1988 No. 23

FOOD AND DRUGS

Composition and Labelling

Coffee and Coffee Products (Amendment) Regulations (Northern Ireland) 1988

Made	*25th January 1988*
Coming into operation—	
Regulations 1 and 4	*7th March 1988*
Regulations 2 and 3	*30th December 1988*

The Department of Health and Social Services(**a**) in exercise of the powers conferred on it by sections 4, 7, 68 and 68A of the Food and Drugs Act (Northern Ireland) 1958(**b**) and of every other power enabling it in that behalf and after consultation in accordance with section 68(2) of that Act 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.—(1) These regulations may be cited as the Coffee and Coffee Products (Amendment) Regulations (Northern Ireland) 1988, and shall come into operation—

(*a*) as respects regulations 1 and 4, on 7th March 1988; and

(*b*) as respects regulations 2 and 3, on 30th December 1988.

(2) In these regulations "the principal regulations" means the Coffee and Coffee Products Regulations (Northern Ireland) 1979(**c**).

Amendment of the principal regulations

2. The principal regulations are hereby amended—

(*a*) by adding at the end of regulation 2 the following paragraph—

"(6) Where a designated product contains the ingredients coffee and chicory, or extracts of those ingredients, or extracts of coffee and fig, the reserved description of the product shall be such that in it the name of the ingredient of which the higher proportion was used in the manufacturing process shall precede the name of the other ingredient.";

(*b*) by substituting for regulations 5 and 6 the following regulations—

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

(b) 1958 c. 27 (N.I.): section 4 was amended by and section 68A was added by S.R.&O. (N.I.) 1972 No. 363

(c) S.R. 1979 No. 51: the relevant amending regulation is S.R. 1982 No. 298

"Labelling and description of designated products for retail sale

5.—(1) Without prejudice to the provisions of the Food Labelling Regulations (Northern Ireland) 1984(**a**) and subject to regulation 6, a person shall not sell by retail any designated product in a container unless that container is correctly marked or labelled with the following particulars—

(*a*) subject to paragraph (2), a reserved description of the product, which shall be the name prescribed by law for that product for the purposes of regulation 7(1) of the Food Labelling Regulations (Northern Ireland) 1984;

(*b*) the word "decaffeinated" in the case of—

(i) a designated product specified in Part I of Schedule 1 produced from coffee which has been subjected to a decaffeination process and in which the residual anhydrous caffeine content determined according to the method of analysis referred to in item (1) of Schedule 2 does not exceed 0.10% of its coffee-based dry matter content, or

(ii) a designated product specified in Part II or Part IV of Schedule 1 produced from coffee which has been subjected to a decaffeination process and in which the residual anhydrous caffeine content determined according to the method of analysis referred to in item (1) of Schedule 2 does not exceed 0.30% of its coffee-based dry matter content;

(*c*) in the case of any of the following designated products, namely, liquid coffee extract, liquid chicory extract, liquid coffee and chicory extract, chicory and coffee essence and liquid coffee and fig extract—

(i) the declaration "roasted with sugar", if the product is obtained from the raw material roasted with sugar;

(ii) the declaration "with sugar", "preserved with sugar", or "with added sugar", if the sugar has been added to the raw material after roasting,

the word "sugar" being replaced in that declaration by the name of any sugar product used instead of sucrose, which name shall be the reserved description of that product as specified in relation thereto in the Specified Sugar Products Regulations (Northern Ireland) 1976(**b**) or, if the sugar product has no such reserved description, the name of the product which, if the sugar product were itself being sold as a food, would be used, pursuant to the Food Labelling Regulations (Northern Ireland) 1984, as the name of the food;

(*d*) in the case of the following designated products—

(i) coffee extract paste and liquid coffee extract or mixtures containing these products, a declaration of the minimum coffee-based dry matter content expressed as a percentage;

(**a**) S.R. 1984 No. 407; to which there are amendments not relevant to these regulations
(**b**) S.R. 1976 No. 165; the relevant amending regulation is S.R. 1982 No. 311

(ii) chicory extract paste and liquid chicory extract or mixtures containing these products, a declaration of the minimum chicory-based dry matter content expressed as a percentage.

(2) In the case of the designated product liquid coffee extract containing more than 25% coffee-based dry matter and of the designated product liquid chicory extract containing more than 45% chicory-based dry matter, the word "concentrated" may be added to the reserved description.

Labelling and description of designated products for non-retail sale

5A. Subject to regulation 6, a person shall not sell otherwise than by retail any designated product in a container unless that container is correctly marked or labelled with the following particulars—

(*a*) a reserved description of the product;

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

(*c*) a marking by which the batch can be identified;

(*d*) in the case of a designated product containing any added permitted anti-caking agent in accordance with paragraph (*a*) of the proviso to regulation 8, the declaration "for use in vending machines only".

