



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 1719 (Cy.186)

2003 No. 1719 (W.186)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Ychwanegion Bwyd
(Cymru) 2003**

**The Food Supplements (Wales)
Regulations 2003**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau.)

(This note is not part of the Regulations)

1. Mae'r Rheoliadau hyn yn gweithredu yng Nghymru Gyfarwyddeb 2002/46/EC Senedd Ewrop a'r Cyngor ar gyd-ddynesu cyfreithiau'r Aelod-wladwriaethau ynglyn ag ychwanegion bwyd.

1. These Regulations implement in Wales Directive 2002/46/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to food supplements.

2. Mae'r Rheoliadau yn ymwneud â gwerthu (fel y'i diffinnir yn rheoliad 2(1)) ychwanegion bwyd sy'n cael eu gwerthu fel bwyd a'u cyflwyno fel y cyfryw (rheoliad 3). Diffinnir ychwanegyn bwyd fel bwyd sy'n cael ei werthu ar ffurf dogn ac sydd wedi'i fwriadu i ychwanegu at ddeiet normal ac yn ffynhonnell grynodedig o fitamin neu fwyn neu sylwedd arall ag effaith faethol neu ffisiolegol, naill ai ar ei ben ei hun neu mewn cyfuniad (rheoliad 2(1)).

2. The Regulations concern the sale (as defined in regulation 2(1)) of food supplements which are sold as food and presented as such (regulation 3). A food supplement is defined as a food sold in dose form whose purpose is to supplement the normal diet and which is a concentrated source of a vitamin or mineral or other substance with a nutritional or physiological effect, alone or in combination (regulation 2(1)).

3. Mae'r Rheoliadau - a hynny o 1 Awst 2005 ymlaen -

3. The Regulations - with effect from 1st August 2005 -

- (a) yn gwahardd gwerthu ychwanegyn bwyd i'r defnyddiwr olaf oni bai ei fod wedi'i ragbacio (rheoliadau 4 a 2(2)),
- (b) yn gwahardd gwerthu ychwanegyn bwyd y defnyddiwyd fitamin neu fwyn wrth ei gynhyrchu, oni bai bod gofynion cyfansoddi penodol wedi'u bodloni, yn ddarostyngedig i ddarpariaeth drosiannol (rheoliad 5(3) a'r Atodlenni),
- (c) yn gwahardd gwerthu ychwanegyn bwyd sy'n barod i'w ddanfôn at y defnyddiwr olaf neu i sefydliad arlwygo oni bai bod gofynion penodol ynglyn â labelu, cyflwyno a hysbysebu'r cynnyrch wedi'u bodloni (rheoliadau 6 a 7).

- (a) prohibit the sale of a food supplement to the ultimate consumer unless it is prepacked (regulations 4 and 2(2)),
- (b) prohibit the sale of a food supplement in the manufacture of which a vitamin or mineral has been used, unless certain compositional requirements are met, subject to a transitional provision (regulation 5(3) and Schedules),
- (c) prohibit the sale of a food supplement which is ready for delivery to the ultimate consumer or a catering establishment unless certain requirements as to labelling, presentation and advertising of the product are met (regulations 6 and 7).

4. Mae Erthygl 6(2) o'r Gyfarwyddeb (sy'n dweud bod rhaid peidio â phriodoli i ychwanegion bwyd, wrth eu labelu, eu cyflwyno a'u hysbysebu, nodweddion atal, trin neu iacháu clefyd dynol, na chyfeirio at nodweddion o'r fath) eisoes wedi'i roi ar waith yn Rheoliadau Labelu Bwyd 1996 (rheoliad 40(1) ac Atodlen 6, Rhan I, paragraff 2).

5. Mae'r Rheoliadau yn gwneud darpariaeth ynglyn â'r cyfrifoldebau ar gyfer gorfodi (rheoliad 8); yn creu tramgwyddau a chosbau (rheoliad 9) ac yn cymhwyso darpariaethau penodol yn Neddf Diogelwch Bwyd 1990 (rheoliad 11). Mae'r Rheoliadau yn darparu amddiffyniad mewn perthynas ag allforion, yn unol ag Erthyglau 2 a 3 o Gyfarwyddeb y Cyngor 89/397/EEC (OJ Rhif L186, 30.6.89, t.23) ar reoli ar fwydydd yn swyddogol (rheoliad 10).

6. Mae arfarniad Rheoliadol wedi'i baratoi ar gyfer y Rheoliadau hyn ac wedi'i adneuo yn Llyfrgell Cynulliad Cenedlaethol Cymru. Gellir cael copiau oddi wrth yr Asiantaeth Safonau Bwyd, Llawr 1, Southgate House, Caerdydd CF10 1EW.

4. Article 6(2) of the Directive (labelling, presentation and advertising must not attribute to food supplements the property of preventing, treating or curing a human disease, or refer to such properties) is already implemented in the Food Labelling Regulations 1996 (regulation 40(1) and Schedule 6, Part I, paragraph 2).

5. The Regulations make provision as to responsibilities for enforcement (regulation 8); create offences and penalties (regulation 9) and apply certain provisions of the Food Safety Act 1990 (regulation 11). The Regulations provide a defence in relation to exports, in accordance with Articles 2 and 3 of Council Directive 89/397/EEC (OJ No. L186, 30.6.89, p.23) on the official control of foodstuffs (regulation 10).

6. A Regulatory appraisal for these Regulations has been prepared and placed in the Library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 1st Floor, Southgate House, Cardiff CF10 1EW.

