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STATUTORY INSTRUMENTS

2003 No. 2075

FOOD, ENGLAND

COMPOSITION AND LABELLING

The Meat Products (England) Regulations 2003

Made - - - - *11th August 2003*

Laid before Parliament *12th August 2003*

Coming into force - - *2nd September 2003*

The Secretary of State, in exercise of the powers conferred by section 16(1)(a) and (e) of the Food Safety Act 1990⁽¹⁾ and now vested in him⁽²⁾, and having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency, and after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council⁽³⁾ and in accordance with section 48(4) and (4B) of that Act, hereby makes the following Regulations:

Title, extent and commencement

1. These Regulations—

- (a) may be cited as the Meat Products (England) Regulations 2003;
- (b) extend to England only; and
- (c) shall come into force on 2nd September 2003.

(1) 1990 c. 16.

(2) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales) are now exercisable in relation to England by the Secretary of State pursuant to paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999 (c. 28) and paragraph 21 of that Schedule amends section 48 of the 1990 Act. Functions of “the Ministers”, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as read with section 40(3) of the 1999 Act. Those functions, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c. 46), as read with section 40(2) of the 1999 Act. Regulation 13(4) of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000 (S.I. 2000/656) expressly authorises the Secretary of State to amend or revoke existing Regulations made or having effect as if made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the 1990 Act.

(3) OJ No. L131, 1.2.2002, p. 1, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

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Interpretation

2. In these Regulations—

“catering establishment” has the meaning assigned to it by the Food Labelling Regulations 1996(4);

“cooked”, in relation to a food, means subjected to a process of cooking throughout the whole food so that the food is sold for consumption without further cooking and “uncooked” shall be construed accordingly;

“cured meat” means a food consisting of meat and curing salt, whether or not the food also contains any other ingredient;

“curing salt” means sodium chloride, potassium chloride, sodium nitrate, potassium nitrate, sodium nitrite or potassium nitrite, whether alone or in any combination, except that sodium chloride or potassium chloride alone or a mixture of sodium chloride and potassium chloride alone is to be regarded as a curing salt when used in a meat product only if used in sufficient quantity to have a significant preserving effect on the meat product;

“ingredient” has the meaning assigned to it by the Food Labelling Regulations 1996;

“meat” has the meaning assigned to it by Directive 2000/13/EC of the European Parliament and the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs(5), as amended by Commission Directive 2001/101/EC(6);

“meat product” means any food, other than one specified in Schedule 1, which consists of meat or which contains as an ingredient, or as ingredients, any of the following: meat; mechanically recovered meat; or, from any mammalian or bird species recognised as fit for human consumption, heart, tongue, the muscles of the head (other than the masseters), the carpus, the tarsus, or the tail;

“mechanically recovered meat” has the same meaning as in Commission Directive 2001/101/EC;

“port health authority” means—

- (a) in relation to the London port health district (within the meaning given to that phrase for the purposes of the Public Health (Control of Disease) Act 1984(7) by section 7(1) of that Act), the Common Council of the City of London; and
- (b) in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984, a port health authority for that district constituted by order under section 2(4) of that Act;

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

“ultimate consumer” has the meaning assigned to it by the Food Labelling Regulations 1996.

Scope

3.—(1) Subject to paragraphs (2) and (3), these Regulations apply to food which is ready for delivery to the ultimate consumer or to a catering establishment.

(2) These Regulations shall not apply in respect of any food which is—

- (a) not intended for sale for human consumption; or

(4) S.I. 1996/1499; relevant amending instruments are S.I. 1998/1398, S.I. 1999/747, S.I. 1999/1136, S.I. 1999/1483 and S.I. 2003/474.

(5) OJ No. L109, 6.5.2000, p. 29.

(6) OJ No. L310, 28.11.2001, p. 19.

(7) 1984 c. 22.

(b) marked or labelled with a clear indication that the food is intended exclusively for consumption by babies or young children.

(3) Regulation 4 (restrictions on the use of certain names) shall not apply in respect of any food which is—

(a) brought into England from—

(i) an EEA State (other than the United Kingdom), or

(ii) another part of the United Kingdom,

in which it was lawfully sold, having been lawfully produced in an EEA State; or

(b) brought into England from—

(i) a member State (other than the United Kingdom), or

(ii) another part of the United Kingdom,

in which it was lawfully sold, having been lawfully produced in a member State, or in which it was in free circulation and lawfully sold.

(4) For the purposes of paragraph (3)—

“EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area⁽⁸⁾ signed at Oporto on 2nd May 1992 as adjusted by the Protocol⁽⁹⁾ signed at Brussels on 17th March 1993;

“free circulation” has the same meaning as in Article 24 of the Treaty establishing the European Community;

“member State” means a State which is a member of the European Community.

