1970. No. 80 **[C]**

FOOD AND DRUGS

Labelling

REGULATIONS, DATED 21ST APRIL 1970, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTIONS 7 AND 68 OF THE FOOD AND DRUGS ACT (NORTHERN IRELAND) 1958.

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

1. Citation and commencement
2. Interpretation
3. "Appropriate designation"
4. Exemptions

PART II

GENERAL REQUIREMENTS AS TO LABELLING AND ADVERTISEMENT OF FOOD

5. Labelling of pre-packed food for sale by retail
6. Exemptions from regulation 5
7. Labelling of exempted pre-packed food for sale by retail
8. Labelling of pre-packed food for sale otherwise than by retail
9. Labelling of food, other than pre-packed, for sale by retail
10. Advertisement of food for sale from vending machines
11. Labelling and advertisement of food as respects flavours

PART III

SPECIAL REQUIREMENTS AS TO LABELLING AND ADVERTISEMENT OF CERTAIN FOODS

12. Acetic acid
13. Chocolate confectionery containing intoxicating liquor
14. Dried or dehydrated food
15. Dry mixes
16. Intoxicating liquor
17. Intoxicating and other liquor
18. Tenderised meat
19. Processed peas
20. Use of the words "milk", "butter" and "cream"

PART IV

CLAIMS

21. General, energy, calorie and protein claims
22. Claims as to vitamins and minerals
23. } Slimming claims
24. }
25. Diabetic claims
26. Tonic, restorative and medicinal claims
27. Averaging. Supplemental to regulations 21, 22, 24 and 26

PART V

SUPPLEMENTAL

28. Manner of marking and labelling
29. Use of trade marks

PART VI

LEGAL PROCEEDINGS

30. Penalties
31. Defences

PART VII

AMENDMENTS AND REVOCATIONS

32. Amendment of the Labelling of Food Regulations (Northern Ireland) 1961
33. Amendment of the Fish and Meat Spreadable Products Regulations (Northern Ireland) 1968
34. Revocations and transitional provisions

SCHEDULES

Schedule 1. Appropriate designations of fish
Schedule 2. Foods partly exempt from regulation 5
Schedule 3. Part I. Foods required to be labelled when for sale by retail otherwise than pre-packed
Part II. Foods exempt from a labelling requirement as to permitted additives when for sale by retail otherwise than pre-packed
Schedule 4. Vitamins and minerals
Schedule 5. Manner of marking or labelling
Schedule 6. Regulations revoked

The Ministry of Health and Social Services, 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:—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Labelling of Food Regulations (Northern Ireland) 1970, and shall come into operation as follows:—

(*a*) this regulation, regulations 2, 32, 33 and 34 and Schedule 6 shall come into operation on 1st May 1970, and

(*b*) the remaining provisions shall come into operation on 1st January 1973.

Interpretation

2.—(1) In these regulations—

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

"appropriate designation" has the meaning assigned to it by regulation 3;

"artificial sweetening tablet" has the meaning assigned to it by the Artificial Sweeteners in Food Regulations (Northern Ireland) 1969(b);

"biscuits" includes wafers, rusks, crispbreads, oatcakes, matzos and chocolate-coated, chocolate-filled or chocolate-flavoured biscuits;

"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;

"chocolate confectionery" means any solid or semi-solid product complete in itself and suitable for consumption without further preparation or processing, of which the characteristic ingredient is chocolate or cocoa, with or without the addition of nuts or fruit; and includes any kind of chocolate and products made by enrobing, coating or embedding sugar confectionery or other ingredients in chocolate, but does not include chocolate-coated, chocolate-filled or chocolate-flavoured biscuits, flour confectionery, any kind of ice-cream including chocolate ice-cream, or pharmaceutical products;

"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, but does not include any crimp case used to support the base or the base and sides of flour confectionery, sugar confectionery or chocolate confectionery or any similar product partly or wholly encased in pastry if such product has been subject to a baking or cooking process;

"fish" includes edible molluscs and crustacea;

"flavouring" includes flavouring essence and flavouring extract and means any product consisting of a flavouring agent and such other substances, if any, the use of which in food is not forbidden and which are reasonably necessary to produce a solid, a solution or an emulsion, but no other ingredient or ingredients;

(a) 1958. c. 27. (b) S.R. & O. (N.I.) 1969, No. 346.