2003 Rhif 1719 (Cy.186)**2003 No. 1719 (W.186)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Ychwanegion Bwyd
(Cymru) 2003****The Food Supplements (Wales)
Regulations 2003***Wedi'u gwneud**9 Gorffennaf 2003**Made**9th July 2003**Yn dod i rym**1 Awst 2005**Coming into force**1st August 2005*

Drwy arfer y pwerau a roddwyd iddo gan adrannau 16(1)(a) ac (e), 17(1), 26(1)(a) a (3) a 48(1) o Ddeddf Diogelwch Bwyd 1990(a), ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru(b), ar ôl rhoi sylw yn unol ag adran 48(4A) o'r Ddeddf honno i gyngor perthnasol a roddwyd gan yr Asiantaeth Safonau Bwyd ac ar ôl ymgynghori yn unol â gofynion Erthygl 9 o Reoliad (EC) Rhif 178/2002 o Senedd Ewrop a'r Cyngor(c) yn pennu egwyddorion a gofynion cyffredinol cyfraith bwyd, yn sefydlu'r Awdurdod Diogelwch Bwyd Ewropeaidd ac yn pennu gweithdrefnau ynglyn â materion diogelwch bwyd ac yn unol ag adran 48(4) a (4B) o'r Ddeddf honno, mae Cynulliad Cenedlaethol Cymru drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cymhwyso a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Ychwanegion Bwyd (Cymru) 2003; deuant i rym ar 1 Awst 2005 ac maent yn gymwys i Gymru yn unig.

Dehongli

2.-(1) Yn y Rheoliadau hyn -

ystyr "Cyfarwyddeb 2002/46" ("*Directive 2002/46*") yw Cyfarwyddeb 2002/46/EC Senedd Ewrop a'r Cyngor(ch) ar gyd-ddynesu cyfreithiau Aelod-wladwriaethau mewn perthynas ag ychwanegion bwyd;

ystyr "defnyddiwr olaf" ("*ultimate consumer*") yw unrhyw berson sy'n prynu ac eithrio -

- (a) at ddibenion ailwerthu;
- (b) at ddibenion sefydliad arlwygo; neu

(a) 1990 p.16.

(b) Trosglwyddwyd swyddogaethau yr Ysgifennydd Gwladol o dan Ddeddf Diogelwch Bwyd 1990, i'r graddau y maent yn arferadwy mewn perthynas â Chymru i Gynulliad Cenedlaethol Cymru drwy Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) fel y'i darllenir ar y Cyd ag adran 40(3) o Ddeddf Diogelwch Bwyd 1990.

(c) OJ Rhif L31, 1.2.2002, t.1.

(ch) OJ Rhif L183, 12.7.2002, t.51.

In exercise of the powers conferred by sections 16(1)(a) and (e), 17(1), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990(a), and now vested in the National Assembly for Wales(b), having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation both as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(c) 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 and in accordance with section 48(4) and (4B) of that Act, the National Assembly for Wales makes the following Regulations:

Citation, application and commencement

1. These Regulations may be cited as the Food Supplements (Wales) Regulations 2003; they come into force on 1st August 2005 and apply to Wales only.

Interpretation

2.-(1) In these Regulations -

"the Act" ("*y Ddeddf*") means the Food Safety Act 1990;

"catering establishment" ("*sefydliad arlwygo*") means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer and is ready for consumption

(a) 1990 c.16.

(b) Functions of the Secretary of State under the Food Safety Act 1990, 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 in conjunction with Section 40(3) of the Food Safety Act 1990.

(c) OJ No. L31, 1.2.2002, p.1.

(c) at ddibenion busnes gweithgynhyrchu;
ystyr "y Ddeddf" ("*the Act*") yw Deddf
Diogelwch Bwyd 1990;

ystyr "ffurf dogn" ("*dose form*") yw ffurf
megis capsïwlau, pastiliau, tabledi, pils, a
ffurfiau tebyg eraill, sachets powdr, ampylau
hylifau, poteli sy'n dosbarthu diferion, a
ffurfiau tebyg eraill ar hylifau neu bowdrau
sydd wedi'u dylunio i gael eu cymryd mewn
meintiau unedol bach sydd wedi'u mesur;

mae "gwerthu" ("*sell*") yn cynnwys meddu
gyda'r bwriad o werthu a chynnig, amlygu neu
hysbysebu gyda'r bwriad o werthu;

mae "paratoi" ("*preparation*") yn cynnwys
gweithgynhyrchu ac unrhyw ffurf ar brosesu
neu drin;

ystyr "sefydliad arlwyo" ("*catering
establishment*") yw bwyty, ffretur, clwb,
tafam, ysgol, ysbyty neu sefydliad tebyg (gan
gynnwys cerbyd neu stonid sefydlog neu
symudol) os yw bwyd, wrth gynnal busnes, yn
cael ei baratoi i'w gyflenwi i'r defnyddiwr olaf
ac yn barod i'w fwyta heb baratoi pellach; ac

ystyr "ychwanegyn bwyd" ("*food supplement*")
yw unrhyw fwyd sydd wedi'i fwriadu i
ychwanegu at ddeiet normal ac sydd -

(a) yn ffynhonnell grynodedig o fitamin neu
fwyn neu sylwedd arall ag effaith faethol
neu ffisiolegol, ar ei ben ei hun neu mewn
cyfuniad; a

(b) yn cael ei werthu ar ffurf dogn.

