1976 No. 387

FOOD AND DRUGS

Composition and Labelling

Honey Regulations (Northern Ireland) 1976

Made	16*th December* 1976
Coming into operation . . .	
Regulations 2 *and* 13 . . .	14*th February* 1977
Remainder	1*st May* 1977

The Department of Health and Social Services(**a**) in exercise of the powers conferred on it by sections 4, 7, 68 and 68A of the Food and Drugs Act (Northern Ireland) 1958(**b**) 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 Honey Regulations (Northern Ireland) 1976 and shall come into operation as respects regulations 2 and 13 on 14th February 1977 and as respects the remainder on 1st May 1977.

Interpretation

2.—(1) In these regulations:—

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

"blossom honey" means honey produced wholly or mainly from the nectar of blossoms;

"brood" means any immature stage of the honeybee including the egg, larva and pupa and any honeybee which has not emerged from its cell in a honeycomb;

"chunk honey" means honey which contains at least one piece of comb honey;

"comb honey" means honey stored by honeybees in the cells of freshly built broodless combs and intended to be sold in sealed whole combs or in parts of such combs;

"the Community" means the European Economic Community;

"container" has the meaning assigned to it by the Labelling of Food Regulations (Northern Ireland) 1970(**c**), as amended(**d**);

"Department" means the Department of Health and Social Services;

(a) *See* S.R. & O. (N.I.) 1964 No. 205 Art. 5 and Sch. 2 Part 1 (p. 937) and 1973 c. 36 Sch. 5 para. 8
(b) 1958 c. 27 (N.I.)
(c) S.R. & O. (N.I.) 1970 No. 80 (p. 339)
(d) S.R. & O. (N.I.) 1972 No. 318 (p. 1516), S.R. 1974 No. 196 (I, p. 831), S.R. 1975 No. 275 (II, p. 1285), S.R. 1976 No. 165, S.R. 1976 No. 183 and S.R. 1976 No. 212

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

"drained honey" means honey obtained by draining uncapped broodless honeycombs;

"extracted honey" means honey obtained by centrifuging uncapped broodless honeycombs;

"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;

"freshly built broodless combs" means freshly built broodless honeycombs in which no brood has ever been reared;

"honey" means the fluid, viscous or crystallized food which is produced by honeybees from the nectar of blossoms, or from secretions of, or found on, living parts of plants other than blossoms, which honeybees collect, transform, combine with substances of their own and store and leave to mature in honeycombs;

"honeybee" means any member of any species of the genus *Apis;*

"honeydew honey" means honey, the colour of which is light brown, greenish brown, black or any intermediate colour, produced wholly or mainly from secretions of or found on living parts of plants other than blossoms;

"human consumption" includes use in the preparation of food for human consumption;

"plant" includes any tree or shrub;

"pressed honey" means honey obtained by pressing broodless honeycombs with or without the application of moderate heat;

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

"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:

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

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

(3) Unless the context otherwise requires, all proportions mentioned in these regulations are proportions calculated by weight of the product as sold.

(4) Any reference in these regulations to diastase activity or hydroxymethylfurfural content shall be construed as a reference to such activity or content as determined at any time after any processing or blending and, subject thereto, any such reference to diastase activity shall be construed as a reference to such activity as determined in accordance with the method set out in Schedule 1.

(e) 1972 c. 9 (N.I.)

(5) For the purpose of these regulations, the supply of food, otherwise than for 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.

Exemptions

3. The following provisions of these regulations shall not apply to any honey —

(*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(f).

Composition and preparation of honey

4.—(1) Any honey sold, consigned or delivered shall comply with the appropriate requirements as to composition set out in Schedule 2 in relation to that honey.

(2) A person shall not sell, consign or deliver any honey in contravention of paragraph (1).

(3) A person shall not add to any honey intended for sale as such any food or substance other than honey.

(4) A person shall not sell, consign or deliver any honey to which any food or substance has been added in contravention of paragraph (3).

(5) A person shall not sell, consign or deliver as such any honey which is not as far as practicable free from mould, insects, insect debris, brood or any other organic or inorganic substance foreign to the composition of honey.

