STATUTORY RULES OF NORTHERN IRELAND

2016 No. 415

FOOD

The Caseins and Caseinates Regulations (Northern Ireland) 2016

Made - - - -	*23rd November 2016*
Coming into operation	*22nd December 2016*

The Department of Health [F1] makes the following Regulations in exercise of the powers conferred by Articles 15(1), 16(1), 25(1), (2)(e) and (3), 26(3), 32(1) and 47(2) of the Food Safety (Northern Ireland) Order 1991 [F2].

In accordance with Article 47(3A) of the Food Safety (Northern Ireland) Order 1991, the Department of Health, has had regard to relevant advice given by the Food Standards Agency.

There has been open and transparent public consultation during the preparation and evaluation of these Regulations as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council 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 [F3].

F1 Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (N.I.), **section 1**

F2 S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1663 (N.I.12), **paragraphs 26 to 42** of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28 and S.R.2004 Nos.482 and 505

F3 OJ No. L 31, 1.2.2002, p.1 as last amended by Regulation (EU) No. 652/2014 of the European Parliament and of the Council of 15th May 2014 (OJ No. L 189, 27.6.2014, p.1)

Citation and commencement

1. These Regulations may be cited as the Caseins and Caseinates Regulations (Northern Ireland) 2016 and come into operation on 22nd December 2016.

Interpretation

2. In these Regulations—

"casein product" means edible acid casein, edible caseinate or edible rennet casein;

"edible acid casein" means a milk product obtained by separating, washing and drying the acid-precipitated coagulum of skimmed milk and/or of other products obtained from milk and complying with the standards set out in Schedule 1;

"edible caseinate" means a milk product obtained by action of edible casein or edible casein curd coagulum with neutralizing agents, followed by drying and complying with the standards set out in Schedule 2;

"edible rennet casein" means a milk product obtained by separating, washing and drying the coagulum of skimmed milk and/or of other products obtained from milk; the coagulum is obtained through the reaction of rennet or other coagulating enzymes and complying with the standards set out in Schedule 3;

"FIC" means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004**[**F4as last amended by Regulation (EU) 2015/2283 of the European Parliament and of the Council**]**F5;

"food business operator" has the meaning given in Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council;

"the Order" means the Food Safety (Northern Ireland) Order 1991;

"Regulation (EC) No 1332/2008" means Regulation (EC) No 1332/2008 of the European Parliament and of the Council on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97**[**F6as last amended by Commission Regulation (EU) No 1056/2012**]**F7; and

"sell" includes possess for sale and offer, expose or advertise for sale.

F4 Words in reg. 2 inserted (11.2.2019) by The Food (Miscellaneous Amendments and Revocations) Regulations (Northern Ireland) 2019 (S.R. 2019/5), regs. 1(1), **34(a)**

F5 OJ. No. L304, 22.11.2011, p18 as last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No. L27, 30.1.2014 p.7)

F6 Words in reg. 2 inserted (11.2.2019) by The Food (Miscellaneous Amendments and Revocations) Regulations (Northern Ireland) 2019 (S.R. 2019/5), regs. 1(1), **34(b)**

F7 OJ No L 354, 3.12.2008, p 7, last amended by Commission Regulation (EU) No 1056/2012 (OJ No L 313, 13.11.2012, p 9)

Scope

3. These Regulations apply to caseins and caseinates intended for sale for human consumption.

Restriction on use of caseins and caseinates in the preparation of food

4.—(1) A person must not use any casein or caseinate in the preparation of food unless it complies with the standards set out in Schedule 4.

(2) A person marketing caseins or caseinates which do not comply with paragraph (1) for a purpose other than the caseins or caseinates being used in the preparation of food, must indicate explicitly or by clear implication the nature, quality or intended use of the product.

General restriction on marketing and use of casein products

5.—(1) A person must not sell any food with a label, whether or not attached to or printed on the package or container, which includes the name of any casein product unless the requirements set out in paragraph (4) are complied with.

(2) A person must not display any ticket or notice with any food offered or exposed for sale which includes the name of any casein product unless the requirements set out in paragraph (4) are complied with.

(3) A person must not publish, or be a party to the publication of, any advertisement for food which includes the name of a casein product unless the requirements set out in paragraph (4) are complied with.

