STATUTORY RULES OF NORTHERN IRELAND

1997 No. 450

FOOD

Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations (Northern Ireland) 1997

Made - - - -	*10th October 1997*
Coming into operation	*31st March 1999*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 15(1)(*a*), (*e*) and (*f*), 16(1), 25(1)(*a*) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**1**) and of all other powers enabling it in that behalf and after consultation in accordance with Article 47(3) of that Order with such organisations as appear to it to be representative of interests likely to be substantially affected by the Regulations, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations (Northern Ireland) 1997 and shall come into operation on 31st March 1999.

(2) In these Regulations—

"advertisement" has the same meaning as in Article 2(2) of the Order, except that it does not include any label or wrapper;

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

"relevant food" means specially formulated food intended for use in energy-restricted diets for weight reduction, being food which complies with the compositional requirements in Schedule 1 and which, when used as instructed by the manufacturer, replaces—

(a) the whole of the total daily diet; or

(b) one or more meals of the daily diet;

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

Name of the food and compositional requirements

2.—(1) No person shall sell any relevant food under any name other than—

(**1**) S.I. 1991/762 (N.I. 7) as amended by S.I. 1996/1633 (N.I. 12). *See* Article 2(2) for the definitions of "the Department concerned" and "regulations"

(a) "total diet replacement for weight control" in the case of products intended as a replacement for the whole of the daily diet; or

(b) "meal replacement for weight control" in the case of products intended as a replacement for one or more meals of the daily diet.

(2) No person shall sell any food in the labelling of which the name "total diet replacement for weight control" or "meal replacement for weight control" is used unless that food is relevant food.

Labelling requirements

3. No person shall sell any relevant food unless it is labelled with the following particulars—

(a) the available energy value expressed in kJ and kcal, and the content of proteins, carbohydrates and fat, expressed in numerical form, per specified quantity of the product ready for use as proposed for consumption;

(b) the average quantity of each mineral and each vitamin for which compositional requirements are stipulated in paragraph 5 of Schedule 1, expressed in numerical form, per specified quantity of the product ready for use as proposed for consumption and, for products mentioned in regulation 2(1)(*b*), that average quantity expressed as a percentage of the values as set out in Tables A and B of Part II of Schedule 6 to the Food Labelling Regulations (Northern Ireland) 1996(**2**);

(c) instructions for appropriate preparation, where necessary, and a statement as to the importance of following those instructions;

(d) where a product, when used as instructed by the manufacturer, provides a daily intake of polyols in excess of 20g per day, a statement to the effect that the food may have a laxative effect;

(e) a statement on the importance of maintaining an adequate daily fluid intake;

(f) for products mentioned in regulation 2(1)(*a*), a statement that the product provides adequate amounts of all essential nutrients for the day and a statement that the product should not be used for more than three weeks without medical advice; and

(g) for products mentioned in regulation 2(1)(*b*), a statement to the effect that the product is useful for the intended use only as part of an energy-restricted diet and that other food should be a necessary part of such diet.

Labelling, advertising and presentation

4. No person shall sell any relevant food the labelling, advertising or presentation of which refers to the rate or amount of weight loss which may result from its use or to a reduction in the sense of hunger or an increase in the sense of satiety.

Packaging

5. No person shall sell any relevant food being a product mentioned in regulation 2(1)(*a)* unless all individual components making up the product are contained in the same package.

Offences and penalties

6. If any person contravenes regulation 2, 3, 4 or 5 he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(**2**) S.R. 1996 No. 383

Enforcement

7. Each district council shall enforce and execute these Regulations within its district.

Defence in relation to exports

8.—(1) In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove—

(a) that the food in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and it complies with that legislation; and

(b) that the legislation complies with the provisions of Commission Directive 96/8/EC(**3**) on foods intended for use in energy-restricted diets for weight reduction, in the case of export to an EEA State.

(2) In this regulation—

"EEA State" means a state which is a Contracting Party to the EEA Agreement; and

"EEA Agreement" means the Agreement on the European Economic Area(**4**) signed at Oporto on 2nd May 1992 as adjusted by the Protocol(**5**) signed at Brussels on 17th March 1993.

Application of provisions of the Order

9. The following provisions of the Order shall apply for the purposes of these Regulations as they apply for the purposes of Articles 7, 13 or 14 of the Order and any reference in them to the Order shall be construed as a reference to these Regulations—

(a) Articles 2(4) and 3 (extended meaning of "sale" etc);

(b) Article 4 (presumptions that food intended for human consumption);

(c) Article 19 (offences due to fault of another person);

(d) Article 20 (defence of due diligence);

(e) Article 21 (defence of publication in the course of a business);

(f) Article 30(8) (which relates to documentary evidence);

(g) Article 34 (obstruction etc, of officers);

(h) Article 36 (punishment of offences) in so far as it relates to offences under Article 34(1) and (2).

Sealed with the Official Seal of the Department of Health and Social Services on

10th October 1997.

W. B. Smith
Assistant Secretary

(**3**) O.J. No. L55, 6.3.96, p. 22
(**4**) O.J. No. L1, 3.1.94, p. 1
(**5**) O.J. No. L1, 3.1.94, p. 571