1976 No. 165

FOOD AND DRUGS

Composition and Labelling
Specified Sugar Products Regulations (Northern Ireland) 1976

Made	*26th May* 1976
Coming into operation	*12th July* 1976

The Department of Health and Social Services(a) in exercise of the powers conferred on it by sections 4, 7, 68 and 68(*a*) 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 Specified Sugar Products Regulations (Northern Ireland) 1976 and shall come into operation on 12th July 1976.

Interpretation

2.—(1) In these regulations:—

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

"anti-foaming agent" has the meaning assigned to it by the Miscellaneous Additives in Food Regulations (Northern Ireland) 1974(c), as amended(d);

"appropriate designation" has the meaning assigned to it by the Labelling of Food Regulations (Northern Ireland) 1970(e), as amended(f);

"candy sugar" means crystalline sugar with crystals having any dimension greater than one centimetre;

"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;

"the Community" means the European Economic Community;

"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;

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

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

(a) Formerly the Ministry of Health and Social Services: *see* 1973 c. 36 Sch. 5 para. 8
(b) 1958 c. 27 (N.I.)
(c) S.R. 1974 No. 196 (I, p. 831)
(d) S.R. 1975 No. 275 (II, p. 1285)
(e) S.R. & O. (N.I.) 1970 No. 80 (p. 339)
(f) S.R. & O. (N.I.) 1972 No. 318 (p. 1516)
(g) 1972 c. 9 (N.I.)

"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;

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

"loaf sugar" means a piece of agglomerated crystalline sugar, usually conically shaped, weighing not less than 250 grammes;

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

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

"permitted emulsifier" means any emulsifier in so far as its use is permitted by the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1975(**h**);

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

"reserved description" as respects any specified sugar product, means a description specified in relation to that product in column 1 of Schedule 1, and the use of any such description in these regulations shall be construed as meaning any specified sugar product specified in relation to that description in column 2 of that Schedule;

"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 purpose 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;

"specified sugar product" means any food specified in column 2 of Schedule 1 of which the characteristics are, where so required by that Schedule, determined according to the methods of analysis referred to in Schedule 2, 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;

"sugar confectionery" has the meaning assigned to it by the Labelling of Food Regulations (Northern Ireland) 1970, as amended;

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

(2) Any permitted preservative specified in columns 3 and 4 of Part I of Schedule I to the Preservatives in Food Regulations (Northern Ireland) 1975 in relation to the permitted preservative sulphur dioxide E220, if calculated as, may be used in place of, that permitted preservative, and any reference in these regulations to the permitted preservative sulphur dioxide shall be construed accordingly.

(**h**) S.R. 1975 No. 278 (II, p. 1323) (**i**) S.R. 1975 No. 277 (II, p. 1291)

(3) 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.

(4) All proportions mentioned in these regulations are proportions calculated by weight, and unless the context otherwise requires, are calculated on the total weight of the product.

(5) 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.

Exemptions

3. The following provisions of these regulations shall not apply to any specified sugar product—

(*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 visting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(j).

General restrictions on the use of reserved descriptions

4. 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 any reserved description or any derivative thereof or any word or description substantially similar thereto unless—

(i) such food is a specified sugar 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 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, a specified sugar product:

Provided that the reserved description "sugar" or "white sugar" may be used to designate extra white sugar.

Labelling and description of specified sugar products

5.—(1) Subject to paragraph (5), a person shall not sell, consign or deliver pursuant to a sale any specified sugar product 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—

(*a*) in the case of extra white sugar, the reserved description or the description "sugar" or "white sugar";

(*b*) in the case of dextrose monohydrate or dextrose anhydrous when sold by retail or consigned or delivered pursuant to a sale by retail, the reserved description or the description "dextrose";

(j) 1952 c. 67

(*c*) in any case not specified in sub-paragraph (*a*) or (*b*) a reserved description.

