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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 312**

**FOOD**

# The Food Information (Scotland) Regulations 2014

*Made - - - - 12th November 2014*

*Laid before the Scottish Parliament 14th November 2014*

*Coming into force in accordance with regulation 1(2) to (4)*



£10.00

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*Laid before the Scottish Parliament 14th November 2014*

*Coming into force in accordance with regulation 1(2) to (4)*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 6(4), 16(1), 17, 18, 26, 45 and 48(1) of, and paragraphs 1 and 4(b) of Schedule 1 to, the Food Safety Act 1990(a), section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(b) and all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Scottish Ministers that it is expedient for any reference to specified provisions of Regulation (EU) No 1169/2011(c) 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, to be construed as a reference to that Regulation as amended from time to time.

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- (a) 1990 c.16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c.40), paragraph 10(3) of Schedule 5 to the Food Standards Act 1999 (c.28) (“the 1999 Act”), and Schedule 2 to the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794). Sections 16(1)(e) and (f) were amended by paragraph 8 of Schedule 5 to the 1999 Act. Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the 1999 Act. Section 17(2) was amended by section 40(1) of and paragraphs 7, 8 and 12 of Schedule 5 to the 1999 Act and S.I. 2011/1043. Section 26(3) was amended by, and partially repealed by, paragraph 1 of Schedule 6 to the 1999 Act. Section 48 was also amended by S.I. 2004/2990. Section 48(1) was amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (c.40), Schedule 6 to the 1999 Act, S.I. 2004/2990 and S.I. 2004/3279. Amendments made by Schedule 5 to the 1999 Act which extend to Scotland shall be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) by virtue of section 49(2) of the 1999 Act. The functions of the Secretary of State, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998. In so far as not transferred, those functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849).
- (b) 1972 c.68. Section 2(2) was amended by paragraph 15(3) of Schedule 8 to the Scotland Act 1998 (c.46) (“the 1998 Act”), section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7). Paragraph 1A of Schedule 2 was inserted by section 28 of the 2006 Act. The powers in section 2(2) of the 1972 Act are exercised as regards the whole or part of regulations 3 to 8 of this instrument. The functions conferred on the Minister of the Crown under section 2(2) of the 1972 Act, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.
- (c) OJ L 304, 22.11.2011, p.18.

So far as the following Regulations are made in exercise of powers under the Food Safety Act 1990, the Scottish Ministers have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A)(a) of that Act.

As required by Article 9 of Regulation (EC) No 178/2002(b) 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, there has been open and transparent public consultation during the preparation and evaluation of the following Regulations.

### **Citation, extent and commencement**

1.—(1) These Regulations may be cited as the Food Information (Scotland) Regulations 2014 and extend to Scotland only.

(2) Except as provided for in paragraphs (3) and (4), these Regulations come into force on 13th December 2014.

(3) The specified FIC provisions in Part 2 of Schedule 3 come into force on 13th December 2016.

(4) Part 2 of Schedule 4, and regulation 13 so far as it relates to that Part of Schedule 4, come into force on 13th December 2018.

### **Interpretation**

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“final consumer” has the meaning given in point 18 of Article 3 of Regulation (EC) No 178/2002 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;

“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;

“food authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(c);

“food business operator” has the meaning given in point 3 of Article 3 of Regulation (EC) No 178/2002 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;

“mass caterer” has the meaning given in Article 2(2)(d) and “mass caterers” must be construed accordingly;

“means of distance communication” has the meaning given in Article 2(2)(u);

“prepacked for direct sale” has the same meaning as in Article 2(2)(e);

“prepacked food” has the meaning given in Article 2(2)(e); and

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(a) Section 48(4A) was inserted by paragraphs 7 and 21 of Schedule 5 to the Food Standards Act 1999.

(b) OJ L 31, 1.2.2002, p.1, last amended by Commission Regulation (EC) No 596/2009 (OJ No L 188, 18.7.2009, p.14).

(c) 1994 c.39. Section 2 was amended by the Environment Act 1995 (c. 25), Schedule 22, paragraph 232(1).

“specified FIC provision” means a provision specified in column 1, as read with column 2, of Schedule 3 to these Regulations.