(2) Rhaid ystyried bod ychwanegyn bwyd wedi'i
ragbacio at ddibenion y Rheoliadau hyn -

(a) os yw'n barod i'w werthu i'r defnyddiwr olaf
neu i sefydliad arlwyo, a

(b) os yw wedi'i roi mewn pecyn cyn cael ei
gynnig i'w werthu yn y fath fodd ag i beidio â
chaniatáu newid yr ychwanegyn bwyd heb
agor neu newid y pecyn.

(3) Mae i ymadroddion eraill a ddefnyddir yn y
Rheoliadau hyn ac ar eu ffurf Saesneg yng
Nghyfarwyddeb 2002/46 yr un ystyr yn y Rheoliadau
hyn â'r ymadroddion Saesneg cyfatebol yn y
Gyfarwyddeb honno.

Cwmpas y Rheoliadau

3.-(1) Mae'r Rheoliadau hyn yn gymwys i
ychwanegion bwyd sy'n cael eu gwerthu fel bwyd a'u
cyflwyno fel y cyfryw.

(2) Nid yw'r Rheoliadau hyn yn gymwys i
gynhyrchion meddyginiaethol fel y'u diffinnir gan

without further preparation;

"Directive 2002/46" ("*Cyfarwyddeb 2002/46*")
means Directive 2002/46/EC of the European
Parliament and of the Council(a) on the
approximation of the laws of the Member
States relating to food supplements;

"dose form" ("*ffurf dogn*") means a form such
as capsules, pastilles, tablets, pills, and other
similar forms, sachets of powder, ampoules of
liquids, drop dispensing bottles, and other
similar forms of liquids or powders designed
to be taken in measured small unit quantities;

"food supplement" ("*ychwanegyn bwyd*")
means any food the purpose of which is to
supplement the normal diet and which -

(a) is a concentrated source of a vitamin or
mineral or other substance with a
nutritional or physiological effect, alone
or in combination; and

(b) is sold in dose form;

"preparation" ("*paratoi*") includes manufacture
and any form of processing or treatment,

"sell" ("*gwerthu*") includes possess for sale
and offer, expose or advertise for sale; and

"ultimate consumer" ("*defnyddiwr Olaf*")
means any person who purchases otherwise
than -

(a) for the purpose of resale;

(b) for the purposes of a catering
establishment; or

(c) for the purposes of a manufacturing
business.

(2) A food supplement 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 catering establishment, and

(b) it is put into packaging before being offered for
sale in such a way that the food supplement,
cannot be altered without opening or changing
the packaging.

(3) Other expressions used both in these Regulations
and in Directive 2002/46 have the same meaning in
these Regulations as they have in that Directive.

Scope of Regulations

3.-(1) These Regulations apply to food supplements
sold as food and presented as such.

(2) These Regulations do not apply to medicinal
products as defined by Directive 2001/83/EC of the

(a) OJ No. L183, 12.7.2002, p.51.

Gyfarwyddeb 2001/83/EC Senedd Ewrop a'r Cyngor(a) ar god y Gymuned ynglyn â chynhyrchion meddyginiaethol i bobl eu defnyddio.

Cyfyngiad ar y ffurf a ddefnyddir i werthu ychwanegion bwyd i'r defnyddiwr olaf

4. Ni chaiff neb werthu unrhyw ychwanegyn bwyd i'r defnyddiwr olaf oni bai ei fod wedi'i ragbacio.

Gwaharddiadau gwerthu sy'n ymwneud â chyfansoddiad ychwanegion bwyd

5.-(1) Yn ddarostyngedig i baragraff (3), ni chaiff neb werthu ychwanegyn bwyd y mae fitamin neu fwyn wedi'i ddefnyddio wrth ei gynhyrchu oni bai bod y fitamin neu'r mwyn hwnnw-

- (a) wedi'i restru yng ngolofn 1 o Atodlen 1; a
- (b) ar ffurf sydd
 - (i) wedi'i rhestru yn Atodlen 2, a
 - (ii) yn bodloni'r meini prawf purdeb perthnasol.

(2) Y meini prawf purdeb perthnasol at ddibenion paragraff (1)(b)(ii) yw -

- (a) y meini prawf purdeb, os o gwbl, a bennwyd drwy ddeddfwriaeth Gymunedol ar gyfer defnyddio'r sylwedd o dan sylw wrth gynhyrchu bwyd at ddibenion heblaw'r rhai y mae Cyfarwyddeb 2002/46 yn ymdrin â hwy; neu
- (b) yn absenoldeb meini prawf purdeb o'r fath, y meini prawf purdeb sy'n dderbyniol yn gyffredinol ar gyfer y sylwedd o dan sylw ac sy'n cael eu hargymell gan gyrff rhyngwladol.

(3) Yn achos fitamin neu fwyn nad yw wedi'i restru yng ngholofn 1 o Atodlen 1 neu nad yw ar ffurf a restrir yn Atodlen 2, ni fydd y gwaharddiadau ym mharagraff (1) yn gymwys tan 1 Ionawr 2010 -

- (a) os oedd y sylwedd o dan sylw yn cael ei ddefnyddio wrth gynhyrchu ychwanegyn bwyd a oedd ar werth yn y Gymuned Ewropeaidd ar 12 Gorffennaf 2002;
- (b) os cafodd coflen yn cefnogi'r defnydd ar y sylwedd o dan sylw ei chyflwyno i'r Comisiwn gan yr Asiantaeth Safonau Bwyd neu unrhyw Aelod-wladwriaeth arall erbyn 12 Gorffennaf 2005; ac
- (c) nad yw'r Awdurdod Diogelwch Bwyd Ewropeaidd wedi rhoi barn anffafriol ynglyn â defnyddio'r sylwedd hwnnw, neu ar ei ddefnyddio ar y ffurf honno wrth gynhyrchu ychwanegion bwyd.

