

2002 No. 524

FOOD

The Food Labelling Amendment (Scotland) Regulations 2002

<i>Made</i>	<i>28th November 2002</i>
<i>Laid before the Scottish Parliament</i>	<i>2nd December 2002</i>
<i>Coming into force</i>	<i>1st January 2003</i>

The Scottish Ministers, in exercise of the powers conferred by sections 6(4), 16(1)(e) and (f), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990(a) and of all other powers enabling them in that behalf, having had regard in accordance with section 48(4A)(b) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B)(c) of that Act, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Food Labelling Amendment (Scotland) Regulations 2002 and shall come into force on 1st January 2003.

(2) These Regulations extend to Scotland only.

Amendment of the Food Labelling Regulations 1996

2. The Food Labelling Regulations 1996(d) shall be amended in accordance with regulations 3 to 5.

3. For regulation 14(4) (names of ingredients) there shall be substituted—

“(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 Schedule 3 in accordance with any conditions that are laid down in the corresponding entry in column 3 of that Part of Schedule 3.”

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

“(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

(a) 1990 c.16; section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c.40), Schedule 9, paragraph 6 and by the Food Standards Act 1999 (c.28) (“the 1999 Act”), Schedule 5, paragraph 10(3); sections 16(1) and 48(1) were amended by the 1999 Act, Schedule 5, paragraph 8; section 17(1) was amended by the 1999 Act, Schedule 5, paragraphs 8 and 12; section 26(3) was amended by the 1999 Act, Schedule 6; amendments made by Schedule 5 of the 1999 Act shall be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) Section 48(4A) was inserted by the Food Standards Act 1999, Schedule 5, paragraph 21.

(c) Section 48(4B) was inserted by the Food Standards Act 1999, Schedule 5, paragraph 21.

(d) S.I. 1996/1489, amended by S.I. 1998/141, 1398 and 2424, 1999/747, 982, 1136, 1483, 1540 and 1603 and S.S.I. 2000/83, 309 and 2001/38.

- (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 (Scotland) Regulations 2002 had not been in force when the food was sold, marked or labelled.”.

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

- (a) there shall be inserted after the 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, <i>or</i> 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 the heart, the tongue, the muscles of the head (other than the masseters), the muscles of the carpus, the tarsus, the tail and any products covered by the European Community definition of “mechanically recovered meat” in Article 2(c) of Council Directive 64/433/EEC(a) on health conditions for the production and marketing of fresh meat as last amended by Council Directive 95/23(b).	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.”;
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- (c) there shall be inserted at the end–

(a) O.J. No. L 121, 28.7.64, p.2012 (O.J./S.E. 1963-64 p.185).
(b) O.J. No. L 243, 11.10.95, p.7.

“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

<i>Species</i>	<i>Fat (%)</i>	<i>Connective tissue (%)¹</i>
Mammals (other than rabbits and porcines) and mixtures of species with mammals predominating	25	25
Porcines	30	25
Birds and rabbits	15	10

Note

- ¹ 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.”

MARY MULLIGAN

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
28th November 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland, amend the Food Labelling Regulations 1996, as amended.

These Regulations implement Commission Directive 2001/101/EC (O.J. No. L 310, 28.11.2001, p.19) and Commission Directive 2002/86/EC (O.J. No. L305, 7.11.2002, p.19) which amend 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 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 (regulation 4).

A Regulatory Impact Assessment, which includes a compliance cost assessment that these Regulations would have on business costs, has been prepared and has been placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Labelling and Standards Division of the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.

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