1979 No. 51

FOOD AND DRUGS

Composition and Labelling

Coffee and Coffee Products Regulations (Northern Ireland) 1979

Made	*26th February* 1979
Coming into operation	
Regulations 1, 2 *and* 15 . .	*11th April* 1979
Remainder	*12th July* 1980

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 of every other power enabling it in that behalf and after consultation 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 Coffee and Coffee Products Regulations (Northern Ireland) 1979 and shall come into operation as respects regulations 1, 2 and 15 on 11th April 1979 and as respects the remainder on 12th July 1980.

Interpretation

2.—(1) In these regulations—

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

"carbohydrate" means any neutral polyhydroxy alcohol containing carbon, hydrogen and oxygen in which the hydrogen and oxygen occur in the same proportion as in water, but does not include any polysaccharide which is not metabolised by man;

"chicory" means the product, in granular or powder form, which is obtained from the roots of *Chicorium intybus L.*, other than the roots of plants used for witloof chicory, and which has been suitably cleaned, dried and roasted;

"chicory extract" means the product in any concentration which is obtained by extraction from roasted chicory using only water as the medium of extraction (excluding any process of hydrolysis involving the addition of an acid or a base) and which may contain quantities of added nutrient oils, fats, sugars and molasses, or any one or more of those substances, in a proportion not exceeding 1%;

"coffee" means the dried seed of the coffee plant whether or not such seed has been roasted or ground or both roasted and ground;

(a) *See* S.R. & O. (N.I.) 1964 No. 205 (p. 937) 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 (p. 1767)
(c) 1958 c. 27 (N.I.)

"coffee extract" means the product in any concentration which contains the soluble and aromatic constituents of coffee, and is obtained by extraction from roasted coffee using only water as the medium of extraction (excluding any process of hydrolysis involving the addition of an acid or a base) and which may contain insoluble oils derived from coffee, traces of other insoluble substances derived from coffee and insoluble substances not derived from coffee or from the water used for extraction;

"container" includes any form of packaging of food for sale as a single item, whether by way of wholly or partly enclosing the food or by way of attaching the food to some other article, and in particular includes a wrapper or confining band;

"designated product" means any food specified in column 2 of Part I, II, III or IV of the Schedule, but does not include any product which contains such a food as an ingredient and which is sold, consigned or delivered as a compound product;

"district council" means a council established under the Local Government Act (Northern Ireland) 1972(**d**);

"fig" means the dried, roasted and ground fruit of the fig tree;

"food" means food intended for sale for human consumption and includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—

(*a*) water, live animals or birds,

(*b*) fodder or feeding stuffs for animals, birds or fish, or

(*c*) articles or substances used only as drugs;

"permitted anti-caking agent" means any anti-caking agent in so far as its use in food is permitted by the Miscellaneous Additives in Food Regulations (Northern Ireland) 1974(**e**), as amended(**f**);

"permitted preservative" means any preservative in so far as its use in food is permitted by the Preservatives in Food Regulations (Northern Ireland) 1975(**g**), as amended(**h**);

"pre-packed" means made up in advance ready for retail sale in or on a container; and on any premises where food of any description is so made up, or is kept or stored for sale after being so made up, any food of that description found made up in or on a container shall be deemed to be pre-packed unless the contrary is proved;

"reserved description", as respects any designated product, means any description specified in relation to that product in column 1 of Part I, II, III or IV of the Schedule, and the use of any such description shall be construed as meaning the designated product specified in relation to that description in column 2 of that Part;

"sell" includes offer or expose for sale or have in possession for sale, and "sale" and "sold" shall be construed accordingly;

(**d**) 1972 c. 9 (N.I.)
(**e**) S.R. 1974 No. 196 (I, p. 831)
(**f**) There is no amendment which relates expressly to the subject matter of these regulations
(**g**) S.R. 1975 No. 277 (II, p. 1291)
(**h**) The relevant amending regulations are S.R. 1976 No. 368 (II, p. 1764) and S.R. 1977 No. 139 (I, p. 478)

"sell by retail" means sell to a person buying otherwise than for the purpose of re-sale, but does not include selling to a caterer for the purposes of his catering business or to a manufacturer for the purposes of his manufacturing business, and "sale by retail" and "sold by retail" shall be construed accordingly;

"sugar product" means any carbohydrate sweetening matter except honey;

and other expressions have the same meaning as in the Act.

(2) Any reference to a label borne on a container shall be construed as including a reference to any legible marking on the container however effected.

(3) All proportions mentioned are proportions calculated by weight and are calculated on the total weight of the product.

(4) For the purpose 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, and references to purchasing and purchasers shall be construed accordingly.

(5) The note or notes to any reserved description or any specification contained in column 1 or column 2 respectively of Part I, II, III or IV of the Schedule shall be read as an integral part of that reserved description or that specification.

Exemptions

3. The following provisions shall not apply to any designated product which is—

(*a*) sold, consigned or delivered for exportation to any place outside the United Kingdom; or

(*b*) 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(i).