European Parliament and of the Council(a) on the Community code relating to medicinal products for human use.

Restriction on form in which food supplements are sold to the ultimate consumer

4. No person shall sell any food supplement to the ultimate consumer unless it is prepacked.

Prohibitions on sale relating to composition of food supplements

5.-(1) Subject to paragraph (3), no person shall sell a food supplement in the manufacture of which a vitamin or mineral has been used unless that vitamin or mineral -

- (a) is listed in column 1 of Schedule 1; and
- (b) is in a form which -
 - (i) is listed in Schedule 2, and
 - (ii) meets the relevant purity criteria.

(2) The relevant purity criteria for the purposes of paragraph (1)(b)(ii) are -

- (a) the purity criteria, if any, specified by Community legislation for the use of the substance in question in the manufacture of food for purposes other than those covered by Directive 2002/46; or
- (b) in the absence of such purity criteria, generally acceptable purity criteria for the substance in question recommended by international bodies.

(3) In the case of a vitamin or mineral which is not listed in column 1 of Schedule 1 or is not in a form listed in Schedule 2, the prohibitions in paragraph (1) shall not apply until 1st January 2010 if -

- (a) the substance in question was used in the manufacture of a food supplement which was on sale in the European Community on 12th July 2002;
- (b) a dossier supporting use of the substance in question was submitted to the Commission by the Food Standards Agency or another member State by 12th July 2005; and
- (c) the European Food Safety Authority has not given an unfavourable opinion in respect of the use of that substance, or its use in that form in the manufacture of food supplements.

(a) OJ Rhif L311, 28.11.2001, t.67.

(a) OJ No. L311, 28.11.2001, p.67.

Cyfngiadau ar werthu sy'n ymwneud â labelu etc ychwanegion bwyd

6.-(1) Ni chaiff neb werthu ychwanegyn bwyd sy'n barod i'w ddanfôn at y defnyddiwr olaf neu i sefydliad arlwygo os nad yw'r enw y mae'n cael ei werthu odano yn "ychwanegyn bwyd".

(2) Heb ragfarnu Rheoliadau Labelu Bwyd 1996(a), ni chaiff neb werthu ychwanegyn bwyd sy'n barod i'w ddanfôn at y defnyddiwr olaf neu i sefydliad arlwygo oni bai ei fod wedi'i farcio neu wedi'i labelu â'r manylion canlynol -

- (a) enw categori unrhyw fitamin neu fwyn neu sylwedd arall ag effaith faethol neu ffisiolegol sy'n nodweddu'r cynnyrch neu fynegiant o natur y fitamin neu'r mwyn neu'r sylwedd arall;
- (b) y gyfran o'r cynnyrch yr argymhellir ei bwyta'n ddyddiol;
- (c) rhybudd i beidio â chymryd mwy na'r dogn dyddiol penodedig a argymhellir;
- (ch) datganiad i'r perwyl na ddylid defnyddio ychwanegion bwyd yn lle deiet amrywiol;
- (d) datganiad i'r perwyl y dylid storio'r cynnyrch y tu allan i gyrraedd plant bach; ac
- (dd) faint o unrhyw fitamin neu fwyn neu sylwedd arall ag effaith faethol neu ffisiolegol sy'n bresennol yn y cynnyrch.

(3) Rhaid i'r wybodaeth sy'n ofynnol o dan baragraff (2)(dd) -

- (a) cael ei rhoi ar ffurf rhifau;
- (b) cael ei rhoi yn achos fitamin neu fwyn a rhestrir yng ngholofn 1 o Atodlen 1, gael ei roi drwy ddefnyddio'r uned berthnasol a bennir yng ngholofn 2 o'r Atodlen honno;
- (c) datgan y swm fesul cyfran o'r cynnyrch fel yr argymhellir ei fwyta'n ddyddiol ar label y cynnyrch;
- (ch) bod yn faint cyfartalog ar sail dadansoddiad y gweithgynhyrhydd o'r cynnyrch; a
- (d) cael ei mynegi hefyd, yn achos fitamin neu fwyn a restrir yn yr Atodiad i Gyfarwyddeb y Cyngor 90/496/EEC(b) ar labelu maethiad ar gyfer bwydydd, fel canran (y caniateir ei rhoi hefyd ar ffurf graff) o'r lwfans dyddiol perthnasol a argymhellir ac a bennir yn yr Atodiad hwnnw.

(4) Ni chaiff neb werthu unrhyw ychwanegyn bwyd sy'n barod i'w ddanfôn at y defnyddiwr olaf neu i sefydliad arlwygo os yw dull ei labelu, ei gyflwyno neu

(a) O.S. 1996/1499, a ddiwygiwyd gan O.S. 1998/141, 1398, 2424, 1999/747, 1136, 1483, 1540, 1603, 2000/1925 (Cy.134), 2001/1232 (Cy.66), 1440 (Cy.102), 2679 (Cy.220), 3909 (Cy.321), 2002/329 (Cy.42).

(b) OJ Rhif L276, 6.10.90, t.40.

Restrictions on sale relating to labelling etc of food supplements

6.-(1) No person shall sell a food supplement which is ready for delivery to the ultimate consumer or to a catering establishment unless the name under which it is sold is "food supplement"..

