1961. No. 160 **[C]**

FOOD AND DRUGS

Labelling

REGULATIONS, DATED 6TH JULY, 1961, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS 7 AND 68 OF THE FOOD AND DRUGS ACT (NORTHERN IRELAND), 1958.

The Ministry of Health and Local Government, 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

Citation and commencement

1. These regulations may be cited as the Labelling of Food Regulations (Northern Ireland), 1961, and shall come into operation on the 30th day of October, 1961.

Interpretation

2.—(1) In these regulations—

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

"biscuits" includes shortbread, wafers, rusks, crispbreads, oatcakes, matzos and biscuits wholly or partly covered with chocolate;

"flour confectionery" includes cake, pastry and ready-made puddings (other than canned puddings and Christmas puddings) but does not include biscuits or any product containing a filling that has as an ingredient any meat or fish;

"food" means any article used as food or drink for human consumption and includes any substance which is intended for use in the composition or preparation of food, any flavouring, sweetening matter or condiment, and any colouring matter intended for use in food, and an article shall not be deemed not to be food by reason only that it is also capable of being used as a medicine;

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

"margarine" means the food usually known as margarine being an emulsion of edible oils and fats with water or skimmed milk or other substances, with or without the addition of colouring matter, which is capable of being used for the same purposes as butter;

"margarine-cheese" means any substance prepared in imitation of cheese and containing fat not derived from milk;

"pre-packed" means packed or made up in advance ready for retail sale in a wrapper or container, and where any food packed or made up in a wrapper or container is found on any premises where such food is

(a) 1958. c. 27.

packed, kept or stored for sale, the 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;

"retail sale" means any sale to a person buying otherwise than for the purpose of re-sale, but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business.

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

PART II

LABELLING OF PRE-PACKED FOOD FOR SALE BY RETAIL

3. No person shall sell by retail or display for sale by retail any pre-packed food, unless there appears on a label marked on or securely attached to the wrapper or container a true statement as to the matters hereinafter mentioned in this Part.

4.—(1) The said statement shall be clearly legible and shall appear conspicuously and in a prominent position on the label, and if the food is pre-packed in more than one wrapper or container, the label shall be marked on or attached to the innermost wrapper or container and, if it is not clearly legible through the outermost wrapper or container, a label bearing a like statement shall be marked on or securely attached to the outermost wrapper or container. For the purposes of this provision, a "liner" (that is to say, a plain immediate wrapping which under ordinary conditions of use would not be removed from the next outer wrapper or container) shall not be counted as a wrapper or container.

(2) The said statement shall specify the name of either the packer or the labeller of the food and an address at which such person carries on business:

Provided that—

(*a*) where the food is packed or labelled on behalf of or on the instructions of another person and such other person carries on business at an address in the United Kingdom, the statement may specify the name and the said address of that other person instead of the name and address of the packer or labeller, as the case may be;

(*b*) it shall be sufficient if instead of the particulars specified in this paragraph there appears prominently on the label a trade mark (other than a certification trade mark) of which there is in the Trade Marks Register kept under the authority of the Trade Marks Act, 1938(**a**), a subsisting entry in respect of such food, and if there is associated therewith on the label the words "Registered Trade Mark" or "Regd. Trade Mark".

(3) Except as respects intoxicating liquor pre-packed for sale as such, the said statement shall also specify—

(*a*) in the case of a food consisting of one ingredient the appropriate designation of the ingredient;

(a) 1 & 2 Geo. 6. c. 22.

(*b*) in the case of a food made of two or more ingredients the common or usual name (if any) of the food and the appropriate designation of each ingredient, and, unless the quantity or proportion of each ingredient is specified, the ingredients shall be specified in the order of the proportion in which they were used, the ingredient used in the greatest proportion (by weight) being specified first:

Provided that—

(i) it shall not be necessary to state that the food contains water;

(ii) where a food contains an ingredient which is made from two or more constituents, the appropriate designations of those constituents shall be so specified and it shall not be necessary to specify the appropriate designation of that ingredient.

For the purposes of this paragraph "appropriate designation" means a name or description, being a specific and not a generic name or description, which shall indicate to a prospective purchaser the true nature of the ingredient or constituent to which it is applied.

(4) (*a*) In the case of intoxicating liquor pre-packed for sale as such the said statement shall also specify the appropriate designation of the product and (except in the case of beer, cider and perry and of wine obtained by the fermentation of the juice of grapes, but of no other fruit, which wine has not been subject to any process so as to alter its character) such one of the following declarations as may be applicable, that is to say:—

(i) in the case of undistilled fermented liquor, not made from grapes, which in so far as it is derived from fruit, is derived exclusively from one variety of fruit:—

FRUIT BASIS EXCLUSIVELY (X) NOT LESS THAN (Y)

(ii) in the case of undistilled fermented liquor derived from more than one variety of fruit:—

FRUIT BASIS (X) AND (X) NOT LESS THAN (Y)

(iii) in the case of undistilled fermented liquor which is not derived wholly or in part from fruit:—

