

## 1992 No. 417

## FOOD

**The Food Additives Labelling Regulations  
(Northern Ireland) 1992.**

*Made* . . . . . 28th September 1992

*Coming into operation* . . . . . 3rd November 1992

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Articles 15(1)(e), 25(1)(a) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(a) and, being a designated Department(b) for the purposes of section 2(2) of the European Communities Act 1972(c) in relation to the presentation and packaging of food intended for sale for human consumption, in exercise (so far as is required for the amendment of Regulations made under the said section 2(2)) of the powers conferred on it by the said section 2(2) and of all other powers enabling it in that behalf and after consultation in accordance with Article 47(3) of the said Order with such organisations as appear to it to be representative of interests likely to be substantially affected by these Regulations (in so far as the Regulations are made in exercise of the powers conferred by the said Order), hereby makes the following Regulations:

*Citation, commencement and interpretation*

1.—(1) These Regulations may be cited as the Food Additives Labelling Regulations (Northern Ireland) 1992 and shall come into operation on 3rd November 1992.

(2) In these Regulations—

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

“food” has the same meaning as in the Order, 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,

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(a) S.I. 1991/762 (N.I. 7). See Article 2(2) for the definitions of “regulations” and “the Department concerned”.

(b) Designated by S.I. 1981/833

(c) 1972 c. 68

- (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, 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;
- “the Order” means the Food Safety (Northern Ireland) Order 1991;
- “sell” includes offer or expose for sale or have in possession for sale 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
  - (a) “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) 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 (Northern Ireland) 1984(a).

(3) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

### *Exemption*

2.—(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) 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*

3.—(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.

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(a) S.R. 1984 No. 407: the relevant amending Regulations are S.R. 1991 No. 203 and S.R. 1992 No. 416  
 (b) 1954 c. 33 (N.I.)

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

(3) Schedule 3 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.

#### *Penalties and enforcement*

4.—(1) If any person contravenes 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 £2,000.

(2) Each district council shall enforce and execute the provisions of these Regulations within its district.

#### *Defence in relation to exports*

5. 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 Order*

6. The following provisions of the Order shall apply for the purposes of these Regulations as they apply for the purposes of Article 13 or 14 of the Order and, unless the context otherwise requires, any reference in them to the Order shall be construed for the purposes of these Regulations as a reference to these Regulations—

- (a) Articles 2(4) and 3 (extended meaning of "sale" etc.);
- (b) Article 4 (presumption that food is intended for human consumption);
- (c) Article 19 (offences due to fault of another person);
- (d) Article 20 (defence of due diligence);
- (e) Article 21 (defence of publication in the course of business);
- (f) Article 30(8) (which relates to documentary evidence).

#### *Revocation and amendment of specified Regulations*

7.—(1) Regulation 7(2) of, and Schedule 4 to, the Colouring Matter in Food Regulations (Northern Ireland) 1973(a) 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 head (i) of that sub-paragraph, after "shall not", of " , save in the case of a permitted additive sale", and

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(a) S.R. 1973 No. 466; the relevant amending Regulations are S.R. 1975 No. 283, S.R. 1976 No. 382, S.R. 1979 No. 49, S.R. 1988 No. 471 and S.R. 1991 No. 203

- (b) the addition, as Key paragraph B specified in head (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 Additive Labelling Regulations (Northern Ireland) 1992 applies, takes place without contravention of those Regulations."
- (3) The regulations to which paragraph (2) applies are—
- (a) regulation 5 of the Antioxidants in Food Regulations (Northern Ireland) 1978(a), 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 (Northern Ireland) 1981(b), within which—
- (i) paragraph (2) is Key paragraph A,
  - (ii) paragraph (3) is Key paragraph B,
- (c) regulation 7 of the Sweeteners in Food Regulations (Northern Ireland) 1983(c), 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 (Northern Ireland) 1989(d) 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 (Northern Ireland) 1989(e), 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 (Northern Ireland) 1984 shall be amended by the substitution, in the definition of "the additives regulations" for "and the Flavourings in Food Regulations (Northern Ireland) 1992", of "the Flavourings in Food Regulations (Northern Ireland) 1992 and the Food Additives Labelling Regulations (Northern Ireland) 1992".
- (5) Regulation 6 of the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1989 shall be revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 28th September 1992.

