1984 No. 406

FOOD AND DRUGS

Composition and Labelling

Bread and Flour Regulations (Northern Ireland) 1984

Made . . . . . *26th November 1984*
Coming into operation . . . *4th February 1985*

ARRANGEMENT OF REGULATIONS

PART I

1. Citation and commencement
2. Interpretation
3. Exemptions

PART II

4. Composition of flour
5. Name of the food: flour
6. Name of the food: bread
7. Restrictions on the use of certain names
8. Additional ingredients
9. Doughs and dry mixes

PART III

10. Sampling of flour
11. Offences and penalties
12. Enforcement
13. Transitional provisions
14. Amendments
15. Revocations

SCHEDULES

Schedule 1 — Essential ingredients of flour
Schedule 2 — Additional ingredients of bread
Schedule 3 — Additives permitted in flour and bread
Schedule 4 — Available carbon dioxide content of flour
Schedule 5 — Specification for iron powder
Schedule 6 — Amendments
Schedule 7 — Revocations

The Department of Health and Social Services(a), in exercise of the powers conferred by sections 4, 7 and 68 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 the regulations, hereby makes the following regulations:—

PART I

Citation and commencement

1. These regulations may be cited as the Bread and Flour 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" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1984(c);

"bread" means a food of any size, shape or form which—

(*a*) is usually known as bread, and

(*b*) consists of a dough made from flour and water, with or without other ingredients, which has been fermented by yeast or otherwise leavened and subsequently baked or partly baked,

but does not include buns, bunloaves, chapatis, chollas, pitta bread, potato bread or bread specially prepared for coeliac sufferers;

"cereal" means the fruit of any cultivated grass of the family Gramineae;

"crude fibre" means the organic matter contained in the dried defatted residue obtained by digesting bread or flour successively with boiling acid and boiling alkali;

"flour" means the product which is derived from, or separated during, the milling or grinding of cleaned cereal, whether or not the cereal has been malted or subjected to any other process, and includes meal, but does not include other cereal products, such as separated cereal bran, separated cereal germ, semolina or grits;

"ingredient" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1984;

"labelling" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1984;

"malt flour" means flour derived from malted cereal;

"prepacked" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1984;

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

(2) For the purposes of these regulations, the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food.

(3) All proportions mentioned in these regulations are proportions calculated by weight.

(a) *See* S.R. & O. (N.I.) 1964 No. 205 art. 5 and Sch. 2 Part I
(b) 1958 c. 27 (N.I.)
(c) S.R. 1984 No. 407

(4) The use in these regulations of a name that is prescribed for a food by regulation 5, other than "flour", shall be taken to be a reference to the food for which the name is so prescribed.

(5) The use in these regulations of the word "bread" preceded by a word that is required by regulation 6 to be included in the name of a type of bread shall be taken to be a reference to bread of that type.

Exemptions

3. These regulations do not apply to any food which is—

(*a*) not intended for sale for human consumption; or

(*b*) intended at the time of sale for export to any place outside the United Kingdom; or

(*c*) supplied under Government contracts for consumption by Her Majesty's forces or supplied for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(**a**).

PART II

Composition of flour

4.—(1) Subject to paragraph (2), flour derived from wheat and from no other cereal, whether or not mixed with other flour, shall contain the substances specified in column 1 of Schedule 1 in accordance with the proportions and conditions prescribed in column 2 of that Schedule and Schedule 5.

(2) (*a*) The requirements specified for item 1 in column 2 of Schedule 1 shall not apply in the case of—

(i) wholemeal;

(ii) self-raising flour which has a calcium content of not less than 0.2 per cent; and

(iii) wheat malt flour;

(*b*) The substances specified in items 2-4 of Schedule 1 shall, in the case of—

(i) wholemeal, be naturally present in the quantities specified in column 2 of that Schedule, and not added;

(ii) flour other than wholemeal, be added where such addition is necessary in accordance with the conditions prescribed in column 2 of that Schedule.

(3) Subject to paragraph (4), a manufacturer or importer of flour shall not sell any flour which does not comply with this regulation.

(4) This regulation shall not apply as respects any sale of flour—

(*a*) for use by the Minister of Agriculture, Fisheries and Food, or by any person authorised to purchase or import the flour on his behalf, for stockpiling or experimental purposes;

(*b*) for use in the manufacture of communion wafers, matzos, gluten, starch or any concentrated preparation for use for the purpose of facilitating the addition to flour of the substances referred to in Schedule 1;

(*c*) for use for the purpose of diagnosis, treatment or research.

(**a**) 1952 c. 67

Name of the food: flour

5.—(1) Subject to paragraphs (2) and (4), the name used for the purposes of the Food Labelling Regulations (Northern Ireland) 1984 as the name of the food in the labelling of any flour shall be—

(*a*) where the flour is derived from wheat and from no other cereal—

(i) ''wholemeal'' or ''wholemeal flour'' if the flour consists of the whole of the product obtained from the milling or grinding of cleaned wheat;

(ii) ''brown flour'' if the flour has a crude fibre content derived from wheat of not less than 0.6 per cent calculated on the dry matter, but does not consist of the whole of the product obtained from the milling or grinding of cleaned wheat; and

(iii) ''flour'' in any other case; and

(*b*) where the flour is derived wholly or partly from cereal other than wheat, ''flour'', immediately preceded by the names of all the cereals from which the flour is derived.

