1972. No. 318 **[C]**

FOOD AND DRUGS

Labelling

REGULATIONS, DATED 28TH NOVEMBER 1972, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTIONS 7 AND 68 OF THE FOOD AND DRUGS ACT (NORTHERN IRELAND) 1958.

The Ministry of Health and Social Services, on behalf of the Secretary of State and in exercise of the powers conferred upon it by sections 7 and 68 of the Food and Drugs Act (Northern Ireland) 1958(a), having consulted 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 Labelling of Food (Amendment) Regulations (Northern Ireland) 1972, and shall come into operation as respects regulation 5(4) on 5th January 1976 and as respects the remainder on 1st December 1972.

Interpretation

2. In these regulations "the 1970 Regulations" means the Labelling of Food Regulations (Northern Ireland) 1970(b) and "the 1964 Regulations" means the Soft Drinks Regulations (Northern Ireland) 1964(c).

Amendment of the 1970 *Regulations*

3.—(1) In this regulation a reference to a numbered regulation or schedule is a reference to the regulation or schedule so numbered in the 1970 Regulations.

(2) Regulation 2(1) shall be amended—

(*a*) by substituting in the definition of flour confectionery for the words "any meat or fish" the words "any meat or fish or any animal, vegetable or microbial material processed before or during the preparation of the product to resemble the texture of meat or fish";

(*b*) by substituting for the definition of intoxicating liquor the following definition:—

"'intoxicating liquor' means spirits, wine, beer, cider, perry, British wine and any other fermented, distilled or spirituous liquor, but (apart from cider and perry) does not include any liquor for the sale of which by wholesale no excise licence is required;";

(*c*) by inserting after the definition of meat the following definition:—

"'mineral' does not include salt;";

(*d*) by inserting in the definition of pre-packed after the words "in relation to any food with one main ingredient" the words "or to any bread or sandwiches".

(a) 1958. c. 27.
(b) S.R. & O. (N.I.) 1970, No. 80.
(c) S.R. & O. (N.I.) 1964, No. 94.

(3) Regulation 3 shall be amended—

(*a*) by substituting for paragraph (3) the following paragraph:—

"(3) Where an appropriate designation of any food—

(*a*) contains the names of two or more ingredients of that food, used otherwise than adjectivally, those names shall be used in the order of the proportion by weight in which the ingredients were used in the manufacturing process (greatest first) unless these regulations or any other regulations made under the Act provide otherwise;

(*b*) contains the names of two or more ingredients of that food, used adjectivally, those names shall not be used in an order calculated to mislead as to the proportions by weight of the ingredients used in the manufacture of the food:

Provided that where any food is sold in vinegar, brine, syrup or other carrying liquor, the name of the food may precede the name of the liquor.";

(*b*) by substituting for the proviso to paragraph (5) the following proviso:—

"Provided that—

(*a*) any such appropriate designation may be qualified by the inclusion of a descriptive word or descriptive words in such a way as to make it a more specific name or name and description of the species of fish in relation to which it is specified;

(*b*) nothing in this paragraph shall prevent the use of a traditional name for a fish which has been subjected to smoking or any similar process.";

(*c*) by adding at the end the following paragraph:—

"(7) Nothing in this regulation shall permit the use in relation to any food referred to in paragraphs (2), (5) or (6), of any appropriate designation other than an appropriate designation which is prescribed or of which the use is permitted in relation to that food by the paragraph which refers to it.".

(4) Regulation 6 shall be amended by substituting in paragraphs (2) and (3)(*a*) for the words "sold by a retailer on the premises where it was pre-packed by him or sold from a delivery van used by him" the words "pre-packed by a retailer and sold by him on the premises where it was pre-packed or from a delivery van used by him".

(5) Regulation 9(2) shall be amended by inserting after the words "No person shall sell by retail any food" the words "consisting of two or more ingredients".

(6) The following regulation shall be substituted for regulation 15:—

"**15.**—(1) No person shall sell pre-packed by retail for human consumption any dry mix or similar food which is intended to be made into another food and to which this regulation applies, if the name of that other food is included in any name or description referring to the first mentioned food (whether an appropriate designation, a common or usual name, or brand or trade name or not) on any label relating to the first mentioned food, unless a true statement in compliance with this regulation appears on such label.

(2) No person shall advertise for sale for human consumption any dry mix or similar food which is intended to be made into another food and to which this regulation applies, if the advertisement includes a statement relating to the use of the first mentioned food in making the other food, unless a true statement in compliance with this regulation is made in such advertisement.

(3) The said true statement shall specify—

(*a*) as respects any label, the substance or substances other than water required to be added to the first mentioned food, clearly, legibly and in immediate proximity to the appropriate designation or common or usual name which appears on the label in compliance with the provisions of regulation 5 in the form of the statement "Add Y", the statement having been completed by inserting at "Y" the name or names of the substance or substances other than water required to be added, or in the form of a statement substantially similar thereto;

(*b*) as respects any advertisement presented other than orally, the substance or substances other than water required to be added to the first mentioned food and that it has or they have to be added, clearly, legibly, conspicuously and in immediate proximity to the most prominent statement relating to the use of the first mentioned food in making the other food;

(*c*) as respects any advertisements presented orally, the substance or substances other than water required to be added to the first mentioned food and that it has or they have to be added, audibly and clearly at least once.

(4) This regulation applies to any dry mix or similar food which is intended to be made into another food, whether or not that other food is intended for sale, by the addition of any substance or substances other than water, whether or not water is also to be added, except—

(*a*) where that other food is intended to be made either by the addition of water alone or by the addition of any substance or substances other than water, whether or not water is also to be added, and

(*b*) in the case of the foods commonly known as custard powder and blancmange powder.".

