STATUTORY RULES OF NORTHERN IRELAND

1996 No. 383

FOOD

Food Labelling Regulations (Northern Ireland) 1996

Made - - - -	*15th August 1996*
Coming into operation	*1st October 1996*

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 the said Order with such organisations as appear to them to be representative of interests likely to be substantially affected by these Regulations hereby make the following Regulations:

Part I

Preliminary

Citation and commencement

1. These Regulations may be cited as the Food Labelling Regulations (Northern Ireland) 1996 and shall come into operation on 1st October 1996.

Interpretation

2.—(1) In these Regulations—

"additive" means any substance not normally consumed as a food in itself and not normally used as a characteristic ingredient of food, whether or not it has nutritive value, the intentional addition of which to a food for a technological purpose in the manufacture, processing, preparation, treatment, packaging, transport or storage of such food results, or may be reasonably expected to result, in its or its by-products becoming directly or indirectly a component of such foods;

(**1**) *See*S.I. 1991/762 (N.I. 7) Article 2(2) for the definitions of "the Department concerned" and "regulations" and with respect to the powers conferred on each Department jointly and severally by virtue of those definitions.
(**2**) S.I. 1991/762 (N.I. 7)

"the additives regulations" means the Flavourings in Food Regulations (Northern Ireland) 1992(**3**), the Food Additives Labelling Regulations (Northern Ireland) 1992(**4**), the Sweeteners in Food Regulations (Northern Ireland) 1996(**5**), the Colours in Food Regulations (Northern Ireland) 1996(**6**) and the Miscellaneous Food Additives Regulations (Northern Ireland) 1996(**7**);

"advertisement" includes any notice, circular, invoice or other document, and any public announcement made orally or by any means of producing or transmitting light or sound, but does not include any form of labelling;

"appropriate durability indication" means—

(a) in the case of a food other than one specified in sub-paragraph (*b*), an indication of minimum durability, and

(b) in the case of a food which, from the microbiological point of view, is highly perishable and in consequence likely after a short period to constitute an immediate danger to human health, a "use by" date;

"aromatised wine" has the meaning assigned to it by Article 2 of Council Regulation (EEC) No. 1601/91(**8**);

"biscuits" includes wafers, rusks, oatcakes and matzos;

"the Bread and Flour Regulations" means the Bread and Flour Regulations (Northern Ireland) 1996(**9**);

"carbohydrate" means any carbohydrate which is metabolised in man and includes polyols;

"catering establishment" means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer and is ready for consumption without further preparation;

"cheese" means the fresh or matured product intended for sale for human consumption, which is obtained as follows—

(a) in the case of any cheese other than whey cheese, by combining, by coagulation or by any technique involving coagulation, of any of the following substances, namely milk, cream, skimmed milk, partly skimmed milk, concentrated skimmed milk, reconstituted dried milk, butter milk, materials obtained from milk, other ingredients necessary for the manufacture of cheese provided that those are not used for replacing, in whole or in part, any milk constituent, with or without partially draining the whey resulting from coagulation;

(b) in the case of whey cheese—

  (i) by concentrating whey with or without the addition of milk and milk fat, and moulding such concentrated whey, or

  (ii) by coagulating whey with or without the addition of milk and milk fat;

"chocolate product" has the meaning assigned to it by the Cocoa and Chocolate Products Regulations (Northern Ireland) 1976(**10**);

(**3**) S.R. 1992 No. 416
(**4**) S.R. 1992 No. 417
(**5**) S.R. 1996 No. 48
(**6**) S.R. 1996 No. 49
(**7**) S.R. 1996 No. 50
(**8**) O.J. No. L149, 14.6.91, p. 1; there is an amendment to the Council Regulation which is not relevant to these Regulations
(**9**) S.R. 1996 No. 51 as amended by S.R. 1996 No. 385
(**10**) S.R. 1976 No. 183, to which there are amendments not relevant to these Regulations

"clotted cream" means cream which has been produced and separated by the scalding, cooking and skimming of milk or cream;

