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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 83**

**The Genetically Modified and Novel Foods  
(Labelling) (Scotland) Regulations 2000**

*Food to which Regulation 1139/98 or Regulation 50/2000 applies*

**Exemptions**

3.—(1) Subject to paragraph (2), these Regulations do not apply in respect of any food brought into Scotland—

- (a) from a member State (other than the United Kingdom); or
- (b) from another part of the United Kingdom,

in which it was lawfully sold, having been produced in a member State, or in which it was in free circulation and lawfully sold, if the requirements of Regulation 1139/98 or Regulation 50/2000 (as applicable), as read in each case with Directive 79/112, are met in respect of that food.

(2) Nothing in paragraph (1) prevents the enforcement of regulation 7(c).

(3) For the purposes of paragraph (1), “free circulation” has the same meaning as in Article 23(2) of the Treaty establishing the European Community.

(4) No prepacked food, which is either contained in an indelibly marked glass bottle intended for re-use and having no label, ring or collar, or the largest surface of whose packaging has an area of less than ten square centimetres, need be marked or labelled with the GMO particulars.

**Marking or labelling: general requirement**

4. When any food other than food to which regulation 5 applies is sold, the particulars with which it is required to be marked or labelled by Regulation 1139/98 or Regulation 50/2000 must appear—

- (a) on the packaging;
- (b) on a label attached to the packaging; or
- (c) on a label which is clearly visible through the packaging,

provided that where the sale is otherwise than to the final consumer, such particulars may, alternatively, appear only on the commercial documents relating to the food where it can be guaranteed that such documents, containing all such particulars, either accompany the food to which they relate or were sent before, or at the same time as, delivery of the food.

**Marking or labelling: special rules**

5.—(1) This regulation applies to—

- (a) food which is not prepacked;
- (b) food which is prepacked for direct sale; and
- (c) any individually wrapped fancy confectionery product which is not enclosed in any further packaging and which is intended for sale as a single item.

(2) Subject to paragraph (3), when any food to which this regulation applies is sold to the final consumer, the particulars with which it is required to be marked or labelled by Regulation 1139/98 or Regulation 50/2000 must appear—

- (a) on a label attached to the food; or
- (b) on a menu, notice, ticket or label which is readily discernible by an intending purchaser at the place where he chooses that food.

(3) In any case where food—

- (a) is food to which the labelling requirements of Regulation 1139/98 or Regulation 50/2000 apply;
- (b) is—
  - (i) not prepacked; or
  - (ii) prepacked for direct sale; and
- (c) is sold to the final consumer at appropriate premises,

use of alternative labelling in place of the GMO particulars is not alone be treated as a contravention of those labelling requirements and for this purpose alternative labelling is used where, instead of the particulars referred to in Article 2(3) of Regulation 1139/98 or in Articles 2 and 4 of Regulation 50/2000 appearing in the manner specified in paragraph (2)(a) or (b) above, alternative particulars are displayed in accordance with paragraph (4) below.

(4) Alternative particulars are displayed in accordance with this paragraph in relation to any food referred to in paragraph (3) if there appears on a menu, notice, ticket or label which is readily discernible by an intending purchaser and which is located at the place at the premises where he chooses that food—

- (a) in the case of food to which the labelling requirements of Regulation 1139/98 apply, indications to the effect that some of the food sold at those premises contains ingredients produced from genetically modified soya beans or maize, or both, as the case may be, and that further information is available from the staff; and
- (b) in the case of food to which the labelling requirements of Regulation 50/2000 apply, indications to the effect that some of the food sold at those premises contains additives or flavourings, or both, as the case may be, produced from a genetically modified organism, and that further information is available from the staff.

(5) In this regulation, “premises” includes any ship or aircraft and “appropriate premises” means premises where—

- (a) the staff provide clarification at the request of an intending purchaser as to whether—
  - (i) particular food sold at those premises, other than food falling within Article 1(2) or 2(2) of Regulation 1139/98, is produced in whole or in part from a genetically modified product referred to in Article 1(1) of that Regulation; and
  - (ii) particular food sold at those premises contains additives or flavourings produced in whole or in part from a genetically modified organism; and
- (b) there is an established procedure at those premises for keeping staff informed of that information.

(6) When any food to which this regulation applies is sold otherwise than to the final consumer, the particulars with which it is required to be marked or labelled by Regulation 1139/98 or Regulation 50/2000 must appear—

- (a) on a label attached to the food; or
- (b) on a ticket or notice which is readily discernible by the intending purchaser at the place where he chooses the food; or

- (c) in commercial documents relating to the food where it can be guaranteed that such documents either accompany the food to which they relate or were sent before, or at the same time as, delivery of the food.

### **Manner of marking or labelling**

6.—(1) The particulars with which a food is required to be marked or labelled by Regulation 1139/98 or by Regulation 50/2000, or which appear on a menu, notice, ticket or label pursuant to these Regulations, shall be easy to understand, clearly legible and indelible and, when a food is sold to the final consumer, the said particulars must be marked in a conspicuous place in such a way as to be easily visible.

(2) Such particulars must not in any way be hidden, obscured or interrupted by any other written or pictorial matter.

(3) Paragraph (1) above is not to be taken to preclude the giving of such particulars at mass caterers, in respect of foods the variety and type of which are changed regularly, by means of temporary media (including the use of chalk on a blackboard).