

## SCHEDULE 8

### MISLEADING DESCRIPTIONS

#### PART I

#### GENERAL

Column 1 <i>Words and descriptions</i>	Column 2 <i>Conditions</i>
The description “dietary” or “dietetic”.	Shall not be applied to any food unless it is a food for a particular nutritional use (excluding such foods formulated for infants and young children in good health) which— (a) has been specially made for a class of persons whose digestive process or metabolism is disturbed or who, by reason of their special physiological condition, obtain special benefit from a controlled consumption of certain substances, and (b) is suitable for fulfilling the particular nutritional requirements of that class of persons.
Any description incorporating the name of a food in such a way as to imply that the food, or the part of a food, being described has the flavour of the food named in the description.	Shall not be applied to any food unless the flavour of the food being described is derived wholly or mainly from the food named in the description, except that any description incorporating the word “chocolate” which is such as to imply that the food being described has a chocolate flavour may be applied to a food which has a chocolate flavour derived wholly or mainly from non fat cocoa solids where the purchaser would not be misled by the description.  This shall not be taken to prevent the use of the word “flavour” preceded by the name of a food when the flavour of the food being described is not wholly or mainly from the food named in the description.
A pictorial representation of a food which is such as to imply that the food to which the representation is applied has the flavour of the food depicted in the representation.	Shall not be applied to any food unless the flavour of the food to which the representation is applied is derived wholly or mainly from the food depicted in the representation.
The description “ice cream”.	Shall not be applied to any food other than the frozen product containing not less than 5 per cent fat and not less than 2.5 per cent milk protein, not necessarily in natural proportions, and which is obtained by subjecting an

**Status:** This is the original version (as it was originally made).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

Column 1 <i>Words and descriptions</i>	Column 2 <i>Conditions</i>
The description “dairy ice cream”	<p>emulsion of fat, milk solids and sugar (including any sweetener permitted in ice cream by the Sweeteners in Food Regulations 1995(1)), with or without the addition of other substances, to heat treatment and either to subsequent freezing or evaporation, addition of water and subsequent freezing.</p> <p>Shall not be applied to any food other than one which fulfils the conditions relating to application of the description “ice cream” to a food (provided that the fat in respect of which a minimum of 5 per cent is specified shall here consist exclusively of milk fat) and which contains no fat other than milk fat or any fat present by reason of the use as an ingredient of such ice cream of any egg, any flavouring, or any emulsifier or stabiliser.</p>
The word “milk” or any other word or description which implies that the food being described contains milk.	<p>Shall not be used as part of the name of a food, which contains the milk of an animal other than a cow, unless—</p> <ul style="list-style-type: none"> <li>(a) (i) such milk has all the normal constituents in their natural proportions, and</li> <li>(ii) the word or description is accompanied by the name of that animal; or</li> <li>(b) (i) such milk has been subjected to a process or treatment, and</li> <li>(ii) the word or description is accompanied by the name of that animal and an indication of that process or treatment; or</li> <li>(c) the word or description is used in accordance with any regulations made, or having effect as if made, under the Act or any order having effect as if contained in regulations so made.</li> </ul>
The word “milk”.	<p>Shall not be used as the name of an ingredient where the ingredient is the milk of an animal other than a cow unless—</p> <ul style="list-style-type: none"> <li>(a) the word is accompanied by the name of the animal, and</li> <li>(b) the use of the word as the name of the ingredient complies in all other respects with these Regulations.</li> </ul>
The description “starch-reduced”.	Shall not be applied to any food, unless—

(1) S.I.1995/3123.

Column 1 <i>Words and descriptions</i>	Column 2 <i>Conditions</i>
The word “vitamin” or any other word or description which implies that the food to which the word or description relates is a vitamin.	(a) less than 50 per cent of the food consists of anhydrous carbohydrate calculated by weight on the dry matter of the food, and (b) the starch content of a given quantity of the food is substantially less than that of the same quantity of similar foods to which the description is not applied.  Shall not be used in the labelling or advertising of any food, unless the food to which the word or description relates is— (a) one of the vitamins specified in column 1 of Table A in Schedule 6; or (b) vitamin K.
The description “alcohol-free”.	Shall not be applied to any alcoholic drink from which the alcohol has been extracted, unless— (a) the drink has an alcoholic strength by volume of not more than 0.05 per cent, and (b) the drink is marked or labelled with an indication of its maximum alcoholic strength (in one of the forms specified in regulation 30(1) immediately preceded by the words “not more than”) or, in an appropriate case, with an indication that it contains no alcohol.
The description “dealcoholised”.	Shall not be applied to any drink, unless— (a) the drink, being an alcoholic drink from which the alcohol has been extracted, has an alcoholic strength by volume of not more than 0.5 per cent, and (b) the drink is marked or labelled with an indication of its maximum alcoholic strength (in one of the forms specified in regulation 30(1) immediately preceded by the words “not more than”) or, in an appropriate case, with an indication that it contains no alcohol.
The description “low alcohol” or any other word or description which implies that the drink being described is low in alcohol.	Shall not be applied to any alcoholic drink unless— (a) the drink has an alcoholic strength by volume of not more than 1.2 per cent, and (b) the drink is marked or labelled with an indication of its maximum alcoholic strength (in one of the forms specified in regulation 30(1) immediately preceded by the words “not more than”).

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

Column 1 <i>Words and descriptions</i>	Column 2 <i>Conditions</i>
The description “low calorie” or any other word or description which implies that the drink being described is low in calories.	Shall not be applied to any soft drink unless the soft drink (where applicable, after subsequent preparation (which may include dilution) in accordance with any accompanying instructions) contains not more than 10 kcal per 100 ml and 42 kJ per 100 ml of the drink.
The description “non-alcoholic”.	Shall not be used in conjunction with a name commonly associated with an alcoholic drink, except in the composite name “non-alcoholic wine” when that composite name is used in accordance with regulation 43.
The name “liqueur”.	Shall not be applied to any drink other than one so qualifying under the definition of liqueur contained in Article 1.4(r) of Council Regulation (EEC) No. 1576/89(2).
The name “Indian tonic water” or “quinine tonic water”.	Shall not be applied to any drink unless the drink contains not less than 57 mg of quinine (calculated as quinine sulphate B.P.) per litre of the drink.
The name “tonic wine”.	Shall not be applied to any drink unless there appears in immediate proximity to the words “tonic wine” the clear statement: “the name “tonic wine” does not imply health giving or medicinal properties”.  No recommendation as to consumption or dosage shall appear in the labelling or advertising of the drink.

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