"cream" means that part of cows' milk rich in fat which has been separated by skimming or otherwise and which is intended for sale for human consumption;

"cocoa product" has the meaning assigned to it by the Cocoa and Chocolate Products Regulations (Northern Ireland) 1976;

"Community controlled wine" means wine, grape must, sparking wine, aerated sparkling wine, liqueur wine, semi-sparkling wine and aerated semi-sparkling wine;

"confectionery product" means any item of chocolate confectionery or sugar confectionery;

"disease" includes any injury, ailment or adverse condition, whether of body or mind;

"edible ice" includes ice-cream, water ice and fruit ice, whether alone or in combination, and any similar food;

"EEA Agreement" means the Agreement on the European Economic Area(**11**) signed at Oporto on 2nd May 1992 as adjusted by the Protocol(**12**) signed at Brussels on 17th March 1993;

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

"fancy confectionery product" means any confectionery product in the form of a figure, animal, cigarette or egg or in any other fancy form;

"fat", in the context of nutrition labelling, means total lipids, and includes phospholipids;

"flavouring" means an additive consisting of material used or intended for use in or on food to impart odour, taste or both, provided that such material does not consist entirely of—

(a) any edible substance (including herbs and spices) or product, intended for human consumption as such, with or without reconstitution, or

(b) any substance which has exclusively a sweet, sour or salt taste,

and the components of which include at least one of the following—

(i) a flavouring substance,

(ii) a flavouring preparation,

(iii) a process flavouring,

(iv) a smoke flavouring;

"flavouring preparation" means a product (other than a flavouring substance), whether concentrated or not, with flavouring properties, which is obtained by physical, enzymatic or microbiological processes from appropriate material of vegetable or animal origin;

"flavouring substance" means a chemical substance with flavouring properties the chemical structure of which has been established by methods normally used among scientists and which is—

(a) obtained by physical, enzymatic or microbiological processes from appropriate material of vegetable or animal origin,

(b) either obtained by chemical synthesis or isolated by chemical processes and which is chemically identical to a substance naturally present in appropriate material of vegetable or animal origin, or

(c) obtained by chemical synthesis but not included under sub-paragraph (*b*),

and for the purposes of this definition and the definition of "flavouring preparation"—

(**11**) O.J. No. L1, 3.1.94, p. 1
(**12**) O.J. No. L1, 3.1.94, p. 571

(i) distillation and solvent extraction shall be regarded as included among types of physical process;

(ii) material of vegetable or animal origin is appropriate material of vegetable or animal origin if it either is raw or has been subjected to a process normally used in preparing food for human consumption and to no process other than one normally so used; and

(iii) drying, torrefaction and fermentation shall be treated as included among the types of process normally so used to which sub-paragraph (ii) refers;

"flour confectionery" means any cooked food which is ready for consumption without further preparation (other than reheating), of which a characterising ingredient is ground cereal, including shortbread, sponges, crumpets, muffins, macaroons, ratafias, pastry and pastry cases, and also includes meringues, petits fours and uncooked pastry and pastry cases, but does not include bread, pizzas, biscuits, crispbread, extruded flat bread or any food containing a filling which has as an ingredient any cheese, meat, offal, fish, shellfish, vegetable protein material or microbial protein material;

"follow-on formula" has the meaning assigned to it by the Infant Formula and Follow-on Formula Regulations (Northern Ireland) 1995(**13**);

"food for a particular nutritional use" means a food intended for human consumption which—

(a) owing to its special composition or process of manufacture, is clearly distinguishable from food intended for normal human consumption,

(b) is suitable for its claimed particular nutritional purpose, and

(c) is sold in such a way as to indicate that suitability;

"grape must" has the meaning assigned to it by Annex I to Council Regulation (EEC) No. 822/87(**14**) on the common organisation of the market in wine;

"infants" means children under the age of twelve months;

"infant formula" has the meaning assigned to it by the Infant Formula and Follow-on Formula Regulations (Northern Ireland) 1995;

