1982 No. 398

FOOD AND DRUGS

Labelling

Food Labelling (Amendment) Regulations (Northern Ireland) 1982

Made	*30th November 1982*
Coming into operation	
Regulations 1 and 13 . . .	*31st December 1982*
Remainder	*1st January 1983*

The Department of Health and Social Services(a), in exercise of the powers conferred on it by sections 4, 7, 68 and 68A(b) of the Food and Drugs Act (Northern Ireland) 1958(c) and being a designated Department(d) for the purposes of section 2(2) of the European Communities Act 1972(e) in relation to the presentation and packaging of food intended for sale for human consumption in exercise of the powers conferred on it 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 substantially affected by these regulations, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Food Labelling (Amendment) Regulations (Northern Ireland) 1982.

(2) This regulation and regulation 13 shall come into operation on 31st December 1982 and all other provisions shall come into operation on 1st January 1983.

(3) In these regulations "the principal regulations" means the Food Labelling Regulations (Northern Ireland) 1981(f).

Amendment of the principal regulations

2. Regulation 2(1) of the principal regulations shall be amended by inserting after the definition of "prepacked" the following definition:—

> "'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;'.

3. After regulation 3 of the principal regulations there shall be inserted the following Part:—

"PART IA

PRESENTATION

Prohibition of misleading presentation

3A. The presentation of food shall not be such that a purchaser is likely to be misled to a material degree as to the nature, substance or quality of the food.".

(a) *See* S.R. & O (N.I.) 1964 No. 205 art. 5 and Sch. 2 Part I and 1973 c. 36 s. 40 and Sch. 5 para. 8
(b) Added by S.R. & O. (N.I.) 1972 No. 363
(c) 1958 c. 27 (N.I.)
(d) S.I. 1981/833
(e) 1972 c. 68
(f) S.R. 1981 No. 305

4. Regulation 4(2) of the principal regulations shall be amended by inserting after sub-paragraph (*h*) the following sub-paragraphs:—

"(*i*) any food prepared on domestic premises for sale for the benefit of the person preparing it by a society registered under the Industrial and Provident Societies Act (Northern Ireland) 1969(**a**);

(*j*) any food prepared otherwise than in the course of a trade carried on by the person preparing it.".

5. For regulation 14(1) of the principal regulations there shall be substituted the following paragraphs:—

"**14.**—(1) Subject to the following paragraphs, the name used for an ingredient in a list of ingredients shall be a name which, if the ingredient were itself being sold as a food, could be used as the name of the food.

(1A) Where a purchaser could be misled by the omission from the name used for an ingredient of any indication which, if the ingredient were itself being sold as a food, would be required to be included in or to accompany the name of the food, the name used for the ingredient in a list of ingredients shall include or be accompanied by that indication, unless the provision requiring the indication provides to the contrary.".

6. For regulation 20(4) of the principal regulations there shall be substituted the following paragraphs:—

"(4) In the case of a perishable food which is intended for consumption within six weeks of being packed, the minimum durability of the food may be indicated by—

(*a*) the words "sell by"—

(i) followed (subject to paragraph (5)) by the latest recommended date of sale of the food, expressed in terms of a day and month, and

(ii) immediately preceded or immediately followed by an indication of the period from the date of purchase for which the food can reasonably be expected to retain its specific properties if properly stored, and

(*b*) any storage conditions which need to be observed if the food is to retain its specific properties for that period.

(5) Where the minimum durability of a food is indicated in the manner permitted by paragraph (4), the latest recommended date of sale may appear on the labelling of the food separately from the words "sell by", provided that those words are followed by a reference to the place where the date appears.".

7.—(1) Regulation 23(1) of the principal regulations shall be amended by inserting in paragraph (*c*) after the words "price of the food" the words "if there is not attached to the flour confectionery or its packaging any document, notice, label, ring or collar (other than a label on which only the price of the food is marked)".

(2) Regulation 23(2) of the principal regulations shall be amended by substituting in paragraph (*b*) for the word and figure "regulation 5", the word and figure "regulation 4.".

8. For regulation 27(3) of the principal regulations there shall be substituted the following paragraph:—

"(3) Any—

(*a*) prepacked sandwich, filled roll or similar bread product, or

(*b*) prepacked prepared meal,

which is sold at a catering establishment for immediate consumption there need not be marked or labelled with any of the particulars specified in regulation 5 except the name of the food.".

(a) 1969 c. 24 (N.I.)