(7) Regulation 21 shall be amended—

(*a*) by deleting from paragraph (*ab*) of the proviso to paragraph (1)(iii) the words "a statement, without further elaboration, that the food contains protein if such statement is accompanied by a true statement of the minimum protein content or";

(*b*) by inserting in paragraph (2)(a) after the word "carbohydrate" the words "(expressed as monosaccharide)".

(8) The following regulation shall be substituted for regulation 22:—

"**22.**—(1) Subject to the provisions of regulation 27, no person shall—

(*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 party to the publication of, any advertisement for food,

which bears or includes any words, device or description—

(i) constituting a general claim that vitamins or minerals are present in that food unless that food contains, in the case of a claim as to vitamins, one or more of the substances specified in column 1 of the table in, or in paragraph 1 of, Part I of Schedule 4 or, in the case of a claim as to minerals, one or more of the substances specified in column 1 of Part II of that Schedule and the words, device or description, as the case may be, are or is accompanied by a true statement in compliance with this regulation;

(ii) constituting any claim or in any way suggesting that any particular substance or substances specified in column 1 of the table in, or in paragraph 1 of, Part I of Schedule 4 or in column 1 of Part II of that Schedule is or are present in that food unless the words, device or description, as the case may be, are or is accompanied by a true statement in compliance with this regulation:

Provided that the requirement of this sub-paragraph shall not apply in relation to any substance specified in Schedule 4 if the only claim or suggestion that the substance is present in a food is contained in a list of the ingredients of that food made on a label on the container thereof in compliance with the provisions of regulation 5;

(iii) constituting any claim or in any way suggesting that any particular vitamin or mineral not specified in Schedule 4 is present in that food:

Provided that the requirements of this sub-paragraph shall not apply in relation to any vitamin or mineral not specified in Schedule 4 if the only claim or suggestion on the label or in the advertisement that the vitamin or mineral is present in a food is a mention of such vitamin or mineral in an appropriate designation of the food in compliance with the provisions of regulation 5, in a list of ingredients in compliance with those provisions, in a true statement in compliance with the provisions of regulation 26 or in a statement of the minimum vitamin or mineral content (being a statement which, when taken as a whole, does not give undue prominence to that vitamin or mineral) as part of a statement of the total nutrient content or chemical analysis of such food.

(2) The true statement referred to in paragraph (1)(i) and (1)(ii) shall specify in the manner prescribed in Schedule 4, the minimum quantity of every substance present in the food and referred to in the said paragraph (1)(i) or (1)(ii), as the case may be, contained in each ounce, fluid ounce, hundred grammes or hundred millilitres of the food, so that where the minimum quantity of the food in the container is stated by weight, the minimum quantity of every such substance shall be specified per ounce or, if the minimum quantity of the food in the container is stated in grammes or in kilogrammes shall be specified per hundred grammes, and where the minimum quantity of the food in the container is stated by volume, the minimum quantity of every such substance shall be specified per fluid ounce or, if the minimum quantity of the food in the container is stated in millilitres or litres, shall be specified per hundred millilitres.".

(9) Regulation 24(2)(*a*) shall be amended by inserting after the words "minerals or vitamins" the words "or both vitamins and minerals".

(10) The Schedule set out in Schedule 1 to these regulations shall be substituted for Schedule 1 to the 1970 Regulations.

(11) Part I of Schedule 2 shall be amended—

(*a*) by substituting in column 2 of item 1 for the words "Edible oil, or oil or shortening, or edible fat, or fat or shortening" the words "Oil, or fat or shortening (whether or not qualified as appropriate by the adjectives 'edible', 'vegetable' or 'animal', or any combination thereof)";

(*b*) by deleting from column 1 of item 4 the words "Any preparation which is the subject of, and conforms with the requirements of, a monograph in the 1968 edition of the British Pharmacopoeia or the addendum thereto of 1969 or in the formulary section of the 1968 edition of the British Pharmaceutical Codex, if the letters 'B.P.' or 'B.P.C.', as the case may be, appear as part of the appropriate designation or common or usual name of the preparation.".

(12) Schedule 2 to these regulations shall be substituted for Part I of Schedule 4 to the 1970 Regulations.

(13) Paragraph 5(2) of Schedule 5 shall be amended by adding at the end the words "under normal conditions of purchase".

4.—(1) Until revoked any provision of the Labelling of Food Regulations (Northern Ireland) 1961(**d**), shall not apply in relation to any food, label, statement, advertisement or invoice which would have complied with a corresponding provision of the 1970 Regulations immediately before the coming into operation of these regulations.

(2) From 1st January 1973 until 1st July 1973—

(*a*) any provision of the 1970 Regulations as amended by regulation 3 of these regulations shall not apply in relation to any food, label, ticket, notice, advertisement, designation, name, list, statement or invoice which would have complied with the corresponding provision of the 1970 Regulations immediately before the coming into operation of these regulations;

(*b*) regulation 22 of and Schedule 4 to the 1970 Regulations as amended by paragraphs (8) and (12) respectively of regulation 3 of these regulations shall not apply in relation to any label or advertisement which would have complied with regulation 16 of and the Second Schedule to the Labelling of Food Regulations (Northern Ireland) 1961, revoked by the 1970 Regulations.

Amendment of the 1964 *regulations*

5.—(1) In this regulation a reference to a numbered regulation or schedule is a reference to the regulation or schedule so numbered in the 1964 Regulations.

(2) Regulation 14 shall be amended by inserting at the beginning the words "Subject to the provisions of regulation 14A".

(3) The following regulation shall be inserted after regulation 14:—

"**14A.** Until 5th January 1976 where any label on the container of any soft drink complies—

(d) S.R. & O. (N.I.) 1961, No. 160.