
STATUTORY INSTRUMENTS

1992 No. 1978

FOOD

The Food Additives Labelling Regulations 1992

Made - - - - *6th August 1992*
Laid before Parliament *24th August 1992*
Coming into force - - *14th September 1992*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 4(1), 6(4), 16(1)(e), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990⁽¹⁾, and of all other powers enabling them in that behalf, and those Ministers, being Ministers designated⁽²⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽³⁾ in relation to the presentation and packaging of food intended for sale for human consumption, acting jointly, in exercise (so far as is required for the amendment of regulations made under the said section 2(2)) of the powers conferred on them by the said section 2(2), and of all other powers enabling them in that behalf, after consultation in accordance with section 48(4) of the Act of 1990 with such organisations as appear to them to be representative of interests substantially affected by the Regulations (in so far as the Regulations are made in exercise of powers conferred by the said Act of 1990) hereby make the following Regulations:—

Title and commencement

1. These Regulations may be cited as the Food Additives Labelling Regulations 1992 and shall come into force on 14th September 1992.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“the Act” means the Food Safety Act 1990;

“container”, in relation to food additives, has the same meaning as in the Act, except that it also includes a vehicle in which those food additives, not being in any other container, are placed;

(1) 1990 c. 16.
(2) S.I.1981/833.
(3) 1972 c. 68.

“food” has the same meaning as in the Act, except that it is limited to food intended for sale for human consumption;

“food additive” means such food as comprises material (with or without nutritive value)—

- (a) which is within a category (or more than one category) listed in Part I, as supplemented by Part II, of Schedule 1 below,
- (b) which is neither normally consumed as a food in itself nor normally used as a characteristic ingredient of food,
- (c) which is not within a category (or more than one category) listed in Schedule 2 below, and
- (d) the intentional addition of which to other food for a technological purpose in the manufacture, processing, preparation, treatment, packaging, transport or storage of that other food results, or may be reasonably expected to result, in that material or its by-products becoming directly or indirectly a component of that other food;

“sell” includes offer or expose for sale or have in possession for sale, “sale” shall be construed accordingly and, in relation to food additives—

- (a) “consumer sale” means a sale of them—
 - (i) to the ultimate consumer, or
 - (ii) in a container in which they are ready for delivery to the ultimate consumer, and
- (b) “business sale” means a sale of them other than a consumer sale;

“supplementary material” means, in relation to a food additive, material (whether or not it comes within a category, or more than one category, listed in Schedule 2 below) the presence of which in or on the food additive may reasonably be expected to facilitate storage, sale, standardisation, dilution or dissolution of the food additive; and

“ultimate consumer” has the meaning which it has in the Food Labelling Regulations 1984(4).

Exemption

3.—(1) The provisions of these Regulations shall not apply to any food additive once it has become part of other food.

(2) For the purposes of paragraph (1) above a food additive becomes part of other food when it is added to other food which comprises or contains material other than food additives, but the addition of supplementary material to a food additive shall not of itself cause that food additive to become part of other food for those purposes.

Sale and labelling of food additives

4.—(1) No person shall make a business sale of any food additives to any person for use as ingredients in the preparation of food unless the food additives are in a container and the requirements for business sales of food additives are observed in relation to that sale.

(2) No person shall make a consumer sale of food additives to any person unless the food additives are in a container and the requirements for consumer sales of food additives are observed in relation to that sale.

(3) Schedule 3 below shall have effect for the purposes of establishing when the requirements for any sale to which this regulation applies are observed in relation to that sale.

(4) S.I. 1984/1305; relevant amending instruments are S.I. 1990/2486, 1992/1971.

Penalties and enforcement

5.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these Regulations he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Subject to paragraph (3) of this regulation, each food authority shall enforce within its area the provisions of these Regulations.

(3) In this regulation “food authority” does not include—

- (a) the council of a district in a non—metropolitan county in England and Wales, or
- (b) the appropriate Treasurer referred to in section 5(1)(c) of the Act.

Defence in relation to exports

6. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that the food additive in respect of which the offence is alleged to have been committed was intended for export and complied with the importing country’s domestic legislation relevant to the alleged offence.

