

## EXECUTIVE NOTE

### **The Colours in Food Amendment (Scotland) Regulation 2007 SSI/2007/143**

1. The above instrument was made under the powers in sections 16(1)(a) and 17(1) of the Food Safety Act 1990(1) and of all other powers enabling them in that behalf, having had regard in accordance with section 48(4A)(2) of that Act to relevant advice given by the Food Standards Agency and after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council. The instrument is subject to negative resolution procedure.

#### **Policy Objective**

2. This Statutory Instrument updates in Scotland the rules relating to the use of colours in foods. The Colours in Food Regulations 1995 (as amended) implement all existing European legislation relating to colours for use in foods. These Regulations amend the 1995 Regulations. This is a technical amendment to the existing specifications for two food colours, sunset yellow (E 110), and titanium dioxide (E 117).

#### **Background**

3. The Colours in Food Amendment (Scotland) Regulations 2007 implement the provisions of Commission Directive 2006/33/EC, which itself amends Commission Directive 95/45/EC.
4. Commission Directive 2006/33/EC of 20 March 2006 was published in the Official Journal of the European Communities (L82/10) on 21 March 2006 and amends Directive 95/45/EC for the fourth time. Directive 95/45/EC sets out specific purity criteria (specifications) for individual approved food colours.
5. Commission Directive 95/45/EC forms part of a continuing programme to update EU wide specifications for food colours which are used to ensure the purity of these substances.

#### **Discussion**

The key aspects are of the new amendment are:

- The specification for Sunset Yellow FCF (E 110 ) has been amended to include a new limit for Sudan I of 0.5 mg/kg, as requested by the UK delegation at the European Commission's Food Additives Working Group meeting in Brussels on 21 November 2005. Sudan I is an illegal colour and a genotoxic carcinogen, which may be formed under certain circumstances as an impurity during the production of Sunset Yellow.
- The permitted level of lead in Sunset Yellow has been reduced from 10 mg/kg to 2 mg/kg in line with the FAO/WHO Joint Expert Committee on Food Additives (JECFA) specifications.

- The specification for titanium dioxide (E 171) has been amended to permit the use of rutile titanium dioxide as well as the presently permitted anatase form, in line with the opinion of the European Food Safety Authority's Scientific Panel on Food Additives, adopted on 7 December 2004.

### **Consultation**

6. The Food Standards Agency Scotland have consulted with trade associations, local authorities, consumer organisations and sector specific organisations on the draft Colours in Food Amendment (Scotland) Regulations 2007. The level of stakeholder interest was low for this consultation exercise and Food Standards Agency Scotland received no responses.

### **Other Administrations**

7. Similar Regulations will apply in England, Wales and Northern Ireland.

### **Impact**

8. A Regulatory Impact Assessment has not been prepared for this instrument as there were no identifiable costs on business, charities or voluntary bodies.

### **Contact**

9. Claire Moni at the Food Standards Agency (Telephone 01224 285158) (email: [claire.moni@foodstandards.gsi.gov.uk](mailto:claire.moni@foodstandards.gsi.gov.uk))

**Food Standards Agency Scotland**  
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