(2) Except as otherwise provided for—

- (a) any reference in these Regulations to an Article is a reference to an Article of FIC; and
- (b) any reference in these Regulations to an Annex is a reference to an Annex to FIC.

(3) Any reference to FIC, or a provision of FIC (including a reference to an Article of, or Annex to, FIC to which paragraph (2) applies, in a regulation listed in paragraph (4) is a reference to FIC or that provision as amended from time to time.

(4) The provisions referred to in paragraph (3) are—

- (a) regulation 2(1) (interpretation), except for the definition of “FIC”;
- (b) regulation 3 (derogation relating to milk and milk products);
- (c) regulation 4(1) and (3) (derogation relating to minced meat); regulation 5(1),(3),(5) and (6) (foods that are not prepacked etc, containing an allergenic substance or product etc.);
- (d) regulation 6(1) (foods that are not prepacked etc. – general requirement to name them);
- (e) regulation 7(1), (4) and (6) (insofar as this relates to “offered for sale”) (Products that are not prepacked etc. containing meat and other ingredients);
- (f) regulation 8(4)(b) (irradiated foods);
- (g) regulation 10 (offences);
- (h) paragraph 3 of Part 2 of Schedule 1(font size for national mark to be used in case of prepacked food); and
- (i) Schedule 3 (specified FIC provisions).

#### **Derogation relating to milk and milk products**

3. The requirements laid down in Articles 9(1) and 10(1) do not apply to milk or milk products presented in a glass bottle where the glass bottle is intended for reuse.

#### **Derogation relating to minced meat**

4.—(1) The requirements laid down in point 1 of Part B of Annex VI do not prevent minced meat that does not comply with those requirements being placed on the market using the designation ‘minced meat’ if the national mark in Part 1 of Schedule 1 appears on the labelling.

(2) Part 2 of Schedule 1 applies to the form of the national mark.

(3) In paragraph (1)—

“on the labelling” has the same meaning as in point 2 of Part B of Annex VI as read with the definition of “labelling” in Article 2(2)(j); and

“placed on the market” is to be construed taking into account the meaning of “placing on their national market” as used in point 3 of Part B of Annex VI.

#### **Foods that are not prepacked etc. containing an allergenic substance or product etc.**

5.—(1) A food business operator who offers for sale a relevant food to which this regulation applies may provide the particulars specified in Article 9(1)(c) in relation to that food in any manner that they choose, including, subject to paragraph (3), orally.

(2) This regulation applies to a relevant food that is offered for sale to the final consumer or to a mass caterer otherwise than by means of distance communication and that is—

- (a) not prepacked;
- (b) packed on the operator’s premises at the consumer’s request; or
- (c) prepacked for direct sale.

(3) Where a food business operator intends to provide the particulars specified in Article 9(1)(c) relating to a relevant food orally, they must indicate that details of the Annex II substance or product used as an ingredient or processing aid in the manufacture or preparation of the food, or derived from such a substance or product, can be obtained by asking a member of staff.

(4) The indication mentioned in paragraph (3) must be given—

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

(5) In relation to a relevant food to which this regulation applies, the Article 9(1)(c) particulars provided by a food business operator must be provided with a clear reference to the name of the substance or product listed in Annex II where—

- (a) the relevant ingredient or processing aid is derived from a substance or product listed in Annex II; and
- (b) the particulars are made available otherwise than by means provided in FIC.

(6) In this regulation “relevant food” means a food in which an ingredient or processing aid listed in Annex II, or derived from a substance or product listed in Annex II, has been used in its manufacture or preparation and that is still present in the finished product (even if in an altered form).

#### **Foods that are not prepacked etc. – general requirement to name them**

6.—(1) A food business operator who offers for sale a food to which this regulation applies at premises where sales are made to final consumers must provide the particulars required by Article 9(1)(a) (the name of the food) as read with—

- (a) Article 17(1) to (4) and Part A of Annex VI; and
- (b) in the case of food offered for sale using a minced meat designation as a name—
  - (i) Article 17(5) and point 1 of Part B of Annex VI; and
  - (ii) point 3 of Part B of Annex VI as read with regulation 4 and Schedule 1.