(3) The said statement shall, in relation to any specified sugar product referred to in any of the following sub-paragraphs, also include any declaration specified in that sub-paragraph for that product:—

(*a*) for sugar solution, invert sugar solution or invert sugar syrup, a declaration of the content of dry matter and of invert sugar;

(*b*) for invert sugar syrup containing a significant proportion of crystals in solution, the word "crystallized" qualifying the reserved description or a declaration substantially similar thereto indicating that the syrup contains crystals;

(*c*) for glucose syrup or dried glucose syrup of which the sulphur dioxide content in accordance with paragraph (*a*) of the proviso to regulation 9 exceeds 40 milligrammes per kilogramme, or after 15 December 1976, exceeds 20 milligrammes per kilogramme, a declaration that the product is not for sale by retail;

(*d*) for any specified sugar product containing any added colouring matter in accordance with paragraph (*b*) of the proviso to regulation 9, the declaration "contains permitted colour", so however that in the said declaration—

(i) the word "permitted" may be omitted;

(ii) an appropriate designation of the colouring matter may be substituted for the words "permitted colour";

(*e*) for icing sugar or icing dextrose containing any starch or any permitted anti-caking agent in accordance with paragraph (*c*) of the proviso to regulation 9, the declaration "contains starch" or "contains X" respectively, the declaration in the latter case being completed by inserting at X an appropriate designation or the common or usual name of each permitted anti-caking agent present;

(*f*) for glucose syrup or dried glucose syrup containing any anti-foaming agent in accordance with paragraph (*d*) of the proviso to regulation 9, the declaration "contains X", the declaration being completed by inserting at X an appropriate designation or the common or usual name of each anti-foaming agent present.

(4) The said statement shall also specify the name or trade name and the address or registered office of the manufacturer or packer of the specified sugar product, 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 specified sugar product in a container of a net weight of not less than ten kilogrammes, any of those parts of the statement which are specified in paragraph (3)(*a*), (*b*) and (*c*) may, as an alternative, be contained in a document accompanying the product.

Use of the word "white" in relation to sugar solution, invert sugar solution and invert sugar syrup

6. A person shall not—

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

(*b*) publish or be a party to the publication of, any advertisement for any sugar solution, invert sugar solution or invert sugar syrup, which bears or includes the word "white" qualifying the reserved description unless—

(i) in the case of sugar solution, the colour in solution does not exceed 25 units, determined according to the method of analysis referred to in item (3) of Schedule 2; or

(ii) in the case of invert sugar solution or invert sugar syrup, the conductivity ash content does not exceed 0.1 per centum and the colour in solution does not exceed 25 units determined according to the methods of analysis referred to in items (2) and (3) respectively of Schedule 2.

Manner of marking or labelling

7.—(1) Any statement required by regulation 5 to appear on a label marked on, or securely attached to, the container of any specified sugar product—

(*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 any other written or pictorial matter where such interruption might mislead the purchaser or consumer as to the nature of the specified sugar product;

(*d*) shall not be in any way hidden or obscured or reduced in conspicuousness by any other matter, whether pictorial or not, appearing on the 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 specified sugar product to which that statement relates.

(3) If any specified sugar product 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.

Declarations of sulphur dioxide in glucose syrup and dried glucose syrup

8. A person shall not sell otherwise than by retail or consign or deliver pursuant to a sale otherwise than by retail any glucose syrup or dried glucose syrup of which the sulphur dioxide content in accordance with paragraph (*a*) of the proviso to regulation 9 exceeds 40 milligrammes per kilogramme or, after 15th December 1976, exceeds 20 milligrammes per kilogramme, unless a document accompanying the product contains a declaration of the proportion of sulphur dioxide present in the product.

Permitted additional ingredients in specifid sugar products

9. A person shall not sell, consign or deliver any specified sugar product which contains any added ingredient:

Provided that—

(*a*) any specified sugar product described in column 1 of Schedule 3 may contain the permitted preservative sulphur dioxide in the proportion specified in relation thereto in column 2 of that Schedule;