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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 53**

**FOOD**

**Food (Miscellaneous Revocations and Amendments) Regulations (Northern Ireland) 1996**

*Made* - - - - 28th February 1996

*Coming into operation* 22nd April 1996

The Department of Health and Social Services for Northern Ireland in exercise of the powers conferred on it by Articles 15(1), (2) and (3), 16, 25(1)(a), (2)(e) and (3), 26(3), 32 and 47(2) of, and paragraphs 1 and 5 of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(1), and being a designated Department(2) for the purposes of section 2(2) of the European Communities Act 1972(3) in relation to the common agricultural policy of the European Community, in exercise 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 (insofar 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 (Miscellaneous Revocations and Amendments) Regulations (Northern Ireland) 1996 and shall come into operation on 22nd April 1996.

(2) In the Schedule—

“the 1961 Regulations” means the Skimmed Milk with Non-Milk Fat Regulations (Northern Ireland) 1961(4);

“the 1968 Regulations” means the Ice-Cream and Other Frozen Confections Regulations (Northern Ireland) 1968(5);

“the 1976 Regulations” means the Soft Drinks Regulations (Northern Ireland) 1976(6).

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

(2) S.I. 1972/1811

(3) 1972 c. 68

(4) S.R. & O. (N.I.) 1961 No. 190; relevant amending Regulations are S.R. 1976 No. 70, S.R. 1982 No. 43, S.R. 1991 Nos. 203 and 344, S.R. 1992 Nos. 463 and 464, and S.R. 1995 No. 85

(5) S.R. & O. (N.I.) 1968 No. 13; relevant amending Regulations are S.R. 1990 No. 103, S.R. 1991 Nos. 203 and 344, S.R. 1992 No. 464 and S.R. 1995 No. 201

(6) S.R. 1976 No. 357; relevant amending Regulations are S.R. 1977 No. 182, S.R. 1983 No. 265, S.R. 1991 Nos. 203 and 344, S.R. 1992 Nos. 463 and 464, and S.R. 1993 No. 250

(3) The Interpretation Act (Northern Ireland) 1954(7) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly

### Revocations

2. The Regulations and order specified in columns 1 and 2 of the Schedule are hereby revoked to the extent specified in relation thereto in column 3 of that Schedule.

### Amendments

3.—(1) In the Cocoa and Chocolate Products Regulations (Northern Ireland) 1976(8), in paragraph (1) of regulation 2 (interpretation), for the definition of “ice cream” there shall be substituted—

““ice cream” means the food which may be so described without contravention of the conditions governing the use of that description contained in Schedule 7 (misleading descriptions) to the Food Labelling Regulations (Northern Ireland) 1984(9);”.

(2) In the Food Labelling Regulations (Northern Ireland) 1984—

(a) in paragraph (1) of regulation 2 (interpretation), for the definition of “the additives regulations” there shall be substituted—

““the additives regulations” means the Flavourings in Food Regulations (Northern Ireland) 1992(10), the Food Additives Labelling Regulations (Northern Ireland) 1992(11), the Sweeteners in Food Regulations (Northern Ireland) 1996(12), the Colours in Food Regulations (Northern Ireland) 1996(13) and the Miscellaneous Food Additives Regulations (Northern Ireland) 1996(14);”;

(b) for paragraph (6) of regulation 15 (names of ingredients) there shall be substituted—

“(6) In this regulation “serial number” means the number specified for an additive in any of the additives regulations or for an ingredient (where it is also an additive) in Schedule 3 to the Bread and Flour Regulations (Northern Ireland) 1996(15).”;

(c) for regulation 31A (alcoholic drinks sold otherwise than prepacked)(16) there shall be substituted—

#### **“Products consisting of skimmed milk together with non-milk fat**

**31A.** The container in which any product—

- (a) consisting of skimmed milk together with non-milk fat,
- (b) which is capable of being used as a substitute for milk, and
- (c) which is neither—
  - (i) an infant formula or a follow-on formula, nor
  - (ii) a product specially formulated for infants or young children for medical purposes,

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(7) 1954 c. 33 (N.I.)