"flavouring agent" means any sapid or odorous substance capable of imparting and primarily intended to impart a specific and distinctive taste or odour to food, but does not include herbs, spices, onions, garlic, salt, fruit juices, soft drinks, fruit acids, acetic acid, any carbohydrate material, any purine derivative, any preparation of yeast, coffee or chicory or any substances prepared by the hydrolysis of protein-containing materials;

"flour confectionery" means any solid or semi-solid product complete in itself and suitable for consumption without further preparation or processing other than heating, of which the characteristic ingredient, apart from any filling, is ground cereal, whether or not flavoured, coated with or containing any carbohydrate sweetening matter, chocolate or cocoa; and includes shortbread, sponges, pastry, pastry cases, crumpets, muffins, macaroons, ratafias, meringues and petits fours, but does not include pharmaceutical products, bread, biscuits or any product containing a filling which has as an ingredient any meat or fish;

"food" means food intended for sale for human consumption and includes—

(*a*) cream and any food containing milk, and

(*b*) 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—

(i) water, live animals or birds, or

(ii) articles or substances used only as drugs;

"greatest dimension of container", in relation to a rectilinear or approximately rectilinear container, means the height, length or breadth thereof, whichever is the greatest, and in relation to a container with a curvilinear or approximately curvilinear cross-section, the height or maximum diameter thereof, whichever is the greater;

"intoxicating liquor" means spirits, wine, beer, cider, perry and sweets and any fermented, distilled or spirituous liquor which cannot lawfully be sold without an excise licence;

"main ingredient" means an ingredient which comprises not less than 90 per cent. by weight of the food of which it is an ingredient;

"meal" means any collection of two or more foods of distinctly different kinds which is suitable for consumption as a complete meal and is packed as a meal in a container bearing a label on which there appears in a conspicuous position a clear and legible statement to the effect that it is a complete meal and which at the time of sale is ready for consumption without cooking, heating or other preparation; but does not include any meat product or canned meat product of a kind referred to in regulation 5(2)(*c*) of the Sausage and Other Meat Product Regulations (Northern Ireland) 1967(**c**) or regulation 6(8)(*c*) of the Canned Meat Product Regulations (Northern Ireland) 1967(**d**), as the case may be;

"meat" means the flesh including fat, rind, skin, gristle and sinew of any animal or bird intended for human consumption and includes cured meat and offal, but does not include fish, sausage, sausage meat, meat pie, pie filling, luncheon meat, meat roll or other meat products;

(**c**) S.R. & O. (N.I.) 1967, No. 156. (**d**) S.R. & O. (N.I.) 1967, No. 157.

"mineral hydrocarbon" means any mineral hydrocarbon of a kind referred to in regulation 3(2) of the Mineral Hydrocarbons in Food Regulations (Northern Ireland) 1966(**e**);

"permitted antioxidant" means any antioxidant inasmuch as its use in food is permitted by the Antioxidants in Food Regulations (Northern Ireland) 1966(**f**);

"permitted artificial sweetener" means any artificial sweetener inasmuch as its use in food is permitted by the Artificial Sweeteners in Food Regulations (Northern Ireland) 1969;

"permitted bleaching agent" means any bleaching agent inasmuch as its use in food is permitted by the Bread and Flour Regulations (Northern Ireland) 1964(**g**);

"permitted colouring matter" means any colouring matter inasmuch as its use in food is permitted by the Colouring Matter in Food Regulations (Northern Ireland) 1966(**h**);

"permitted emulsifier" means any emulsifier inasmuch as its use in food is permitted by the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1962(**i**);

"permitted improving agent" means any improving agent inasmuch as its use in food is permitted by the Bread and Flour Regulations (Northern Ireland) 1964;

"permitted preservative" means any preservative inasmuch as its use in food is permitted by the Preservatives in Food Regulations (Northern Ireland) 1962(**j**);

"permitted solvent" means any solvent inasmuch as its use in food is permitted by the Solvents in Food Regulations (Northern Ireland) 1967(**k**);

"permitted stabiliser" means any stabiliser inasmuch as its use in food is permitted by the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1962;

"pharmaceutical product" means any product which is intended for use for a specific therapeutic purpose;

"pre-packed" means made up in advance in or on a container ready for sale by retail, save that in relation to any food with one main ingredient, this expression means so made up in or on a container other than a wholly transparent container; and where any food made up in or on a container is found on any premises where such food is so made up or is kept or stored for sale, that food shall be deemed to be pre-packed unless the contrary is proved, and it shall not be sufficient proof of the contrary to show that the food had not been labelled in accordance with the provisions of these regulations;

"registered trade mark" has the meaning assigned to it by section 68(1) of the Trade Marks Act 1938(**l**);

"sell" includes offer or expose for sale or have in possession for sale;

"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;

(**e**) S.R. & O. (N.I.) 1966, No. 200.
(**f**) S.R. & O. (N.I.) 1966, No. 288.
(**g**) S.R. & O. (N.I.) 1964, No. 172.
(**h**) S.R. & O. (N.I.) 1966, No. 243.
(**i**) S.R. & O. (N.I.) 1962, No. 90.
(**j**) S.R. & O. (N.I.) 1962, No. 173.
(**k**) S.R. & O. (N.I.) 1967, No. 282.
(**l**) 1 & 2 Geo. 6, c. 22.