(2) This regulation applies to a food that is offered for sale to a final consumer or a mass caterer and is—

- (a) not prepacked;
- (b) packed on the operator’s premises at the consumer’s request; or
- (c) prepacked for direct sale.

(3) This regulation does not apply to a food prepared to be ready for consumption by a final consumer that is offered for sale to a final consumer by a mass caterer (whether at a mass catering establishment where sales are made in person to a final consumer or by means of distance communication) as part of their business as a mass caterer.

(4) The particulars must appear—

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

(5) In this regulation “offered for sale” has the same meaning as in Article 44 and “offers for sale” shall be construed accordingly.

(6) Paragraph (4) does not apply in the case of an offer for sale made by means of distance communication.

#### **Products that are not prepacked etc. containing meat and other ingredients**

7.—(1) A food business operator who offers for sale a product to which this regulation applies at premises where sales are made to final consumers must provide the particulars required by Article

9(1)(d) (quantity of certain ingredients), as read with Article 22 and Annex VIII in respect of the ingredients in the product that are meat.

(2) This regulation applies to a product (other than a food specified in Schedule 2) that contains meat and any other ingredients and that is—

- (a) not prepacked;
- (b) packed on the operator's premises at the consumer's request; or
- (c) prepacked for direct sale.

(3) This regulation does not apply to a product that is offered for sale by a mass caterer at a mass catering establishment in the course of their business as a mass caterer.

(4) The quantity of meat specified in the particulars mentioned in paragraph (1) must be determined taking into account the provisions relating to total fat and connective tissue content in point 17 of Part B of Annex VII, including any downward adjustment needed in a case where the total fat and connective tissue content in the product exceeds the values indicated in the table in that point.

(5) The particulars must appear—

- (a) on a label attached to the product; or
- (b) on a notice, ticket or label that is readily discernible by an intending purchaser at the place where they choose that product.

(6) In this regulation—

“offered for sale” has the same meaning as in Article 44 and “offers for sale” shall be construed accordingly;

“meat” means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue but does not include mechanically separated meat; and

“mechanically separated meat” has the meaning given in point 1.14 of Annex I to Regulation (EC) No 853/2004<sup>(a)</sup> of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin.

## **Irradiated foods**

**8.**—(1) Any person who places on the market, in bulk, a product to which this paragraph applies must ensure that the relevant indication appears, together with the name of the product, on a display or notice above or beside the container in which the products are placed on the market.

(2) Paragraph (1) applies to—

- (a) a product intended for the ultimate consumer or mass caterers that has been treated with ionising radiation; and
- (b) a product intended for the ultimate consumer or mass caterers that contains an ingredient that has been treated with ionising radiation.

(3) Any person who places on the market a product to which this paragraph applies must ensure that the relevant indication appears in the list of ingredients of that product to indicate the irradiated ingredient.

(4) Paragraph (3) applies to a product intended for the ultimate consumer or mass caterers—

- (a) containing a compound ingredient in a case where an ingredient of that compound ingredient has been treated with ionising radiation; and
- (b) to which in relation to that compound ingredient the provisions of point 2 of Part E of Annex VII (setting out cases where a list of ingredients for compound ingredients is not compulsory) would, but for the requirement in paragraph (3), apply.

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<sup>(a)</sup> OJ L 139, 30.4.2004, p.55 last amended by Commission Regulation (EU) No 218/2014 (OJ No L 69, 8.3.2014, p.95).

- (5) The relevant indication is the word ‘irradiated’ or the words ‘treated with ionising radiation’.
- (6) In this regulation—
- “in bulk” has the same meaning as in Article 6 of Directive 1999/2/EC<sup>(a)</sup> of the European Parliament and of the Council on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation;
- “ionising radiation” has the same meaning as in Directive 1999/2/EC of the European Parliament and of the Council;
- “places on the market” is to be construed taking into account the meaning of “placed on the market” as used in Article 2 of Directive 1992/2/EC; and
- “product” has the same meaning as in Directive 1999/2/EC of the European Parliament and of the Council.
- (7) This regulation does not apply to—
- (a) a product exposed to ionising radiation generated by measuring or inspection devices, provided the dose absorbed is not greater than 0.01 Gy for inspection devices which utilise neutrons and 0.5 Gy in other cases, at a maximum radiation energy level of 10 MeV in the case of X-rays, 14 MeV in the case of neutrons and 5 MeV in other cases; and
- (b) a product which is prepared for patients requiring sterile diets under medical supervision.