NOT MADE FROM FRUIT NOT LESS THAN (Y)

(iv) in the case of brandy, gin, rum and whisky, the alcohol content of which is less than 65 per cent. proof spirit:—

DILUTED WITH WATER TO NOT LESS THAN (Y)

Provided that this requirement shall not apply to brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask;

(v) in the case of any other intoxicating liquor to which the requirements of this paragraph (4) as to declaration apply:—

NOT LESS THAN (Y)

The declaration shall be completed by inserting at (X) in cases (i) and (ii) a word or words accurately specifying the description of fruit or fruit products as used by the manufacturer in the process of fermentation and at (Y) in cases (i), (ii), (iii) and (v), except as respects brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask, the minimum alcohol content expressed in figures either as a percentage by volume or as a percentage of proof spirit and followed by the words "PER CENT. ALCOHOL BY VOLUME" or "PER CENT. PROOF SPIRIT" as the case may be.

In case (iv) above and in case (v) as respects brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask the declaration shall be completed by inserting at (Y) the minimum alcohol content expressed in figures either as a percentage of proof spirit followed by the words "PER CENT. PROOF SPIRIT" or as degrees proof followed by " ° PROOF".

In case (ii) the fruit or fruit products used shall be specified in the order of the proportion in which they were used, that used in the greatest proportion (by weight) being specified first.

In the case of wine which has been obtained by the fermentation of the juice of grapes, but of no other fruit, and which has been subject to any process so as to alter its character, the declaration required by sub-paragraph (4)(*a*)(v) in so far as it applies to such wine may, until the 19th day of March, 1962, be in the form required by sub-paragraph (4)(*a*)(i).

In every case, the declaration shall be printed in dark block type upon a light coloured ground or in light block type upon a dark coloured ground and shall be enclosed by a surrounding line in the manner indicated above and no matter other than that hereinbefore described shall be printed within such surrounding line, provided that in the case of brandy, gin, rum and whisky, the alcohol content of which is not less than 65 per cent. proof spirit and of any other intoxicating liquor the alcohol content of which is not less than 40 per cent. proof spirit, it shall be sufficient for the declaration to be in the following form:—

(Z) ° PROOF

inserting at (Z) the figure which represents the percentage of proof spirit.

The declaration shall be printed in block type not less than one-eighth of an inch in height except in the case of liquor pre-packed in bottles less than the normal half bottle size when the declaration may be printed in block type not less than one-twelfth of an inch in height.

(*b*) For the purposes of this paragraph—

(i) "appropriate designation" means a name or description, being a specific and not a generic name or description, which shall indicate to a prospective purchaser the true nature of the product to which it is applied; and in particular—

(*aa*) such appropriate designation shall include or be accompanied in the said statement by the name of the country or countries of origin of the liquor;

(*ab*) geographical names which are not names for distinctive types of intoxicating liquor shall not be applied to liquor produced in any locality other than the particular locality indicated by the name; and

(*ac*) where any liquor is described in terms which might infer or suggest that it is a distinctive type of intoxicating liquor which has originated in a particular country or locality and the liquor is not the produce of that country or locality, the name or description shall be immediately preceded by an adjective indicating the true country or locality of origin printed in such a manner as to be substantially as conspicuous as such name or description.

(ii) "fruit" includes rhubarb.

(iii) intoxicating liquor shall be deemed not to be derived from any fruit which is present therein only in insignificant quantities.

Savings

5.—(1) This Part shall not apply as respects—

(*a*) any food described in the First Schedule to the extent therein mentioned;

(*b*) any assortment of foods packed for sale as a meal and ready for consumption without cooking, heating or other preparation.

(2) Paragraph (2) and sub-paragraph (3)(*a*) of Regulation 4 shall not apply to any food consisting of one ingredient packed in advance by a retailer in a wrapper or container on the premises where it is to be sold by him, provided that this exemption shall not apply if the wrapper or container or any label given with the food bears any words referring in any way to the food other than such as are necessary to identify the food or to indicate the price and quantity thereof.

(3) Paragraph (2) of Regulation 4 shall not apply to any food consisting of two or more ingredients which is packed in advance by a retailer in a wrapper or container on the premises where it is sold by him.

(4) Where any food is pre-packed in a wrapper or container containing less than one-half of an ounce or less than one-half of a fluid ounce, as the case may be, and owing to insufficient space on the wrapper or container it is not reasonably practicable for all the particulars specified in paragraphs (2) and (3) of Regulation 4 to appear on the label, it shall only be necessary to specify such of those particulars as it is reasonably practicable to specify, and the particulars required by paragraph (3) shall be specified first.

PART III

LABELLING OF PRE-PACKED FOOD SOLD OTHERWISE THAN BY RETAIL

6.—(1) Every seller who delivers any pre-packed food pursuant to a sale otherwise than by retail shall either—

(*a*) deliver the food labelled in the manner prescribed in Part II in relation to a retail sale of such food; or

(*b*) deliver the food unlabelled and furnish to the purchaser not later than 14 days after the delivery an invoice or other document containing