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STATUTORY INSTRUMENTS

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**2003 No. 1387**

**The Food Supplements (England) Regulations 2003**

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“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;

“Directive 2002/46” means Directive [2002/46/EC](#) of the European Parliament and of the Council<sup>(1)</sup> on the approximation of the laws of the Member States relating to food supplements;

“dose form” means a form such as capsules, pastilles, tablets, pills, and other similar forms, sachets of powder, ampoules of liquids, drop dispensing bottles, and other similar forms of liquids or powders designed to be taken in measured small unit quantities;

“food supplement” means any food the purpose of which is to supplement the normal diet and which—

- (a) is a concentrated source of a vitamin or mineral or other substance with a nutritional or physiological effect, alone or in combination; and
- (b) is sold in dose form;

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

“sell” includes possess for sale and offer, expose or advertise for sale;

“ultimate consumer” means any person who purchases 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.

(2) A food supplement shall be regarded as prepacked for the purposes of these Regulations if—

- (a) it is ready for sale to the ultimate consumer or to a catering establishment, and
- (b) it is put into packaging before being offered for sale in such a way that the food supplement cannot be altered without opening or changing the packaging.

(3) Other expressions used both in these Regulations and in Directive 2002/46 have the same meaning in these Regulations as they have in that Directive.

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(1) OJNo. L183, 12.7.2002, p.51.