

SCOTTISH STATUTORY INSTRUMENTS

2007 No. 383

The Nutrition and Health Claims (Scotland) Regulations 2007

Offences and Penalties

5.—(1) Subject to the derogation contained in Article 1(3) (relating to trade marks etc) and to the transitional measures contained in Article 28, any person who contravenes or fails to comply with the provisions of the Regulation specified in paragraph (2) is guilty of an offence and liable—

- (a) on conviction on indictment to a term of imprisonment not exceeding 2 years or to a fine or both;
 - (b) on summary conviction to a term of imprisonment not exceeding 3 months or to a fine not exceeding the statutory maximum or both.
- (2) The specified provisions are—
- (a) Article 3 (general requirements relating to all claims);
 - (b) Article 4(3) (restrictions on claims that may be made on alcoholic beverages);
 - (c) Article 6(2) (requirement for justification of claims);
 - [^{F1}(d) Article 7 (requirements for nutrition information) as read with the first subparagraph of Article 54(3) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004.]
 - (e) Article 8(1) (requirements for nutrition claims);
 - (f) Article 9 (requirements for comparative claims);
 - (g) Article 10(1), (2) and (3) (requirements for health claims);
 - (h) Article 12 (prohibition of certain health claims); and
 - (i) Article 14(2) (requirements for reduction of disease risk claims).

Textual Amendments

- F1** Reg. 5(2)(d) substituted (13.12.2014) by [The Food Information \(Scotland\) Regulations 2014 \(S.S.I. 2014/312\)](#), reg. 1(2), **sch. 5 para. 14**

Commencement Information

- II** Reg. 5 in force at 1.10.2007, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Nutrition and Health Claims (Scotland) Regulations 2007, Section 5.