STATUTORY RULES OF NORTHERN IRELAND

1997 No. 432

FOOD

Processed Cereal-based Foods and Baby Foods for Infants and Young Children Regulations (Northern Ireland) 1997

Made - - - - 24th September 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 the said 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 Processed Cereal-based Foods and Baby Foods for Infants and Young Children Regulations (Northern Ireland) 1997 and shall come into operation on 31st March 1999.

(2) In these Regulations—

"baby foods" means foods for particular nutritional use fulfilling the particular requirements of infants and young children in good health and intended for use by infants while they are being weaned, and by young children as a supplement to their diet or for their progressive adaptation to ordinary food other than processed cereal-based foods;

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

"processed cereal-based foods" means foods for particular nutritional use within the categories in Part I of Schedule 1 fulfilling the particular requirements of infants and young children in good health and intended for use by infants while they are being weaned, and by young children as a supplement to their diet or for their progressive adaptation to ordinary food; and

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

(**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"

(3) Other expressions used in these Regulations and in Commission Directive 96/5/EC(**2**) on processed cereal-based foods and baby foods for infants and young children have the same meaning as they have in that Directive.

Exemption

2. These Regulations shall not apply to any baby food which is a milk intended for young children.

Conditions for the sale of processed cereal-based foods and baby foods

3. No person shall sell any processed cereal-based food or baby food unless—

(a) it is labelled in accordance with regulation 4; and

(b) it complies with the requirements as to manufacture and composition set out in regulation 5.

Labelling

4.—(1) Processed cereal-based food and baby food shall be labelled with the following particulars —

(a) a statement as to the appropriate age (which shall be not less than four months) from which the food may be used, regard being had to its composition, texture or other particular properties;

(b) information as to the presence or absence of gluten if the age stated pursuant to sub-paragraph (*a*) is less than six months;

(c) the available energy value expressed in kJ and kcal, and the protein, carbohydrate and fat content, expressed in numerical form, per 100 g or 100 ml of the food as sold and, where appropriate, per specified quantity of the food as proposed for consumption;

(d) the average quantity, expressed in numerical form, per 100 g or 100 ml of the food as sold and, where appropriate, per specified quantity of the food as proposed for consumption, of each mineral substance and of each vitamin in respect of which a maximum or a minimum compositional requirement is specified in—

(i) Part II of Schedule 1 in the case of processed cereal-based foods; and

(ii) Schedule 2 in the case of baby foods; and

(e) if preparation of the food is necessary, appropriate instructions for preparation and a statement as to the importance of following those instructions.

(2) Subject to paragraph (1)(*d*), no person shall label processed cereal-based food or baby food with the average quantity of any nutrient specified in Schedule 4 unless—

(a) that average quantity is expressed in numerical form, per 100 g or 100 ml of the food as sold and, where appropriate, per specified quantity of the food as proposed for consumption; and

(b) in the case of a mineral substance or vitamin, it is a mineral substance or vitamin other than one referred to in paragraph (1)(*d*).

(3) Where, pursuant to paragraph (1)(*d*) or paragraph (2), processed cereal-based food or baby food is labelled with the average quantity, per 100 g or 100 ml of the food as sold, and where appropriate, per specified quantity of the food as proposed for consumption, of any vitamin or mineral which is specified in Schedule 5, the labelling of the food shall not express that average

(**2**) O.J. No. L49, 28.2.96, p. 17

quantity as a percentage of the reference value specified in Schedule 5 in relation to that vitamin or mineral unless the quantity present is equal to 15% or more of the reference value.

Manufacture and composition of processed cereal-based foods and baby foods

5. No person shall manufacture any processed cereal-based food or baby food—

(a) from any ingredient other than one whose suitability for particular nutritional use by infants and young children has been established by generally accepted scientific data;

(b) which does not comply with the compositional requirements specified in Part II of Schedule 1, as read with Schedule 3 in the case of processed cereal-based foods and Schedule 2 in the case of baby foods;

(c) which contains any added nutritional substance other than a nutritional substance listed in Schedule 4; or

(d) which contains any substance in such quantity as to endanger the health of infants or young children.

Offences and penalties

6. If any person contravenes regulation 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.

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 96/5/EC on processed cereal-based foods and baby foods for infants and young children, 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(**3**) signed at Oporto on 2nd May 1992 as adjusted by the Protocol(**4**) signed at Brussels on 17th March 1993.

Application of various provisions of the Order

9. The following provisions of the Order shall apply for the purposes of these Regulations which application shall, in the case of Article 20, be as that Article applies for the purposes of Article 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.);

(**3**) O.J. No. L1, 3.1.94, p. 1
(**4**) O.J. No. L1, 3.1.94, p. 571

(b) Article 4 (presumption 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 business);

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

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

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

24th September 1997.

J. R. Kearney
Assistant Secretary

SCHEDULE 1 Regulation 1, 4(1)(*d*)(i) and 5(*b*)

Processed Cereal-based Foods for Infants and Young Children

Part I

Categories of Processed Cereal-Based Foods for Infants and Young Children

1. Simple cereals which are or have to be reconstituted with milk or other appropriate nutritious liquids.

2. Cereals with an added high protein food which are or have to be reconstituted with water or other protein-free liquid.

3. Pastas which are to be used after cooking in boiling water or other appropriate liquids.

4. Rusks and biscuits which are to be used either directly or after pulverisation with the addition of water, milk or other suitable liquids.

Part II

Essential Composition of Processed Cereal-Based Foods for Infants and Young Children

The requirements concerning nutrients refer to the products ready for use, marketed as such or reconstituted as instructed by the manufacturer.

Cereal content

1. Processed cereal-based foods are prepared primarily from one or more milled cereals and/or starchy root products.

The amount of cereal and/or starchy root shall not be less than 25% of the final mixture on a dry weight for weight basis.

Protein

2.—(2.1) For products mentioned in paragraphs 2 and 4 of Part I the protein content shall not exceed 1.3 g/100 kJ (5.5 g/100 kcal).

(2.2) For products mentioned in paragraph 2 of Part I the added protein shall not be less than 0.48 g/100 kJ (2 g/100 kcal).

(2.3) For biscuits mentioned in paragraph 4 of Part I made with the addition of a high protein food, and presented as such, the added protein shall not be less than 0.36 g/100 kJ (1.5 g/100 kcal).

(2.4) The chemical index of the added protein shall be equal to at least 80% of that of the reference protein (casein as defined in Schedule 3), or the protein efficiency ratio, (PER) of the protein in the mixture shall be equal to at least 70% of that of the reference protein. In all cases, the addition of amino acids is permitted solely for the purpose of improving the nutritional value of the protein mixture, and only in the proportions necessary for that purpose.

Carbohydrates

3.—(3.1) If sucrose, fructose, glucose syrups or honey are added to products mentioned in paragraphs 1 and 4 of Part I: