# S.I. No. 23/1992 - European Communities (Labelling of Additives For Use in Foodstuffs) Regulations, 1992.

S.I. No. 23 of 1992.

EUROPEAN COMMUNITIES (LABELLING OF ADDITIVES FOR USE IN FOODSTUFFS) 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 (Labelling of Additives for use in Foodstuffs) 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 89/107/EEC[1].

[1] O.J. No. L40, 11.2.89, p.27-33.

(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. (1) Subject to sub-article (3) these Regulations shall apply to food additives, the various categories of which are given in Schedule 1 and which are used or intended to be used as ingredients during the manufacture or preparation of a foodstuff and are still present in the final product, even if in altered form, hereinafter called "food additives".

(2) For the purposes of these Regulations "food additive" means any substance not normally consumed as a food in itself and not normally used as a characteristic ingredient of food whether or not it has nutritive value, the intentional addition of which to food for a technological purpose in the manufacture, processing, preparation, treatment, packaging, transort or storage of such food results, or may be reasonably expected to result, in it or its by-products becoming directly or indirectly a component of such foods.

(3) These Regulations shall not apply to:

( *a* ) processing aids;

( *b* ) substances used in the protection of plants and plant products in conformity with Community rules relating to plant health;

( *c* ) flavourings for use in foodstuffs for human consumption in accordance with the EC (Flavourings for use in Foodstuffs for Human Consumption) Regulations, 1991;

( *d* ) substances added to foodstuffs as nutrients (for example minerals, trace elements or vitamins).

5. For the purposes of these Regulations, "processing aid" means any substance not consumed as a food ingredient by itself, intentionally used in the processing of raw materials, foods or their ingredients, to fulfil a certain technological purpose during treatment or processing and which may result in the unintentional but technically unavoidable presence of residues of the substance or its derivatives in the final product, provided that these residues do not present any health risk and do not have any technological effect on the finished product.

6. Where the Minister for Health is of the view that the use or intended use in foodstuffs of any food additive, although complying with these Regulations, endangers human health she may take appropriate measures including the temporary suspension or restriction of trade in that food or food additive in order to protect public health.

7. (1) Food additives not intended for sale to the ultimate consumer shall not be marketed, imported, manufactured, sold, distributed, offered or kept for sale, unless their packaging or containers bear the following information, which must be conspicuous, clearly legible and indelible:

( *a* ) (i) in the case of food additives sold singly or mixed with each other, for each additive, the name laid down by any regulations made by the Minister for Health and its EEC number or, in the absence of such regulations, a description of the additive that is sufficiently precise to enable it to be distinguished from additives with which it could be confused, in descending order of the proportion by weight in the total,

(ii) when other substances or materials or food ingredients to facilitate storage, sale, standardization, dilution or dissolution of a food additive or food additives are incorporated in the additives, the name of the additive in accordance with sub-article (1) (*a*) (i) and an indication of each component in descending order to the proportion by weight in the total;

( *b* ) either the statement "for use in food", or the statement "restricted use in food", or a more specific reference to its intended food use;

( *c* ) if necessary, the special conditions of storage and use;

( *d* ) directions for use, if the omission thereof would preclude appropriate use of the additive;

( *e* ) a mark identifying the batch or lot;

( *f* ) the name or business name and address of the manufacturer or packager, or of a seller established within the European Economic Community;

( *g* ) an indication of the percentage of any component which is subject to a quantitative limitation in a food or adequate compositional information to enable the purchaser to comply with any European Economic Community provisions, or in their absence national provisions, applying to the food. Where the same quantitative limitation applies to a group of components used singly or in combination, the combined percentage may be given as a single figure;

( *h* ) the net quantity.

(2) By way of derogation from paragraph 1, the information required in sub-article (1) (*a*) (ii) and sub-article (1) (*d*) to (*g*), may appear merely on the documents relating to the consignment which are to be supplied with or prior to the delivery, provided that the indication "intended for the manufacture of foodstuffs and not for retail sale" appears on a conspicuous part of the packaging or container of the product in question.

8. Food additives intended for sale to the ultimate consumer shall not be marketed, imported, distributed, manufactured, sold or offered or kept for sale, unless their packagings or containers bear the following information, which must be conspicuous, clearly legible and indelible:

( *a* ) the name under which the product is sold (this name shall be constituted by the name laid down by any Regulations made by the Minister for Health in relation to the product in question plus its EEC number or, in the absence of such provisions, by a description of the product that is sufficiently precise to enable it to be distinguished from products with which it could be confused);

( *b* ) the information required by article 7 (1) (*a*) to (*f*) and (*h*);