

# S.I. No. 388/1993 - Health (Nutrition Labelling For Foodstuffs) Regulations, 1993.

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S.I. No. 388 of 1993.

HEALTH (NUTRITION LABELLING FOR FOODSTUFFS) REGULATIONS, 1993.

In exercise of the powers conferred on the Minister for Health, by sections 5 and 59 of the Health Act, 1947 (No. 28 of 1947), and section 54 of that Act as amended by the European Communities ( Health Act 1947 , Amendment of Sections 54 and 61) Regulations, 1991 (S.I. 333 of 1991), and section 38(3) of the Health Act, 1953 (No. 26 of 1953), which said powers are delegated to me by the Health (Delegation of Ministerial Functions) Order, 1993 ( S.I. NO. 62 of 1993 ), I, WILLIAM O'DEA, Minister of State at the Department of Health and, after consultation with the Minister for Enterprise and Employment, the Minister for Tourism and Trade and the Minister for Agriculture, Food and Forestry hereby make the following Regulations:—

1. These Regulations may be cited as the Health (Nutrition Labelling for Foodstuffs) Regulations, 1993.
2. These Regulations shall come into force on the 31st day of December, 1993.
3. In these Regulations:

(1) Any reference to an article or Schedule shall, except where otherwise indicated be construed as a reference to an article contained in these Regulations or, as the case may be, to a Schedule thereto; any reference in an article to a sub-article shall be construed as a reference to a sub-article of that article.

"the Act" means the Health Act, 1947 ;

"authorised officer" means an authorised officer for the purposes of Part IX of the Act;

"food" has the meaning assigned to it in Part V of the Act;

"sell" includes supply, offer or expose for sale and have in possession for sale and cognate words shall be construed accordingly;

(3) For the purposes of these Regulations, the supply of food otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food.

(4) Any reference in these Regulations to an owner or to a person responsible for Food shall, in the case of food purchased from a vending machine, be construed as a reference—

( a ) where the name and address of the proprietor is stated on the machine and such address is in the state, to the proprietor of the machine;

( b ) in other cases to the occupier of the premises at or on which the machine stands or to which it is affixed.

(5) "nutrition labelling" means any information appearing on labelling of foodstuffs and relating to:

(i) energy value;

(ii) the following nutrients:

protein, carbohydrate, fat, fibre, sodium, and,

vitamins and minerals listed in the Schedule and present in significant amounts as defined in that Schedule.

(6) "nutrition claim" means any representation and advertising message which states, suggests or implies that a foodstuff has particular nutrition properties due to the energy (calorific value) it

— provides,

— provides at a reduced or increased rate, or

— does not provide,

and/or due to the nutrients it

— contains,

— contains in reduced or increased proportions, or

—does not contain.

A reference to qualities or quantities of a nutrient does not constitute a nutrition claim in so far as it is required by legislation.

( a ) "average value" means the value which best represents the amount of the nutrient which a given food contains, and reflects allowances for seasonal variability, patterns of consumption and other factors which may cause the actual value to vary.

( b ) "carbohydrate" means any carbohydrate which is metabolized in man, and includes polyols;

( c ) "fat" means total lipids, and includes phospholipids;

( d ) "mono-unsaturates" means fatty acids with one cis double bond;

( e ) "polyunsaturated" means fatty acids with cis, cismethylene interrupted double bonds;

( f ) "protein" means the protein content calculated using the formula: protein = total Kjeldahl nitrogen  
x 6,25;

( g ) "saturates" means fatty acids without double bond;

( h ) "sugars" means all monosaccharides and disaccharides present in food, but excludes polyols;

4. (1) Subject to subarticle (2), these Regulations shall apply to the nutrition labelling of foodstuffs to be delivered as such to the ultimate consumer and to foodstuffs intended for supply to restaurants, hospitals, canteens and other similar mass caterers (hereinafter referred to as "mass caterers").

(2) These Regulations shall not apply to:

(i) natural mineral waters or other waters intended for human consumption,

(ii) diet integrators, or

(iii) food supplements.

(3) These Regulations apply where a nutrition claim appears on labelling, in presentation or in advertising, with the exclusion of generic advertising.

5. No nutrition claim shall appear on labelling other than

( a ) those relating to energy, to the nutrients listed in Article 3 (5) (ii), and

( *b* ) to substances which belong to or which are components of a category of those nutrients.

6. (1) Where nutrition labelling is provided, the information to be given shall consist of the matters specified in either "Group 1" or "Group 2" in the following order:

*Group 1*

( *a* ) energy value;

( *b* ) the amounts of protein, carbohydrate and fat.

*Group 2*

( *a* ) energy value;

( *b* ) the amounts of protein, carbohydrates, sugars, fat, saturates, fibre and sodium.

(2) Where a nutrition claim is made for sugars, saturates, fibre or sodium, the information to be given shall consist of Group 2.

(3) Nutrition labelling may also include the amounts of one or more of the following:

— starch,

— polyols,

— mono-unsaturates,

— polyunsaturates,

— cholesterol,

— any of the minerals or vitamins listed in the Schedule to these regulations and present in significant amounts as defined in that Schedule.

(4) The declaration of substances which belong to or are components of one of the categories of nutrients referred to in subarticle (1) and subarticle (3) shall be compulsory where a nutrition claim is made.

In addition, where the amount of polyunsaturates and/or mono-unsaturates and/or the cholesterol rate is given, the amount of saturates shall also be given, the declaration of the latter not constituting — in this case — a nutrition claim within the meaning of subarticle (2).

7. The energy value to be declared shall be calculated using the following conversion factors:

— carbohydrate (except polyols)	4 kcal/g — 17 kJ/g
— polyols	2, 4 kcal/g — 10 kJ/g
— protein	4 kcal/g — 17 kJ/g
— fat	9 kcal/g — 37 kJ/g
— alcohol (ethanol)	7 kcal/g — 29 kJ/g
— organic acid	3 kcal/g — 13 kJ/g

8. (1) The declaration of the energy value and of the proportion of nutrients or their components shall be numerical. The units to be used are the following:

— energy	— kJ and kcal
— protein }	
— carbohydrate }	
— fat }	→ grams (g)
— fibre }	
— sodium }	
— cholesterol	milligrams (mg)
— vitamins and minerals	the units specified in the Schedule

(2) Information shall be expressed per 100g or per 100ml. In addition, this information may be given per serving as quantified on the label or per portion, provided that the number of portions contained in the package is stated.

(3) The amounts mentioned shall be those of the food as sold. Where appropriate, this information may relate to the foodstuff after preparation, provided that sufficiently detailed preparation instructions are given and the information relates to the food as prepared for consumption.

(4) ( a ) Information on vitamins and minerals must also be expressed as a percentage of the recommended daily allowance (RDA) given in Column I of the Schedule to these Regulations for the amounts as specified in Column II of the Schedule.