
STATUTORY INSTRUMENTS

2006 No. 1401

**The Plastic Materials and Articles in Contact
with Food (England) Regulations 2006**

PART 2

Requirements for Materials and Articles

Restriction on the use of additives in the manufacture of plastic materials and articles

5.—(1) Subject to paragraph (3) no person may use in the manufacture of any plastic material or article any prohibited additive.

(2) A prohibited additive is —

- (a) any additive identified by PM/REF No, CAS No (if any) and name in columns 1, 2 and 3 respectively of Part 1 or Part 2 of Schedule 2 which —
 - (i) is not of good technical quality, or
 - (ii) is not used in accordance with any restrictions and specifications for that additive set out in the corresponding entry in column 4 of Part 1 or Part 2 of that Schedule; or
- (b) any food additive authorised by Directive 89/107 or any flavouring authorised by Directive 88/388 that migrates into food —
 - (i) in a quantity that has a technological function in the final food product, or
 - (ii) where the food is of a type for which the use of any such food additive or flavouring is so authorised, in quantities exceeding the limits provided for in Directive 89/107 or Directive 88/388 as appropriate, or in Schedule 2, whichever is the lower.

(3) In any proceedings for an offence under these Regulations where it is alleged that the commission of the offence is due to the manufacture of a plastic material or article with any additive identified in Part 1 or Part 2 of Schedule 2 which is not of good technical quality, it shall be a defence for the person accused to prove that each such additive is present in the finished plastic material or article as an impurity, a reaction intermediate or a decomposition product.

(4) Part 3 of Schedule 2 has effect to supplement this regulation and Parts 1 and 2 of that Schedule.