1989 No. 229

FOOD AND DRUGS

Labelling

Food Labelling (Amendment) Regulations (Northern Ireland) 1989

Made	*20th June 1989*
Coming into operation—	
for the purposes of regulations 1, 2(1), 2(2)(b) to (f), 2(3), (4), (9) and (10), and 3(1) and (2)	*31st July 1989*
for all other purposes	*31st August 1989*

The Department of Health and Social Services(**a**) in exercise of the powers conferred by sections 7 and 68 of the Food and Drugs Act (Northern Ireland) 1958(**b**) and being a designated Department(**c**) for the purposes of section 2(2) of the European Communities Act 1972(**d**) in relation to the presentation and packaging of food intended for sale for human consumption in exercise of the powers conferred by the said section 2(2) and of every other power enabling it in that behalf and after consultation in accordance with section 68(2) of the Food and Drugs Act (Northern Ireland) 1958 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) 1989 and shall come into operation—

(*a*) for the purposes of regulations 1, 2(1), 2(2)(*b*) to (*f*), 2(3), (4), (9) and (10), and 3(1) and (2) on 31st July 1989; and

(*b*) for all other purposes on 31st August 1989.

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

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) to (11).

(2) In regulation 2(1)—

(*a*) the definition of "alcoholic strength by mass" shall be omitted;

(a) *See* S.R. & O. (N.I.) 1964 No. 205 art. 5 and Sch. 2 Part I

(b) 1958 c. 27 (N.I.); section 68 was amended by paragraph 3 of Schedule 4 to the Criminal Justice (Northern Ireland) Order 1986 (S.I. 1986/1883 (N.I. 15))

(c) Designated by S.I. 1981/833

(d) 1972 c. 68

(e) S.R. 1984 No. 407; the relevant amending Regulations are S.R. 1985 No. 120

(*b*) after the definition of "chocolate product" there shall be inserted the following definitions—

" "the combined nomenclature" means the goods nomenclature established by Article 1 of, and as set out in Annex I to, Council Regulation (EEC) No. 2658/87(**a**), as amended, on the tariff and statistical nomenclature and on the Common Customs Tariff;

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

(*c*) after the definition of "food" there shall be inserted the following definition—

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

(*d*) for the definition of "liqueur wine" there shall be substituted the following definition—

" "liqueur wine"—

(*a*) in relation to a drink produced in the European Economic 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 in a third country or countries, has the meaning assigned to it by Article 2 of Council Regulation (EEC) No. 339/79(**c**), as amended;";

(*e*) for the definition of "sparkling wine" there shall be substituted the following definitions—

" "sparkling wine", "aerated sparkling wine", "semi-sparkling wine" and "aerated semi-sparkling wine"—

(*a*) in relation to drinks produced in the European Economic Community, have the meanings respectively assigned to them by Annex I to Council Regulation (EEC) No. 822/87; and

(*b*) in relation to drinks produced elsewhere, have the meanings respectively assigned to them by Article 2 of Council Regulation (EEC) No. 339/79, as amended;";

(*f*) for the definition of wine there shall be substituted the following definition—

" "wine" has the meaning assigned to it by Annex I to Council Regulation (EEC) No. 822/87.".

(3) For regulation 5(2)(*f*) there shall be substituted the following sub-paragraph—

(**a**) O.J. No. L256, 7.9.87, p. 1; Annex I was replaced by the Annex to Commission Regulation (EEC) No. 3174/88 (O.J. No. L298, 31.10.88, p. 1)

(**b**) O.J. No. L84, 27.3.87, p. 1

(**c**) O.J. No. L54, 5.3.79, p. 57; the amending instrument is Council Regulation (EEC) No. 3083/82 (O.J. No. L326, 23.11.82, p. 4)

"(*f*) wines or grape musts, in so far as their labelling is regulated by Council Regulation (EEC) No. 355/79(**a**), as amended, laying down general rules for the description and presentation of wines and grape musts, and sparkling wines and aerated sparkling wines, in so far as their labelling is regulated by Council Regulation (EEC) No. 3309/85(**b**), as amended, laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines;".

(4) In regulation 22(*b*) for "sparkling wine", there shall be substituted "semi-sparkling wine, aerated semi-sparkling wine,".

(5) For regulation 31 there shall be substituted the following regulations—

"*Prepacked alcoholic drinks other than Community controlled wine*

31.—(1) In the case of prepacked alcoholic drinks other than Community controlled wine, every drink with an alcoholic strength by volume of more than 1.2 per cent. shall be marked or labelled with an indication of its alcoholic strength by volume in the form of a figure (which may be preceded by the word "alcohol" or by the abbreviation "alc.") to not more than one decimal place immediately before the symbol "% vol.".