Application of various provisions of the Food Safety Act 1990

7. The following provisions of the Act shall apply for the purposes of these Regulations as they apply for the purposes of section 14 or 15 of the Act and, unless the context otherwise requires, any reference in them to the Act shall be construed for the purposes of these Regulations as a reference to these Regulations—

- (a) section 2 (extended meaning of “sale” etc.);
- (b) section 3 (presumption that food is intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence);
- (e) section 22 (defence of publication in the course of business);
- (f) section 30(8) (which relates to documentary evidence);
- (g) section 36 (offences by bodies corporate).

Revocation and amendment of specified regulations — England and Wales

8.—(1) Regulation 7(2) of, and Schedule 4 to, the Colouring Matter in Food Regulations 1973(5) shall be revoked.

(2) Each regulation specified in a lettered sub—paragraph of paragraph (3) below shall be amended by—

- (a) the insertion, in Key paragraph A specified in paragraph (i) of that sub—paragraph, after the word “shall”, of the words “, save in the case of a permitted additive sale”, and
- (b) the addition, as Key paragraph B specified in paragraph (ii) of that sub—paragraph, of the following passage:

“For the purposes of this regulation a permitted additive sale takes place where a sale, to which the Food Additives Labelling Regulations 1992 apply, takes place without contravention of those Regulations.”.

(3) The regulations to which paragraph (2) above applies are—

(5) S.I. 1973/1340; relevant amending instruments are S.I. 1975/1488, 1976/2086, 1978/1787, 1987/1987, 1990/2486.

- (a) regulation 5 of the Antioxidants in Food Regulations 1978⁽⁶⁾, within which—
 - (i) paragraph (2) is Key paragraph A, and
 - (ii) paragraph (3) is Key paragraph B,
- (b) regulation 5 of the Miscellaneous Additives in Food Regulations 1980⁽⁷⁾, within which—
 - (i) paragraph (2) is Key paragraph A, and
 - (ii) paragraph (3) is Key paragraph B,
- (c) regulation 7 of the Sweeteners in Food Regulations 1983⁽⁸⁾, within which—
 - (i) each of paragraphs (1) and (2) is Key paragraph A, and
 - (ii) paragraph (4) is Key paragraph B,
- (d) regulation 6 of the Preservatives in Food Regulations 1989⁽⁹⁾, within which—
 - (i) paragraph (2) is Key paragraph A, and
 - (ii) paragraph (3) is Key paragraph B, and
- (e) regulation 5 of the Emulsifiers and Stabilisers in Food Regulations 1989⁽¹⁰⁾, within which—
 - (i) paragraph (2) is Key paragraph A, and
 - (ii) paragraph (3) is Key paragraph B.

(4) Regulation 2 of the Food Labelling Regulations 1984 shall be amended by the substitution, in the definition of “the additives regulations” therein, for the words “and the Flavourings in Food Regulations 1992”, of the words “, the Flavourings in Food Regulations 1992 and the Food Additives Labelling Regulations 1992”.

(5) Regulation 6 of the Emulsifiers and Stabilisers in Food Regulations 1989 shall be revoked.

Revocation and amendment of specified regulations — Scotland

9.—(1) Regulation 7(2) of, and Schedule 4 to, the Colouring Matter in Food (Scotland) Regulations 1973⁽¹¹⁾ shall be revoked.

(2) Each regulation specified in a lettered sub—paragraph of paragraph (3) below shall be amended by—

- (a) the insertion, in Key paragraph A specified in paragraph (i) of that sub—paragraph, after the word “shall”, of the words “, save in the case of a permitted additive sale”, and
- (b) the addition, as Key paragraph B specified in paragraph (ii) of that sub—paragraph, of the following passage:

“For the purposes of this regulation a permitted additive sale takes place where a sale, to which the Food Additives Labelling Regulations 1992 apply, takes place without contravention of those Regulations.”.

(3) The regulations to which paragraph (2) above applies are—

- (a) regulation 5 of the Antioxidants in Food (Scotland) Regulations 1978⁽¹²⁾, within which—

⁽⁶⁾ S.I. 1978/105; relevant amending instruments are S.I. 1980/1831, 1983/1211, 1984/1304, 1990/2486.

