
STATUTORY INSTRUMENTS

2003 No. 2075

The Meat Products (England) Regulations 2003

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.

Interpretation

2. In these Regulations—

“catering establishment” has the meaning assigned to it by the Food Labelling Regulations 1996(1);

“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(2), as amended by Commission Directive [2001/101/EC](#)(3);

“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—

(1) 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.

(2) OJNo. L109, 6.5.2000, p. 29.

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

- (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⁽⁴⁾ 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
- (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⁽⁵⁾ signed at Oporto on 2nd May 1992 as adjusted by the Protocol⁽⁶⁾ 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—

⁽⁴⁾ 1984 c. 22.

⁽⁵⁾ OJ No. L1, 3.1.94, p. 1.

⁽⁶⁾ OJ No. L1, 3.1.94, p. 571.

(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).

(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
(ii) the matter constituting the offence would not have constituted an offence under the Meat Products and Spreadable Fish Products Regulations 1984(7) 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

(7) 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.