### **Enforcement**

9. It is the duty of each food authority to enforce these Regulations within its area.

### **Offences**

10. A person is guilty of an offence if the person fails to comply with—

- (a) any specified FIC provision;
- (b) regulation 5(3), (4) or (5);
- (c) regulation 6(1) as read with 6(4);
- (d) regulation 7(1) as read with 7(5); or
- (e) regulation 8(1) or (3).

### **Penalty**

11. A person guilty of an offence under regulation 10 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Application of provisions of the Act**

12.—(1) 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 3 (presumptions that food intended for human consumption);
- (b) section 30(8) (which relates to documentary evidence);
- (c) section 33 (obstruction etc. of officers);

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(a) OJ L 66, 13.3.1999, p.16, last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council (OJ No L 311, 21.11.2008, p.1).

- (d) section 35(1) (punishment of offences)(a) insofar as it relates to offences under section 33(1) and section 35(2) and (3)(b) insofar as they relate to offences under section 33(2), all as applied by paragraph (c);
- (e) section 36 (offences by bodies corporate);
- (f) section 36A (offences by Scottish partnerships)(c); and
- (g) section 44 (protection of officers acting in good faith).

(2) The following provisions of the Act apply for the purposes of these Regulations with the modifications specified—

- (a) section 20 (offences due to fault of another person) for “any of the preceding provisions of this Part” substitute “regulation 10 of the Food Information (Scotland) Regulations 2014”;
- (b) section 21 (defence of due diligence)(d)—
  - (i) in subsection (1) for “any of the preceding provisions of this Part” substitute “regulation 10 of the Food Information (Scotland) Regulations 2014; and
  - (ii) subsections (2) to (4) apply in relation to an offence under regulation 10 as they apply in relation to an offence under section 14 or 15;
- (c) section 22 (defence of publication in the course of business) for “any of the preceding provisions of this Part” substitute “regulation 10 of the Food Information (Scotland) Regulations 2014”.

(3) In section 32 (powers of entry) the modifications in sub-paragraphs (a) and (b) below apply for the purposes in sub-paragraph (c)—

- (a) in section 32(1)(a) for “this Act, or of regulations or orders made under it” substitute “Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision to consumers specified in Schedule 3 to the Food Information (Scotland) Regulations 2014”;
- (b) omit section 32(1)(c);
- (c) the purposes are enabling an authorised officer of a food authority—
  - (i) to exercise a power of entry to ascertain whether there is, or has been, any contravention of a specified FIC provision;
  - (ii) to exercise a power of entry to ascertain whether there is any evidence of any contravention of such a provision; and
  - (iii) where exercising a power of entry under the applied section 32 provisions, to exercise the associated powers in subsections (5) and (6) relating to records;
- (d) this paragraph is without prejudice to the application of the provisions of the Act for purposes other than those specified; and
- (e) the purposes in (c) do not include any powers of entry relating to a contravention of Article 9(1)(e) of FIC.

## Revocations

13. The Regulations specified in Schedule 4 are revoked to the extent specified.

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(a) Section 35(1) is amended by the Criminal Justice Act 2003 (c.44), Schedule 26, paragraph 42, from a date to be appointed.  
 (b) Section 35(3) was amended by S.I. 2004/3279.  
 (c) Section 36A was inserted by paragraphs 7 and 16 of Schedule 5 to the Food Standards Act 1999 (c.28).  
 (d) Section 21 was amended by S.I. 2004/3279.