(L.S.)

*J. Scott*

Assistant Secretary

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- (a) S.R. 1978 No. 112: the relevant amending Regulations are S.R. 1981 No. 191, S.R. 1983 No. 265, S.R. 1984 No. 406 and S.R. 1991 No. 203
- (b) S.R. 1981 No. 193: the relevant amending Regulations are S.R. 1982 No. 258, S.R. 1983 No. 265, S.R. 1984 No. 406 and S.R. 1991 No. 203
- (c) S.R. 1983 No. 265: the relevant amending Regulations are S.R. 1991 No. 203
- (d) S.R. 1989 No. 152: the relevant amending Regulations are S.R. 1991 No. 203
- (e) S.R. 1989 No. 308: the relevant amending Regulations are S.R. 1991 No. 203

**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

## PART II

### SUPPLEMENTARY

For the purposes of Part I—

- (a) “colouring matter” means any matter which is a colouring matter for the purposes of the Colouring Matter in Food Regulations (Northern Ireland) 1973;
- (b) “antioxidant” has the meaning which it has in the Antioxidants in Food Regulations (Northern Ireland) 1978;
- (c) “preservative” has the meaning which it has in the Preservatives in Food Regulations (Northern Ireland) 1989;
- (d) “emulsifier” has the meaning which it has in the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1989;
- (e) “emulsifying salts” has the meaning which it has in the Cheese Regulations (Northern Ireland) 1970(a);
- (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 (Northern Ireland) 1989;
- (i) “flavour modifier” has the meaning which it has in the Miscellaneous Additives in Food Regulations (Northern Ireland) 1981;
- (j) “acid” has the meaning which it has in the Miscellaneous Additives in Food Regulations (Northern Ireland) 1981;
- (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 (Northern Ireland) 1981;
- (l) “anti-caking agent” has the meaning which it has in the Miscellaneous Additives in Food Regulations (Northern Ireland) 1981;
- (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 (Northern Ireland) 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 (Northern Ireland) 1981;

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(a) S.R. & O. (N.I.) 1970 No. 14; the relevant amending Regulation is S.R. 1974 No. 177

- (q) “glazing agent” has the meaning which it has in the Miscellaneous Additives in Food Regulations (Northern Ireland) 1981;
- (r) “flour bleaching agent” has the meaning which it has in the Miscellaneous Additives in Food Regulations (Northern Ireland) 1981;
- (s) “flour improver” has the meaning which it has in the Miscellaneous Additives in Food Regulations (Northern Ireland) 1981;
- (t) “firming agent” has the meaning which it has in the Miscellaneous Additives in Food Regulations (Northern Ireland) 1981;
- (u) “humectant” has the meaning which it has in the Miscellaneous Additives in Food Regulations (Northern Ireland) 1981;
- (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 (Northern Ireland) 1981;
- (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 (Northern Ireland) 1981;
- (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 (Northern Ireland) 1981.

**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 (Northern Ireland) 1992(a).
4. Substances added to food as nutrients.

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(a) S.R. 1992 No. 416

**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, or
- (b) that container bears the information required by paragraphs 1(a), 2, 3 and 4 of Part II 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,

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 operation under the Order and is accompanied by a European Economic Community 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 European Economic Community 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 European Economic Community number) used for the product,
  - (ii) the information, in relation to the food additives, required by paragraphs 1 to 7 of Part II, and
  - (iii) insofar as regulation 21 of the Food Labelling Regulations (Northern Ireland) 1984 does not apply 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 that 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 European Economic Community number in any Regulation for the time being in operation under the Order, 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 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 Order or of Regulations made 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 implement Articles 7 and 8 of Council Directive 89/107/EEC (O.J. No. L40, 11.2.89, p. 27) on 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 1 and Schedules 1 and 2); and
- (b) prescribe labelling requirements for sales of food additives (regulation 3 and Schedule 3).

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**1992 Nos. 418–422**

These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.