Restrictions on the use of certain names

4.—(1) For the purposes of the Food Labelling Regulations 1996, a name which appears in column 1 of Schedule 2 shall not be used in the labelling or advertising of a meat product as the name of the food, whether or not qualified by other words, unless either—

(a) the product complies with the appropriate requirements in columns 2 and 3 of that Schedule; or

(b) the name is used in accordance with paragraph (2).

(2) A name which appears in column 1 of Schedule 2 shall not be used in the labelling or advertising of a food, whether or not qualified by other words, in such a way as to suggest, either expressly or by implication, that the product designated by that name is an ingredient of the food unless—

(a) (i) that product is an ingredient of the food, and

(ii) that product complied, at the time of preparation of the food, with the appropriate requirements in columns 2 and 3 of that Schedule; or

(b) (i) the name used as the name of the food for that food is a name which appears in column 1 of that Schedule, and

(ii) the food complies with the appropriate requirements in columns 2 and 3 of that Schedule.

(3) No person shall sell a food in the labelling of which a name is used in contravention of paragraph (1) or (2).

⁽⁸⁾ OJ No. L1, 3.1.94, p. 1.

⁽⁹⁾ OJ No. L1, 3.1.94, p. 571.

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(4) No person shall use a name in contravention of paragraph (1) or (2) in advertising a food for sale.

Name of the food for certain meat products

5.—(1) Subject to paragraphs (3) and (4), where any person sells any meat product which has the appearance of a cut, joint, slice, portion or carcase of meat or of cured meat (in each case, whether cooked or uncooked), this regulation shall apply.

(2) For the purposes of the Food Labelling Regulations 1996, the name used as the name of the food in the labelling of any meat product to which this regulation applies shall include an indication of—

- (a) any added ingredient of animal origin, unless the meat product contains meat of the species from which that added ingredient is derived; and
- (b) any added ingredient to which sub-paragraph (a) does not apply other than an ingredient specified in Schedule 3.

(3) For the purposes of paragraph (1), no account shall be taken of the presence in or on the meat product of any seasoning, garnishing or gelatinous substance, nor of any packaging material enclosing the meat product.

(4) This regulation shall not apply where the name used as the name of the food is a name which appears in column 1 of Schedule 2, whether or not qualified by other words, or to a food having the appearance of minced uncooked meat which has been shaped.

Parts of the carcase in uncooked meat products

6.—(1) Subject to paragraph (3), no person shall sell an uncooked meat product in the preparation of which any part specified in paragraph (2) of the carcase from any mammalian species has been used as an ingredient.

(2) The specified parts of the carcase are: brains, feet, large intestine, small intestine, lungs, oesophagus, rectum, spinal cord, spleen, stomach, testicles and udder.

(3) The prohibition contained in paragraph (1) shall not extend to use of a mammalian large or small intestine solely as a sausage skin.

(4) In this regulation “sausage” includes chipolata, frankfurter, link, salami and any similar product.

Penalties and enforcement

7.—(1) If any person contravenes or fails to comply with regulation 4, 5(2) or 6(1) of these Regulations 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) Subject to paragraph (3) each food authority shall enforce and execute these Regulations in its area.

(3) Each port health authority shall enforce and execute these Regulations in its district in relation to food imported into England from outside the United Kingdom.

Application of sections 2, 3, 20, 21, 22, 30(8), 33, 35, 36 and 44 of the Food Safety Act 1990

8. The following provisions of the Food Safety Act 1990 shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part thereof shall be construed for the purposes of these Regulations as a reference to these Regulations—

- (a) section 2 (extended meaning of “sale” etc.);

- (b) section 3 (presumption that food intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence as it applies for the purposes of sections 8, 14 or 15 of that Act);
- (e) section 22 (defence of publication in the course of business);
- (f) section 30(8) (which relates to documentary evidence);
- (g) section 33(1) (obstruction etc. of officers);
- (h) section 33(2), with the modification that the reference to “any such requirement as is mentioned in subsection 1(b) above” shall be deemed to be a reference to any such requirement as is mentioned in that subsection as applied by sub-paragraph (g);
- (i) section 35(1) (punishment of offences) insofar as it relates to offences under section 33(1) as applied by sub-paragraph (g);
- (j) section 35(2) and (3) insofar as it relates to offences under section 33(2) as applied by sub-paragraph (h);
- (k) section 36 (offences by bodies corporate); and
- (l) section 44 (protection of officers acting in good faith).