**Consequential and other amendments**

**14.** Schedule 5 has effect.

St Andrew's House,  
Edinburgh  
12th November 2014

*MICHAEL MATHESON*  
Authorised to sign by the Scottish Ministers

## SCHEDULE 1

Regulation 4(1)

Mark to be used on minced meat to which the derogation in regulation 4 applies

### PART 1

The national mark

■ For UK market only

### PART 2

Specifications for the national mark

1. Any type of font may be used for the national mark so long as it is clearly legible.
2. Any colour font may be used for the national mark so long as it is easily visible.
3. In the case of prepacked food, the font size used for the national mark must not be smaller than—
  - (a) in the case of packages and containers of a size to which Article 13(3) of FIC applies, the font size required for mandatory particulars under Article 13(3) of FIC; and
  - (b) in the case of other packages and containers, the font size required for mandatory particulars under Article 13(2) of FIC.

## SCHEDULE 2

Regulation 7

### Foods that are not products to which regulation 7(1) applies

1. Raw meat to which no ingredient other than proteolytic enzymes has been added.
2. Frozen and quick-frozen chicken to which Article 15 of Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat<sup>(a)</sup> applies and the water content of which does not exceed the technically unavoidable values determined as provided for in that Article.
3. Fresh, frozen and quick-frozen poultry cuts to which Article 20 of Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat applies and the water content of which does not exceed the technically unavoidable values determined as provided for in that Article 20.
4. Sandwiches, filled rolls and filled products of a similar nature to sandwiches and filled rolls, which are ready for consumption without further processing, except for products containing meat which are sold under the name (whether or not qualified by other words) “burger”, “economy burger” or “hamburger”.
5. Pizzas and similar topped products.
6. Any food for which the name is “broth”, “gravy” or “soup”, whether or not qualified by other words.
7. A food consisting of an assemblage of two or more ingredients that has not been subjected to any processing or treatment once it has been assembled, and which is sold to the final consumer as an individual portion intended to be consumed without further processing or treatment.

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(a) OJ L 157, 17.6.2008, p.46, last amended by Regulation (EU) No 1308/2013 of the European Parliament and of the Council (OJ No L 347, 20.12.2013, p.671).

## SCHEDULE 3

Regulations 1(2) and (3),  
2(1) and 10

### Specified FIC provisions

#### PART 1

Specified FIC provisions applying on and from 13th December 2014

<i>Relevant provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
Article 6 (basic requirement for food information to accompany food)	Articles 1(3) and the first paragraph of Article 54(1), and, as appropriate, the other Articles of FIC listed in column 1 and Articles 30(2) and (3)
Article 7(1) (prohibition on misleading information), except so far as it applies to misleading information relating to quantity	Articles 1(3), 6 and 7(4) and the first paragraph of Article 54(1)
Article 7(2) (requirement for accurate, clear and easy to understand information)	Articles 1(3), 6 and 7(4) and the first paragraph of Article 54(1)
Article 7(3) (prohibition on food information attributing health benefits to any food subject to certain derogations)	Articles 1(3), 6 and 7(4) and the first paragraph of Article 54(1)
Article 8(2) (requirement for a food business operator to ensure the presence and accuracy of food information)	Articles 1(3) and 6 and the first paragraph of Article 54(1)
Article 8(3) (requirement for a food business operator not to supply non-compliant food)	Articles 1(3) and the first paragraph of Article 54(1)
Article 8(4) (restrictions on the modification of information accompanying a food)	Articles 1(3) and 6 and the first paragraph of Article 54(1)
Article 8(5) (obligation to ensure and verify compliance with food information law etc.)	Articles 1(3) and 6 and the first paragraph of Article 54(1)
Article 8(6) (requirement to transmit information relating to non-prepacked foods)	Articles 1(3) and 6 and the first paragraph of Article 54(1)
Article 8(7) (requirement relating to the mandatory particulars required by Articles 9 and 10)	Articles 1(3), 6, 9, 10 and the first paragraph of Article 54(1)
Article 8(8) (requirement for a food business operator to provide sufficient information to other food business operators)	Articles 1(3) and 6 and the first paragraph of Article 54(1)
Article 9(1)(a) (mandatory indication relating to the name of the food)	Articles 1(3), 6, 9(2), 16(1) and (2), 17, 22(1)(a) and 40 and the first paragraph of Article 54(1), Annex VI and regulation 3