(2) Positive and negative tolerances shall be permitted in respect of the indication of alcoholic strength by volume and shall be those specified in Part I of Schedule 5A, which shall be read with the note thereto, expressed in absolute values.

(3) For the purposes of this regulation, the alcoholic strength of any drink shall be determined at 20°C.

(4) Any whisky which has an alcoholic strength by volume of less than 40 per cent. and any brandy, gin, rum or vodka which has an alcoholic strength by volume of less than 37.2 per cent. shall be marked or labelled with the words "under strength". This requirement does not apply to brandy whose alcoholic strength by volume has fallen to less than 37.2 per cent. only through maturing in cask.

Alcoholic drinks sold otherwise than prepacked

31A.—(1) This regulation applies to alcoholic drinks when sold otherwise than prepacked, including Community controlled wine.

(2) Subject to paragraph (4), in respect of drinks to which this regulation applies with an alcoholic strength by volume of more than 1.2 per cent. there shall—

(*a*) in respect of a representative sample (which need not exceed thirty) of such drinks other than Community controlled wine, and

---

(**a**) O.J. No. L54, 5.3.79, p. 99; the amending instruments are the Act of Accession of the Hellenic Republic (O.J. No. L291, 19.11.79, p. 17) and Council Regulations (EEC) Nos. 461/80 (O.J. No. L57, 29.2.80, p. 36), 1061/81 (O.J. No. L103, 15.4.81, p. 7), 3685/81 (O.J. No. L369, 24.12.81, p. 1), 2056/84 (O.J. No. L191, 19.7.84, p. 3), 3490/84 (O.J. No. L327, 14.12.84, p. 2), 1898/85 (O.J. No. L179, 11.7.85, p. 1) 3805/85 (O.J. No. L367, 31.12.85, p. 39), 1625/86 (O.J. No. L144, 29.5.86, p. 1), 537/87 (O.J. No. L55, 25.2.87, p. 3), 3485/87 (O.J. No. L330, 21.11.87, p. 1)

(**b**) O.J. No. L320, 29.11.85, p. 9; the amending instruments are Council Regulations (EEC) Nos. 3805/85 (O.J. No. L367, 31.12.85, p. 39), 1626/86 (O.J. No. L144, 29.5.86, p. 3), 538/87 (O.J. No. L55, 25.2.87, p. 4)

(*b*) in respect of a representative sample (which need not exceed six) of Community controlled wine,

be displayed the alcoholic strength by volume in the form of a figure (which may be preceded by the word "alcohol" or by the abbreviation "alc.") to not more than one decimal place immediately before the symbol "% vol.", except that where two or more such figures appear in a single list the said word or abbreviation and the said symbol may be used once only at the head of the list of figures.

(3) Positive and negative tolerances shall be permitted in respect of the indication of alcoholic strength by volume and shall be those specified in Part I of Schedule 5A except that for Community controlled wine they shall be those specified in Part II of that Schedule, each of which shall be read with the respective note thereto, expressed in absolute values.

(4) Paragraph (2) shall not apply—

(*a*) to cocktails or other drinks made up of mixtures of more than one drink; or

(*b*) to drinks which it is customary to serve in such a way that information in respect of alcoholic strength by volume can readily be seen by the intending purchaser.".

(6) In regulation 32(1) and (2) after "regulation 24, 25, 28 or 29" there shall be inserted "or 31A".

(7) In regulation 33—

(*a*) in the heading and in paragraph (1) after "regulation 24, 25, 28 or 29" there shall be inserted "or 31A";

(*b*) after paragraph (1)(*b*) there shall be added the following sub-paragraph—

"or

(*c*) in the case of an alcoholic drink to which regulation 31A applies, on a menu, wine list or notice that is readily discernible by an intending purchaser at the place where he choses such alcoholic drink, or in the same place as is any information already required and displayed under the Price Marking (Food and Drink on Premises) Order (Northern Ireland) 1979(**a**).".

(8) For regulation 35 there shall be substituted the following regulation—

"*Field of vision*

35.—(1) Where a food is required to be marked or labelled with an indication of minimum durability or, in the case of an alcoholic drink, of alcoholic strength by volume, that indication shall appear in the labelling of the food in the same field of vision as the name of the food.

(2) Where a food is required by the Weights and Measures (Northern Ireland) Order 1981(**b**) or by any order made thereunder to be marked or labelled with an indication of net quantity, that indication shall appear in the labelling of the food in the same field of vision as the name of the food

(a) S.R. 1979 No. 427
(b) S.I. 1981/231 (N.I. 10)