

1982 No. 398

FOOD AND DRUGS

Labelling

Food Labelling (Amendment) Regulations (Northern Ireland) 1982

<i>Made</i>	.	.	.	.	.	.	.	.	.	30th November 1982
<i>Coming into operation</i>										
<i>Regulations 1 and 13</i>	.	.	.	.	.	.	.	.	.	31st December 1982
<i>Remainder</i>	.	.	.	.	.	.	.	.	.	1st January 1983

The Department of Health and Social Services(a), in exercise of the powers conferred on it by sections 4, 7, 68 and 68A(b) of the Food and Drugs Act (Northern Ireland) 1958(c) and being a designated Department(d) for the purposes of section 2(2) of the European Communities Act 1972(e) in relation to the presentation and packaging of food intended for sale for human consumption in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf and after consultation in accordance with section 68(2) of the Food and Drugs Act (Northern Ireland) 1958 with such organisations as appear to it to be substantially affected by these regulations, hereby makes the following regulations:—

*Citation, commencement and interpretation*

- 1.—(1) These regulations may be cited as the Food Labelling (Amendment) Regulations (Northern Ireland) 1982.
- (2) This regulation and regulation 13 shall come into operation on 31st December 1982 and all other provisions shall come into operation on 1st January 1983.
- (3) In these regulations “the principal regulations” means the Food Labelling Regulations (Northern Ireland) 1981(f).

*Amendment of the principal regulations*

2. Regulation 2(1) of the principal regulations shall be amended by inserting after the definition of “prepacked” the following definition:—

““presentation”, in relation to a food, includes the shape, appearance or packaging of the food, the way in which the food is arranged when it is exposed for sale and the setting in which the food is displayed with a view to sale, but does not include any form of labelling or advertising;”

3. After regulation 3 of the principal regulations there shall be inserted the following Part:—

“PART IA

PRESENTATION

*Prohibition of misleading presentation*

3A. The presentation of food shall not be such that a purchaser is likely to be misled to a material degree as to the nature, substance or quality of the food.”

---

(a) See S.R. & O (N.I.) 1964 No. 205 art. 5 and Sch. 2 Part I and 1973 c. 36 s. 40 and Sch. 5 para. 8  
 (b) Added by S.R. & O. (N.I.) 1972 No. 363  
 (c) 1958 c. 27 (N.I.)  
 (d) S.I. 1981/833  
 (e) 1972 c. 68  
 (f) S.R. 1981 No. 305

4. Regulation 4(2) of the principal regulations shall be amended by inserting after sub-paragraph (h) the following sub-paragraphs:—

- “(i) any food prepared on domestic premises for sale for the benefit of the person preparing it by a society registered under the Industrial and Provident Societies Act (Northern Ireland) 1969(a);
- (j) any food prepared otherwise than in the course of a trade carried on by the person preparing it.”.

5. For regulation 14(1) of the principal regulations there shall be substituted the following paragraphs:—

“14.—(1) Subject to the following paragraphs, the name used for an ingredient in a list of ingredients shall be a name which, if the ingredient were itself being sold as a food, could be used as the name of the food.

(1A) Where a purchaser could be misled by the omission from the name used for an ingredient of any indication which, if the ingredient were itself being sold as a food, would be required to be included in or to accompany the name of the food, the name used for the ingredient in a list of ingredients shall include or be accompanied by that indication, unless the provision requiring the indication provides to the contrary.”.

6. For regulation 20(4) of the principal regulations there shall be substituted the following paragraphs:—

“(4) In the case of a perishable food which is intended for consumption within six weeks of being packed, the minimum durability of the food may be indicated by—

(a) the words “sell by”—

- (i) followed (subject to paragraph (5)) by the latest recommended date of sale of the food, expressed in terms of a day and month, and
- (ii) immediately preceded or immediately followed by an indication of the period from the date of purchase for which the food can reasonably be expected to retain its specific properties if properly stored, and

(b) any storage conditions which need to be observed if the food is to retain its specific properties for that period.

(5) Where the minimum durability of a food is indicated in the manner permitted by paragraph (4), the latest recommended date of sale may appear on the labelling of the food separately from the words “sell by”, provided that those words are followed by a reference to the place where the date appears.”.

7.—(1) Regulation 23(1) of the principal regulations shall be amended by inserting in paragraph (c) after the words “price of the food” the words “if there is not attached to the flour confectionery or its packaging any document, notice, label, ring or collar (other than a label on which only the price of the food is marked)”.

(2) Regulation 23(2) of the principal regulations shall be amended by substituting in paragraph (b) for the word and figure “regulation 5”, the word and figure “regulation 4.”.

8. For regulation 27(3) of the principal regulations there shall be substituted the following paragraph:—

“(3) Any—

- (a) prepacked sandwich, filled roll or similar bread product, or
- (b) prepacked prepared meal,

which is sold at a catering establishment for immediate consumption there need not be marked or labelled with any of the particulars specified in regulation 5 except the name of the food.”.

9. Regulation 28(1) of the principal regulations shall be amended by inserting in sub-paragraph (i) of paragraph (e) after the words "price of the food", the words "if there is not attached to the flour confectionery or its packaging any document, notice, label, ring or collar (other than a label on which only the price of the food is marked)".