(2) Without prejudice to the Food Labelling Regulations 1996(a), no person shall sell a food supplement which is ready for delivery to the ultimate consumer or to a catering establishment unless it is marked or labelled with the following particulars -

- (a) the name of the category of any vitamin or mineral or other substance with a nutritional or physiological effect which characterises the product or an indication of the nature of that vitamin or mineral or other substance;
- (b) the portion of the product recommended for daily consumption;
- (c) a warning not to exceed the stated recommended daily dose;
- (d) a statement to the effect that food supplements should not be used as a substitute for a varied diet;
- (e) a statement to the effect that the product should be stored out of the reach of young children; and
- (f) the amount of any vitamin or mineral or other substance with a nutritional or physiological effect which is present in the product.

(3) The information required by paragraph (2)(f) shall -

- (a) be given in numerical form;
- (b) in the case of a vitamin or mineral listed in column 1 of Schedule 1, be given using the relevant unit specified in column 2 of that Schedule;
- (c) be the amount per portion of the product as recommended for daily consumption on the labelling of the product;
- (d) be an average amount based on the manufacturer's analysis of the product; and
- (e) in the case of a vitamin or mineral listed in the Annex to Council Directive 90/496/EEC(b) on nutrition labelling for foodstuffs, be expressed also as a percentage (which may also be given in graphical form) of the relevant recommended daily allowance specified in that Annex.

(4) No person shall sell any food supplement which is ready for delivery to the ultimate consumer or to a catering establishment if the labelling, presentation or

(a) S.I. 1996/1499, as amended by S.I. 1998/141, 1398, 2424, 1999/747, 1136, 1483, 1540, 1603, 2000/1925 (W.134), 2001/1232 (W.66), 1440 (W.102), 2679 (W.220), 3909 (W.321), 2002/329 (W.42).

(b) OJ No. L276, 6.10.90, p.40.

ei hysbysu yn cynnwys sôn, naill ai'n ddiamwys neu'n ymhlyg, na all deiet cytbwys ac amrywiol ddarparu meintiau priodol o fitaminau neu fwynau yn gyffredinol.

Dull marcio neu labelu

7.-(1) Ni chaiff neb werthu unrhyw ychwanegyn bwyd sydd

- (a) yn barod i'w ddanfôn i'r defnyddiwr olaf, neu
- (b) yn barod i'w ddanfôn i sefydliad arlwyo ac wedi'i ragbacio,

os nad yw'r manylion y mae'n ofynnol ei farcio neu ei labelu â hwy o dan reoliad 6 (2) yn ymddangos -

- (i) ar y pecyn;
- (ii) ar label sydd ynghlwm wrth y pecyn; neu
- (iii) ar label sydd i'w weld yn glir drwy'r pecyn,

ac eithrio pan werthir i unrhyw un heblaw'r defnyddiwr olaf, y caiff y manylion hyn fel arall ymddangos ar y dogfennau masnachol ynglyn â'r ychwanegyn bwyd os oes modd gwarantu bod y dogfennau hynny, sy'n cynnwys y manylion hyn i gyd, naill ai gyda'r ychwanegyn bwyd y maent yn ymwneud ag ef neu wedi cael eu hanfôn cyn i'r ychwanegyn bwyd gael ei anfon, neu'r un pryd â hynny ac ar yr amod bod y manylion sy'n ofynnol o dan reoliad 5(a), (c) ac (e) o Reoliadau Labelu Bwyd 1996 wedi'u marcio neu wedi'u labelu hefyd ar y pecyn allanol y mae'r ychwanegyn bwyd hwnnw wedi'i werthu gydag ef.

(2) Ni chaiff neb werthu unrhyw ychwanegyn bwyd sy'n barod i'w ddanfôn i sefydliad arlwyo ac nad yw wedi'i ragbacio os nad yw'r manylion y mae'n ofynnol eu marcio neu eu labelu â hwy o dan reoliad 6(2) yn ymddangos -

- (a) ar label sydd ynghlwm wrth yr ychwanegyn bwyd;
- (b) ar docyn neu hysbysiad y mae'n hawdd i ddarpar brynwr ei ddirnad yn y man lle mae'n dewis yr ychwanegyn bwyd hwnnw; neu
- (c) mewn dogfennau masnachol sy'n ymwneud â'r ychwanegyn bwyd os oes modd gwarantu bod y dogfennau yn naill ai gyda'r ychwanegyn bwyd y maent yn ymwneud ag ef neu wedi cael eu hanfôn cyn hynny, neu'r un pryd ag anfon yr ychwanegyn bwyd hwnnw.

(3) Ni chaiff neb werthu unrhyw ychwanegyn bwyd sy'n barod i'w ddanfôn at y defnyddiwr olaf neu i sefydliad arlwyo os nad yw'r manylion y mae'n ofynnol marcio neu labelu ychwanegyn bwyd â hwy o dan reoliad 6(2) yn hawdd i'w deall, yn hollol ddarllenadwy, yn annileadwy a, phan fydd bwyd yn cael ei werthu i'r defnyddiwr olaf, rhaid i'r manylion

advertising of which includes any mention, express or implied, that a balanced and varied diet cannot provide appropriate quantities of vitamins or minerals in general.

Manner of marking or labelling

7.-(1) No person shall sell any food supplement which -

- (a) is ready for delivery to the ultimate consumer, or
- (b) is ready for delivery to a catering establishment and is prepacked,

unless the particulars with which it is required to be marked or labelled by regulation 6(2) shall appear -

- (i) on the packaging;
- (ii) on a label attached to the packaging; or
- (iii) on a label which is clearly visible through the packaging,

save that where the sale is otherwise than to the ultimate consumer such particulars may, alternatively, appear only on the commercial documents relating to the food supplement where it can be guaranteed that such documents, containing all such particulars, either accompany the food supplement to which they relate or were sent before, or at the same time as, delivery of the food supplement, and provided always that the particulars required by regulation 5(a), (c) and (e) of the Food Labelling Regulations 1996 shall also be marked or labelled on the outermost packaging in which that food supplement is sold.

