations 1996” and, at the end of that regulation, the words “Food Labelling Regulations 1996”.

(9) In both the Meat Products and Spreadable Fish Products Regulations 1984⁽⁶⁶⁾ (hereinafter in this paragraph referred to as “the English and Welsh Regulations”) and the Meat Products and Spreadable Fish Products (Scotland) Regulations 1984⁽⁶⁷⁾ (hereinafter in this paragraph referred to as “the Scottish Regulations”)—

- (a) in paragraph (1) of regulation 2 (interpretation), after the definition of “prepacked” there shall be inserted the following definition—

⁽⁶⁴⁾ S.I. 1981/1063; relevant amending instruments are S.I. 1982/1700 and 1990/2085.

⁽⁶⁵⁾ S.I. 1981/1320; relevant amending instruments are S.I. 1982/1779 and 1990/2180.

⁽⁶⁶⁾ S.I. 1984/1566; relevant amending instrument is S.I. 1986/987.

⁽⁶⁷⁾ S.I. 1984/1714; relevant amending instrument is S.I. 1986/1288.

““prepacked for direct sale” has the meaning assigned to it by the Food Labelling Regulations 1996;”;

(b) in—

- (i) paragraph (1) of regulation 2 (interpretation), in the definitions of “catering establishment”, “ingredient”, “labelling”, “prepacked” and “ultimate consumer”;
- (ii) paragraph (1) of regulation 4 (restrictions on the use of certain names);
- (iii) paragraph (2) of regulation 5 (name of the food for certain meat products);
- (iv) paragraphs (2) and 6(c) of regulation 10 (miscellaneous provisions relating to declarations), and
- (v) paragraph (2)(c) of regulation 11 (lean meat content),

for the words “Food Labelling Regulations 1984” in the English and Welsh Regulations and the words “Food Labelling (Scotland) Regulations 1984” in the Scottish Regulations there shall be substituted the words “Food Labelling Regulations 1996”;

(c) in paragraph (1) of regulation 6 (list of ingredients), for the words “regulation 15(1) of the Food Labelling Regulations 1984” in the English and Welsh Regulations and the words “regulation 15(1) of the Food Labelling (Scotland) Regulations 1984” in the Scottish Regulations there shall be substituted the words “regulation 14(1) of the Food Labelling Regulations 1996”;

(d) in paragraph (1)(a) of regulation 10 the words “(within the meaning of regulation 24 of the Food Labelling Regulations 1984)” in the English and Welsh Regulations and the words “(within the meaning of regulation 24 of the Food Labelling (Scotland) Regulations 1984)” in the Scottish Regulations shall be deleted

(e) in paragraph (4) of regulation 10—

- (i) for the words “Regulations 32, 33 and 34 of the Food Labelling Regulations 1984” at the beginning of that paragraph, and the words “Food Labelling Regulations 1984” at the end of that paragraph, in the English and Welsh Regulations, and
- (ii) for the words “Regulations 32, 33 and 34 of the Food Labelling (Scotland) Regulations 1984” at the beginning of that paragraph, and the words “Food Labelling (Scotland) Regulations 1984” at the end of that paragraph, in the Scottish Regulations,

there shall be substituted, at the beginning of that paragraph, the words “Regulations 35, 36 and 38 of the Food Labelling Regulations 1996” and, at the end of that paragraph, the words “Food Labelling Regulations 1996”;

(f) in paragraph (6) of regulation 10, for sub-paragraph (d) there shall be substituted the following sub-paragraph—

“(d) food to which regulation 27 of the Food Labelling Regulations 1996 (which relates to certain food sold at catering establishments) applies.”.

(10) In paragraph (1) of regulation 5 (labelling of casein products) of both—

- (a) the Caseins and Caseinates Regulations 1985(68), for the words “Food Labelling Regulations 1984”, and
- (b) the Caseins and Caseinates (Scotland) Regulations 1985(69), for the words “Food Labelling (Scotland) Regulations 1984”,

there shall be substituted the words “Food Labelling Regulations 1996”.

(68) S.I. 1985/2026, to which there are amendments not relevant to these Regulations.

(69) S.I. 1985/836, to which there are amendments not relevant to these Regulations.

