1983 No. 265

FOOD AND DRUGS

Composition and Labelling
Sweeteners in Food Regulations (Northern Ireland) 1983

Made	*6th September 1983*
Coming into operation . . .	*18th October 1983*

The Department of Health and Social Services(a) in exercise of the powers conferred on it 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 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 and commencement

1. These regulations may be cited as the Sweeteners in Food Regulations (Northern Ireland) 1983 and shall come into operation on 18th October 1983.

Interpretation

2.—(1) In these regulations—

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

"the British Pharmacopoeia 1980" means the edition of the British Pharmacopoeia published in 1980 in London by the Department of Health and Social Security, the Scottish Home and Health Department, the Welsh Office and the Department of Health and Social Services for Northern Ireland, ISBN 0 11 320688 7*;

"the British Pharmacopoeia 1980 Addendum 1982" means the Addendum to the British Pharmacopoeia 1980 published in 1982 in London by the Department of Health and Social Security, the Scottish Home and Health Department, the Welsh Office and the Department of Health and Social Services for Northern Ireland, ISBN 0 11 320738 7;

"carbohydrate" means a substance which contains carbon, hydrogen and oxygen only, and in which the hydrogen and oxygen occur in the same proportion as in water;

"catering establishment" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1981(c);

"natural food substance" means any substance, suitable for use as food and commonly used as food, which is wholly a natural product, whether or not that substance has been subjected to any process or treatment;

"permitted antioxidant" means any antioxidant in so far as its use is permitted by the Antioxidants in Food Regulations (Northern Ireland) 1978(d);

"permitted bleaching agent" means any bleaching agent in so far as its use is permitted by the Bread and Flour Regulations (Northern Ireland) 1964(e);

(a) *See* S.R. & O. (N.I.) 1964 No. 205 and Sch. 2 Part I
(b) 1958 c. 27 (N.I.)
(c) S.R. 1981 No. 305, to which there are amendments not relevant to these regulations
(d) S.R. 1978 No. 112; the relevant amending regulation is S.R. 1981 No. 191
(e) S.R. & O. (N.I.) 1964 No. 172; the relevant amending regulation is S.R. & O. (N.I.) 1972 No. 275

"permitted colouring matter" means any colouring matter in so far as its use is permitted by the Colouring Matter in Food Regulations (Northern Ireland) 1973(**a**);

"permitted emulsifier" means any emulsifier in so far as its use is permitted by the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1981(**b**);

"permitted improving agent" means any improving agent in so far as its use is permitted by the Bread and Flour Regulations (Northern Ireland) 1964;

"permitted miscellaneous additive" means any miscellaneous additive in so far as its use is permitted by the Miscellaneous Additives in Food Regulations (Northern Ireland) 1981(**c**);

"permitted preservative" means any preservative in so far as its use is permitted by the Preservatives in Food Regulations (Northern Ireland) 1980(**d**);

"permitted solvent" means any solvent in so far as its use is permitted by the Solvents in Food Regulations (Northern Ireland) 1967(**e**);

"permitted stabiliser" means any stabiliser in so far as its use is permitted by the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1981;

"permitted sweetener" means any sweetener specified in Part I of Schedule 1 which satisfies the specific purity criteria for that sweetener specified or referred to in Part II of that Schedule and, so far as is not otherwise provided for by any such specific purity criteria, satisfies the general purity criteria specified in Part III of that Schedule;

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

"sweetener" means any substance, other than a carbohydrate, whose primary organoleptic characteristic is sweetness, but does not include—

(*a*) any natural food substance,

(*b*) any permitted antioxidant,

(*c*) any permitted bleaching agent,

(*d*) any permitted colouring matter,

(*e*) any permitted emulsifier,

(*f*) any permitted improving agent,

(*g*) any permitted miscellaneous additive,

(*h*) any permitted preservative,

(*i*) any permitted solvent,

(*j*) any permitted stabiliser,

(*k*) any starch, whether modified or not;

"ultimate consumer" has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1981.

(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.

(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. 1981 No. 194; the relevant amending regulation is S.R. 1982 No. 257

(c) S.R. 1981 No. 193; the relevant amending regulation is S.R. 1982 No. 258

(d) S.R. 1980 No. 28; relevant amending regulations are S.R. 1980 No. 380, S.R. 1982 Nos. 105 and 297

(e) S.R. & O. (N.I.) 1967 No. 282; relevant amending regulation is S.R. 1981 No. 192

(3) All proportions mentioned in these regulations are proportions calculated by weight of the product as sold.

