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STATUTORY INSTRUMENTS

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**2014 No. 2975**

**The Weights and Measures (Food)  
(Amendment) Regulations 2014**

**Amendments to the Weights and Measures (Miscellaneous Foods) Order 1988**

**20.**—(1) Article 2 is renumbered as 2(1).

(2) In the renumbered article 2(1)—

- (a) for the definition of ““chicory”, “chicory extract paste”, “coffee”, “coffee mixture”, “coffee extract paste”, “instant chicory”, “instant coffee”, “liquid chicory extract” and “liquid coffee extract””, substitute—

““chicory”, “chicory extract paste”, “coffee extract paste”, “instant chicory”, “instant coffee”, “liquid chicory extract” and “liquid coffee extract”, have the same meanings—

- (a) in relation to the application of this Order to England, as in the Coffee Extracts and Chicory Extracts (England) Regulations 2000(1);
- (b) in relation to the application of this Order to Scotland, as in the Coffee Extracts and Chicory Extracts (Scotland) Regulations 2001(2), and
- (c) in relation to the application of this Order to Wales, as in the Coffee Extracts and Chicory Extracts (Wales) Regulations 2001(3);”;

- (b) for the definition of ““chocolate confectionery”, “flour confectionery” and “sugar confectionery”” substitute—

““chocolate confectionery” means any food which is ready for consumption without further preparation, of which a characterising ingredient is chocolate, cocoa or non-fat cocoa solids, and includes food of which a characterising ingredient is carbohydrate sweetening matter and which has a chocolate or chocolate-flavoured coating, but does not include any biscuits, chocolate products, flour confectionery or edible ice;”;

- (c) for the definition ““cocoa product”, “chocolate product”, “fancy chocolate product”, “container” in relation to these products and “reserved description””, substitute—

““chocolate product” means—

- (a) in relation to the application of this Order to England, any chocolate product to which the Cocoa and Chocolate Products (England) Regulations 2003(4) apply;
- (b) in relation to the application of this Order to Scotland, any chocolate product to which the Cocoa and Chocolate Products (Scotland) Regulations 2003(5) apply; and

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(1) S.I. 2000/3323, amended prospectively by S.I. 2014/1855; there are other amending instruments but none is relevant.

(2) S.S.I. 2001/38, to which there are amendments not relevant to these Regulations.

(3) S.I. 2001/1440 (W. 102), relevant amending instruments are S.I. 2002/329 (W.42), prospectively S.I. 2014/2303 (W. 227).

(4) S.I. 2003/1659, amended prospectively by S.I. 2014/1855; there is another amending instrument but it is not relevant.

(5) S.S.I. 2003/291, to which there are amendments not relevant to these Regulations.

- (c) in relation to the application of this Order to Wales, any chocolate product to which the Cocoa and Chocolate Products (Wales) Regulations 2003<sup>(6)</sup> apply; “cocoa product” means—
  - (a) in relation to the application of this Order to England, any cocoa product to which the Cocoa and Chocolate Products (England) Regulations 2003 apply;
  - (b) in relation to the application of this Order to Scotland, any cocoa product to which the Cocoa and Chocolate Products (Scotland) Regulations 2003 apply; and
  - (c) in relation to the application of this Order to Wales, any cocoa product to which the Cocoa and Chocolate Products (Wales) Regulations 2003 apply;”;
- (d) before the definition of “coffee bag” insert—
 

““coffee” means the dried seed of the coffee plant whether such seed has been roasted or ground or both roasted and ground;”;
- (e) for the definition of ““condensed milk” and “dried milk”” substitute—
 

““condensed milk” means milk, partly skimmed milk or skimmed milk or any combination thereof, whether with or without the addition of cream, dried milk or sucrose, which has been concentrated by the partial removal of water, but does not include dried milk;”;
- (f) before the definition of “liquid coffee and chicory products” insert—
 

““container”, in relation to cocoa products, chocolate products and fancy chocolate products, includes any form of packaging of goods for sale as a single item, whether by way of wholly or partly enclosing the food or by way of attaching the food to some other article, and in particular includes a wrapper or confining band, but does not include any crimp case used to support the base or the base and sides of any chocolate product;

“dried milk” means milk, partly skimmed milk or skimmed milk or any combination thereof, whether with or without the addition of cream, which has been concentrated to the form of powder, granule or solid by the removal of water;

“fancy chocolate product” includes any chocolate product in the form of figurines, cigarettes or eggs or enclosed in a seasonal selection pack;

“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 or shellfish;”;
- (g) before the definition of “Member State” insert—
 

““mass caterer” means any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals and catering enterprises in which, in the course of a business, food is prepared to be ready for consumption by the final consumer;”;
- (h) before the definition of “preserved milk” insert—

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(6) S.I. 2003/3037 (W. 285), amended prospectively by S.I. 2014/2303 (W. 227); there is another amending instrument but it is not relevant.

- “pre-packed”, in relation to food to which this Order applies, means either or both of—
- (a) made up for direct sale (within the meaning of Article 2(2)(e) of the FIC Regulation(7)) by way of retail;
  - (b) made up in advance ready for retail sale in an open container;”;
- (i) before the definition of “solid and paste coffee and chicory products” insert—
- “relevant wholesale”, in relation to food to which this Order applies, means a sale by way of wholesale, but does not include any of the following—
- (a) a sale to a mass caterer;
  - (b) a supply of food that is prepacked food within the meaning of the FIC Regulation intended for sale to the final consumer or to a mass caterer, or any other supply of food that is made up in advance ready for retail sale in an open container; or
  - (c) a supply to which Article 8(8) of the FIC Regulation applies(8);”;
- (j) after the definition of “solid and paste coffee and chicory products” insert—
- “sugar confectionery” means any food which is ready for consumption without further preparation, of which a characterising ingredient is carbohydrate sweetening matter, and includes sweetened liquorice and chewing gum, but does not include any chocolate confectionery, chocolate products, cocoa products, flour confectionery, edible ice, table jellies, slab marzipan or sugar.”
- (3) After the renumbered article 2(1) insert—
- “(2) References in this Order to items being “loose” include items packed at the request of the customer.”

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(7) The FIC Regulation means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as defined in section 94(1) of the Weights and Measures Act 1985.

(8) Article 8(8) of the FIC Regulation sets out the application of the FIC Regulation to food business operators that supply food not intended for the final consumer or mass caterers to other food business operators. In those circumstances, sufficient information must be provided to the recipient food business operator to enable that food business operator to meet its obligations under Article 8(2) of the FIC Regulation, which requires the food business operator to ensure the presence and accuracy of the food information in accordance with the applicable food information law and relevant national provisions.