
STATUTORY INSTRUMENTS

2004 No. 3344

**The Food with Added Phytosterols or Phytostanols
(Labelling) (England) Regulations 2004**

Interpretation

2.—(1) In these Regulations —

“the Act” means the Food Safety Act 1990;

“biscuits” includes wafers, rusks, oatcakes and matzos;

“confectionery product” means any item of chocolate confectionery or sugar confectionery;

“Directive 2000/13” means Directive [2000/13/EC](#) of the European Parliament and of the Council⁽¹⁾ on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, as amended by amendments up to and including those effected by Directive [2003/89/EC](#) of the European Parliament and of the Council⁽²⁾;

“edible ice” includes ice-cream, water ice and fruit ice, whether alone or in combination, and any similar food;

“fancy confectionery product” means any confectionery product in the form of a figure, animal, cigarette or egg or in any other fancy form;

“flour confectionery” means any cooked food which is ready for consumption without further preparation (other than reheating), of which a characterising ingredient is ground cereal, including shortbread, sponges, crumpets, muffins, macaroons, ratafias, pastry and pastry cases, and also includes meringues, petits fours and uncooked pastry and pastry cases, but does not include bread, pizzas, biscuits, crispbread, extruded flat bread or any food containing a filling which has as an ingredient any cheese, meat, offal, fish, shellfish, vegetable protein material or microbial protein material;

“the key particulars” means those particulars specified in items 1 and 5 in the second paragraph of Article 2 of Regulation 608/2004;

“prepacked for direct sale” means —

- (a) in relation to a food other than flour confectionery, bread and edible ices, prepacked by a retailer for sale by him on the premises where the food is packed or from a vehicle or stall used by him, and
- (b) in relation to flour confectionery, bread and edible ices, prepacked by a retailer for sale as in paragraph (a) of this definition, or prepacked by the producer of the food for sale by him either on the premises where the food is produced or on other premises from which he conducts business under the same name as the business conducted on the premises where the food is produced;

“preparation”, in relation to food, includes manufacture and any form of processing or treatment;

(1) OJ No. L109, 6.5.2000, p.29, as corrected by a Corrigendum (OJ No. L124, 25.5.2000, p.66).

(2) OJ No. L308, 25.11.2003, p.15.

“Regulation 608/2004” means Commission Regulation (EC) No. 608/2004⁽³⁾ concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phyosterols and/or phytosterol esters;

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

“the specified particulars” means the particulars required by Article 2 of Regulation 608/2004.

(2) Food 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 mass caterer, and

(b) it is —

(i) put into packaging before being offered for sale in such a way that the food, whether wholly or only partly enclosed, cannot be altered without opening or changing the packaging, or

(ii) wholly enclosed in packaging before being offered for sale and the food is intended to be cooked without opening the packaging,

but food shall not be regarded as prepacked for the purposes of these Regulations if it comprises an individually wrapped sweet or chocolate which is not enclosed in any further packaging and which is not intended for sale as an individual item.

(3) Other expressions used both in these Regulations and in Directive 2000/13 have the same meaning in these Regulations as they have in that Directive.

(3) OJ No. L97, 1.4.2004, p.44.