Exemptions

3. These regulations do not apply to any food (including any sweetener) which is—

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

(*b*) intended at the time of sale for exportation to any place outside the United Kingdom.

Sale of food containing added sweeteners

4. A person shall not sell any food which has in it or on it any added sweetener other than a permitted sweetener.

Sale and advertisement of sweeteners

5.—(1) A person shall not sell any sweetener (including any sweetener with which any other substance has been mixed) which is intended for use in a catering establishment or for use by the ultimate consumer other than a permitted sweetener.

(2) A person shall not sell or advertise for sale any sweetener (including any sweetener with which any other substance has been mixed) for use as an ingredient in the preparation of food unless the sweetener is a permitted sweetener.

Food for babies and young children

6.—(1) A person shall not sell any food that is specially prepared for babies or young children if it has in it or on it any added sweetener.

(2) Paragraph (1) shall not apply to food specially prepared for babies or young children with special dietary requirements.

Labelling provisions

7.—(1) A person shall not sell a permitted sweetener (including a permitted sweetener with which any other substance has been mixed) which is not ready for delivery to the ultimate consumer or a catering establishment unless it is marked or labelled with—

(*a*) the name of the permitted sweetener;

(*b*) the serial number, if any, specified for the permitted sweetener in column 2 of Part I of Schedule 1;

(*c*) the words "for foodstuffs (restricted use)";

(*d*) the name or business name and an address or registered office of the manufacturer or packer, or of a seller established within the European Economic Community; and

(*e*) in the case of the permitted sweetener sorbitol syrup (E420) which contains after hydrolysis a level of total sugars exceeding 1 per centum, the words "contains after hydrolysis a level of total sugars of more than 1 per centum" or substantially similar words.

(2) Without prejudice to paragraph (1), a person shall not sell a permitted sweetener with which any other substance (including another permitted sweetener) has been mixed and which is not ready for delivery to the ultimate consumer or a catering establishment unless it is marked or labelled with the name of every other substance in the mixture.

(3) A permitted sweetener (including a permitted sweetener with which any other substance has been mixed) shall not be regarded as being marked or labelled in

accordance with the foregoing paragraphs unless the particulars with which it is required to be marked or labelled by those paragraphs appear—

(*a*) on the packaging, or

(*b*) on a label attached to the packaging, or

(*c*) on a label that is clearly visible through the packaging, in such a way that they are easy to understand, clearly legible and indelible and are not hidden, obscured or interrupted by any other written or pictorial matter.

Condemnation of food

8. Where any food is certified by a public analyst as being food which it is an offence against regulation 4 to sell, that food may be treated for the purposes of section 9 of the Act (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption.

Penalties and enforcement

9.—(1) If any person contravenes any of the foregoing provisions he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(2) Each district council shall enforce and execute the provisions of these regulations in its district.

(3) The requirements of section 47(3) of the Act (which requires notice to be given to the Department of Health and Social Services of intention to institute proceedings for an offence against any provisions of regulations relating to labelling, advertising or description of food) shall not apply as respects any proceedings instituted by a district council for an offence against any such provisions of these regulations.

Amendments

10. The regulations specified in Schedule 2 shall be amended in accordance with that Schedule.

Revocation

11. The Artificial Sweeteners in Food Regulations (Northern Ireland) 1969(a) are hereby revoked.

Transitional provisions

12.—(1) In any proceedings for an offence against regulation 7 in respect of an act committed after 17th October 1983 and before 1st January 1986 in relation to saccharin, sodium saccharin or calcium saccharin, it shall be a defence for the defendant to prove that the act would not have constituted an offence against regulation 6(1) of the Artificial Sweeteners in Food Regulations (Northern Ireland) 1969 if those regulations had been in operation when the act was committed.

(2) In any proceedings for an offence against regulation 7 in respect of an act committed after 17th October 1983 and before 1st January 1986 in relation to mannitol, sorbitol or sorbitol syrup, it shall be a defence for the defendant to prove that the act would not have constituted an offence against regulation 5(2) of the Miscellaneous Additives in Food Regulations (Northern Ireland) 1981 if those regulations had not been amended by these regulations.

(a) S.R. & O. (N.I.) 1969 No. 346; the relevant amending regulation is S.R. 1981 No. 305

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 6th September 1983.

(L.S.) *J. A. Wylie*

Assistant Secretary