<i>Relevant provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
Article 9(1)(b) (mandatory indication relating to the list of ingredients)	Articles 1(3), 6, 9(2), 11 and 16(1) and (2), the first paragraph of Article 16(4), Articles 18, 19(1), 20 and 40, and the first paragraph of Article 54(1), Annexes VI and VII and regulation 3
Article 9(1)(c) (mandatory indication relating to ingredients and processing aids causing allergies or intolerances)	Articles 1(3), 6, 9(2), 11, 16(1) and (2), 18(1), 21(1) and 40 and the first paragraph of Article 54(1), Annex II and regulation 3
Article 9(1)(d) (mandatory indication relating to the quantity of certain ingredients or categories of ingredients)	Articles 1(3), 6, 9(2), 11, 16(1) and (2), 22 and 40, and the first paragraph of Article 54(1), Annex VIII and regulation 3
Article 9(1)(f) (mandatory indication relating to date of minimum durability or the “use by” date)	Articles 1(3), 6, 9(2), 16(1) and (2), 24 and 40 and the first paragraph of Article 54(1), points 1 and 2 of Annex X and regulation 3
Article 9(1)(g) (mandatory indication relating to any special storage conditions, the conditions of use, or both)	Articles 1(3), 6, 9(2), 16(1) and (2), 25 and 40 and the first paragraph of Article 54(1) and regulation 3
Article 9(1)(h) (mandatory indication relating to the name or business name and address of the food business operator)	Articles 1(3), 6, 8(1), 9(2), 16(1) and (2) and 40 and the first paragraph of Article 54(1) and regulation 3
Article 9(1)(i) (mandatory indication relating to country of origin or place of provenance)	Articles 1(3), 6, 9(2), 16(1) and (2), 26(1) and (2), and 40, and the first paragraph of Article 54(1) and regulation 3
Article 9(1)(j) (mandatory indication relating to instructions for use)	Articles 1(3), 6, 9(2), 16(1) and (2), 27 and 40 and the first paragraph of Article 54(1) and regulation 3
Article 9(1)(k) (mandatory indication relating to the actual alcoholic strength of beverages containing more than 1.2% by volume of alcohol)	Articles 1(3), 6, 9(2), 11, 16(1) and (2) and 28, and the first paragraph of Article 54(1) and Annex XII
Article 10(1) (additional mandatory particulars for specific types of food)	Articles 1(3) and 6 and the first paragraph of Article 54(1) and Annex III
Article 12(1) (availability and placement of mandatory food information)	Articles 1(3) and 6 and the first paragraph of Article 54(1), and Article 12(2) for pre-packed foods, Articles 12(5) and 44 for non-prepacked foods and Articles 14 and 44 for foods offered for sale by means of distance communication
Article 13(1) (general requirement for the presentation of mandatory particulars)	Articles 1(3) and 6, the first paragraph of Article 54(1) and, in the case of foods that are not prepacked etc. containing an allergenic substance or product etc., regulation 5

<i>Relevant provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
Article 13(2) (requirement relating to the presentation of mandatory particulars referred to in Article 9(1)(a) to (l))	Articles 1(3) and 6, the first paragraph of Article 54(1) and Annex IV, and, in relation to Article 13(2) as it applies to the presentation of a mandatory nutrition declaration, the second paragraph of Article 55
Article 13(3) (font size of mandatory particulars on smaller packages)	Articles 1(3) and 6 and the first paragraph of Article 54(1)
Article 13(5) (field of vision requirements)	Articles 1(3), 6, 13(6) and 16(1) and (2) and the first paragraph of Article 54(1)
Article 14(1) (distance selling of prepacked foods relating to mandatory food information available before conclusion of a purchase and mandatory particulars available at the moment of delivery)	Articles 1(3), 6, 9 and 14(3) and the first paragraph of Article 54(1)
Article 14(2) (distance selling of non-prepacked foods)	Articles 1(3), 6, 14(1) and 44 and the first paragraph of Article 54(1)
Article 15(1) (language requirements)	Articles 1(3) and 6 and the first paragraph of Article 54(1)
Article 17(1) (name of food)	Articles 1(3), 6 and 9(1) and the first paragraph of Article 54(1) and regulation 4 and Schedule 1
Article 17(2) (use of the name used for food in member State of production in another member State: need for other descriptive information in addition to the name of the food in certain cases)	Articles 1(3), 6, 9(1) and 17(1) and the first paragraph of Article 54(1)
Article 17(3) (prohibition in certain exceptional cases of the use of a name used for a food in a member State of production when marketing that food in another member State)	Articles 1(3), 6, 9(1) and 17(1) and (2) and the first paragraph of Article 54(1)
Article 17(4) (prohibition against replacing the name of a food with another name)	Articles 1(3) and 6 and the first paragraph of Article 54(1)
Article 17(5), except so far as it applies to the specific requirements in Part B of Annex VI concerning the designation “minced meat” (requirements on the name of a food and particulars that must accompany it)	Articles 1(3) and 6 and the first paragraph of Article 54(1) and Annex VI