General restrictions on the use of reserved descriptions

4.—(1) Subject to the provisions of paragraph (2), a person shall not—

(*a*) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, or

(*b*) apply to any food sold by him any statement, or

(*c*) publish, or be a party to the publication of, any advertisement for food,

which bears, comprises, or includes any reserved description or any derivative thereof or any word or description substantially similar thereto unless—

(i) such food is the designated product to which the reserved description relates, or

(ii) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food, or

(iii) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not and does not contain a designated product.

(i) 1952 c. 67

(2) Nothing in paragraph (1) shall prohibit the use of the word "coffee" to describe a beverage prepared from coffee or from any of the designated products specified in Part II of the Schedule.

(3) Nothing in paragraph (1) shall prohibit the use of the words "dandelion coffee"—

(*a*) to describe a product which consists wholly of roasted dandelion root, or

(*b*) as part of the description applied to an extract or essence derived mainly from roasted dandelion root, or

(*c*) to describe a beverage prepared from roasted dandelion root or from an extract or essence derived mainly from roasted dandelion root.

Labelling and description of designated products

5.—(1) Subject to paragraph (9), a person shall not sell, consign or deliver pursuant to a sale any designated product in a container unless there appears on a label borne on, or securely attached to, the container a statement which satisfies the requirements of this regulation.

(2) The statement shall specify—

(*a*) a reserved description of the designated product to which it relates, and

(*b*) the name or trade name and the address or registered office of the manufacturer or packer of the product, or of a seller thereof established within the European Economic Community:

Provided that this sub-paragraph shall not apply in the case of any designated product which is specified in Part I of the Schedule and is not pre-packed when it is sold by retail or consigned or delivered pursuant to such a sale.

(3) Where a designated product contains the ingredients coffee and chicory, or extracts of those ingredients, or extracts of coffee and fig, the reserved description of the product shall be such that in it the name of the ingredient of which the higher proportion was used in the manufacturing process shall precede the name of the other ingredient.

(4) In the case—

(*a*) of a designated product specified in Part I of the Schedule of which the anhydrous caffeine content does not exceed 0.10% of its coffee-based dry matter content; or

(*b*) of a designated product specified in Part II or Part IV of the Schedule of which the anhydrous caffeine content does not exceed 0.30% of its coffee-based dry matter content,

which has been subjected to a decaffeination process, the word "decaffeinated" shall appear in the statement in immediate proximity to the reserved description of the product.

(5) In the case of any of the following designated products, namely, liquid coffee extract, liquid chicory extract, liquid coffee and chicory extract, and liquid coffee and fig extract which has been roasted with or is preserved with a sugar product, the statement shall include the declaration "roasted with ....." or "preserved with .....", whichever shall be appropriate, and in any such case or in the case of the designated product of which the reserved description is "chicory and coffee essence with added .....", the declaration or the reserved description, as the case may be, shall be completed by the insertion—

(*a*) of the word "sugars" where two or more sugar products are used; or

(*b*) where a single sugar product is used, of the reserved description of that product as specified in relation thereto in the Specified Sugar Products Regulations (Northern Ireland) 1976(j) or, if the sugar product has no such reserved description, an appropriate designation of that product or its common or usual name:

Provided that the word "sugar" may be inserted to describe a sugar product consisting principally of sucrose and usually known, with or without qualification, as sugar.

(6) In the case of a designated product containing any added permitted anti-caking agent in accordance with proviso (*a*) to regulation 8 the statement shall include the declaration "for use in vending machines only".

(7) Any declaration included in the statement pursuant to paragraph (5) or (6) shall be so situated that it and the reserved description of the designated product are simultaneously visible to an intending purchaser or consumer under normal conditions of purchase or use.

(8) In the case of a sale by retail or a consignment or delivery pursuant to such a sale of a designated product specified in Part I of the Schedule which is not pre-packed, the statement shall appear on a ticket or notice displayed on or in immediate proximity to the product.

(9) Notwithstanding the requirement in paragraph (1) that the statement shall appear on a label borne on, or securely attached to, the container, in the case of a sale of any designated product mentioned in paragraph (5), otherwise than by retail, or a consignment or delivery pursuant to such a sale, in a container of a nominal volume of not less than five litres, the declaration required by paragraph (5) may be contained in a document accompanying the product.

Manner of marking or labelling

6.—(1) Any statement required by regulation 5 to be applied to a designated product—

(*a*) shall be clear, legible and indelible;

(*b*) shall be in a conspicuous position in or on the document, label, notice or ticket in or on which it appears so that it will be readily discernible and easily read by an intending purchaser or consumer under normal conditions of purchase or use;

(*c*) shall not be interrupted by any other written or pictorial matter where such interruption might mislead an intending purchaser or consumer as to the nature of the designated product;

(*d*) shall not be in any way hidden or obscured or reduced in conspicuousness by any other matter, whether pictorial or not, appearing in or on the document, label, notice or ticket.

(2) The height of the letters in any statement referred to in paragraph (1) shall be such as is not calculated by any undue or insufficient prominence to mislead as to the nature, substance or quality of the designated product to which the statement relates.

(j) S.R. 1976 No. 165 (I, p. 768)