1984 No. 407

FOOD AND DRUGS

Labelling

Food Labelling Regulations (Northern Ireland) 1984

Made . . . . . *26th November 1984*

Coming into operation . . . *4th February 1985*

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The Department of Health and Social Services(**a**) in exercise of the powers conferred by sections 4, 7, 68 and 68A 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:—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Food Labelling Regulations (Northern Ireland) 1984 and shall come into operation on 4th February 1985.

Interpretation

2.—(1) In these regulations—

"the Act" means the Food and Drugs Act (Northern Ireland) 1958;

"additive" means any substance, not commonly regarded or used as food, which is added to, or used in or on, food at any stage to affect its keeping qualities, texture, consistency, appearance, taste, odour, alkalinity or acidity, or to serve any other technological function in relation to food, and includes processing aids in so far as they are added to, or used in or on, food as aforesaid, but does not include—

(*a*) vitamins, minerals or other nutrients in so far as they are used solely for the purpose of fortifying or enriching food or of restoring the constituents of food,

(*b*) herbs or spices when used as seasoning,

(*c*) hops,

(*d*) salt,

(*e*) yeast or yeast extracts,

(**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**) Designated by S.I. 1981/833
(**d**) 1972 c. 68

(*f*) the total products of any hydrolysis or autolysis of food protein,

(*g*) starter cultures,

(*h*) malt or malt extract,

(*i*) any substance which is present in food solely as a result of its addition to animal, bird or fish feedingstuffs or its use in a process or treatment carried out in crop husbandry, animal husbandry, veterinary medicine or storage (including any pesticide, fumigant, sprout depressant or veterinary medicine), or

(*j*) air or water;

"the additives regulations" means the Colouring Matter in Food Regulations (Northern Ireland) 1973(**a**), the Antioxidants in Food Regulations (Northern Ireland) 1978(**b**), the Preservatives in Food Regulations (Northern Ireland) 1980(**c**), the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1981(**d**), and the Miscellaneous Additives in Food Regulations (Northern Ireland) 1981(**e**);

"advertisement" has the same meaning as in the Act, except that it does not include any form of labelling;

"alcoholic strength by mass" and "alcoholic strength by volume" have the meanings assigned to them by the Alcohol Tables Regulations 1979(**f**);

"aromatised wine" means vermouth or any other wine flavoured with aromatic extracts;

"biscuits" includes wafers, rusks, oatcakes and matzos;

"carbohydrate" means any carbohydrate which is metabolised in man and includes sugar alcohols;

"catering establishment" means a restaurant, canteen, club, public house, school, hospital or other establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer for immediate consumption;

"chocolate confectionery" means any food which is ready for consumption without further preparation, of which a characterising ingredient is chocolate, cocoa or non-fat cocoa solids, and includes food of which a characterising ingredient is carbohydrate sweetening matter and which has a chocolate or chocolate-flavoured coating, but does not include any biscuits, chocolate products, flour confectionery or edible ice;

"chocolate product" has the meaning assigned to it by the Cocoa and Chocolate Products Regulations (Northern Ireland) 1976(**g**);

"confectionery product" means any item of chocolate confectionery or sugar confectionery;

"disease" includes any injury, ailment or adverse condition, whether of body or mind;

"edible ice" includes ice-cream, water ice and fruit ice, whether alone or in combination, and any similar food;

"flour confectionery" means any cooked food which is ready for consumption

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(**a**) S.R. & O. (N.I.) 1973 No. 466; relevant amending regulations are S.R. 1975 No. 283, S.R. 1976 No. 382, S.R. 1979 No. 49
(**b**) S.R. 1978 No. 112; the relevant amending regulation is S.R. 1981 No. 191
(**c**) S.R. 1980 No. 28; relevant amending regulations are S.R. 1980 No. 380, S.R. 1982 No. 105, S.R. 1982 No. 297
(**d**) S.R. 1981 No. 194; the relevant amending regulations are S.R. 1982 No. 257, S.R. 1984 No. 22
(**e**) S.R. 1981 No. 193; the relevant amending regulation is S.R. 1982 No. 258
(**f**) S.I. 1979/132
(**g**) S.R. 1976 No. 183; the relevant amending regulation is S.R. 1982 No. 349

without further preparation (other than reheating), of which a characterising ingredient is ground cereal, including shortbread, sponges, crumpets, muffins, macaroons, ratafias, pastry and pastry cases, and also includes meringues, petit fours and uncooked pastry and pastry cases, but does not include bread, pizzas, biscuits, crispbread, extruded flat bread or any food containing a filling which has as an ingredient any cheese, meat, offal, fish, shellfish, vegetable protein material or microbial protein material;

"ingredient" means any substance, including any additive and any constituent of a compound ingredient, which is used in the preparation of a food and which is still present in the finished product, even if in altered form;

"intense sweetener" means acesulfame potassium, aspartame, saccharin, sodium saccharin, calcium saccharin or thaumatin;

"labelling", in relation to a food, includes any words, particulars, trade mark, brand name, pictorial matter or symbol relating to the food and appearing on the packaging of the food or on any document, notice, label, ring or collar accompanying the food;

"liqueur wine"—

(*a*) in relation to a drink produced in the European Economic Community, has the meaning assigned to it by Annex II to Council Regulation (EEC) No. 337/79(**a**) on the common organization of the market in wine, and

(*b*) in relation to a drink produced elsewhere, has the meaning assigned to it by article 2 of Council Regulation (EEC) No. 339/79(**b**) defining certain products falling within heading Nos. 20.07, 22. 04 and 22.05 of the Common Customs Tariff and originating in third countries;

"prepacked", in relation to a food, means put into packaging (including a confining band) before being offered for sale in such a way that the food, whether wholly or only partly enclosed, cannot be altered without opening or changing the packaging and is ready for sale to the ultimate consumer or to a catering establishment, and includes a food which is wholly enclosed in packaging before being offered for sale and which is intended to be cooked without opening the packaging and which is ready for sale to the ultimate consumer or to a catering establishment, but does not include individually wrapped sweets or chocolates which are not enclosed in any further packaging and which are not intended for sale as individual items;

"presentation", in relation to a food, includes the shape, appearance or packaging of the food, the way in which the food is arranged when it is exposed for sale and the setting in which the food is displayed with a view to sale, but does not include any form of labelling or advertising;

"sell" includes offer or expose for sale or have in possession for sale;

"sparkling wine"—

(*a*) in relation to a drink produced in the European Economic Community, has the meaning assigned to it by Annex II to Council Regulation (EEC) No. 337/79, except that it also includes aerated sparkling wine, semi-sparkling wine and aerated semi-sparkling wine as therein defined, and

(*b*) in relation to a drink produced elsewhere, has the meaning assigned to it by article 2 of Council Regulation (EEC) No. 339/79, except that it also includes aerated sparkling wine, semi-sparkling wine and aerated semi-sparkling wine as therein defined;

(**a**) O.J. No. L54, 5.3.79, p.1, amended by Council Regulation (EEC) No. 3082/82 (O.J. No. L326 23.11.82, p.1.)

(**b**) O.J. No. L54, 5.3.79, p.57, amended by Council Regulation (EEC) No. 3083/82 (O.J. No. L326, 23.11.82, p.4)