Amendment of the Food Labelling Regulations 1996

9. The Food Labelling Regulations 1996 shall (insofar as they extend to England) be amended as follows—

- (a) in regulation 2(1) (interpretation), immediately after the definition of “liqueur wine” there shall be inserted the following definition—
 - ““meat product” has the meaning assigned to it by the Meat Products (England) Regulations 2003;”;
- (b) in regulation 23 (food which is not prepacked and similar food, and fancy confectionery products), in paragraph (2)—
 - (i) the word “and” at the end of sub-paragraph (a) shall be deleted, and
 - (ii) after sub-paragraph (b) there shall be inserted the following—
 - “and
 - (c) in the case of a meat product other than one listed in Schedule 4A, the particulars required by regulation 5(bA) in respect of those of its ingredients being meat, within the meaning assigned to it by Directive 2000/13/EC of the European Parliament and the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, as amended by Commission Directive 2001/101/EC.”.
- (c) after Schedule 4 there shall be inserted the Schedule contained in Schedule 4 to these Regulations.

Transitional provision and defence in relation to exports

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

- (a) (i) the act was committed before 1st February 2004; and

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- (ii) the matter constituting the offence would not have constituted an offence under the Meat Products and Spreadable Fish Products Regulations 1984⁽¹⁰⁾ as they stood immediately prior to the coming into force of these Regulations; or
- (b) the food in respect of which the offence is alleged to have been committed—
 - (i) was intended for export and complied with the importing country's domestic legislation relevant to the alleged offence; or
 - (ii) in the case of proceedings for an offence under regulation 4 or 5, was intended for export and was marked or labelled before 1st February 2004.

Revocations

11. In so far as they apply in England, the Meat Products and Spreadable Fish Products Regulations 1984 are revoked.

Signed by authority of the Secretary of State for Health

11th August 2003

Warner
Parliamentary Under-Secretary of State,
Department of Health

⁽¹⁰⁾ S.I. 1984/1566, amended by S.I. 1986/987, 1990/2486, 1991/1476, 1992/2596, 1995/3123, 1995/3124, 1995/3181, 1996/1499, 1998/1398, 2001/2294.

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SCHEDULE 1

Regulation 2

**FOODS WHICH ARE NOT MEAT PRODUCTS
FOR THE PURPOSES OF THESE REGULATIONS**

1. Raw meat to which no ingredient, or no ingredient other than proteolytic enzymes has been added.

2. Poultrymeat falling within the scope of Council Regulation (EEC) No. 1906/90(11) on certain marketing standards for poultry, as amended (in so far as is relevant to these Regulations) by Council Regulation (EEC) No. 317/93(12) and Council Regulation (EC) No. 3204/93(13), and as read with Commission Regulation (EEC) No. 1538/91(14) introducing detailed rules for implementing Regulation (EEC) No. 1906/90, as amended (in so far as is relevant to these Regulations) by Commission Regulation (EEC) No. 2891/93(15), Commission Regulation (EC) No. 2390/95(16) and Commission Regulation (EC) No. 1000/96(17).

3. Any product containing the fat, but no other meat, of any bird or animal.

SCHEDULE 2

Regulation 4(1) and (2)

RESERVED DESCRIPTIONS

Column 1 Name of Food	Column 2 Meat or Cured Meat Content Requirements	Column 3 Additional Requirements
	The food shall contain not less than the indicated percentage of meat, where the meat ingredient consists of the following:	
	Meat or, as the case may be, cured meat from pigs only	Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only
1. Burger — <i>where the name of the food is not forming part of another word, but excluding any name falling within items 2 or 3 of this Schedule.</i>	55%	62%
		1. Where the name “hamburger” is used, the meat used in the preparation of the food must be beef,

(11) OJ No. L173, 6.7.90, p. 1.

(12) OJ No. L37, 13.2.93, p. 8.

(13) OJ No. L289, 24.11.93, p. 3.

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

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

(16) OJ No. L244, 12.10.95, p. 60.

(17) OJ No. L134, 5.6.96, p. 9.

