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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 289**

**The Products Containing Meat etc. (Scotland) Regulations 2014**

**Citation, extent and commencement**

1.—(1) These Regulations may be cited as the Products Containing Meat etc. (Scotland) Regulations 2014 and come into force on 13th December 2014.

(2) These Regulations extend to Scotland only.

**Interpretation**

2. In these Regulations—

“the Act” means the Food Safety Act 1990;

“FIC” means 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<sup>(1)</sup>;

“ingredient” has the meaning given in Article 2(2)(f) of FIC;

“meat” means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue;

“regulated product” means—

- (a) any food that contains no other ingredient except for meat;
- (b) any food that contains at least one of the following as an ingredient—
  - (i) meat;
  - (ii) mechanically separated meat as defined in point 1.14 of Annex I to Regulation (EC) No 853/2004<sup>(2)</sup> of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin;
  - (iii) the heart, the tongue, the muscles of the head (other than the masseters), the carpus, the tarsus, or the tail of any mammalian or bird species recognised as fit for human consumption;

“uncooked”, in relation to a food, means a food that has not been subjected to a process of cooking throughout the whole food so that the food is sold on the basis that it will need further cooking before consumption.

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(1) OJ L 304, 22.11.2011, p.18.

(2) OJ L 139, 30.4.2004, p.55, as last amended by Council Regulation (EU) No 517/2013 (OJ L 158, 10.6.2013, p.1).

### Scope

3.—(1) Subject to paragraphs (2) and (3), these Regulations apply to food that is ready for delivery to the final consumer or to a mass caterer.

(2) These Regulations do not apply in respect of any food—

- (a) that is not intended for sale for human consumption; or
- (b) to which the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004<sup>(3)</sup> apply.

(3) These Regulations do not apply to any lawfully marked product that is brought into Scotland from—

- (a) an EEA State (other than the United Kingdom);
- (b) a Member State (other than the United Kingdom);
- (c) another part of the United Kingdom; or
- (d) the Republic of Turkey.

(4) In this regulation—

“EEA State” means a Member State, Norway, Iceland or Lichtenstein;

“final consumer” has the meaning given in point 18 of Article 3 of Regulation (EC) No 178/2002<sup>(4)</sup> of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety; and

“mass caterer” has the meaning given in Article 2(2)(d) of FIC.

### Restrictions on the use of certain names

4.—(1) No person may sell or advertise a regulated product using a name that appears in column 1 of the table in the Schedule as the name of the food, whether or not qualified by other words, unless the food complies with the appropriate requirements in columns 2 and 3 of the table in the Schedule.

(2) No person may sell or advertise a food using a name that appears in column 1 of the table in the Schedule, whether or not qualified by other words, in such a way as to suggest, either expressly or by implication, that the product designated by that name is an ingredient of the food, unless that product—

- (a) is an ingredient of the food; and
- (b) it complied with the appropriate requirements in columns 2 and 3 of the table in the Schedule at the time of preparation of the food.

(3) In this regulation “sell” includes offering or exposing for sale and includes having in possession for sale and “sale” must be construed accordingly.

### Parts of the carcass in uncooked regulated products

5.—(1) No person may sell an uncooked regulated product if any part of a carcass specified in paragraph (2) from any mammalian species has been used as an ingredient in the preparation of that product.

(2) The specified parts of a carcass are brains, feet, large intestine, lungs, oesophagus, rectum, small intestine, spinal cord, spleen, stomach, testicles and udder.

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<sup>(3)</sup> S.S.I. 2004/8, as amended by S.S.I. 2005/479, 2005/616, 2007/424, S.I. 2011/2131.

<sup>(4)</sup> OJ L 31, 1.2.2002, p.1.

(3) The prohibition in paragraph (1) does not apply to the use of a mammalian large or small intestine solely as a sausage skin.

(4) In this regulation “sausage” includes chipolata, frankfurter, link, salami and any similar product.

### **Penalties and enforcement**

6.—(1) Any person who contravenes or fails to comply with regulations 4 or 5(1) shall be guilty of an offence.

(2) Any person found guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Each food authority(5) shall enforce and execute these Regulations in its area.

### **Application and modification of other provisions of the Act**

7. The following provisions of the Act apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part of the Act is to be construed as a reference to these Regulations—

- (a) section 2 (extended meaning of “sale” etc.);
- (b) section 3 (presumptions that food intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence as it applies for the purposes of sections 8, 14 or 15 of the Act);
- (e) section 30(8) (which relates to documentary evidence);
- (f) section 33 (obstruction etc. of officers);
- (g) section 35(1) to (3) (punishment of offences) insofar as it relates to offences under section 33(1) and (2) as applied by sub-paragraph (f) above;
- (h) section 36 (offences by bodies corporate);
- (i) section 36A (offences by Scottish partnerships)(6); and
- (j) section 44 (protection of officers acting in good faith).

### **Revocations**

8. The following Regulations are revoked—

- (a) the Meat Products (Scotland) Regulations 2004(7);
- (b) the Meat Products (Scotland) Amendment Regulations 2008(8); and
- (c) regulation 18(4) of the Food Additives (Scotland) Regulations 2009(9).

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(5) By virtue of section 5(2) of the Act, a food authority is a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (1994 c.39).

(6) Section 36A was added by the Food Standards Act 1999 c.28 Schedule 5 paragraph 16.

(7) S.S.I. 2004/6, as amended by S.S.I. 2005/616, 2006/530, 2008/97, 2009/436, 2010/177, S.I. 2012/1809 and S.S.I. 2013/177.

(8) S.S.I. 2008/97.

(9) S.S.I. 2009/436, to which there are amendments not relevant to these Regulations.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St. Andrew's House  
Edinburgh  
3rd November 2014

*MICHAEL MATHESON*  
Authorised to sign by the Scottish Ministers