1990 No. 440

FOOD

Labelling

Food Labelling (Amendment) Regulations (Northern Ireland) 1990

Made . . . . . *14th December 1990*

Coming into operation . . *1st 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 1972(**b**) in relation to the presentation and packaging of food intended for sale 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 9 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, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Labelling (Amendment) Regulations (Northern Ireland) 1990 and shall come into operation on 1st January 1991.

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

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) to (13).

(2) For regulation 6(*c*) there shall be substituted the following paragraph—

"(*c*) the appropriate durability indication, that is to say—

(i) in the case of a food other than one specified in sub-paragraph (ii), an indication of minimum durability;

(ii) in the case of a food which, from the microbiological point of view, is highly perishable and in consequence likely after a

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(**a**) S.I. 1981/833
(**b**) 1972 c. 68
(**c**) S.I. 1989/846 (N.I. 6)
(**d**) S.R. 1984 No. 407; the relevant amending Regulations are S.R. 1989 No. 229

short period to constitute an immediate danger to human health, a ''use by'' date;''.

(3) To the heading ''Indication of minimum durability'' preceding the heading to regulation 21 there shall be added ''or ''use by'' date''.

(4) In regulation 21(2)—

(*a*) at the end of sub-paragraph (*a*) the word ''and'' shall be omitted;

(*b*) in sub-paragraph (*b*) after ''three months'' there shall be inserted ''but not more than eighteen months'' and at the end there shall be inserted the word ''and'';

(*c*) after sub-paragraph (*b*) there shall be added the following sub-paragraph—

''(*c*) in the case of a food which can reasonably be expected to retain its specific properties for more than eighteen months it may be expressed either in terms of a month and year only or in terms of a year only, if (in either case) the words ''best before'' are replaced by the words ''best before end''.''.

(5) Regulation 21(4) and (5) shall be omitted.

(6) After regulation 21 there shall be inserted the following regulation—

''*Form of indication of ''use by'' date*

21A.—(1) Where a ''use by'' date is required in respect of a food it shall be indicated by—

(*a*) the words ''use by'' followed by the date up to and including which the food, if properly stored, is recommended for use, and

(*b*) any storage conditions which need to be observed.

(2) The ''use by'' date shall be expressed in terms either of a day and a month (in that order) or of a day, a month and a year (in that order).

(3) The date up to and including which a food required to bear a ''use by'' date is recommended for use may appear separately from the words ''use by'', provided that those words are followed by a reference to the place where the date appears.''.

(7) For regulation 22 there shall be substituted the following regulation—

''*Foods which need not bear an indication of minimum durability or a ''use by'' date*

22. The following foods need not be marked or labelled with an indication of minimum durability or a ''use by'' date—

(*a*) fresh fruit and vegetables (including potatoes but not including sprouting seeds, legume sprouts and similar products) which have not been peeled or cut into pieces;

(*b*) wine, liqueur wine, sparkling wine, aromatized wine and any similar drink obtained from fruit other than grapes and any drink made from grapes or grape musts and coming within codes 2206 00 91, 2206 00 93 and 2206 00 99 of the combined nomenclature;

(*c*) any drink with an alcoholic strength by volume of 10 per cent. or more;

(*d*) any soft drink, fruit juice or fruit nectar or alcoholic drink, sold in a container containing more than 5 litres and intended for supply to catering establishments;

(*e*) flour confectionery and bread which are normally consumed within twenty-four hours of their preparation;

(*f*) vinegar;

(*g*) cooking and table salt;

(*h*) solid sugar and products consisting almost solely of flavoured or coloured sugars;

(*i*) chewing gums and similar products;

(*j*) edible ices in individual portions;

(*k*) until 20th June 1992—

(i) deep-frozen food,

(ii) cheese which is intended to ripen completely or partially in its packaging,

(iii) any food which, if properly stored, can be expected to retain its specific properties for more than eighteen months.''.

(8) For regulation 27 there shall be substituted the following regulation—

''*Small packages and certain indelibly marked bottles*

27.—(1) Subject to paragraphs (2) and (3), any prepacked food, either contained in an indelibly marked glass bottle intended for re-use and having no label, ring or collar, or the largest surface of whose packaging has an area of less than ten square centimetres, need not by virtue of these Regulations be marked or labelled with any of the particulars specified in regulation 6 except the name of the food and, unless the food is not required to be marked or labelled with such an indication, an indication of minimum durability or, as the case may be, a ''use by'' date.

(2) This regulation does not apply to any food to which regulation 24, 25, 28, 29 or 31A applies.

(3) Until 1st January 1997 any bottle referred to in paragraph (1) need not be marked or labelled with an indication of minimum durability or, as the case may be, a ''use by'' date.''.

(9) For regulation 32(2)(*d*) there shall be substituted the following sub-paragraph—

''(*d*) in relevant trade documents furnished on or before delivery of the food and, in respect of the particulars required by regulation 6(*a*), (*c*) and (*e*), on the external packaging in which that food is sold.''.

(10) In regulation 35—

(*a*) in paragraphs (1) and (2) there shall be inserted after ''of minimum durability'', on each occasion it occurs, ''or, as the case may be, of a ''use by'' date'';

(*b*) after paragraph (2) there shall be inserted the following paragraph—