(11) In the Quick-frozen Foodstuffs Regulations 1990(70), in paragraph (1) of regulation 2 (interpretation and scope), in the definitions of “catering establishment”, “prepackaging” and “ultimate consumer”, for the date “1984” there shall be substituted the date “1996”.

(12) In the Food Premises (Registration) Regulations 1991(71), in paragraph (3) of regulation 1 (citation, commencement and interpretation), in the definition of “ultimate consumer”, for the date “1984” there shall be substituted the date “1996”.

(13) In the Flavourings in Food Regulations 1992(72)—

(a) in paragraph (1) of regulation 2 (interpretation), in the definition of “ultimate consumer”, for the date “1984” there shall be substituted the date “1996”;

(b) in sub-paragraph (b) of paragraph 2 of Part I of Schedule 3 (requirements for sales), for the words “regulation 21 of the Food Labelling Regulations 1984 or, as appropriate, regulation 21 of the Food Labelling (Scotland) Regulations 1984” there shall be substituted the words “regulation 20 of the Food Labelling Regulations 1996”.

(14) In the Food Additives Labelling Regulations 1992(73)—

(a) in regulation 2 (interpretation), in the definition of “ultimate consumer”, for the date “1984” there shall be substituted the date “1996”;

(b) in paragraph 2(b)(iii) of Part I of Schedule 3 (requirement for sales)—

(i) for the words “neither regulation 21 of the Food Labelling Regulations 1984 nor regulation 21 of the Food Labelling (Scotland) Regulations 1984 applies” there shall be substituted the words—

“regulation 20 of the Food Labelling Regulations 1996 does not apply”, and

(ii) for the words “either regulation” there shall be substituted the words “that regulation”.

(15) In the Food Safety (Fishery Products) Regulations 1992(74), in Schedule 3 (requirements as to identification marks), for the words “Food Labelling (Amendment) Regulations 1990 and the Food Labelling (Amendment) (Irradiated Food) Regulations 1990” there shall be substituted the words “Food Labelling Regulations 1996”.

(16) In the Food Safety (Live Bivalve Molluscs and Other Shellfish) Regulations 1992(75), in Schedule 1 (marking of consignments), in paragraph 1, for the words “Food Labelling Regulations 1984 and subject to paragraph 4, All” there shall be substituted the words “Food Labelling Regulations 1996 and subject to paragraph 4, all”.

(17) In the Aflatoxins in Nuts, Nut Products, Dried Figs and Dried Fig Products Regulations 1992(76), in paragraph (1) of regulation 2 (interpretation), in the definition of “ultimate consumer”, for the date “1984” there shall be substituted the date “1996”.

(18) In the Egg Products Regulations 1993(77), in paragraph 1 of Schedule 10 (marking of egg products), for the words “Food Labelling Regulations 1984 and the Food Labelling (Scotland) Regulations 1984” there shall be substituted the words “Food Labelling Regulations 1996”.

(19) In the Meat Products (Hygiene) Regulations 1994(78), in paragraph (1) of regulation 2 (interpretation), for the definition of “the Food Labelling Regulations” there shall be substituted the following definition—

(70) S.I. 1990/2615, to which there is an amendment not relevant to these Regulations.

(71) S.I. 1991/2825.

(72) S.I. 1992/1357.

(73) S.I. 1992/1971.

(74) S.I. 1992/1978.

(75) S.I. 1992/3163.

(76) S.I. 1992/3236.

(77) S.I. 1993/1520.

(78) S.I. 1994/3082.

““the Food Labelling Regulations” means the Food Labelling Regulations 1996;”.