"ingredient" means any substance, including any additive and any constituent of a compound ingredient, which is used in the preparation of a food and which is still present in the finished product, even if in altered form, and a "compound ingredient" shall be composed of two or more such substances;

"intense sweetener" means an additive with a sweetness many times that of sucrose, which is virtually non-calorific and used solely for its sweetening properties;

"ionising radiation" means any gamma rays, x-rays or corpuscular radiations which are capable of producing ions either directly or indirectly other than those rays or radiations—

(a) which are emitted by measuring or inspection devices,

(b) which are emitted at an energy level no higher than the appropriate maximum level, and

(c) the dose of energy imparted by which does not exceed 0.5 Gy,

and for the purposes of this definition the appropriate maximum level is 10 MeV in the case of x-rays and 5 MeV otherwise;

"irradiated" means subjected to treatment by ionising radiation;

"labelling", in relation to a food, includes any words, particulars, trade mark, brand name, pictorial matter or symbol relating to the food and appearing on the packaging of the food or on any document, notice, label, ring or collar accompanying the food;

(**13**) S.R. 1995 No. 85
(**14**) O.J. No. L84, 27.3.87, p. 1, to which there are amendments not relevant to these Regulations

"liqueur wine"—

(a) in relation to a drink produced in the European Community, has the meaning assigned to it by Annex I to Council Regulation (EEC) No. 822/87, and

(b) in relation to a drink originating from elsewhere, has the meaning assigned to it by Article 2 of Council Regulation (EEC) No. 2391/89(**15**);

"member State" means a member State of the European Community;

"milk" means the milk intended for sale, or sold, for human consumption of—

(a) one or more cows, and includes skimmed milk, semi-skimmed milk and whole milk, or

(b) one or more ewes, goats or buffaloes;

"mono-unsaturates" means fatty acids with one *cis* double bond;

"natural mineral water" has the meaning assigned to it by the Natural Mineral Waters Regulations (Northern Ireland) 1985(**16**);

"nutrient", in the context of nutrition labelling, means any of the following: protein, carbohydrate, fat, fibre, sodium, any vitamin or mineral listed in Table A or B in Schedule 6 and present in any food in a significant amount as described in the Note to those Tables;

"nutrition claim" means any statement, suggestion or implication in any labelling, presentation or advertising of a food that that food has particular nutrition properties, but does not include a reference to any quality or quantity of any nutrient where such reference is required by law;

"nutrition labelling", in relation to a food (other than a natural mineral water or other water intended for human consumption or any food supplement) means any information appearing on labelling (other than where such information appears solely as part of a list of ingredients) and relating to energy value or any nutrient or to energy value and any nutrient, including any information relating to any substance which belongs to, or is a component of, a nutrient;

"nutrition properties" means either or both of—

(a) the provision (including the provision at a reduced or increased rate), or the lack of provision, of energy,

(b) the content (including content in a reduced or increased proportion), or the lack of content, of any nutrient (including any substance which belongs to, or is a component of, a nutrient);

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

"particular nutritional purpose" means the fulfilment of the particular nutritional requirements of—

(a) a person whose digestive processes are, of whose metabolism is, disturbed, or

(b) a person whose physiological condition renders him able to obtain a special benefit from the controlled consumption of any substance in food, or

(c) infants or young children in good health;

"polyunsaturates" means fatty acids with *cis, cis*-methylene interrupted double bonds;

"prepacked", in relation to a food, means put into packaging before being offered for sale in such a way that the food, whether wholly or only partly enclosed, cannot be altered without opening or changing the packaging and is ready for sale to the ultimate consumer or to a catering establishment, and includes a food which is wholly enclosed in packaging before being offered for sale and which is intended to be cooked without opening the packaging and which is ready for sale to the ultimate consumer or to a catering establishment, but does not include

(**15**) O.J. No. L232, 9.8.89, p. 10
(**16**) S.R. 1985 No. 120, to which there are amendments not relevant to these Regulations