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Column 1 Name of Food	Column 2 Meat or Cured Meat Content Requirements	Column 3 Additional Requirements
		<p>pork or a mixture of both.</p> <p>2. Where either of the names “burger” or “economy burger” is qualified by the name of a type of cured meat, the food must contain a percentage of meat of the type from which the named type of cured meat is prepared at least equal to the minimum required meat content for that food.</p> <p>3. Where any of the names “burger”, “economy burger” or “hamburger” is qualified by the name of a type of meat, the food must contain a percentage of that named meat at least equal to the minimum required meat content for that food.</p> <p>4. Where any of the names “burger”, “economy burger” or “hamburger” are used to refer to a compound ingredient consisting of a meat mixture and other ingredients,</p>

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Column 1 Name of Food	Column 2 Meat or Cured Meat Content Requirements	Column 3 Additional Requirements
		such as a bread roll, these requirements shall apply only to the meat mixture, as if the meat mixture were the meat product in the labelling or advertising of which the name was used as the name of the food.
2. Economy Burger — <i>whether or not “burger” forms part of another word.</i>	50% 41%	47%
3. Hamburger — <i>whether or not forming part of another word.</i>	67% Not applicable	62%
4. Chopped X , <i>there being inserted in place of “X” the name “meat” or “cured meat” or the name of a type of meat or cured meat, whether or not there is also included the name of a type of meat</i>	75% 62%	70% No additional requirement
5. Corned X , <i>there being inserted in place of “X” the name “meat” or the name of a type of meat, unless qualified by words which include the name of a food other than meat</i>	120% 120%	120% 1. The food shall consist wholly of meat that has been corned. 2. Where the name of the food includes the name of a type of meat, the meat used in the preparation of the food shall

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Column 1 Name of Food	Column 2 Meat or Cured Meat Content Requirements			Column 3 Additional Requirements
				be wholly of the named type.
				3. The total fat content of the food shall not exceed 15%.
6. Luncheon meat	67%	55%	62%	No additional requirement
<i>Luncheon X, there being inserted in place of “X” the name of a type of meat or cured meat</i>				
7. Meat pie				1. Where the name “Melton Mowbray pie” is used, the meat used in the preparation of the food must be meat from pigs only.
Meat pudding				
<i>The name “pie” or “pudding” qualified by the name of a type of meat or cured meat unless qualified also by the name of a food other than meat or cured meat</i>				
Melton Mowbray pie				
Game pie				
Based on the weight of the ingredients when the food is uncooked	12.5%	12.5%	12.5%	
But if the food weighs— not more than 200 g. and not less than 100 g.	11%	11%	11%	

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Column 1 Name of Food	Column 2 Meat or Cured Meat Content Requirements			Column 3 Additional Requirements
less than 100 g.	10%	10%	10%	
8. Scottish pie or Scotch pie				No additional requirement
Based on the weight of the ingredients when the food is uncooked	10%	10%	10%	
9. The name “pie” or pudding qualified by the words “meat” or “cured meat” or by the name of a type of meat or cured meat and also qualified by the name of a food other than meat or cured meat—				No additional requirement
Where the former (meat-related) qualification precedes the latter	7%	7%	7%	
Where the latter (non-meat-related) qualification precedes the former	6%	6%	6%	
Based on the weight of the ingredients when the food is uncooked				
10. Pasty or Pastie				No additional requirement
Bridie				
Sausage roll				
Based on the weight of the ingredients	6%	6%	6%	

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Column 1 Name of Food	Column 2 Meat or Cured Meat Content Requirements	Column 3 Additional Requirements
when the food is uncooked		
11. Sausage (excluding the name “sausage” when qualified by the words “liver” or “tongue” or both), link, chipolata or sausage meat.		No additional requirement
<i>Where the name is qualified by the name “pork” but not by the name of any other type of meat</i>	42%	Not applicable Not applicable
<i>In all other cases</i>	32%	26% 30%
Note :The meat or cured meat content requirements specified in this Schedule are calculated by weight. In relation to items 1 to 6 and 11 they are based, subject to regulation 4(2)(a)(ii), on the weight of the food concerned as it is labelled or, as the case may be, advertised.		

SCHEDULE 3

Regulation 5(2)(b)

ADDED INGREDIENTS WHICH ARE NOT REQUIRED TO BE INDICATED IN THE NAME OF THE FOOD IN THE CASE OF A MEAT PRODUCT TO WHICH REGULATION 5 APPLIES

1. Any additive.
2. Any curing salt.
3. Any ingredient used solely as a garnish or decorative coating.
4. Any ingredient (not being an additive) that is added only in order to impart odour or taste or both.
5. Any salt, herb or spice used as seasoning.
6. Any starch that is added only for a technological purpose.
7. Any protein (of either animal or vegetable origin) that is added only for a technological purpose.
8. Any sugar that is added only in order to impart a sweet taste.
9. In the case of meat (whether cooked or uncooked) or cooked cured meat, added water making up not more than 5% of the weight of the product.

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10. In the case of uncooked cured meat, added water making up not more than 10% of the weight of the product.