(20) In both the Dairy Products (Hygiene) Regulations 1995⁽⁷⁹⁾ (hereinafter in this paragraph referred to as “the English and Welsh Regulations”) and the Dairy Products (Hygiene) (Scotland) Regulations 1995⁽⁸⁰⁾ (hereinafter in this paragraph referred to as “the Scottish Regulations”)—

(a) in paragraph 2 of Part I (labelling) of, and paragraph 5 of Part II (health mark) of, Schedule 10 (labelling and health marking)—

(i) for the words “regulation 27 of the Food Labelling Regulations 1984” in the English and Welsh Regulations, and

(ii) for the words “regulation 27 of the Food Labelling (Scotland) Regulations 1984” in the Scottish Regulations,

there shall be substituted the words “regulation 26 of the Food Labelling Regulations 1996”, and

(b) in paragraph 3 of Part I of Schedule 10—

(i) for the words “Food Labelling Regulations 1984” in the English and Welsh Regulations, and

(ii) for the words “Food Labelling (Scotland) Regulations 1984 or the Milk Labelling (Scotland) Regulations 1983, as the case may be” in the Scottish Regulations,

there shall be substituted the words “Food Labelling Regulations 1996”.

(21) In the Food Safety (Temperature Control) Regulations 1995⁽⁸¹⁾, in paragraph (1) of regulation 2 (interpretation)—

(a) for the definition of “shelf life” there shall be substituted the following definition—

““shelf life” means—

(a) in relation to food with respect to which an indication of minimum durability is required in accordance with regulation 20 of the Food Labelling Regulations 1996 (form of indication of minimum durability), the period up to and including the date required to be included in that indication;

(b) in relation to food with respect to which a “use by” date is assigned in the form required in accordance with regulation 21 of the Food Labelling Regulations 1995 (form of indication of “use by” date), the period up to and including that date;”, and

(b) in the definition of “special storage conditions” for the words “6(d) of the Food Labelling Regulations 1984” there shall be substituted the words “5(d) of the Food Labelling Regulations 1996”.

(22) In the Bread and Flour Regulations in paragraph (1) of regulation 2 (interpretation), in the definitions of “ingredient” and “labelling”, for the date “1984” there shall be substituted the date “1996”, and for the definition of “the labelling regulations” there shall be substituted the following definition—

““the labelling regulations” means the Food Labelling Regulations 1996;”.

Transitional provision

50.—(1) Subject to the following paragraphs of this regulation, in any proceedings for an offence under these Regulations it shall be a defence to prove that—

(a) (i) the act was committed before 1st July 1997, or

⁽⁷⁹⁾ S.I. 1995/1086.

⁽⁸⁰⁾ S.I. 1995/1372.

⁽⁸¹⁾ S.I. 1995/2200.

- (ii) the act was committed in relation to food prepacked before 1st July 1997; and
 - (b) the matters constituting the offence would not have constituted an offence under the Food Labelling Regulations 1984(82), the Food Labelling (Scotland) Regulations 1984(83), or the Milk Labelling (Scotland) Regulations 1983(84) or the Cheese and Cream Regulations 1995(85) if those Regulations had been in operation when the act was committed or the food was prepacked.
- (2) In any proceedings for an offence under regulation 44(1)(a), as read with—
- (a) regulation 14(4) and Schedule 3, or
 - (b) regulation 14(9) and Schedule 4,

paragraph (1) of this regulation shall be read as if for the date “1st July 1997” there were substituted, in both places where it occurs, the date “1st July 1996”.

(3) In any proceedings for an offence under regulation 44(1)(a) as read with regulation 33, paragraph (1) of this regulation shall be read as if for the date “1st July 1997” there were substituted the date “1st January 1997”.

9th June 1996

Angela Browning
Parliamentary Secretary Ministry of Agriculture,
Fisheries and Food

Signed by authority of the Secretary of State for Health:

6th June 1996

John Horam
Parliamentary Under Secretary of State,
Department of Health

Signed by authority of the Secretary of State for Wales:

6th June 1996

Jonathan Evans
Parliamentary Under Secretary of State, Welsh
Office

(82) S.I. 1984/1305, amended by S.I. 1985/71, 1987/1986, 1988/2112, 1989/768, 2321, 1990/607, 2488, 2489, 1992/1971, 1978, 1993/2759, 1994/804, 1486, 2127, 2782, 3144, 1995/77, 1086.

(83) 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, 2505, 2506, 2625, 1992/1971, 1978, 1993/2731, 1994/960, 1486, 2127, 1995/77.

(84) S.I. 1983/938, amended by S.I. 1985/1068, 1990/2508, 2625, 1995/1372.

(85) S.I. 1995/3240.

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5th June 1996

Lindsay
Parliamentary Under Secretary of State Scottish
Office