STATUTORY RULES OF NORTHERN IRELAND

1999 No. 286

FOOD

Food Labelling (Amendment No. 2) Regulations (Northern Ireland) 1999

Made - - - -	*23rd June 1999*
Coming into operation	*9th August 1999*

The Department of Health and Social Services and the Department of Agriculture being the Departments concerned(**1**) in exercise of the powers conferred on them 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 them in that behalf and after consultation in accordance with Article 47(3) of that Order with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Food Labelling (Amendment No. 2) Regulations (Northern Ireland) 1999 and shall come into operation on 9th August 1999.

Amendment of the Food Labelling Regulations (Northern Ireland) 1996

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

3. In regulation 2(1) (interpretation) in the definition of "Directive 79/112" there shall be inserted at the end "and Commission Directive 1999/10/EC(**4**) providing for derogations from the provisions of Article 7 of Council Directive 79/112/EEC as regards the labelling of foodstuffs".

4. In regulation 3(5) (exemptions) for "and regulation 41" there shall be substituted "and regulation 42(1)".

5. In regulation 19 (indication of quantities of certain ingredients or categories of ingredients)—

(a) in paragraph (1), for "paragraph (2)" there shall be substituted "paragraphs (2) and (2A)";

(b) after paragraph (2) there shall be inserted—

(**1**) See Article 2(2) of S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12) for the definitions of "the Department concerned" and "regulations"
(**2**) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12)
(**3**) S.R. 1996 No. 383; the relevant amending Regulations are S.R. 1998 No. 253 and S.R. 1999 Nos. 143 and 244
(**4**) O.J. No. L69, 16.3.99, p. 22

"(2A) Sub-paragraphs (a) and (b) of paragraph (1) shall not apply in the case of—

(a) any ingredient or category of ingredients covered by the indication "with sweetener" or "with sugar and sweetener" if that indication accompanies the name of the food pursuant to regulation 34; or

(b) any added vitamin or mineral if that substance is the subject of nutrition labelling relating to the food in question.";

(c) in paragraph (3)(a) at the beginning there shall be inserted "subject to paragraph (4),";

(d) after paragraph (3) there shall be inserted—

"(4) Notwithstanding sub-paragraph (a) of paragraph (3)—

(a) where the food has lost moisture as a result of treatment, the indication of quantity of the ingredient or category of ingredients used shall be expressed as a percentage which shall be determined by reference to the finished product unless that quantity, or the total quantity of the ingredients or categories of ingredients indicated, would exceed 100%, in which case the indication of quantity shall be on the basis of the weight of the ingredient or category of ingredients used to prepare 100g of the finished product;

(b) the indication of quantity of a volatile ingredient or category of volatile ingredients used shall be on the basis of its proportion by weight in the finished product;

(c) the indication of quantity of an ingredient or category of ingredients which has been used in concentrated or dehydrated form and which is reconstituted during preparation of the food may be on the basis of its proportion by weight before concentration or dehydration;

(d) where the food is in concentrated or dehydrated form and is intended to be reconstituted by the addition of water as directed in the labelling of the food, the indication of quantity of the ingredient or category of ingredients may be on the basis of its proportion by weight in the food when reconstituted as so directed.".

6. In regulation 26 (small packages and certain indelibly marked bottles), for paragraph (3A) there shall be substituted—

"(3A) The other particulars for the purposes of paragraph (3) are those specified in regulation 32 and, in the case of any food to which paragraph (1) applies, the particulars specified in regulations 33 and 34 and the GMO particulars.".

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

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

(a) the food concerned was prepacked before 14th February 2000; and

(b) the matters constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3, 5(c) and (d) and 6 of the Food Labelling (Amendment No.2) Regulations (Northern Ireland) 1999 had not been made when the food was prepacked.".