1987 No. 65

FOOD AND DRUGS

Composition and Labelling

Condensed Milk and Dried Milk (Amendment) Regulations (Northern Ireland) 1987

Made	*18th February 1987*
Coming into operation—	
Regulations 1 and 4 . . .	*23rd March 1987*
Regulations 2 and 3 . . .	*2nd February 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, commencement and interpretation

1.—(1) These regulations may be cited as the Condensed Milk and Dried Milk (Amendment) Regulations (Northern Ireland) 1987, and shall come into operation—

(*a*) as respects regulations 1 and 4, on 23rd March 1987; and

(*b*) as respects regulations 2 and 3, on 2nd February 1988.

(2) In these regulations "the principal regulations" means the Condensed Milk and Dried Milk Regulations (Northern Ireland) 1977(**c**).

Amendment of the principal regulations

2. The principal regulations are hereby amended—

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

"*Labelling and description of condensed milk and dried milk products for retail sale*

5.—(1) Without prejudice to the provisions of the Food Labelling Regulations (Northern Ireland) 1984(**d**), and subject to paragraph (2) and regulation 6, a person shall not sell by retail any condensed milk

(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. 1977 No. 196; as amended by S.R. 1981 No. 305, S.R. 1983 No. 26 and S.R. 1987 No. 38
(d) S.R. 1984 No. 407; as amended by S.R. 1984 No. 408, S.R. 1985 No. 120 and S.R. 1987 No. 38

product or dried milk product in a container unless that container is correctly marked or labelled with the following particulars—

(*a*) 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*) in the case of a dried milk product which is an instant preparation containing added lecithins in accordance with paragraph (*c*) of the proviso to regulation 9, the word "instant" added to the reserved description;

(*c*) in the case of any condensed milk product containing not less than 1.0 per centum milk fat and any dried milk product containing not less than 1.5 per centum milk fat, the milk fat content or minimum milk fat content expressed as a percentage;

(*d*) in the case of any condensed milk product, the milk solids not fat content or minimum milk solids not fat content expressed as a percentage;

(*e*) in the case of any condensed milk product, directions for dilution or reconstitution, or relevant information as to usage where the product is intended for use in its unaltered state;

(*f*) in the case of any dried milk product containing not less than 1.5 per centum milk fat, directions for dilution or reconstitution and an indication of the fat content of the product after dilution or reconstitution as directed;

(*g*) in the case of any unsweetened condensed milk product which has been subjected to ultra heat treatment and aseptically packed, the expression "UHT" or "ultra heat treated";

(*h*) in the case of any condensed milk product containing not more than 1.0 per centum milk fat and any dried milk product containing not more than 1.5 per centum milk fat, the warning "not to be used for babies except under medical advice".

(2) Where the condensed milk product or dried milk product is packed in units each weighing less than 20 grammes within an outer packaging, the particulars required by paragraph (1)(*b*) to (*h*) may appear on the outer packaging only.

Labelling and description of condensed milk and dried milk products for non-retail sale

5A. Subject to regulation 6A, a person shall not sell otherwise than by retail any condensed milk product or dried milk 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 Community;

(*c*) in the case of a product imported from a country outside the Community, the name of the country of origin;

(*d*) the date of manufacture or some marking by which the batch can be identified;

(*e*) in the case of any dried milk product containing any added permitted anti-caking agent in accordance with paragraph (*d*) of the proviso to regulation 9, the declaration "for use in vending machines only".

Manner of marking or labelling for retail sale

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 condensed milk product or dried milk 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 condensed milk product or dried milk product sold by retail in the same field of vision as the particulars required by regulation 5(1)(*a*), (*b*), (*c*) and (*d*).

Manner of marking or labelling for non-retail sale

6A. The particulars with which any condensed milk product or dried milk product is required to be marked or labelled by—

(*a*) regulation 5A, shall be clearly visible, easily legible and in indelible characters;

(*b*) sub-paragraphs (*a*), (*c*) and (*d*) of paragraph 1 of regulation 5A, shall be in English, either exclusively or in addition to any other language, or otherwise in a form easily understood by the purchaser;

(*c*) sub-paragraph (*c*) of paragraph 1 of regulation 5A, may appear in an accompanying document.";

(*b*) by substituting for paragraph (*c*) of the proviso to regulation 9, the following paragraph—

"any dried milk product which contains not less than 1.5 per centum milk fat and which is an instant preparation may contain not more than 0.5 per centum of the added permitted emulsifier lecithins E322.";

(*c*) by deleting from—

(i) regulation 2(1) (in the definitions of "condensed milk product" and "dried milk product") and regulation 3(1)(*b*), the words ", consigned or delivered",

(ii) regulation 7, the words ", or consign or deliver pursuant to a sale by retail,",

(iii) regulation 9, the words ", consign or deliver pursuant to a sale,", and

(iv) regulation 16, the words "or delivery".