(2) The name used as the name of the food in the labelling of flour consisting of the whole of the product obtained from the milling or grinding of cleaned cereals may be qualified by the word ''wholemeal''.

(3) In determining whether flour falls within paragraphs (1) and (2) no account shall be taken of the presence of any barley malt flour in small quantities for technological purposes.

(4) The name used for any flour which has an available carbon dioxide content, determined in accordance with Schedule 4, of not less than 0.4 per cent, shall include the word ''self-raising''.

(5) Notwithstanding regulation 9 of the Food Labelling Regulations (Northern Ireland) 1984, it shall not be necessary to include in the name used for any food consisting of flour an indication of the presence of—

(*a*) any prepared wheat gluten which has been added in small quantities for technological purposes;

(*b*) any barley malt flour or any wheat malt flour which has been added in small quantities for technological purposes; or

(*c*) any substance required by regulation 4 to be present in the flour.

Name of the food: bread

6.—(1) Subject to paragraphs (2) and (4), the name used for the purposes of the Food Labelling Regulations (Northern Ireland) 1984 as the name of the food in the labelling of any bread shall include, where all the flour used as an ingredient in the preparation of the bread is flour derived from wheat and no other cereal, the word—

(*a*) (i) ''wholemeal'' if all the flour used as an ingredient in the preparation of the bread is wholemeal;

(ii) ''brown'' if the bread has a crude fibre content derived from wheat of not less than 0.6 per cent calculated on the dry matter and has as an ingredient flour other than wholemeal (whether or not it also includes wholemeal);

(iii) ''wheat germ'' if the bread has an added processed wheat germ content of not less than 10 per cent calculated on the dry matter of the bread; and

(iv) ''white'' in any other case; and

(*b*) ''soda'' if sodium hydrogen carbonate has been used as an ingredient in the preparation of the bread.

(2) Notwithstanding paragraph (1), the name used for the purposes of the Food Labelling Regulations (Northern Ireland) 1984 as the name of the food in the labelling of any bread may be—

(*a*) "soda" if sodium hydrogen carbonate has been used as an ingredient in conjunction with white flour in the preparation of the bread; or

(*b*) "wheaten" if sodium hydrogen carbonate has been used as an ingredient in conjunction with brown flour, whether or not white flour has also been used, in the preparation of the bread,

where all the flour used as an ingredient in the preparation of the bread is flour derived from wheat and no other cereal.

(3) The name used as the name of the food in the labelling of any bread may include, where all the flour used as an ingredient in the preparation of the bread consists of the whole of the product obtained from the milling or grinding of cleaned cereal, the word "wholemeal".

(4) In determining whether bread falls within paragraphs (1) to (3) no account shall be taken of—

(*a*) any rice flour used as an ingredient in the preparation of the bread if rice flour does not constitute more than 2 per cent of the flour used; or

(*b*) any barley malt flour used as an ingredient in the preparation of the bread in small quantities for technological purposes.

(5) Paragraph (1) shall not apply to bread sold under the name "malt bread" or "malt loaf".

(6) The name used for bread that has been aerated shall include the word "aerated" unless it is required by paragraph (1) to include the word "soda" or permitted by paragraph (2) to be "soda" or "wheaten". For the purpose of this paragraph bread shall be taken to have been aerated if air, carbon dioxide or nitrogen, or a combination thereof, has been incorporated into the dough, whether by mechanical or chemical means, as a major method of leavening, whether or not the bread has been otherwise leavened.

(7) The name used for bread that is not suitable for consumption without further cooking shall include either the expression "part-baked" or the expression "partly baked".

(8) Notwithstanding regulation 9 of the Food Labelling Regulations (Northern Ireland) 1984, and subject to paragraph (9), where any bread contains one or more of the ingredients specified in column 1 of Schedule 2, and—

(*a*) the ingredient is present in a proportion not exceeding the proportion, if any, specified for the ingredient in column 2 of that Schedule; or

(*b*) where no proportion is so specified, the ingredient has been used in small quantities for technological purposes,

it shall not be necessary to include in the name used for the bread an indication of the presence of the ingredient so specified.

(9) The name used for wholemeal bread in which one or more of the ingredients specified in Part I of Schedule 2 has been used shall include an indication of the presence of that ingredient.

Restrictions on the use of certain names

7.—(1) A name that is prescribed or permitted for a food by regulation 5, other than the name "flour", shall not be used in the labelling or advertising of any food as the name of the food, whether or not qualified by other words, unless the food is the food for which the name is so prescribed or permitted.

(2) A word or expression that is required or permitted by regulation 6 to be included in the name of bread of any type shall not be used in the labelling or advertising of any bread as part of the name of the food unless the bread is bread of the type in whose name the word or expression is required or permitted by regulation 6 to be included.