(8) S.R. 1976 No. 183, to which there are amendments not relevant to these Regulations

(9) S.R. 1984 No. 407; the relevant amending Regulations are S.R. 1989 No. 229, and S.R. 1992 Nos. 416 and 417

(10) S.R. 1992 No. 416, amended by S.R. 1994 No. 270

(11) S.R. 1992 No. 417

(12) S.R. 1996 No. 48

(13) S.R. 1996 No. 49

(14) S.R. 1996 No. 50

(15) S.R. 1996 No. 51

(16) Regulation 31A was substituted by S.R. 1989 No. 229

is sold shall be prominently marked or labelled with a warning that the product is unfit, or not to be used, as food for babies.”;

- (d) in Part I (prohibited claims) of Schedule 6 (claims), for the Note to item 1 (a claim that a food has tonic properties) there shall be substituted—

“Note

The use of the word “tonic” in the descriptions “Indian tonic water” or “quinine tonic water” shall not of itself constitute a claim of a type described in this item.”;

- (e) in Part II (restricted claims) of Schedule 6—

- (i) in item 6 (slimming claims), for paragraph (a) of the Notes thereto there shall be substituted—

“(a) The appearance, on the container of a soft drink, of the words “low calorie” given in accordance with the conditions specified in Schedule 7 in relation to that description for such drinks shall not of itself constitute a claim of a type described in this item.”, and

- (ii) in item 12 (cholesterol claims), for the conditions contained in Column 2 there shall be substituted—

“1. Subject to condition 3 the food must contain no more than 0.005 per cent of cholesterol.

2. The claim must not be accompanied by a suggestion, whether express or implied, that the food is beneficial to human health because of its level of cholesterol.

3. If the claim relates to the removal of cholesterol from, or its reduction in, the food and condition 1 is not met, such claims shall only be made—

- (a) as part of an indication of the true nature of the food,
- (b) as part of an indication of the treatment of the food,
- (c) within the list of ingredients, or
- (d) as a footnote in respect of prescribed nutrition labelling.

4. The food shall be marked or labelled with the prescribed nutrition labelling.”;

- (f) in Schedule 7 (misleading descriptions)—

- (i) immediately before the item relating to the description “fresh”, “garden” or “green” there shall be inserted—

“in Column 1 (words and descriptions)	in Column 2 (conditions)
The description “ice cream”.	Shall not be applied to any food other than the frozen product containing not less than 5% fat and not less than 7½% milk solids other than fat, and which is obtained by subjecting an emulsion of fat, milk solids and sugar (including any sweetener permitted in ice cream by the Sweeteners in Food Regulations (Northern Ireland) 1996, with or without the addition of other substances, to heat treatment and either

“in Column 1 (words and descriptions)	in Column 2 (conditions)
The description “dairy ice cream”.	to subsequent freezing or evaporation, addition of water and subsequent freezing.  Shall not be applied to any food other than one which fulfils the conditions relating to application of the description “ice cream” to a food (provided that the fat in respect of which a minimum of 5% is specified shall here consist exclusively of milk fat) and which contains no fat other than milk fat or any fat present by reason of the use as an ingredient of such ice cream of any egg, any flavouring, or any emulsifier or stabiliser.”;
(ii) immediately before the item relating to the description “non-alcoholic” there shall be inserted—	
“in Column 1	in Column 2
The description “low calorie”.	Shall not be applied to any soft drink unless the soft drink (where applicable, after subsequent preparation (which may include dilution) in accordance with any accompanying instructions) contains not more than 5.3 kcal per 100 ml and 22.1 kJ per 100 ml of the drink.”;
(iii) immediately before the item relating to the name “tonic wine” there shall be inserted—	
“in Column 1	in Column 2
The name “Indian tonic water” or “quinine tonic water”.	Shall not be applied to any drink unless the drink contains not less than 57 mg of quinine (calculated as quinine sulphate B.P.) per litre of the drink.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on

28th February 1996.

