1990 No. 455

FOOD

Composition and Labelling

Quick-frozen Foodstuffs Regulations (Northern Ireland) 1990

Made . . . . . 28th December 1990

Coming into operation . . 10th January 1991

The Department of Health and Social Services for Northern Ireland, being a designated Department(**a**) for the purposes of section 2(2) of the European Communities Act(**b**) in relation to quick-frozen food intended for human consumption, in exercise of the powers conferred on it by the said section 2(2) and in exercise of the powers conferred on it by Articles 6, 9, 15 and 72 of the Food (Northern Ireland) Order 1989(**c**) and of all other powers enabling it in that behalf and after consultation in accordance with Article 72(2) of the said Order with such organisations as appear to it to be representative of interests substantially affected by these Regulations, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Quick-frozen Foodstuffs Regulations (Northern Ireland) 1990 and shall come into operation on 10th January 1991.

Interpretation and scope

2.—(1) In these Regulations—

"catering establishment" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1984(**d**);

"prepackaging" shall be construed in accordance with the definition of "prepacked" in the Food Labelling Regulations (Northern Ireland) 1984;

"quick-frozen foodstuff" means a product—

(*a*) comprising food which has undergone a freezing process known as "quick-freezing" whereby the zone of maximum crystallisation is crossed as rapidly as possible, depending on the type of product, and

(*b*) which is labelled for the purpose of sale to indicate that it has undergone that process,

---

(**a**) S.I. 1989/1327
(**b**) 1972 c. 68
(**c**) S.I. 1989/846 (N.I. 6)
(**d**) S.R. 1984 No. 407, to which there are amendments not relevant to these Regulations

but shall not include ice-cream or any other edible ice;

"sell" includes offer or agree to sell or expose for sale; and

"ultimate consumer" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1984.

(2) These Regulations do not apply to any food—

(*a*) which is not intended for sale for human consumption;

(*b*) which is supplied under government contracts for consumption by Her Majesty's Forces or supplied for consumption by a visiting force; or

(*c*) which is supplied by the service authorities of a visiting force and to a headquarters or to members of such a force or headquarters or to property held or used by such force or headquarters.

(3) For the purposes of paragraph (2)—

(*a*) "visiting force" (for the purpose of sub-paragraph (*b*)) and "service authority" (for the purpose of sub-paragraph (*c*)) shall have the meanings assigned to them, for the purposes of any provision in Part I of the Visiting Forces Act 1952(**a**), by section 12 of that Act;

(*b*) "visiting force" and "headquarters" shall for the purpose of sub-paragraph (*c*) have the meanings assigned to them by Article 3(2) of the Visiting Forces and International Headquarters (Application of Law) Order 1965(**b**).

(4) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Sale of quick-frozen foodstuffs

3. A person shall not sell for human consumption a quick-frozen foodstuff unless it fulfils the conditions set out in the Schedule.

Packaging of quick-frozen foodstuffs intended for supply to the ultimate consumer

4. A person shall not sell any quick-frozen foodstuff to the ultimate consumer unless—

(*a*) it has been packed by its manufacturer or packer in such prepackaging as is suitable to protect it from microbial and other forms of external contamination and against dehydration, and

(*b*) the quick-frozen foodstuff has remained in such prepackaging up to the time of sale.

(**a**) 1952 c. 67; the definition of "visiting force" in section 12 was amended by the Criminal Justice Act 1988 (c. 33) section 170 and Schedule 15, paragraph 14

(**b**) S.I. 1965/1536, amended by the Pakistan Act 1973 (c. 48), section 4; the relevant amending instruments are S.I. 1987/928, 1989/1330

(**c**) 1954 c. 33 (N.I.)

Labelling of quick-frozen foodstuffs

5.—(1) The description ''quick-frozen'' or any other description listed in Article 8.1(*a*) of Council Directive 89/108/EEC(**a**) shall not be used in the labelling for the purpose of sale of any food other than—

(*a*) a quick-frozen foodstuff,

(*b*) a food which by virtue of that labelling becomes a quick-frozen foodstuff.

(2) A quick-frozen foodstuff intended for supply, without further processing, to the ultimate consumer or to a catering establishment shall, in addition to the description ''quick-frozen'' (and, as the intending supplier may see fit, any other description listed in Article 8.1(*a*) of Council Directive 89/108/EEC) added to its sales name, be marked or labelled on its packaging, container or wrapping or on a label attached thereto with—

(*a*) an indication of the date of minimum durability;

(*b*) an indication of the maximum period during which it is advisable to store it;

(*c*) an indication of one or other, or both, of—

(i) the temperature at which, and

(ii) the equipment in which,

it is advisable to store it;

(*d*) a reference allowing identification of the batch to which it belongs;

(*e*) a clear message of the type ''do not refreeze after defrosting''.

(3) Any other quick-frozen foodstuff shall, in addition to the description ''quick-frozen'' (and, as the supplier may see fit, any other description listed in Article 8.1(*a*) of Council Directive 89/108/EEC) added to its sales name, be marked or labelled on its packaging, container or wrapping, or on a label attached thereto with—

(*a*) a reference allowing identification of the batch to which it belongs;

(*b*) the name or business name and address of the manufacturer or packer, or of a seller established within the European Economic Community.

(4) A person shall not sell any food to the ultimate consumer or any catering establishment where its labelling or marking contravenes paragraph (1) or (2), and a person shall not sell it to any other person where its labelling or marking contravenes paragraph (1) or (3).

Equipment

6. Each manufacturer, storer, transporter, local distributor and retailer of any quick-frozen foodstuff intended by him for sale for human consumption shall ensure during each stage during which such foodstuff is within his care and control that the equipment used in respect of that foodstuff is such as to ensure that no act or omission on his part would cause a sale of the foodstuff for human consumption to contravene these Regulations.

(**a**) O.J. No. L40, 11.2.89, p. 34