⁽⁷⁾ S.I. 1980/1834; relevant amending instruments are S.I. 1982/14, 1983/1211, 1984/1304, 1990/2486.

⁽⁸⁾ S.I. 1983/1211; the relevant amending instrument is S.I. 1990/2486.

⁽⁹⁾ S.I. 1989/533; the relevant amending instrument is S.I. 1990/2486.

⁽¹⁰⁾ S.I. 1989/876; the relevant amending instrument is S.I. 1990/2486.

⁽¹¹⁾ S.I. 1973/1310; relevant amending instruments are S.I. 1975/1595, 1976/2232, 1979/107, 1987/1985, 1990/2625.

⁽¹²⁾ S.I. 1978/492; relevant amending instruments are S.I. 1980/1886, 1983/1497, 1984/1518, 1990/2625.

- (i) paragraph (2) is Key paragraph A, and
 - (ii) paragraph (3) is Key paragraph B,
- (b) regulation 5 of the Miscellaneous Additives in Food (Scotland) Regulations 1980(13), within which—
- (i) paragraph (2) is Key paragraph A, and
 - (ii) paragraph (3) is Key paragraph B,
- (c) regulation 7 of the Sweeteners in Food (Scotland) Regulations 1983(14), within which—
- (i) each of paragraphs (1) and (2) is Key paragraph A, and
 - (ii) paragraph (4) is Key paragraph B,
- (d) regulation 6 of the Preservatives in Food (Scotland) Regulations 1989(15), within which—
- (i) paragraph (2) is Key paragraph A, and
 - (ii) paragraph (3) is Key paragraph B, and
- (e) regulation 5 of the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1989(16), within which—
- (i) paragraph (2) is Key paragraph A, and
 - (ii) paragraph (3) is Key paragraph B.
- (4) Regulation 2 of the Food Labelling (Scotland) Regulations 1984(17) shall be amended by the substitution, in the definition of “the additives regulations” therein, for the words “and the Flavourings in Food Regulations 1992”, of the words “, the Flavourings in Food Regulations 1992 and the Food Additives Labelling Regulations 1992”.
- (5) Regulation 6 of the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1989 shall be revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

L.S.

4th August 1992.

Derek Andrews
Permanent Secretary, Ministry of Agriculture,
Fisheries and Food

(13) S.I. 1980/1889; relevant amending instruments are S.I. 1982/515, 1983/1497, 1984/1518, 1990/2625.

(14) S.I. 1983/1497; the relevant amending instrument is S.I. 1990/2625.

(15) S.I. 1989/581; the relevant amending instrument is S.I. 1990/2625.

(16) S.I. 1989/945; amended by S.I. 1990/2625.

(17) S.I. 1984/1519; relevant amending instruments are S.I. 1990/2625, 1992/1971.

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Signed by authority of the Secretary of State for Health:

6th August 1992

Cumberlege
Parliamentary Under Secretary of State,
Department of Health

5th August 1992

David Hunt
Secretary of State for Wales

6th August 1992

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office

SCHEDULE 1

Regulation 2

CATEGORIES OF FOOD ADDITIVES

PART I

LIST OF FOOD ADDITIVES

1. Colouring matter.
2. Antioxidants.
3. Preservatives.
4. Emulsifiers.
5. Emulsifying salts.
6. Thickeners.
7. Gelling agents.
8. Stabilisers.
9. Flavour modifiers.
10. Acids.
11. Acidity regulators.
12. Anti-caking agents.
13. Modified starch.
14. Sweeteners.
15. Raising agents.
16. Anti-foaming agents.
17. Glazing agents.
18. Flour bleaching agents.
19. Flour improvers.
20. Firming agents.
21. Humectants.
22. Enzyme preparations.
23. Sequestrants.
24. Bulking agents.
25. Propellant gas.
26. Packaging gas.