(4) The requirements are that —

(a) the food is or contains a casein product; or

(b) the name is used in such a context as to indicate explicitly or by clear implication that the food is not a casein product and does not contain one.

Labelling of casein products

6.—(1) Without prejudice to the provisions of FIC, a person must not sell any casein product unless it is marked or labelled with–

(a) the name of that casein product as defined in regulation 2 and in the case of edible caseinate with an indication of the cation or cations listed in Schedule 2, paragraph 4 (food additives);

(b) in the case of casein products sold as mixtures—

(i) the words "mixture of" followed by the names of the casein products which make up the mixture, in descending order of weight;

(ii) an indication of the cation or cations listed in Schedule 2 paragraph 4 (food additives) in the case of edible caseinates;

(iii) in the case of mixtures containing edible caseinates, the protein content;

(c) the net quantity of the casein product, expressed in kilograms or grams;

(d) the name or business name and address of the food business operator under whose name or business name the product is marketed or, if that food business operator is not established in the European Union, the importer into the European Union market;

(e) in the case of a casein product imported from countries outside the European Union, the name of the country of origin; and

(f) the lot identification of the casein product or the date of production.

(2) The particulars required by paragraph (1) must be easily visible, clearly legible, indelible and given in English, either exclusively or in addition to any other language.

(3) The particulars required by paragraph (1)(b)(iii), (c), (d) and (e) may be given in a document accompanying the product.

(4) Without prejudice to the provisions of FIC, where any casein product exceeds the minimum milk protein content set out for that product in—

(a) entry 2 of the table in paragraph 1 of Schedule 1 in relation to edible acid caseins

(b) entry 2 of the table in paragraph 1 of Schedule 2 in relation to edible caseinates; or

(c) entry 2 of the table in paragraph 1 of Schedule 3 in relation to edible rennet casein;

a person may mark that fact on the package, label or container of that product.

Enforcement

7. It is the duty of each district council within its district to enforce and execute these Regulations.

Application and modification of provisions of the Order

8.—(1) Article 9(1) and (2) of the Order (improvement notices) apply for the purposes of these Regulations with the modification (in the case of Article 9(1) set out in Schedule 5 Part 1 for the purposes of;

(a) enabling an improvement notice to be served on a person requiring that person to comply with any of the provisions of regulations 4, 5 or 6; and

(b) making the failure to comply with a notice referred to in subparagraph (a) an offence.

(2) The provisions of the Order specified in column 1 of the table in Part 2 of Schedule 5 apply, with the modifications (if any) specified in column 2 of that table for the purpose of these Regulations.

(3) Paragraphs (1) and (2) are without prejudice to the application of the Order to these Regulations for purposes other than those specified in paragraph (1).

Revocations

9. The Caseins and Caseinates Regulations (Northern Ireland) 1986 [F8] and the Caseins and Caseinates (Amendment) Regulations (Northern Ireland) 1990 [F9] are revoked.

F8 S.R. 1986 No. 40
F9 S.R. 1990 No. 37

Sealed with the official seal of the Department of Health on 23rd November 2016.

L.S.

Dr Paddy Woods
A senior officer of the
Department of Health

SCHEDULE 1 Regulation 2

Standards applicable to edible acid caseins

1. Essential factors of composition

1	Maximum moisture content	12% by weight
2	Minimum milk protein content calculated on the dried extract	90% by weight
	of which minimum casein content	95% by weight
3	Maximum milk fat content	2% by weight
4	Maximum titratable acidity, expressed in ml of decinormal sodium hydroxide solution per g	0,27
5	Maximum ash content (P_2O_5 included)	2.5% by weight
6	Maximum anhydrous lactose content	1% by weight
7	Maximum sediment content (burnt particles)	22.5 mg in 25 g

2. Contaminants

Maximum lead content	0,75 mg/kg

3. Impurities

Extraneous matter (such as wood or metal particles, hairs or insect fragments)	nil in 25 g

4. Processing aids, bacterial cultures and authorised ingredients

1.	*acids:* *— lactic acid* *— hydrochloric acid* *— sulphuric acid* *— citric acid* *— acetic acid* *— orthophosphoric acid*
2.	bacterial cultures producing lactic acid
3.	Whey

5. Organoleptic characteristics

1.	Odour	No foreign odours
2.	Appearance	Colour ranging from white to creamy white; the product must not contain any lumps that would not break up under slight pressure.