STATUTORY RULES OF NORTHERN IRELAND

2003 No. 448

FOOD

Food (Provisions Relating to Labelling) Regulations (Northern Ireland) 2003

Made - - - - 13th October 2003

Coming into operation in accordance with regulation 1

The Department of Health, Social Services and Public Safety(**1**), in exercise of the powers conferred on it by Articles 15(1)(e) and (f), 16(1), 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(43A) 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 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**) 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 (Provisions Relating to Labelling) Regulations (Northern Ireland) 2003 and shall come into operation on 24th November 2003 except for regulations 5 to 7 which shall come into operation on 1st July 2004.

Amendment of the Food Labelling Regulations (Northern Ireland) 1996

2. The Food Labelling Regulations (Northern Ireland) 1996(**4**) shall be amended in accordance with regulations 3 to 7.

3. In regulation 2(1) (interpretation) –

(a) in the definition of "Directive 94/54", for "Directive 79/112" there shall be substituted "Directive 2000/13";

(b) after the definition of "Directive 1999/2" there shall be inserted the following definition –

(**1**) Formerly the Department of Health and Social Services, see S.I.1999/283 (N.I.1), Article 3

(**2**) S.I. 1991/762 (N.I. 7) as amended by S.I.1996 /1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28

(**3**) O.J. No. L31, 1.2.2002, p. 1

(**4**) S.R. 1996 No.383; the relevant amending Regulations are S.R. 1998 No. 253, S.R. 1999 Nos. 143, 244 and 286, S.R. 2000 Nos. 189 and 303, and S.R. 2003 No. 159

""Directive 2000/13" means Directive 2000/13/EC of the European Parliament and of the Council(**5**) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, as amended by Commission Directive 2001/101/EC(**6**), which was itself amended by Commission Directive 2002/86/EC(**7**), and as read with Commission Directive 1999/10/EC(**8**) providing for derogations from the provisions of Article 7 of Directive 2000/13 and Commission Directive 2002/67/EC(**9**) on the labelling of foodstuffs containing quinine, and of foodstuffs containing caffeine;".

4. In the following provisions –

regulation 3(1)(i) (exemptions),

regulation 19(2)(a)(i) (indication of quantities of certain ingredients or categories of ingredients),

regulation 47(b) (defence in relation to exports),

for "Directive 79/112" there shall be substituted "Directive 2000/13".

5. In regulation 14 (names of ingredients) –

(a) in paragraph (5) there shall be inserted at the beginning "Subject to paragraph (5A)";

(b) after paragraph (5) there shall be inserted the following paragraph –

"(5A) In the case of quinine or caffeine added to or used in a food as a flavouring, quinine or caffeine (as appropriate) shall be identified by name immediately after "flavouring".".

6. After regulation 34 (foods containing sweeteners, added sugar and sweeteners, aspartame or polyols) there shall be inserted the following regulation –

"**Drinks with high caffeine content**

34A.—(1) Subject to paragraph (2), in the case of a drink which –

(a) is intended for consumption without modification and contains caffeine, from whatever source, in a proportion in excess of 150 milligrams per litre, or

(b) is in concentrated or dried form and after reconstitution contains caffeine, from whatever source, in a proportion in excess of 150 milligrams per litre,

that drink shall be marked or labelled with the words "High caffeine content" in the same field of vision as the name of the drink, and those words shall be followed by a reference in brackets to the caffeine content expressed in milligrams per 100 millilitres.

(2) Paragraph (1) shall not apply to any drink based on coffee, tea or coffee or tea extract where the name of the food includes the term "coffee" or "tea".".

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

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

(a) the food concerned was marked or labelled before 1st July 2004; and

(**5**) O.J. No. L109, 6.5.2000, p. 29, as corrected by a Corrigendum (O.J. No. L124, 25.5.2000, p. 66)
(**6**) O.J. No. L310, 28.11.2001, p. 19
(**7**) O.J. No. L305, 7.11.2002, p. 19
(**8**) O.J. No. L69, 16.3.1999, p. 22
(**9**) O.J. No. L191, 19.7.2002, p. 20