Manner of marking or labelling

6.—(1) Regulations 32(1) and 34(1) and (2) of the Food Labelling Regulations (Northern Ireland) 1984 (which relate to the manner of marking or labelling of food) shall apply to the particulars with which a designated product is required to be marked or labelled by regulation 5 as if they were particulars with which food is required to be marked or labelled by the Food Labelling Regulations (Northern Ireland) 1984.

(2) Any indication of minimum durability required by regulation 21 of the Food Labelling Regulations (Northern Ireland) 1984 shall appear in the labelling of the designated product sold by retail in the same field of vision as the particulars required by regulation 5(1)(*a*), (*b*) and (*c*).

(3) The particulars with which any designated product is required to be marked or labelled by regulation 5A shall appear on the container, on a label attached to the container or in an accompanying document.";

(*c*) by omitting, in regulation 8(*e*), the words and ellipsis "with added ....";

(*d*) by substituting for the Schedules the contents of the Schedule to these regulations;

(*e*) by deleting from—

(i) regulation 2(1), (in the definition of "designated product"), the words ", consigned or delivered",

(ii) regulation 3(*a*), the words ", consigned or delivered",

(iii) regulation 8, the words ", consign or deliver pursuant to a sale,", and

(iv) regulation 15, the words ", consignment or delivery".

Amendment of the Food Labelling Regulations (Northern Ireland) 1984

3. The Food Labelling Regulations (Northern Ireland) 1984 are hereby amended by substituting for paragraph (3) of regulation 5 the following paragraph—

"(3) This Part does not apply to any coffee, coffee mixture, coffee extract product, chicory extract product or other designated product as defined in the Coffee and Coffee Products Regulations (Northern Ireland) 1979(**a**) which is ready for delivery to a catering establishment.".

Transitional provisions

4.—(1) In any proceedings in respect of an act done before 30th December 1988 which is alleged to constitute an offence under the principal regulations, the defendant shall not be convicted of an offence—

(*a*) against regulation 5, unless the prosecution prove that such act would have constituted an offence against regulation 5 or 5A, as substituted for that regulation by regulation 2 of these regulations, if it had been in operation when the act was done;

(*b*) against regulation 6, unless the prosecution prove that such act would have constituted an offence against regulation 6, as substituted for that regulation by regulation 2 of these regulations, if it had been in operation when the act was done.

(2) In any proceedings in respect of an alleged failure before 30th December 1988 to mark or label with a list of ingredients in accordance with Part III of the Food Labelling Regulations (Northern Ireland) 1984 any coffee, coffee mixture, coffee extract product, chicory extract product or other designated product as defined in the principal regulations, as amended by regulation 2(*d*) of these regulations, and which is ready for delivery to a catering establishment, the defendant shall not be convicted of an offence.

Sealed with the Official Seal of the Department of Health and Social Services on 25th January 1988.

(L.S.) *Z. I. Davies*

Under Secretary

(**a**) S.R. 1979 No. 51; to which there are amendments not relevant to these regulations

New Schedules 1 and 2 to the Coffee and Coffee Products Regulations (Northern Ireland) 1979

SCHEDULE 1 Regulations 2(1), 2(5), 4(2), 5(1)(*b*), 8(*d*) and 8(*e*)

Designated products

PART I

COFFEE AND COFFEE MIXTURES AND THEIR RESERVED DESCRIPTIONS

Column 1	Column 2
Reserved descriptions	*Coffee and Coffee Mixtures*
Coffee	The dried seed of the coffee plant whether or not such seed has been roasted or ground or both roasted and ground.
Coffee and chicory mixture *or* Mixture of coffee and chicory *or* Either of the two foregoing descriptions but with the words "coffee" and "chicory" transposed. **Note:** The reserved description shall be such that it accords with regulation 2(6)	A mixture of roasted coffee and chicory which contains no substance other than roasted coffee and chicory.
French coffee — coffee and chicory mixture *or* Coffee and chicory mixture — French coffee *or* French coffee — mixture of coffee and chicory *or* Mixture of coffee and chicory — French coffee	A mixture of roasted coffee and chicory of which not less than 51% is coffee and which contains no substance other than roasted coffee and chicory.
Coffee with fig flavouring *or* Coffee with fig seasoning *or* Viennese coffee — coffee with fig flavouring *or* Coffee with fig flavouring — Viennese coffee *or*	A mixture of roasted coffee and fig of which not less than 85% is coffee and which contains no substance other than roasted coffee and fig.