STATUTORY RULES OF NORTHERN IRELAND

2005 No. 198

FOOD

The Food Labelling (Amendment) Regulations (Northern Ireland) 2005

Made - - - -	*5th April 2005*
Coming into operation	*20th May 2006*

The Department of Health, Social Services and Public Safety(**1**) in exercise of the powers conferred by Articles 15(1)(e) and (f), 16, 25(1) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**2**) and of all other powers enabling it in that behalf, having had regard in accordance with Article 47(3A) of the said Order to relevant advice given by the Food Standards Agency and after consultation both as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(**3**) 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 and in accordance with Article 47(3) and (3B) of the said Order, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as The Food Labelling (Amendment) Regulations (Northern Ireland) 2005; and shall come into operation on 20th May 2006.

Amendment of the Food Labelling Regulations 1996

2. The Food Labelling Regulations 1996(**4**) shall be amended in accordance with regulations 3 to 8.

3. In regulation 2(1) (interpretation), in the definition of "Directive 94/54" there shall be inserted at the end "and Commission Directive 2004/77/EC(**5**)".

4. In regulation 23(2A) (food which is not prepacked and similar food, and fancy confectionery products) there shall be inserted at the end "or regulation 34C".

(**1**) Formerly the Department of Health and Social Services; *see*S.I.1999/283 (N.I.) Article 3
(**2**) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1663 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28 and S.R. 2004 No. 482
(**3**) O.J. No. L31, 1.2.2002, p. 1. That regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L245, 29.9.2003, p. 4)
(**4**) S.R. 1996 No. 383; the relevant amending instruments are S.R. 1998 Nos. 253, 1999 No. 143, No. 244 and No. 286, 2000 No. 189, No. 303, 2003 No. 159, No. 448, 2004 No. 14 and No. 469
(**5**) O.J. No. L162, 30.4.2004, p. 76

5. In regulation 26 (small packages and certain indelibly marked bottles), in paragraphs (1)(a)(ii) and (3A) for "regulations 33 and 34" there shall be substituted "regulations 33, 34 and 34C".

6. In regulation 27(1) (certain food sold at catering establishments), for "regulations 32, 33, 34 and 34B" there shall be substituted "regulations 32, 33, 34, 34B and 34C".

7. After regulation 34B (foods containing allergenic ingredients or ingredients originating from allergenic ingredients) there shall be inserted –

"**Confectionery and drinks containing glycyrrhizinic acid or its ammonium salt**

34C.—(1) This regulation applies to any confectionery or drink which contains glycyrrhizinic acid or its ammonium salt as a result of the addition of that acid or salt as such or of the liquorice plant *Glycyrrhiza glabra*, and references in this regulation to "relevant concentration" are to the concentration of that acid or salt in the food –

(a) manufactured as ready for consumption or,

(b) if it is not so manufactured, as reconstituted according to its manufacturer's instructions.

(2) In the case of –

(a) any confectionery which contains a relevant concentration of at least 100mg/kg but less than 4 g/kg,

(b) any drink which contains more than 1.2 per cent by volume of alcohol and a relevant concentration of at least 10 mg/l but less than 300 mg/l, and

(c) any drink which does not contain more than 1.2 per cent by volume of alcohol and which contains a relevant concentration of at least 10 mg/l but less than 50 mg/l,

that food shall be marked or labelled with the indication "contains liquorice", unless the term "liquorice" appears in the list of ingredients or in the name of the food.

(3) In the case of –

(a) any confectionery which contains a relevant concentration of at least 4g/kg,

(b) any drink which contains more than 1.2 per cent by volume of alcohol and a relevant concentration of at least 300 mg/l, and

(c) any drink which does not contain more than 1.2 per cent by volume of alcohol and which contains a relevant concentration of at least 50 mg/l,

that food shall be marked or labelled with the indication "contains liquorice – people suffering from hypertension should avoid excessive consumption".

(4) The indications required by paragraphs (2) and (3) of this regulation shall appear immediately after the list of ingredients or, in the absence of such a list, near the name of the food.".

8. In regulation 50 (transitional provision), there shall be inserted at the end the following –

"(13) In any proceedings for an offence under regulation 44(1)(a), it shall be a defence to prove that –

(a) the food concerned was marked or labelled before 20th May 2006; and

(b) the matters constituting the alleged offence would not have constituted an offence under these Regulations if the amendment made by regulation 7 of the Food Labelling (Amendment) Regulations (Northern Ireland) 2005 had not been in operation when the food was sold.".