

S.I. No. 22/1992 - European Communities (Flavourings For Use in Foodstuffs For Human Consumption) Regulations, 1992.

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EUROPEAN COMMUNITIES (FLAVOURINGS FOR USE IN FOODSTUFFS FOR HUMAN CONSUMPTION) REGULATIONS, 1992.

The Minister for Health in exercise of the powers conferred on her by [section 3](#) of the [European Communities Act, 1972](#) (No. 27 of 1972) hereby makes the following Regulations:—

1. These Regulations may be cited as the European Communities (Flavourings for use in foodstuffs for human consumption) Regulations, 1992.
2. These Regulations shall come into force on the 31st day of January, 1992.
3. (1) In these Regulations "the Council Directive" means Council Directive 88/388/EEC¹ as amended by Commission Directive 91/71/EEC².

(1)Official Journal of the European Communities OJ No. L184 15.7.88 pages 61- 66.

(2)Official Journal of the European Communities OJ No. L. 42 15.2.91. pages 25 and 26.

(2) In these Regulations words and phrases shall have the same meaning as in the Council Directive.

(3) In these Regulations 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.

(4) The expression "authorised officer" means an officer of a health board authorised by the health board or an officer of the Minister for Health authorised by the Minister to enforce any provisions of these Regulations.

(5) In any proceedings for an offence under these Regulations, it shall be a defence for the person charged to show that the food in respect of which the offence is alleged to have been committed was intended for export and complied

with the domestic food legislation of the importing country relevant to the alleged offence.

(6) For the purpose of ensuring compliance with these Regulations the control system established under the Health (Official Control of Food) Regulations, 1991 shall apply.

4. (1) With effect from the 31st day of January, 1992 a person shall not import or market or use

(a) a flavouring which is used or intended for use in or on foodstuffs for human consumption to impart odour or taste, or

(b) a foodstuff containing a flavouring except in conformity with these Regulations.

5. The provisions of these Regulations shall not apply to

(1) edible substances and products intended to be consumed as such, with or without reconstitution,

(2) substances which have exclusively a sweet, sour or salt taste,

(3) material of vegetable or animal origin, having inherent flavouring properties, where they are not used as flavouring sources.

6. (1) A flavouring shall not contain

(i) any element or substance in a toxicologically dangerous quantity, or

(ii) more than

(a) 3mg/kg of arsenic, or

(b) 10mg/kg of lead, or

(c) 1mg/kg of cadmium, or

(d) 1mg/kg of mercury.

(2) The use of a flavouring shall not result in

(a) the presence in foodstuffs of the substances listed in Schedule 1 in quantities greater than those specified therein, or

(*b*) the presence of substances listed in Schedule II in quantities greater than those specified therein.

7. (1) Flavourings not intended for sale to the final consumer shall not be marketed unless their packagings or containers are labelled in accordance with the provisions of article 9 of the Council Directive.

(2) Flavourings intended for sale to the final consumer shall not be marketed unless their labels indicate the obligatory information required in accordance with the provisions of Article 9a of the Council Directive.

(3) The particulars required in this Article shall be given in the Irish or English language unless other measures have been taken to ensure that the purchaser is informed and this information should be easily visible, clearly legible and indelible.

8. The word 'natural', or any word having substantially the same meaning, shall be used only for flavourings in which the flavouring component contains exclusively flavouring substances as defined in Article 1 (2) (*b*) (i) of the Council Directive or flavouring preparations as defined in Article 1 (2) (*c*) of the Council Directive. If the sales description of the flavourings contain a reference to a foodstuff or a flavouring source, the word 'natural' or any other word having substantially the same meaning may not be used unless the flavouring component, has been isolated by appropriate physical processes, enzymatic or microbiological process or traditional food-preparation processes solely or almost solely from the foodstuff or the flavouring source concerned.

9. Where there is detailed evidence

(1) that the presence of one of the substances listed in the Schedules to these Regulations while complying with the provisions of article 6 (2), or

(2) that the use of a flavouring, while complying with these Regulations, or

(3) that the presence of a substance, similar to one referred to in the Schedules to these Regulations