

**1999 No. 275**

**FOOD**

**The Processed Cereal-based Foods and Baby Foods for  
Infants and Young Children (Amendment) Regulations 1999**

<i>Made - - - -</i>	<i>8th February 1999</i>
<i>Laid before Parliament</i>	<i>18th February 1999</i>
<i>Coming into force</i>	<i>31st March 1999</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 6(4), 16(1), 17(1), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990<sup>(a)</sup> and of all other powers enabling them in that behalf, after consultation in accordance with section 48(4) of that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:

**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 (Amendment) Regulations 1999 and shall come into force on 31st March 1999.

(2) In these Regulations “the principal Regulations” means the Processed Cereal-based Foods and Baby Foods for Infants and Young Children Regulations 1997<sup>(b)</sup>.

**Amendment of the principal Regulations**

**2.** The principal Regulations shall be amended as follows—

(a) in paragraph (2) of regulation 1 (title, commencement and interpretation) after the definition of “baby foods” there shall be inserted the following definition—

““the Directive” means Commission Directive 96/5/EC<sup>(c)</sup> on processed cereal-based foods and baby foods for infants and young children as amended by Commission Directive 98/36/EC<sup>(d)</sup>”;

(b) for paragraph (3) of regulation 1 there shall be substituted the following paragraph—

“(3) Other expressions used in these Regulations and in the Directive have, in so far as the context admits, the same meaning as they bear in the Directive.”;

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<sup>(a)</sup> 1990 c. 16; “the Ministers” is defined in section 4(1) of the Act. Section 6(4) of the Act was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40).

<sup>(b)</sup> S.I. 1997/2042.

<sup>(c)</sup> OJ No. L49, 28.2.96, p.17.

<sup>(d)</sup> OJ No. L167, 12.6.98, p.23.

(c) after paragraph (4) of regulation 1 there shall be inserted the following paragraph–

“(5) Any requirement in these Regulations, in so far as it relates to compliance with Schedule 2, shall be treated, in the period starting with 31st March 1999 and ending with 31st December 1999, as capable of being satisfied to that extent by compliance with that Schedule either in its entirety or without paragraphs 1.3a, 1.4a and 1.4b.”;

(d) in paragraph (b) of regulation 3 (conditions for the sale of processed cereal-based foods and baby foods), after the words “regulation 5” there shall be added the words “and, if the sale takes place after 31st December 1999, regulation 5A”;

(e) in regulation 5 (manufacture and composition of processed cereal-based foods and baby foods), for paragraph (c) there shall be substituted the following–

“(c) which–

(i) contains any added nutritional substance other than a nutritional substance specified in Schedule 4; or

(ii) if manufactured with a view to sale after 31st December 1999, contains any added nutrient in column 1 of Part I of Schedule 6 in an amount exceeding the maximum limit specified opposite that substance in column 2 of that Part; or”;

(f) after regulation 5 there shall be inserted the following regulation–

**“Maximum limits for added nutrients for specified foods**

**5A.** No person shall, with a view to sale after 31st December 1999, manufacture any processed cereal-based food or baby food specified in column 1 of Part II of Schedule 6 which contains any added nutrient specified opposite that food in column 2 of that Part in an amount exceeding the maximum limit specified opposite that food in column 3 of that Part.”;

(g) in paragraph (1) of regulation 6 (penalties), for the words “regulation 3, 4 or 5” there shall be substituted the words “regulation 3, 4, 5 or 5A”;

(h) for paragraph (1)(b) of regulation 8 (defence in relation to exports) there shall be substituted the following paragraph–

“(b) that the legislation complies with the provisions of the Directive in the case of export to an EEA State”;

(i) in Schedule 2 (essential composition of baby foods for infants and young children)–

(i) after paragraph 1.3 there shall be inserted the following–

“1.3a. If cheese is mentioned together with other ingredients in the name of a savoury product, whether or not the product is presented as a meal, then:

– the protein from the dairy sources shall not be less than 0.5 g/100 kJ (2.2 g/100 kcal),

– the total protein in the product from all sources shall not be less than 0.7 g/100 kJ (3 g/100 kcal).”;

(ii) after paragraph 1.4 there shall be inserted the following–

“1.4a. Sauces presented as an accompaniment to a meal are exempt from the requirements of paragraph 1.1 to 1.4 above.