Notes:

For the purposes of item 1 of this Schedule, “additive” means any substance permitted for use in food by the Colours in Food Regulations 1995(18), the Flavourings in Food Regulations 1992(19), the Miscellaneous Food Additives Regulations 1995(20) or the Sweeteners in Food Regulations 1995(21).

For the purposes of items 6 and 7 of this Schedule, “technological purpose” means any purpose within the meaning of “technological purposes” in point 4 of Chapter V of Annex B to Council Directive 77/99/EEC on health problems affecting intra-Community trade in meat products, as amended and updated by Council Directive 92/5/EEC(22) and as further amended by Council Directive 97/76/EC(23).

SCHEDULE 4

Regulation 9(c)

SCHEDULE TO BE INSERTED, INsofar AS THEY EXTEND TO ENGLAND, INTO THE FOOD LABELLING REGULATIONS 1996

“SCHEDULE 4A

Regulation 23(2)(c)

MEAT PRODUCTS NOT REQUIRED TO BEAR AN INDICATION OF THE QUANTITY OF AN INGREDIENT OR CATEGORY OF INGREDIENTS WHEN SOLD NOT PREPACKED OR PREPACKED FOR DIRECT SALE

1. Sandwiches, filled rolls and similar products, which are ready for consumption without further processing, other than products containing meat which are sold under a name, whether or not qualified by other words, included in the items “burger”, “economy burger” or “hamburger” in Schedule 2 (reserved descriptions) to the Meat Products (England) Regulations 2003.
2. Pizzas and similar topped products.
3. Any food for which the name is “broth”, “gravy” or “soup”, whether or not qualified by other words.
4. A food consisting of an assemblage of two or more ingredients, which has not been subjected to any processing or treatment once it has been assembled, and which is sold to the ultimate consumer as an individual portion intended to be consumed without further processing or treatment.”.

(18) S.I. 1995/3124, amended by S.I. 2000/481, 2001/3442.

(19) S.I. 1992/1971, amended by S.I. 1994/1486, 1996/1499.

(20) S.I. 1995/3187, amended by S.I. 1997/1413, 1999/1136, 2000/3323, 2001/60, 2294, 3442, 3775 and S.I. 2003/1008.

(21) S.I. 1995/3123; amended by S.I. 1996/1477, 1997/814, 1999/982, 2001/2294, 2002/379 and S.I. 2003/1182.

(22) OJ No. L57, 2.3.92, p. 1.

(23) OJ No. L10, 16.1.98, p. 25.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

In relation to England these Regulations revoke, and replace in part, the Meat Products and Spreadable Fish Products Regulations 1984 (S.I. [1984/1566](#), as amended) which extend to England and Wales (*Regulation 11*).

These Regulations—

- (a) define various expressions used in the Regulations (*Regulation 2*);
- (b) specify the scope of the Regulations (*Regulation 3*);
- (c) prohibit the use of specified names in the labelling or advertising of meat products if the products do not satisfy specific compositional requirements and the sale of food labelled in contravention of that prohibition (*Regulation 4 and Schedule 2*);
- (d) prescribe that, save in specified cases, where meat products of a specified appearance are sold the name used as the name of the food in the labelling of the products must include an indication of any added ingredients of animal origin and of any other added ingredients not falling into specified categories (*Regulation 5 and Schedule 3*);
- (e) subject to an exception, prohibit the sale of uncooked meat products which include amongst their ingredients specified parts of the carcass of any mammalian species of animal (*Regulation 6*);
- (f) prescribe penalties for breach of the Regulations and allocate responsibility for their enforcement and execution (*Regulation 7*);
- (g) subject to a modification, apply specified provisions of the Food Safety Act 1990 for the purposes of the Regulations (*Regulation 8*);
- (h) amend the Food Labelling Regulations 1996 (S.I. [1996/1499](#) as amended) in relation to England by—
 - (i) adding to Regulation 2(1) (interpretation) a definition of “meat product”, and
 - (ii) in Regulation 23 (food which is not prepacked and similar food and fancy confectionery products) adding, as an exception to that regulation, a new paragraph 2(c) providing that, in the case of meat products other than specified ones, which are not prepacked or which are prepacked for direct sale, a declaration is required in accordance with regulation 5(bA) of the 1996 Regulations as to the quantity of certain ingredients or categories of ingredients (*Regulation 9*); and
- (i) include a transitional provision relating to offences under the Regulations committed before 1st February 2004 and a defence in relation to food intended for export (*Regulation 10*).

A regulatory impact assessment has been prepared in respect of these Regulations and has been placed in the Library of each House of Parliament. Copies may be obtained from the Food Labelling and Standards Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.

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