(2) No person shall sell any food supplement which is ready for delivery to a catering establishment and is not prepacked unless the particulars with which it is required to be marked or labelled by regulation 6(2) appear -

- (a) on a label attached to the food supplement;
- (b) on a ticket or notice which is readily discernible by the intending purchaser at the place where he or she chooses the food supplement; or
- (c) in commercial documents relating to the food supplement where it can be guaranteed that such documents either accompany the food supplement to which they relate or were sent before, or at the same time as, delivery of the food supplement.

(3) No person shall sell any food supplement which is ready for delivery to the ultimate consumer or to a catering establishment unless the particulars with which a food supplement is required to be marked or labelled by regulation 6(2) shall be easy to understand, clearly legible and indelible and, when a food is sold to the ultimate consumer, those particulars shall be

hynny gael eu marcio mewn man amlwg mewn ffordd sy'n eu gwneud yn hawdd i'w gweld.

(4) Ni chaiff neb werthu unrhyw ychwanegyn bwyd sy'n barod i'w ddanfon at y defnyddiwr olaf neu i sefydliad arlwygo os yw'r manylion y mae'n ofynnol marcio neu labelu'r ychwanegyn bwyd â hwy yn rhinwedd rheoliad 6(2) wedi'u cuddio neu wedi'u tywyllu mewn unrhyw ffordd neu os ymyrryd mewn unrhyw ffordd â'r manylion hynny ag unrhyw fater ysgrifenedig neu ddarluniadol arall.

Gorfodi

8. Rhaid i bob awdurdod bwyd orfodi a gweithredu'r Rheoliadau hyn yn ei ardal.

Tramgwyddau a chosbau

9. Bydd unrhyw berson sy'n torri rheoliad 4, 5, 6 neu 7 yn euog o dramgwydd ac yn agored o'i gollfarnu'n ddiannod i ddirwy heb fod yn fwy na lefel 5 ar y raddfa safonol.

Amddiffyniad mewn perthynas ag allforion

10. Mewn unrhyw achosion am dramgwydd o dan y Rheoliadau hyn bydd yn amddiffyniad i'r person a gyhuddir i brofi -

- (a) bod y bwyd a honnir bod y tramgwydd wedi'i gyflawni mewn perthynas ag ef wedi'i fwriadu i'w allforio i wlad y mae ganddi ddeddfwriaeth gyfatebol i'r Rheoliadau hyn a bod y bwyd yn cydymffurfio â'r ddeddfwriaeth honno; a
- (b) yn achos allforio i Aelod-wladwriaeth, bod y ddeddfwriaeth yn cydymffurfio â darpariaethau Cyfarwyddeb 2002/46.

Cymhwyso amryw o ddarpariaethau'r Ddeddf

11. Bydd darpariaethau canlynol y Ddeddf yn gymwys at ddibenion y Rheoliadau hyn gyda'r addasiad y bydd unrhyw gyfeiriad yn y darpariaethau hynny at y Ddeddf neu Ran ohoni yn cael eu dehongli fel cyfeiriad at y Rheoliadau hyn -

- (a) adran 2 (ystyr estynedig "sale" etc.);
- (b) adran 3 (rhagdybiaethau bod bwyd wedi'i fwriadu i bobl ei fwyta);
- (c) adran 20 (tramgwyddau oherwydd bai person arall);
- (ch) adran 21 (amddiffyniad diwydrwydd dyladwy) fel y mae'n gymwys at ddibenion adrannau 8, 14 neu 15;
- (d) adran 22 (amddiffyniad o gyhoeddi wrth gynnal busnes);
- (dd) adran 30(8) (sy'n ymwneud â thystiolaeth ddogfennol);
- (e) adran 33(1) (rhwystro etc. swyddogion);

marked in a conspicuous place in such a way as to be easily visible.

(4) No person shall sell any food supplement which is ready for delivery to the ultimate consumer or to a catering establishment if the particulars with which it is required to be marked or labelled by virtue of regulation 6(2) are in any way be hidden, obscured or interrupted by any other written or pictorial matter.

Enforcement

8. Each food authority shall enforce and execute these Regulations in its area.

Offences and penalties

9. Any person who contravenes regulation 4, 5, 6 or 7 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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 -

- (a) that the food in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that the food complies with that legislation; and
- (b) in the case of export to a member State, that the legislation complies with the provisions of Directive 2002/46.

Application of various provisions of the Act

11. The following provisions of the Act 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 as a reference to these Regulations -

- (a) section 2 (extended meaning of "sale" etc.);
- (b) section 3 (presumptions that food is 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 section 8, 14 or 15;
- (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);

- (f) adran 33(2), gyda'r addasiad y bernir bod y cyfeiriad at "any such requirement as is mentioned in subsection (1)(b) above" yn gyfeiriad at unrhyw ofynion o'r fath a grybwyllir yn yr is-adran honno fel y'i cymhwysir gan baragraff (e) uchod;
- (ff) adran 35(1) (cosbi tramgwyddau), i'r graddau y mae'n ymwneud â thramgwyddau o dan adran 33(1) fel y'i cymhwysir gan baragraff (e) uchod;
- (g) adran 35(2) a (3), i'r graddau y mae'n ymwneud â thramgwyddau o dan adran 33(2) fel y'i cymhwysir gan baragraff (f) uchod;
- (ng) adran 36 (tramgwyddau gan gyrff corfforaethol); ac
- (h) adran 44 (amddiffyn swyddogion sy'n gweithredu'n ddidwyll).
- (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 paragraph (g) above;
- (i) section 35(1) (punishment of offences) in so far as it relates to offences under section 33(1) as applied by paragraph (g) above;
- (j) section 35(2) and (3) in so far as it relates to offences under section 33(2) as applied by paragraph (h) above;
- (k) section 36 (offences by bodies corporate); and
- (l) section 44 (protection of officers acting in good faith).