*D. A. Baker*  
Assistant Secretary

## SCHEDULE

Regulation 2

## Revocations

(1) Regulations and order revoked	(2) References	(3) Extent of revocations
The Skimmed Milk with Non-Milk Fat Regulations (Northern Ireland) 1961	<a href="#">S.R. &amp; O. (N.I.) 1961 No. 190</a>	The whole Regulations
The Ice-Cream and Other Frozen Confections Regulations (Northern Ireland) 1968	<a href="#">S.R. &amp; O. (N.I.) 1968 No. 13</a>	Regulations 3 to 7 and 12
The Skimmed Milk with Non-Milk Fat (Amendment) Regulations (Northern Ireland) 1976	<a href="#">S.R. 1976 No. 70</a>	The whole Regulations
The Soft Drinks Regulations (Northern Ireland) 1976	<a href="#">S.R. 1976 No. 357</a>	The whole Regulations
The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977	<a href="#">S.R. 1977 No. 182</a>	Regulation 14
The Lead in Food Regulations (Northern Ireland) 1979	<a href="#">S.R. 1979 No. 407</a>	The definition of “soft drink” in regulation 2(1)
The Skimmed Milk with Non-Milk Fat (Amendment) Regulations (Northern Ireland) 1982	<a href="#">S.R. 1982 No. 43</a>	The whole Regulations
The Food Labelling Regulations (Northern Ireland) 1984	<a href="#">S.R. 1984 No. 407</a>	Schedule 5, Part II of Schedule 5A and item 11 in Part II of Schedule 6
The Food (Revision of Penalties and Mode of Trial) Regulations (Northern Ireland) 1987	<a href="#">S.R. 1987 No. 38</a>	The references in Schedule 1 to the 1961 Regulations and the 1976 Regulations
The Potassium Bromate (Prohibition as a Flour Improver) Regulations (Northern Ireland) 1990	<a href="#">S.R. 1990 No. 78</a>	The whole Regulations
The Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 1990	<a href="#">S.R. 1990 No. 103</a>	The references in the Schedule to the 1961 Regulations and the 1968 Regulations
The Food Safety (Northern Ireland) Order 1991	<a href="#">S.R. 1991 No. 203</a>	In Part I of Schedule 1, the references to the 1961 Regulations and the 1976

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*Status: This is the original version (as it was originally made). Northern Ireland Statutory Rules are not carried in their revised form on this site.*

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(1) Regulations and order revoked	(2) References	(3) Extent of revocations
(Consequential Modifications) Order (Northern Ireland) 1991		Regulations. In Schedule 3, the references to the 1961 Regulations and the 1976 Regulations. In Schedule 4, the reference to the 1976 Regulations. In Schedule 5, the reference to the 1961 Regulations. In Schedule 10, the reference to the 1961 Regulations
The Food Safety (Exports) Regulations (Northern Ireland) 1991	S.R. <a href="#">1991 No. 344</a>	The references in the Schedule to the 1961 Regulations and the 1976 Regulations
The Food Safety (Amendment) (Metrication) Regulations (Northern Ireland) 1992	S.R. <a href="#">1992 No. 463</a>	Regulations 2 and 3 and the Schedule
The Food (Forces Exemptions) (Revocations) Regulations	S.R. <a href="#">1992 No. 464</a>	The references in the Schedule to the 1961 (Northern Ireland) 1992 Regulations, the 1968 Regulations and the 1976 Regulations
The Soft Drinks (Amendment) Regulations (Northern Ireland) 1993	S.R. <a href="#">1993 No. 250</a>	The whole Regulations
The Infant Formula and Follow-on Formula Regulations (Northern Ireland) 1995	S.R. <a href="#">1995 No. 85</a>	Regulation 12(1)
The Dairy Products (Hygiene) Regulations (Northern Ireland) 1995	S.R. <a href="#">1995 No. 201</a>	Regulation 24(1)(b)

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### EXPLANATORY NOTE

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

These Regulations revoke in whole the Skimmed Milk with Non-Milk Fat Regulations (Northern Ireland) 1961, and the Soft Drinks Regulations (Northern Ireland) 1976. They revoke in part the Ice-Cream and Other Frozen Confections Regulations (Northern Ireland) 1968.

Amending Regulations to those revoked and references to them in other Regulations (specified in the Schedule) are also revoked.

The Skimmed Milk with Non-Milk Fat Regulations (Northern Ireland) 1961 imposed requirements in relation to labelling and advertising. The Soft Drinks Regulations (Northern Ireland) 1976 and that part of the Ice-Cream and Other Frozen Confections Regulations (Northern Ireland) 1968 revoked specified compositional standards, imposed requirements as to labelling and, for ice cream, advertising.

Several amendments are made by these Regulations to the Food Labelling Regulations (Northern Ireland) 1984. The principal amendments are that those Regulations now contain the requirement that certain products consisting of skimmed milk together with non-milk fat should bear a warning of their unfitness as food for babies, as well as provisions governing the use of the descriptions “ice cream”, “dairy ice cream”, “low calorie” in relation to soft drinks, and “Indian tonic water”, or “quinine tonic water”. In addition the reference to “the additives regulations” in those Regulations is updated to take account of newly made Regulations governing additives. Provisions governing the display of their alcoholic strengths in relation to alcoholic drinks sold otherwise than prepacked, and the giving of polyunsaturated fatty acid claims are now deleted.

These Regulations also amend the definition of “ice cream” in the Cocoa and Chocolate Products Regulations (Northern Ireland) 1976.