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PART II

SUPPLEMENTARY

For the purposes of Part I of this Schedule—

- (a) “colouring matter” means any matter which is a colouring matter for the purposes of the Colouring Matter in Food Regulations 1973;
- (b) “antioxidant” has the meaning which it has in the Antioxidants in Food Regulations 1978;
- (c) “preservative” has the meaning which it has in the Preservatives in Food Regulations 1989;
- (d) “emulsifier” has the meaning which it has in the Emulsifiers and Stabilisers in Food Regulations 1989;
- (e) “emulsifying salts” has the meaning which it has in the Cheese Regulations 1970⁽¹⁸⁾;
- (f) “thickener” means any substance which increases the viscosity of food;
- (g) “gelling agent” means any substance which alters the texture of food through formation of a gel;
- (h) “stabiliser” has the meaning which it has in the Emulsifiers and Stabilisers in Food Regulations 1989;
- (i) “flavour modifier” has the meaning which it has in the Miscellaneous Additives in Food Regulations 1980;
- (j) “acid” has the meaning which it has in the Miscellaneous Additives in Food Regulations 1980;
- (k) “acidity regulator” means any substance which is a base or a buffer, and for the purpose of this definition “base” and “buffer” have the meanings which they have respectively in the Miscellaneous Additives in Food Regulations 1980;
- (l) “anti-caking agent” has the meaning which it has in the Miscellaneous Additives in Food Regulations 1980;
- (m) “modified starch” means any product obtained from starch, the preparation of which product has resulted in the modification of one or more of the properties of the starch from which it was prepared, but does not include malt extract or glucose syrup;
- (n) “sweetener” has the meaning which it has in the Sweeteners in Food Regulations 1983;
- (o) “raising agent” means any substance or mixture of substances which releases gas and thereby increases the volume of a dough or a batter;
- (p) “anti-foaming agent” has the meaning which it has in the Miscellaneous Additives in Food Regulations 1980;
- (q) “glazing agent” has the meaning which it has in the Miscellaneous Additives in Food Regulations 1980;
- (r) “flour bleaching agent” has the meaning which it has in the Miscellaneous Additives in Food Regulations 1980;
- (s) “flour improver” has the meaning which it has in the Miscellaneous Additives in Food Regulations 1980;
- (t) “firming agent” has the meaning which it has in the Miscellaneous Additives in Food Regulations 1980;
- (u) “humectant” has the meaning which it has in the Miscellaneous Additives in Food Regulations 1980;

⁽¹⁸⁾ S.I. 1970/94; the relevant amending instrument is S.I. 1974/1122.

- (v) “enzyme preparation” means any substance or mixture of substances, other than a natural food substance or live organism, which contains any relevant protein in sufficient quantity to be capable of performing a technological function in food, and for the purposes of this definition—
 - (i) “natural food substance” means any substance which is wholly a natural product, is suitable for use as food and is commonly used as food (whether or not that substance has been subjected to any process or treatment), and
 - (ii) “relevant protein” means any protein which is capable of catalysing a specific chemical reaction;
- (w) “sequestrant” has the meaning which it has in the Miscellaneous Additives in Food Regulations 1980;
- (x) “bulking agent” means any substance which is a bulking aid, and for the purpose of this definition “bulking aid” has the meaning which it has in the Miscellaneous Additives in Food Regulations 1980;
- (y) “propellant gas” means any gas, other than air, which is capable of expelling food from a container;
- (z) “packaging gas” has the meaning which it has in the Miscellaneous Additives in Food Regulations 1980.

SCHEDULE 2

Regulation 2

CATEGORIES OUTSIDE THE SCOPE OF FOOD ADDITIVES

1. Processing aids, that is to say substances—
 - (a) which are not consumed as food ingredients by themselves;
 - (b) which are intentionally used in the processing of raw materials, foods or their ingredients, to fulfil technological purposes during treatment or processing into finished products;
 - (c) which are capable of resulting in the unintended but technically unavoidable presence of residues of such substances or their derivatives in the finished products, and
 - (d) the residues of which (or, as the case may be, of the derivatives of which) do not present any risk to human health and do not have any technological effect on the finished products.
2. Substances used in the protection of plants and plant products in conformity with rules for the time being in force in the European Economic Community relating to plant health.
3. Permitted flavourings within the meaning of the Flavourings in Food Regulations 1992(19).
4. Substances added to food as nutrients.

