1994 No. 214

FOOD

The Food Labelling (Amendment) Regulations (Northern Ireland) 1994

Made	*9th June 1994*
Coming into operation . .	*1st March 1995*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 15(1)(*e*), 16(1), 25(1)(*a*) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**a**) 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 these Regulations, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Labelling (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 1st March 1995.

(2) In these Regulations "the principal Regulations" means the Food Labelling Regulations (Northern Ireland) 1984(**b**).

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) to (8).

(2) In paragraph (1) of regulation 2 (interpretation)—

(*a*) in the definition of carbohydrate, for "sugar alcohols" there shall be substituted "polyols";

(*b*) after the definition of edible ice there shall be inserted—

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

(*c*) after the definition of liqueur wine there shall be inserted—

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

"nutrient" means any of the following: protein, carbohydrate, fat, fibre, sodium, any vitamin or mineral listed in Table A or B in

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(**a**) S.I. 1991/762 (N.I. 7). *See* Article 2(2) for the definitions of "regulations" and "the Department concerned"

(**b**) S.R. 1984 No. 407; the relevant amending Regulations are S.R. 1985 No. 120, S.R. 1987 No. 38, S.R. 1988 Nos. 23 and 433, S.R. 1989 No. 229, S.R. 1990 Nos. 37, 103 and 440, S.R. 1991 Nos. 203 and 216

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 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—

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

(ii) 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);

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

(*d*) after the definition of presentation there shall be inserted—

" "protein" means the protein content calculated using the formula: protein = total Kjeldahl nitrogen × 6.25;

"saturates" means fatty acids without double bond;";

(*e*) after the definition of sparkling wine there shall be inserted—

" "sugars" in the context of nutrition labelling means all monosaccharides and disaccharides present in food, but excludes polyols;".

(3) For the title to Part IV there shall be substituted—

"NUTRITION LABELLING, CLAIMS AND MISLEADING DESCRIPTIONS".

(4) In regulation 37 (supplementary provisions relating to claims) for paragraphs (3), (4), (5), (6) and (7) there shall be substituted—

"(3) A reference to a substance in a list of ingredients or in any nutrition labelling shall not of itself constitute a claim of the type described in Schedule 6.

(4) In Schedule 6—

"the prescribed nutrition labelling" means nutrition labelling given in accordance with Schedule 6A;

"recommended daily allowance", in relation to a vitamin or mineral, means the recommended daily allowance specified for that vitamin or mineral in column 2 of Table A or B in Schedule 6.

(5) In Schedule 6 any condition that a food in respect of which a claim is made shall be marked or labelled with the prescribed nutrition labelling shall not apply in the case of—

(*a*) a food which is not prepacked and which is sold to the ultimate consumer at a catering establishment, or

(*b*) a claim contained within generic advertising, but in respect of a food described in sub-paragraph (*a*) there may be given such of the elements of the prescribed nutrition labelling which, but for this paragraph, would have been required or permitted to be given, as it is wished to include, and where all or any such elements are given this shall be in accordance with Part I of Schedule 6A, except that in applying paragraph 4 of that Part, in place of sub-paragraphs (*a*)(i) and (ii) of that paragraph there shall be read references to—

(i) an unquantified serving of the food, and

(ii) any one portion of the food.

(6) Where nutrition labelling not being prescribed nutrition labelling is given it shall be given in all respects as if it were prescribed nutrition labelling except that in applying in this context the requirements for prescribed nutrition labelling described in Schedule 6A, Part II shall be read as if paragraphs 1(*a*)(iv) and (*b*)(iv), and the proviso to sub-paragraph (*b*)(i), were omitted.".

(5) In paragraph 4 (Vitamins) in Schedule 1 (names prescribed by law)—

(*a*) in sub-paragraph (1), for "with or without the words, if any, that appear in brackets in that column of that Table" there shall be substituted "except that in respect of folacin the name "folic acid" may also be used.";

(*b*) for sub-paragraph (2) there shall be substituted—

"(2) The name for vitamin K shall be "vitamin K".".

