
STATUTORY INSTRUMENTS

1997 No. 2042

**The Processed Cereal-based Foods and Baby Foods
for Infants and Young Children Regulations 1997**

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Processed Cereal-based Foods and Baby Foods for Infants and Young Children Regulations 1997 and shall come into force on 31st March 1999.

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

“the Act” means the Food Safety Act 1990;

“baby foods” means foods for particular nutritional use fulfilling the particular requirements of infants and young children in good health and intended for use by infants while they are being weaned, and by young children as a supplement to their diet or for their progressive adaptation to ordinary food other than processed cereal-based foods;

“food authority” does not include—

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

“processed cereal-based foods” means foods for particular nutritional use within the categories in Part I of Schedule 1 fulfilling the particular requirements of infants and young children in good health and intended for use by infants while they are being weaned, and by young children as a supplement to their diet or for their progressive adaptation to ordinary food; and

“sell” includes possess for sale, and offer, expose or advertise for sale and “sale” and “sold” shall be construed accordingly.

(3) Other expressions used in these Regulations and in Commission Directive [96/5/EC\(1\)](#) on processed cereal-based foods and baby foods for infants and young children have, in so far as the context admits, the same meaning as they bear in that Directive.

(4) Any reference in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these Regulations and any reference in a Schedule to a numbered Part shall be construed as a reference to the Part of that Schedule bearing that number.

Exemption

2. These Regulations shall not apply to any baby food which is a milk intended for young children.

Conditions for the sale of processed cereal-based foods and baby foods

3. No person shall sell any processed cereal-based food or baby food unless—

(1) OJNo. L49, 28.2.96, p. 17.

- (a) it is labelled in accordance with regulation 4; and
- (b) it complies with the requirements as to manufacture and composition set out in regulation 5.

Labelling

4.—(1) Processed cereal-based food and baby food shall be labelled with the following particulars—

- (a) a statement as to the appropriate age (which shall be not less than four months) from which the food may be used, regard being had to its composition, texture or other particular properties;
- (b) information as to the presence or absence of gluten if the age stated pursuant to subparagraph (a) above is less than six months;
- (c) the available energy value expressed in kJ and kcal, and the protein, carbohydrate and fat content, expressed in numerical form, per 100 g or 100 ml of the food as sold and, where appropriate, per specified quantity of the food as proposed for consumption;
- (d) the average quantity, expressed in numerical form, per 100 g or 100 ml of the food as sold and, where appropriate, per specified quantity of the food as proposed for consumption, of each mineral substance and of each vitamin in respect of which a maximum or a minimum compositional requirement is specified in—
 - (i) Part II of Schedule 1 in the case of processed cereal-based foods; and
 - (ii) Schedule 2 in the case of baby foods; and
- (e) if preparation of the food is necessary, appropriate instructions for preparation and a statement as to the importance of following those instructions.

(2) Subject to paragraph (1)(d) above, no person shall label processed cereal-based food or baby food with the average quantity of any nutrient specified in Schedule 4 unless—

- (a) that average quantity is expressed in numerical form, per 100 g or 100 ml of the food as sold and, where appropriate, per specified quantity of the food as proposed for consumption; and
- (b) in the case of a mineral substance or vitamin, it is a mineral substance or vitamin other than one referred to in paragraph (1)(d) above.

(3) Where, pursuant to paragraph (1)(d) or paragraph (2) above, processed cereal-based food or baby food is labelled with the average quantity, per 100 g or 100 ml of the food as sold, and where appropriate, per specified quantity of the food as proposed for consumption, of any vitamin or mineral which is specified in Schedule 5, the labelling of the food shall not express that average quantity as a percentage of the reference value specified in Schedule 5 in relation to that vitamin or mineral unless the quantity present is equal to 15% or more of the reference value.

Manufacture and composition of processed cereal-based foods and baby foods

5. No person shall manufacture any processed cereal-based food or baby food—

- (a) from any ingredient other than one whose suitability for particular nutritional use by infants and young children has been established by generally accepted scientific data;
- (b) which does not comply with the compositional requirements specified in Part II of Schedule 1, as read with Schedule 3 in the case of processed cereal-based foods and Schedule 2 in the case of baby foods;
- (c) which contains any added nutritional substance other than a nutritional substance listed in Schedule 4; or

- (d) which contains any substance in such quantity as to endanger the health of infants or young children.

Offences and penalties

6.—(1) If any person contravenes regulation 3, 4 or 5 he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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

Enforcement

7. Each food authority shall enforce and execute these Regulations in its area.

Defence in relation to exports

8.—(1) 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 it complies with that legislation; and
- (b) that the legislation complies with the provisions of Commission Directive 96/5/EC(2) on processed cereal-based foods and baby foods for infants and young children, in the case of export to an EEA State.

(2) In this regulation—

“EEA State” means a state which is a contracting party to the EEA Agreement; and

“EEA Agreement” means the Agreement on the European Economic Area(3) signed at Oporto on 2nd May 1992 as adjusted by the Protocol(4) signed at Brussels on 17th March 1993.

Application of various sections of the Food Safety Act 1990

9. The following provisions of the Act shall apply for the purposes of these Regulations which application shall, in the case of section 21, be as that section applies 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 or Part thereof shall be construed as a reference to these Regulations—

- section 2 (extended meaning of `sale' etc.);
- section 3 (presumption that food 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 a business);
- section 30(8) (which relates to documentary evidence);
- section 33 (obstruction etc. of officers);
- section 36 (offences by bodies corporate); and

(2) OJ No. L49, 28.2.96, p. 17.

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

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

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

section 44 (protection of officers acting in good faith).

24th July 1997

Jeff Rooker
Minister of State, Ministry of Agriculture,
Fisheries and Food

Signed by authority of the Secretary of State for Health

7th August 1997

Baroness Jay
Minister of State for Public Health,
Department of Health

Signed by authority of the Secretary of State for Wales

25th July 1997

Win Griffiths
Parliamentary Under Secretary of State, Welsh
Office

21st August 1997

Sam Galbraith
Parliamentary Under Secretary of State, Scottish
Office