STATUTORY RULES OF NORTHERN IRELAND

2009 No. 331

FOOD

The Food Labelling (Nutrition Information) Regulations (Northern Ireland) 2009

Made - - - -	*29th September 2009*
Coming into operation	*30th October 2009*

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred by Articles 15(1)(e), 16(1) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**2**).

In accordance with Article 47(3A) of that Order, it has had regard to relevant advice given by the Food Standards Agency.

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(**3**), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Food Labelling (Nutrition Information) Regulations (Northern Ireland) 2009 and come into operation on 30th October 2009.

Amendment of the Food Labelling Regulations (Northern Ireland) 1996

2.—(1) The Food Labelling Regulations (Northern Ireland) 1996(**4**) are amended in accordance with paragraphs (2) to (4) and regulation 3.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of Directive 90/496 after the words "Commission Directive 2003/120/EC" insert "and Commission Directive 2008/100/EC"; and

(b) after the definition of "fat" insert—

(**1**) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)
(**2**) 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
(**3**) OJ No. L31, 1.2.2002, p.1; that Regulation was last amended by Regulation (EC) No.596/2009 (OJ No. L188,18.7.2009)
(**4**) S.R. 1996 No. 383; as last amended by S.R. 2008 No. 237; the definition of Directive 90/496 was inserted by S.R. 1998 No. 253, that definition and paragraph 5 of Part 1 of Schedule 7 were both amended by S.R. 2004 No. 266

""fibre", in the context of nutrition labelling, means carbohydrate polymers with three or more monomeric units, which are neither digested nor absorbed in the human small intestine and belong to the following categories:

— edible carbohydrate polymers naturally occurring in the food as consumed;

— edible carbohydrate polymers which have been obtained from food raw material by physical, enzymatic or chemical means and which have a beneficial physiological effect demonstrated by generally accepted scientific evidence; or

— edible synthetic carbohydrate polymers which have a beneficial physiological effect demonstrated by generally accepted scientific evidence;".

(3) In Schedule 6, Part II —

(a) for the entries in Table A (vitamins in respect of which claims may be made) substitute the entries set out in Schedule 1 to these Regulations; and

(b) for the entries in Table B (minerals in respect of which claims may be made) substitute the entries set out in Schedule 2 to these Regulations.

(4) In Schedule 7, Part I, paragraph 5—

(a) at the end of sub-paragraph (f) for the full stop substitute a semi-colon;

(b) at the end of sub-paragraph (g) insert a semi-colon; and

(c) after sub-paragraph (g) insert—

"(h) 1 gram of fibre shall be deemed to contribute 8 kJ (2 kcal);

(i) 1 gram of erythritol shall be deemed to contribute 0 kJ (0 kcal)."

Transitional provision

3. In regulation 50 (transitional provision), after paragraph (15) insert —

"(16) In any proceedings for an offence under regulation 44(b) it shall be a defence to prove that —

(a) the food concerned —

(i) if sold, was sold before the 31st October 2012, and

(ii) if advertised for sale, was advertised for sale before 31st October 2012 but not on or after that date; and

(b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendments made by regulation 2 of the Food Labelling (Nutrition Information) Regulations (Northern Ireland) 2009 had not been in operation when the food was sold or advertised for sale, as the case may be."