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

9 Gorffennaf 2003

9th July 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

ATODLEN 1

Rheoliadau 5(1) a (3) a 6(3)(b)

FITAMINAU A MWYNAU Y CANIATEIR EU DEFNYDDIO WRTH GYNHYRCHU
YCHWANEGION BWYD

Colofn 1	Colofn 2
Fitaminau a mwynau	Uned
1. Fitaminau	
Fitamin A	µg RE
Fitamin D	µg
Fitamin E	mg α-TE
Fitamin K	µg
Fitamin B1	mg
Fitamin B2	mg
Niasin	mg NE
Asid Pantothenig	mg
Fitamin B6	mg
Asid ffolig	µg
Fitamin B12	µg
Biotin	µg
Fitamin C	mg
2. Mwynau	
Calsiwm	mg
Magnesiwm	mg
Haearn	mg
Copr	µg
Ïodin	µg
Zinc	mg
Manganís	mg
Sodiwm	mg
Potasiwm	mg
Seleniwm	µg
Cromiwm	µg
Molybdenwm	µg
Fflworid	mg
Clorid	mg
Ffosfforws	mg

FFURF AR SYLWEDDAU FITAMIN A MWYN Y CANIATEIR EU DEFNYDDIO WRTH
GYNHYRCHU YCHWANEGION BWYD

A. *Fitaminau*

1. FITAMIN A

- (a) retinol
- (b) retinyl asetat
- (c) retinyl palmitad
- (ch) beta-caroten

2. FITAMIN D

- (a) colecalciferol
- (b) ergocalciferol

3. FITAMIN E

- (a) D-alfa-tocopherol
- (b) DL-alfa-tocopherol
- (c) D-alfa-tocopheryl asetat
- (ch) DL-alfa-tocopheryl asetat
- (d) D-alfa-sycsinad asid tocopheryl

4. FITAMIN K

- (a) fyllocwinon (fytomenadion)

5. FITAMIN B1

- (a) thiamin hydroclorid
- (b) thiamin mononitrad

6. FITAMIN B2

- (a) ribofflavin
- (b) ribofflavin 5'-ffosffad, sodiwm

7. NĪASIN

- (a) asid nicotinig
- (b) nicotinamid

8. ASID PANTOTHENIG

- (a) D-pantothenad, calsiwm

- (b) D-pantothenad, sodiwm
- (c) decspanthenol

9. FITAMIN B6

- (a) pyridocsin hydroclorid
- (b) pyridocsin 5'-ffosffad

10. ASID FFOLIG

- (a) asid teroylmonoglwttamig

11. FITAMIN B12

- (a) cyanocobalamin
- (b) hydrocsocobalamin

12. BIOTIN

- (a) D-biotin

13. FITAMIN C

- (a) L-asid asgorbig
- (b) sodiwm-L-asgorbad
- (c) calsiwm-L-asgorbad
- (ch) potasiwm-L-asgorbad
- (d) L-asgorbyl 6-palmitad

B. Mwynau

Calsiwm carbonad

Calsiwm clorid

Halwynau calsiwm asid citrig

Calsiwm glwconad

Calsiwm glyseroffosffad

Calsiwm lactad

Halwynau calsiwm asid orthoffosfforig

Calsiwm hydrocsid

Calsiwm ocsid

Magnesiwm asetad

Magnesiwm carbonad

Magnesiwm clorid

Halwynau magnesiwm asid citrig

Magnesiwm glwconad

Magnesiwm glyseroffosffad
Halwynau magnesiwm asid orthoffosfforig
Magnesiwm lactad
Magnesiwm hydrocsid
Magnesiwm ocsid
Magnesiwm sylffad
Carbonad fferrus
Citrad fferrus
amoniwm citrad ferrig
Glwconad fferrus
Ffwmarad ferrus
Sodiwm deuffosffad fferrig
Lactad ferrus
Sylffad fferrus
Deuffosffad fferrig (pyroffosffad fferrig)
Sacarad fferrig
Haearn elfennaidd (carbonyl+electrolytig+wedi'i rydwytho â hydrogen)
Carbonad cwprig
Citrad cwprig
Glwconad cwprig
Sylffad cwprig
Cymhlygyn lysîn copr
Sodiwm iodid
Sodiwm iodad
Potasiwm iodid
Potasiwm iodad
Zinc asetat
Zinc clorid
Zinc citrad
Zinc glwconad
Zinc lactad
Zinc ocsid
Zinc carbonad
Zinc sylffad
Manganîs carbonad
Manganîs clorid
Manganîs citrad

Manganîs glwconad
Manganîs glyseroffosffad
Manganîs sylffad
Sodiwm bicarbonad
Sodiwm carbonad
Sodiwm clorid
Sodiwm citrad
Sodiwm glwconad
Sodiwm lactad
Sodiwm hydrocsid
Halwynau sodiwm asid orthoffosfforig
Potasiwm bicarbonad
Potasiwm carbonad
Potasiwm clorid
Potasiwm citrad
Potasiwm glwconad
Potasiwm glyseroffosffad
Potasiwm lactad
Potasiwm hydrocsid
Halwynau potasiwm asid orthoffosfforig
Sodiwm selenad
Sodiwm hydrogen selenit
Sodiwm selenit
Cromiwm (III) clorid
Cromiwm (III) sylffad
Amoniwm molybdad (molybdenwm (VI))
Sodiwm molybdad (molybdenwm (VI))
Potasiwm fflworid
Sodiwm fflworid