10. Regulation 33(3) of the principal regulations shall be deleted.

11. Regulation 39 of the principal regulations shall be amended by substituting for sub-paragraph (a) the following sub-paragraphs:—

- "(a) sells any food the presentation of which contravenes regulation 3A, or  
(aa) sells any food which is not marked or labelled in accordance with the provisions of Part II, or".

12. Schedule 6 to the principal regulations shall be amended—

- (a) by substituting for the word "cocoa" in column 2 of the item relating to any description incorporating the name of a food in such a way as to imply that the food, or the part of a food, being described has the flavour of the food named in the description, the words "non-fat cocoa solids".  
(b) by substituting for "0.1%" in column 2 of the item relating to the description "dealcoholised", "0.5%".

13. Schedule 8 to the principal regulations shall be amended by inserting in column 3 of the item relating to the Labelling of Food Regulations (Northern Ireland) 1970(a) after the word "regulations" the words "except regulations 1, 2, 4(1), 21 to 25, 27, 30 and 31 and Schedule 4".

#### *Interpretation of the Labelling of Food Regulations (Northern Ireland) 1970*

14.—(1) Those provisions of the Labelling of Food Regulations (Northern Ireland) 1970 which are not revoked by the Food Labelling Regulations (Northern Ireland) 1981 shall have effect subject to the following paragraphs.

(2) Any reference to an appropriate designation of a food shall be construed as if it were a reference to the name of the food and references to provisions of the Labelling of Food Regulations (Northern Ireland) 1970 requiring food to bear a statement specifying an appropriate designation of the food shall be construed as if they were references to the provisions of the Food Labelling Regulations (Northern Ireland) 1981 requiring food to be marked or labelled with the name of the food.

(3) References to provisions of the Labelling of Food Regulations (Northern Ireland) 1970 requiring food to bear a statement specifying an appropriate designation of each ingredient of the food, or exempting food from bearing such a statement, shall be construed as if they were references to the provisions of the Food Labelling Regulations (Northern Ireland) 1981 requiring food to be marked or labelled with, or exempting food from being marked or labelled with, a list of ingredients.

(4) Regulations 31 to 33 of the Food Labelling Regulations (Northern Ireland) 1981 shall apply to lists or statements required by the Labelling of Food Regulations (Northern Ireland) 1970 as if such lists or statements were particulars with which a food is required to be marked or labelled by the Food Labelling Regulations (Northern Ireland) 1981.

#### *Amendment of the Jam and Similar Products Regulations (Northern Ireland) 1982*

15. The Jam and Similar Products Regulations (Northern Ireland) 1982(b) shall be amended by substituting for regulation 8(7) the following paragraph:—

- "(7) This regulation does not apply to—

---

(a) S.R. & O. (N.I.) 1970 No. 80; relevant amending regulations are S.R. & O. (N.I.) 1972 No. 318, S.R. 1976 No. 212, S.R. 1977 No. 196  
(b) S.R. 1982 No. 105

- (a) food prepared on domestic premises for sale for the benefit of the person preparing it by a society registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;
- (b) food prepared otherwise than in the course of a trade carried on by the person preparing it; or
- (c) food to which regulation 27 or 28 of the Food Labelling Regulations (Northern Ireland) 1981 (which relate to food for immediate consumption) applies.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 30th November 1982.

(L.S.)

*J. A. Wylie*

Assistant Secretary

## EXPLANATORY NOTE

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

These regulations amend the Food Labelling Regulations (Northern Ireland) 1981 ("the principal regulations"). Regulations 1 and 13 come into operation on 31st December 1982 and the remainder of the regulations come into operation on 1st January 1983.

The regulations—

- (a) prohibit the misleading presentation of food (regulations 2, 3 and 11);
- (b) insert an exemption from labelling for food sold for charitable purposes (regulation 4);
- (c) relax slightly the requirements relating to ingredient listing and date marking (regulations 5 and 6);
- (d) tighten the exemption from full labelling for flour confectionery in wholly transparent packaging (regulations 7(1) and 9);
- (e) correct a minor error in the principal regulations (regulation 7(2));
- (f) relax the labelling requirements for prepacked sandwiches and similar products when sold in a catering establishment for consumption there (regulation 8);
- (g) remove the requirement that, when any of the statutory labelling particulars appears in more than one language, all the statutory particulars must be given in each language (regulation 10);
- (h) clarify the provision in the principal regulations permitting the use of the word "chocolate" to denote a flavour derived from cocoa (regulation 12(a));
- (i) increase the maximum alcoholic strength of drinks described as "dealcoholised" (regulation 12(b)); and
- (j) retain in operation most of the claims provisions of the Labelling of Food Regulations (Northern Ireland) 1970 (regulations 13 and 14).

The amendments described in sub-paragraph (a) implement obligations arising from Council Directive No. 79/112/EEC (O.J. No. L33, 8.2.79, p. 1) on the approximation of the laws of the member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer.

The regulations also amend the Jam and Similar Products Regulations (Northern Ireland) 1982 by extending the exemption from labelling for food prepared on domestic premises and sold for charitable purposes to certain non-domestic premises (regulation 15).