1990 No. 103

FOOD

Labelling

Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 1990

Made	*15th March 1990*
Coming into operation . .	*23rd April 1990*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 9, 72 and 73 of the Food (Northern Ireland) Order 1989(**a**) and being a designated Department(**b**) for the purposes of section 2(2) of the European Communities Act 1972(**c**) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power 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 Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 1990, and shall come into operation on 23rd April 1990.

Offences and penalties

2.—(1) Subject to paragraph (2), a person who contravenes Article 3 of Council Regulation (EEC) No. 1898/87(**d**) on the protection of designations used in marketing of milk and milk products shall be guilty of an offence under this regulation.

(2) A person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding £2,000.

Defence

3. In any proceedings for an offence under these Regulations in relation to the publication of an advertisement, it shall be a defence for the defendant to prove that, being a person whose business it is to publish or arrange for the publication of advertisements, he received the advertisement for publication in the ordinary course of business.

(a) S.I. 1989/846 (N.I. 6)
(b) Designated by S.I. 1972 1811
(c) 1972 c. 68
(d) O.J. No. L182, 3.7.87, p. 36

Amendment of the Food Labelling Regulations (Northern Ireland) 1984

4. Schedule 7 to the Food Labelling Regulations (Northern Ireland) 1984(**a**) shall be amended by substituting for the entry in column 1 relating to "the word 'milk' or any other word or description which implies that the food being described contains milk" and for the immediately following entry relating to "the word 'milk' " together with the corresponding conditions applying in column 2 the following entries—

In column 1 *(Words and descriptions)*	In column 2 *(Conditions)*
"The word "milk" or any other word or description which implies that the food being described contains milk.	Shall not be used as part of the name of a food which contains the milk of an animal other than a cow, unless— (*a*) (i) such milk has all the normal constituents in their natural proportions, and (ii) the word or description is accompanied by the name of that animal; or (*b*) (i) such milk has been subjected to a process or treatment, and (ii) the word or description is accompanied by the name of that animal and an indication of that process or treatment; or (*c*) the word or description is used in accordance with any regulations made, or having effect as if made, under the Food (Northern Ireland) Order 1989 or any order having effect as if contained in regulations so made.
The word "milk"	Shall not be used as the name of an ingredient of a food where the ingredient is the milk of an animal other than a cow, unless— (*a*) the word is accompanied by the name of the animal; and

(a) S.R. 1984 No. 407; to which there are amendments not relevant to these Regulations