1.4b. Sweet dishes that mention dairy products as the first or only ingredient in the name shall contain not less than 2.2 g dairy protein/100 kcal. All other sweet dishes are exempt from the requirements in paragraph 1.1 to 1.4 above.”; and

(j) after Schedule 5 (reference values for nutrition labelling for foods intended for infants and young children) there shall be inserted the contents of the Schedule to these Regulations.

1st February 1999

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

Signed by authority of the Secretary of State for Health

2nd February 1999

*Tessa Jowell*  
Minister of State for Public Health,  
Department of Health

Signed by authority of the Secretary of State for Wales

4th February 1999

*Jon Owen Jones*  
Parliamentary Under Secretary of State,  
Welsh Office

8th February 1999

*Sam Galbraith*  
Parliamentary Under Secretary of State,  
Scottish Office

## “SCHEDULE 6

Regulations 5(c)(ii) and 5A

MAXIMUM LIMITS FOR VITAMINS, MINERALS AND TRACE ELEMENTS,  
IF ADDED, IN PROCESSED CEREAL-BASED FOODS AND BABY FOODS  
INTENDED FOR INFANTS AND YOUNG CHILDREN

## PART I

## General

<i>Nutrient</i>	<i>Maximum limit per 100 kcal(1)</i>
Vitamin E	3 mg $\alpha$ -TE
Riboflavin	0.4 mg
Niacin	4.5 mg NE
Vitamin B6	0.35 mg
Folic acid	50 $\mu$ g
Vitamin B12	0.35 $\mu$ g
Pantothenic acid	1.5 mg
Biotin	10 $\mu$ g
Potassium	160 mg (of the food as sold)
Magnesium	40 mg
Iron	3 mg
Zinc	2 mg
Copper	40 $\mu$ g
Iodine	35 $\mu$ g
Manganese	0.6 mg

## PART II

## Specified foods

<i>Food</i>	<i>Nutrient</i>	<i>Maximum limit per 100 kcal(1)</i>
1. Vegetable juices which are baby foods	Vitamin A	180 $\mu$ g RE(2)
2. Food fortified with iron	Vitamin C	25 mg
3. Fruit-based dishes, fruit juices, nectars or vegetable juices	Vitamin C	125 mg
4. Food other than that within entry number 2 or 3 above	Vitamin C	12.5 mg
5. Processed cereal-based food	Thiamin	0.5 mg
6. Baby food	Thiamin	0.25 mg
7. Food within paragraph 1 or 2 of Part I of Schedule 1	Calcium	180 mg (of the food as sold)
8. Food within paragraph 4 of Part I of Schedule 1	Calcium	100 mg (of the food as sold)
9. Food other than that within entry number 7 or 8 above	Calcium	80 mg (of the food as sold)

(1) Unless otherwise stated in column 2 of Part I or column 3 of Part II the maximum limits specified in those columns apply to food ready for use, whether marketed as such or reconstituted as instructed by the manufacturer.

(2) RE = all trans retinol equivalents.”

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations apply to Great Britain and amend the Processed Cereal-based Foods and Baby Foods for Infants and Young Children Regulations 1997 (“the principal Regulations”) in implementation of Commission Directive 98/36/EC (OJ No. L 167, 12.6.98 p. 23) amending Directive 96/5/EC on processed cereal-based foods and baby foods for infants and young children.

The Regulations—

- (a) prohibit the manufacture and sale of processed cereal-based food and baby food which contains any specified added nutrient in excess of the maximum limit (regulation 2(d) to (f), (g) and (j) and the Schedule);
- (b) in relation to the compositional requirements for baby food for infants and young children—
  - (i) apply specific protein requirements to food an ingredient of which is cheese and to specified sweet dishes; and
  - (ii) exempt specified sauces and sweet dishes other than those specified from the protein requirements (regulation 2(i)); and
- (c) bring up to date references to the earlier Directive (regulation 2(a), (b) and (h)).

The Regulations come into force on 31st March 1999 but certain new requirements imposed by them apply to sales (or to manufacture with a view to sale) after the end of 1999 (regulation 2(d), (e) and (f)).

During the period 31st March 1999 to 31st December 1999 baby foods may be manufactured or sold if they either—

- (a) comply with Schedule 2 of the principal Regulations as amended by these Regulations;  
or
- (b) comply with that Schedule as it stood before amendment by these Regulations (regulation 2(c)).

A Regulatory Impact Assessment, which includes a compliance cost assessment of the effect that these Regulations would have on the cost of business, is available from the Food Labelling and Standards Division, Branch A of the Ministry of Agriculture, Fisheries and Food, Ergon House, 17, Smith Square, London SW1P 3JR.

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