SCHEDULE 1

Regulations 5(1) and (3) and 6(3)(b)

VITAMINS AND MINERALS WHICH MAY BE USED IN THE MANUFACTURE OF FOOD SUPPLEMENTS

Column 1	Column 2
Vitamins and minerals	Unit
1. Vitamins	
Vitamin A	µg RE
Vitamin D	µg
Vitamin E	mg α-TE
Vitamin K	µg
Vitamin B1	mg
Vitamin B2	mg
Niacin	mg NE
Pantothenic acid	mg
Vitamin B6	mg
Folic acid	µg
Vitamin B12	µg
Biotin	µg
Vitamin C	mg
2. Minerals	
Calcium	mg
Magnesium	mg
Iron	mg
Copper	µg
Iodine	µg
Zinc	mg
Manganese	mg
Sodium	mg
Potassium	mg
Selenium	µg
Chromium	µg
Molybdenum	µg
Fluoride	mg
Chloride	mg
Phosphorus	mg

SCHEDULE 2

Regulation 5(1) and (3)

FORM OF VITAMIN AND MINERAL SUBSTANCES WHICH MAY BE USED IN THE MANUFACTURE OF FOOD SUPPLEMENTS

A. *Vitamins*

1. VITAMIN A

- (a) retinol
- (b) retinyl acetate
- (c) retinyl palmitate
- (d) beta-carotene

2. VITAMIN D

- (a) cholecalciferol
- (b) ergocalciferol

3. VITAMIN E

- (a) D-alpha-tocopherol
- (b) DL-alpha-tocopherol
- (c) D-alpha-tocopheryl acetate
- (d) DL-alpha-tocopheryl acetate
- (e) D-alpha-tocopheryl acid succinate

4. VITAMIN K

- (a) phylloquinone (phytomenadione)

5. VITAMIN B1

- (a) thiamin hydrochloride
- (b) thiamin mononitrate

6. VITAMIN B2

- (a) riboflavin
- (b) riboflavin 5'-phosphate, sodium

7. NIACIN

- (a) nicotinic acid
- (b) nicotinamide

8. PANTOTHENIC ACID

- (a) D-pantothenate, calcium
- (b) D-pantothenate, sodium
- (c) dexpanthenol

9. VITAMIN B6

- (a) pyridoxine hydrochloride
- (b) pyridoxine 5'-phosphate

10. FOLIC ACID

- (a) pteroylmonoglutamic acid

11. VITAMIN B12

- (a) cyanocobalamin
- (b) hydroxocobalamin

12. BIOTIN

- (a) D-biotin

13. VITAMIN C

- (a) L-ascorbic acid
- (b) sodium-L-ascorbate
- (c) calcium-L-ascorbate
- (d) potassium-L-ascorbate
- (e) L-ascorbyl 6-palmitate

B. Minerals

Calcium carbonate

Calcium chloride

Calcium salts of citric acid

Calcium gluconate

Calcium glycerophosphate

Calcium lactate

Calcium salts of orthophosphoric acid

Calcium hydroxide

Calcium oxide

Magnesium acetate

Magnesium carbonate

Magnesium chloride

Magnesium salts of citric acid

Magnesium gluconate

Magnesium glycerophosphate
Magnesium salts of orthophosphoric acid
Magnesium lactate
Magnesium hydroxide
Magnesium oxide
Magnesium sulphate
Ferrous carbonate
Ferrous citrate
Ferric ammonium citrate
Ferrous gluconate
Ferrous fumarate
Ferric sodium diphosphate
Ferrous lactate
Ferrous sulphate
Ferric diphosphate (ferric pyrophosphate)
Ferric saccharate
Elemental iron (carbonyl+electrolytic+hydrogen reduced)
Cupric carbonate
Cupric citrate
Cupric gluconate
Cupric sulphate
Copper lysine complex
Sodium iodide
Sodium iodate
Potassium iodide
Potassium iodate
Zinc acetate
Zinc chloride
Zinc citrate
Zinc gluconate
Zinc lactate
Zinc oxide
Zinc carbonate
Zinc sulphate
Manganese carbonate
Manganese chloride
Manganese citrate

Manganese gluconate
Manganese glycerophosphate
Manganese sulphate
Sodium bicarbonate
Sodium carbonate
Sodium chloride
Sodium citrate
Sodium gluconate
Sodium lactate
Sodium hydroxide
Sodium salts of orthophosphoric acid
Potassium bicarbonate
Potassium carbonate
Potassium chloride
Potassium citrate
Potassium gluconate
Potassium glycerophosphate
Potassium lactate
Potassium hydroxide
Potassium salts of orthophosphoric acid
Sodium selenate
Sodium hydrogen selenite
Sodium selenite
Chromium (III) chloride
Chromium (III) sulphate
Ammonium molybdate (molybdenum (VI))
Sodium molybdate (molybdenum (VI))
Potassium fluoride
Sodium fluoride

OFFERYNNAU STATUDOL

2003 Rhif 1719 (Cy.186)

BWYD, CYMRU

Rheoliadau Ychwanegion Bwyd
(Cymru) 2003

STATUTORY INSTRUMENTS

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