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WELSH STATUTORY INSTRUMENTS

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**2003 No. 832 (W.104)**

**FOOD, WALES**

**The Food Labelling (Amendment) (Wales) Regulations 2003**

*Made* - - - - 21st March 2003

*Coming into force* - - 24th March 2003

The National Assembly for Wales, in exercise of the powers conferred by sections 16(1)(e) and (f), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990<sup>(1)</sup> and now vested in it<sup>(2)</sup>, having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation both as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council<sup>(3)</sup> laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety and in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

**Title, commencement and application**

1. These Regulations may be cited as the Food Labelling (Amendment) (Wales) Regulations 2003; they come into force on 24th March 2003 and apply to Wales only.

**Amendment of the Food Labelling Regulations 1996**

2. The Food Labelling Regulations 1996<sup>(4)</sup> shall be amended (in so far as they apply to Wales) in accordance with regulations 3 to 5.

3. In regulation 14 (names of ingredients) there shall be substituted for paragraph (4) the following paragraph —

“(4) A generic name which is listed in or referred to in column 1 of Part I of Schedule 3 may be used for an ingredient which is specified in the corresponding entry in column 2 of that Part of that Schedule in accordance with any conditions that are laid down in the corresponding entry in column 3 of that Part of that Schedule.”.

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(1) 1990 c. 16.

(2) Functions formerly exercisable by “the Secretary of State” so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the Food Standards Act 1999 (1999 c. 28).

(3) OJ No. L31, 1.2.2002, p.1.

(4) S.I. 1996/1499; relevant amending instruments are S.I. 1998/1398, 1999/747, 1136, 1483, 2000/1925 (W.134).

4. In regulation 50 (transitional provision) there shall be inserted at the end the following paragraph —

“(10) In any proceedings for an offence under regulation 44(1)(a), it shall be a defence to prove that —

- (a) the food concerned was sold before 1st July 2003 or marked or labelled before that date; and
- (b) the matters constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3 and 5 of the Food Labelling (Amendment) (Wales) Regulations 2003 had not been in operation when the food was sold.”.

5. In Schedule 3 (generic names in list of ingredients) —

- (a) there shall be inserted at the beginning the following heading —  
“PART I

*GENERAL”;*

- (b) after the entries relating to herb, herbs or mixed herbs, the following entries shall be inserted in column 1 (generic name), column 2 (ingredients) and column 3 (conditions of use of generic name) respectively —

““Meat” and the name of the animal species from which it comes, or a word which describes the meat by reference to the animal species from which it comes	Any skeletal muscle, including the diaphragm and the masseters, of a mammalian or bird species recognised as fit for human consumption with any naturally included or adherent tissue, but excluding — (a) the heart, (b) the tongue, (c) the muscles of the head (other than the masseters), (d) the muscles of the carpus, (e) the tarsus, (f) the tail, and (g) any products covered by the definition of “mechanically recovered meat” Article 2(c) of Council Directive <a href="#">64/433/EEC</a> (6) on health conditions for the production and marketing of fresh meat, as last amended	The total fat and connective tissue content must not exceed the limits specified in Part II of this Schedule and the meat must constitute an ingredient of another food. If such a limit is exceeded, but the ingredient falls within the description in column 2 of this entry, any reference to the meat content must be adjusted downwards accordingly and the list of ingredients must also mention the presence of fat or connective tissue, as appropriate.”;
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(6) OJ No. L243, 11.10.95, p.7.

by Council Directive  
[95/23/EC](#)(7).

(c) there shall be inserted at the end the following Part —

**“PART II**  
**MAXIMUM FAT AND CONNECTIVE TISSUE**  
**CONTENTS FOR INGREDIENTS FOR WHICH THE**  
**GENERIC NAME MEAT OR EQUIVALENT AS**  
**REFERRED TO IN PART I OF THIS SCHEDULE IS USED**

Species	Fat (%)	Connective tissue (%) <sup>1</sup>
Mammals (other than rabbits and porcines) and mixtures of species with mammals predominating	25	25
Porcines	30	25
Birds and rabbits	15	10”.
Note		
<b>1</b> The connective tissue content is calculated on the basis of the ratio between collagen content and meat protein content. The collagen content means the hydroxyproline content multiplied by a factor of 8.		

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5).

21st March 2003

*Rhodri Morgan*  
The First Minister of the National Assembly

(7) [1998 c. 38](#).

(5) OJ No. L121, 29.7.64, p.2012 (OJ/SE 1963-64 p.185).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations amend the Food Labelling Regulations 1996, as amended (“the principal Regulations”), in so far as they apply to Wales. Those Regulations extend to the whole of Great Britain.

2. These Regulations implement in Wales Commission Directive [2001/101/EC](#) (OJ No. L310, 28.11.2001, p.19) as amended by Commission Directive [2002/86/EC](#) (OJ No.L305, 7.11.2002, p.19). Directive [2001/101/EC](#) amends Directive [2000/13/EC](#) of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs. The Regulations allow use of the generic name “meat” with the name of the animal species from which it comes (or equivalent terms such as “pork” or “beef”) for skeletal muscles of mammalian and bird species in ingredients lists, subject to certain conditions (regulations 2, 3 and 5). The rules in regulation 19 of the principal Regulations on indications of quantities of certain ingredients or categories of ingredients apply in respect of that generic name. These Regulations also insert a transitional provision in respect of that generic name in implementation of Directive [2002/86/EC](#) for food sold, marked or labelled before 1st July 2003 (regulation 4).

3. A regulatory appraisal has been prepared and placed in the Library of the National Assembly for Wales together with a Transposition Note setting out how the main elements of Directive [2001/101/EC](#) and Directive [2002/86/EC](#) are transposed in these Regulations. Copies may be obtained from the Food Standards Agency, 1st Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.