(6) A person shall not sell, consign or deliver any honey which has an artificially changed acidity.

Use of honey as an ingredient in the preparation of food

5.—(1) A person shall not use as an ingredient in the preparation of food any honey which is not as far as practicable free from mould, insects, insect debris, brood or any other organic or inorganic substance foreign to the composition of honey.

(2) A person shall not sell, consign or deliver any food in the preparation of which any honey has been used as an ingredient in contravention of this regulation.

General restrictions on use of the word or description "honey"

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

which bears or includes the word or description "honey" or any derivative thereof or any word or description substantially similar thereto unless—

(f) 1952 c. 67

(i) such food is honey which complies with the appropriate requirements as to composition having effect in relation thereto by virtue of these regulations and, if it is described as such, is blossom honey, honeydew honey, comb honey, chunk honey, drained honey, extracted honey or pressed honey, as the case may be, 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 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 either is not, or does not contain, honey.

Labelling and description of honey

7.—(1) Subject to paragraph (5), a person shall not sell or consign or deliver pursuant to a sale any honey in a container unless there appears on a label marked on, or securely attached to, the container a true statement in compliance with this regulation.

(2) The said statement shall specify in every case the description "honey" immediately preceded—

(*a*) in the case of comb honey or chunk honey, by the word "comb" or the word "chunk", as the case may be;

(*b*) in any of the cases referred to in paragraph (3), by the word "baker's" or "industrial";

(3) The cases referred to in sub-paragraph (*b*) of paragraph (2) are—

(*a*) where the honey to which the statement relates, being heather honey derived wholly or mainly from any species of the genus *Calluna* or clover honey derived wholly or mainly from any species of the genus *Trifolium*, has a moisture content of more than 23 per centum;

(*b*) where the honey to which the statement relates, other than any honey referred to in sub-paragraph (*a*), has a moisture content of more than 21 per centum;

(*c*) where the honey to which the statement relates—

(i) has any foreign tastes or odours,

(ii) has begun to ferment or effervesce, or

(iii) has been heated to such an extent that its natural enzymes have been destroyed or made inactive;

(*d*) where the honey to which the statement relates, being citrus honey or any other honey with a naturally low enzyme content, has a diastase activity of less than 3;

(*e*) where the honey to which the statement relates, other than any honey referred to in sub-paragraph (*d*), has a diastase activity of less than 4;

(*f*) where the honey to which the statement relates has an hydroxymethylfurfural content of more than 80 milligrammes per kilogramme.

(4) The said statement shall also specify the name or trade name and the address or registered office of the producer or packer of the honey, or of a seller thereof established within the Community.

(5) Notwithstanding the requirement in paragraph (1) that the said statement shall appear on a label marked on, or securely attached to, the container, in the case of a sale otherwise than by retail or a consignment or delivery pursuant to such a sale of any honey in a container of a net weight of not less than ten kilogrammes, the statement may, as an alternative, be contained in a document accompanying the honey.

References to origin

8. A person shall not—

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

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

which bears or includes any reference, direct or indirect, whether in words or by means of any pictorial device, to the blossom or plant origin of the honey or to the regional, topographical or territorial origin of the honey unless—

(i) in the case of a reference to the blossom or plant origin, the honey is derived wholly or mainly from the blossom or plant indicated, and

(ii) in the case of a reference to the regional, topographical or territorial origin, the honey originated wholly in the region, place or territory indicated.

Manner of marking or labelling

9.—(1) Any statement required by regulation 7 to appear on a label marked on, or securely attached to, the container of any honey—

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

(*b*) shall be in a conspicuous position on the label marked on, or securely attached to, the container in such a manner 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 other written or pictorial matter where such interruption might mislead the purchaser or consumer as to the nature of the honey;

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

(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 honey to which that statement relates.

(3) If any honey is packaged in more than one container, any label which by virtue of any of these regulations is required to be marked on, or securely attached to, the container shall either be marked on, or securely attached to, the outermost container or shall be readily discernible and easily read through, or notwithstanding, the outermost container.

Penalties and enforcement

10.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations 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, and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

(2) Each district council shall enforce and execute such provisions in their area.