(19) S.I. 1992/1971.

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SCHEDULE 3

Regulation 4

REQUIREMENT FOR SALES

PART I

1. The requirements for a business sale of food additives are observed in relation to that sale where—

- (a) the container in which those food additives are bears the information required by Part II of this Schedule, or
- (b) that container bears the information required by paragraphs 1(a), 2, 3 and 4 of Part II of this Schedule and, in a conspicuous part thereof, the words “intended for manufacture of foodstuffs and not for retail sale” and trade documents relating to the consignment which comprises or includes the food additives are supplied to the purchaser with or in advance of the consignment and contain the information required by the remainder of Part II of this Schedule,

and that information is or, as the case may be, that information and those words are conspicuous, clearly legible and indelible.

2. The requirements for a consumer sale of food additives are observed in relation to that sale where—

- (a) the name used for the product comprising the food additives—
 - (i) comprises a description of those food additives specified in regulations in force under the Act and is accompanied by an EEC number also specified in those regulations in relation to each additive in that description, or
 - (ii) in any case where there is no such description so specified or there are food additives comprised in that description relating to which there is no EEC number so specified, comprises a description sufficiently precise to enable it to be distinguished from any product with which it could be confused,
- (b) there are stated on the container the essential contents, that is to say—
 - (i) the name (or, as the case may be, the name and EEC number) used for the product,
 - (ii) the information, in relation to the food additives, required by paragraphs 1 to 7 of Part II of this Schedule, and
 - (iii) insofar as neither regulation 21 of the Food Labelling Regulations 1984 nor regulation 21 of the Food Labelling (Scotland) Regulations 1984 applies to the product, the indication of minimum durability of the product which would be required by that regulation if the product had been a food to which either regulation applied, and
- (c) those essential contents are so stated as to be conspicuous, clearly legible and indelible.

PART II

1. The information required by this paragraph is—

- (a) in relation to each food additive, the appropriate name information, that is to say—
 - (i) in the case of any food additive detailed by name and EEC number in any regulations for the time being in force under the Act, that name and number, and

- (ii) in the case of any other food additive, a description of that additive sufficiently precise to enable it to be distinguished from any food additive with which it could be confused,
in descending order (where there is more than one such food additive) of the proportion by weight of the food additives in the container, and
 - (b) in relation to any food additive on or in which any supplementary material is present, an indication of each component of the supplementary material in descending order (where there is more than one such component) of the proportion by weight of those components.
2. The information required by this paragraph is—
- (a) the statement “for use in food”,
 - (b) the statement “restricted use in food”, or
 - (c) a statement referring more specifically to the use in food for which the food additives are intended.
3. The information required by this paragraph comprises any special storage conditions for the food additives.
4. The information required by this paragraph comprises any special conditions of use of the food additives.
5. The information required by this paragraph comprises any instructions for use of the food additives if it would be difficult to make appropriate use of the food additives in the absence of such instructions.
6. The information required by this paragraph is a mark identifying the batch or lot in which each food additive was produced.
7. The information required by this paragraph is the name (or business name) and address of one of the following—
- (i) the manufacturer of the food additives;
 - (ii) the packer of the food additives;
 - (iii) a seller of the food additives established in the European Economic Community.
8. The information required by this paragraph is the percentage of each component of the food additives the sale of any description of food containing which is, if that description of food contains more than a specified quantity or proportion of that component, prohibited by any provision of the Act or of regulations under it, or such information as is necessary to enable the purchaser to ascertain whether, and if so to what extent, he could use such food additives in food sold by him without contravening any such provision.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Great Britain, come into force on 14th September 1992. They implement Articles 7 and 8 of Council Directive [89/107/EEC](#) (OJNo. L40, 11.2.89, p 27) on

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the approximation of the laws of Member States concerning food additives authorised for use in foodstuffs intended for human consumption.

The principal provisions of these Regulations—

- (a) define food additives (regulation 2 and Schedules 1 and 2); and
- (b) prescribe labelling requirements for sales of food additives (regulation 4 and Schedule 3).