(6) (*a*) In item 3 (claims relating to foods for particular nutritional uses) in Part II (restricted claims) of Schedule 6 (claims), for "the prescribed energy statement" in paragraph 3(*b*) in column 2 there shall be substituted "the prescribed nutrition labelling and may be marked or labelled with further information in respect of either or both of—

(i) any nutrient or component of a nutrient (whether or not a claim is made in respect of such nutrient or component), or

(ii) any other component or characteristic, which is essential to the food's suitability for its particular nutritional use.

(*b*) In item 4 (claims relating to babies or young children) in Part II of Schedule 6, for "the prescribed energy statement" in paragraph 2(*b*) in column 2 there shall be substituted "the prescribed

nutrition labelling and may be marked or labelled with further information in respect of either or both of—

(i) any nutrient or component of a nutrient (whether or not a claim is made in respect of such nutrient or component), or

(ii) any other component or characteristic, which is essential to the food's suitability for its particular nutritional use.''.

(*c*) Item 5 (diabetic claim) in Part II of Schedule 6 shall be deleted.

(*d*) In item 8 (protein claims) in Part II of Schedule 6, for paragraph 3 in column 2 there shall be substituted—

''3. The food must be marked or labelled with the prescribed nutrition labelling.''.

(*e*) In item 9 (vitamin claims) in Part II of Schedule 6—

(i) in paragraph 1 in column 2, for ''recommended daily amount'', in each case where it occurs, there shall be substituted ''recommended daily allowance'', and

(ii) for paragraph 2 in column 2 there shall be substituted—

''2. The food must be marked or labelled—

(*a*) in the case of a food to which nutrition labelling relates—

(i) where the claim is in respect of unspecified vitamins (whether alone or together with named vitamins), then in respect of any of those unspecified vitamins which are listed in Table A, with the prescribed nutrition labelling and, in addition, with a statement of the percentages of the recommended daily allowance for such vitamins as are contained in either a quantified serving of the food or, provided that the total number of portions contained in the sales unit of the food is stated, in one such portion of the food, and

(ii) where the claim is in respect of a named vitamin or of named vitamins (whether alone or together with unspecified vitamins), then in respect of that or those named vitamins, with the prescribed nutrition labelling and, in addition, with a statement of the percentages of the recommended daily allowance for such vitamins as are contained in either a quantified serving of the food or, provided that the total number of portions contained in the sales unit of the food is stated, in one such portion of the food; and

(*b*) in the case of food supplements or waters other than natural mineral waters, in respect of any vitamins, whether unspecified, named or both—

(i) with a statement of the percentage of the recommended daily allowance of those vitamins contained in either a quantified serving or (provided that the food is prepacked) a portion of the food, and

(ii) where the food is prepacked, of the number of portions contained in the package,

and the name used in such marking or labelling for any such vitamin shall be the name specified for that vitamin in column 1 of Table A.''.

(*f*) In item 11 (polyunsaturated fatty acid claims), in Part II of Schedule 6 for sub-paragraph 1(*d*) in column 2 there shall be substituted—

''(*d*) the food must be marked or labelled with the prescribed nutrition labelling.''.

(*g*) For item 13 (energy claims) in Part II of Schedule 6 there shall be substituted—

(In Column 1— Types of Claim)	(In Column 2— Conditions)
''*Nutrition claims*	
13. Any nutrition claim not dealt with under any other item in this Part	1. The food must be capable of fulfilling the claim. 2. The food shall be marked or labelled with the prescribed nutrition labelling.''.

(*h*) For Table A (vitamins in respect of which claims may be made) and Table B (minerals in respect of which claims may be made) in Schedule 6 there shall be substituted—

''TABLE A

Vitamins in respect of which claims may be made

Column 1	Column 2
Vitamin	*Recommended daily allowance*
Vitamin A	800 μg
Vitamin D	5 μg
Vitamin E	10 mg
Vitamin C	60 mg
Thiamin	1.4 mg
Riboflavin	1.6 mg
Niacin	18 mg
Vitamin B6	2 mg
Folacin	200 μg
Vitamin B12	1 μg
Biotin	0.15 mg
Pantothenic acid	6 mg