STATUTORY RULES AND ORDERS OF A GENERAL CHARACTER ISSUED IN 1968

1968. No. 1 **[C]**

FOOD AND DRUGS

Labelling

REGULATIONS, DATED 4TH JANUARY 1968, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTIONS 7 AND 68 OF THE FOOD AND DRUGS ACT (NORTHERN IRELAND) 1958.

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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) 1968, and shall come into operation—

(*a*) insofar as they apply to any food (other than a soft drink) containing calcium cyclamate, sodium cyclamate or cyclamic acid or any mixture of two or all of those substances, on 4th January 1968; and

(*b*) in all other respects, on 4th January 1971.

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;

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

"calcium cyclamate", "sodium cyclamate" and "cyclamic acid" have the meanings assigned to them respectively by the Artificial Sweeteners in Food Regulations (Northern Ireland) 1967(b);

"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,

(a) 1958. c. 27.

(b) S.R. & O. (N.I.) 1967, No. 209.

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 a 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;

"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 petit 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;

"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) 1967;

"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

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

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, 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;

"soft drink" has the meaning assigned to it by the Soft Drinks Regulations (Northern Ireland) 1964(**m**);

"sugar 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 carbohydrate sweetening matter with or without the addition of any edible fat, dairy product, gelatin, edible gums, nuts or preserved fruit; and includes sweetened liquorice and chewing gum but does not include sugar, chocolate confectionery, sugared flour confectionery, any kind of ice-cream, ice lollies, table jellies, table jelly preparations, soft drink crystals, soft drink preparations, slab marzipan, meringues or pharmaceutical products;

"wholly transparent container" means, in relation to any food, a container through which no portion of that part of the surface of the food which is naturally adjacent to the inner surface of the container is obscured from view; and includes any net or mesh bag or other similar bag through which the food can be clearly seen but does not include any container on which there is any written matter other than such as is necessary to indicate the price of the food, whether or not that written matter is transparent.

(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) For the purposes 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.

"Appropriate designation"

3.—(1) In these regulations "appropriate designation" means, as respects any food, a name or description or a name and description sufficiently specific, in each case, to indicate to a prospective purchaser the true nature of the food to which it is applied and, as respects any ingredient or any constituent, a specific (and not generic) name or description which will indicate to a prospective purchaser the true nature of the ingredient or constituent, as the case may be, to which it is applied.

(2) Where any regulation made under the Act—

(*a*) provides for a compositional standard for any specified food, or

(*b*) specifies (without providing for any compositional standard) any name or description for any specified food,

(**l**) 1 & 2 Geo. 6. c. 22. (**m**) S.R. & O. (N.I.) 1964, No. 94.