<i>Relevant provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
Article 18(1) (list of ingredient requirements)	Articles 1(3), 6, 18(4), 19(1) and 20, the first paragraph of Article 54(1), Annex VII, regulation (8) and the first paragraph of paragraph 5 of Article 3 of Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption <sup>(a)</sup>
Article 18(2) (requirement to designate ingredients by their specific name)	Articles 1(3), 6, 17, 18(4) and 19(1), the first paragraph of Article 54(1) and Annexes VI and VII
Article 18(3) (requirement relating to nanomaterial ingredients)	Articles 1(3) and 6 and the first paragraph of Article 54(1)
Article 21(1) (requirements relating to certain substances or products that cause an allergy or intolerance)	Articles 1(3), 6, 9(1)(c) and 18(1), the first paragraph of Article 54(1), Annex II and, in the case of foods that are not prepacked etc. containing an allergenic substance or product etc., regulation 5
Article 22(1) (requirement relating to the need to provide a quantitative indication of an ingredient)	Articles 1(3), 6 and 22(2), the first paragraph of Article 54(1) and Annex VIII
Article 22(2) (technical rules for quantitative indication of ingredients).	Articles 1(3), 6 and 22(1), the first paragraph of Article 54(1) and Annex VIII
Article 24(1), first sentence (requirement relating to “use by” dates)	Articles 1(3) and 6 and the first paragraph of Article 54(1)
Article 24(2) (requirement to express minimum durability date, “use by date” and date of freezing in a particular way)	Articles 1(3) and 6, the first paragraph of Article 54(1) and Annex X
Article 25(1) (requirement for special storage conditions or conditions for use, or both, to be indicated on food)	Articles 1(3) and 6 and the first paragraph of Article 54(1)
Article 25(2) (requirement to indicate appropriate storage conditions or time within which food should be consumed after the packaging containing the food is opened or both)	Articles 1(3) and 6 and the first paragraph of Article 54(1)
Article 26(2)(a) (requirement for a mandatory indication relating to country of origin or place of provenance in certain cases, where failure to might mislead consumer)	Articles 1(3) and 6, the first paragraph of Article 54(1) and Annex XI
Article 27(1) (instructions for food use indication)	Articles 1(3) and 6 and the first paragraph of Article 54(1)

(a) OJ No L 10, 12.1.2002, p.58, last amended by Directive 2012/12/EU of the European Parliament and of the Council (OJ No L 115, 27.4.2012, p.1).

<i>Relevant provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
Article 28(2) (alcoholic strength by volume indication for beverages containing more than 1.2% volume of alcohol)	Articles 1(3) and 6, the first paragraph of Article 54(1) and Annex XII
Article 30(1) (content of mandatory nutrition declaration)	Articles 1(3), 6, 29, 31(1) (as read with Annex XIV) and 31(3), the first paragraph of Article 31(4), Articles 32(1) (as read with Annex XV), 32(2), 33(1) and 35(1) and the first paragraph of Article 54(1)
Article 31(1) (conversion factors to be used for calculation of energy value)	Articles 1(3) and 6, the first paragraph of Article 54(1) and Annex XIV
Article 31(3), first subparagraph (requirement for energy value and amounts of nutrients to be those of the foods as sold except as provided for in the second subparagraph of Article 31(3))	Articles 1(3), 6 and 30(1) to (5) and the first paragraph of Article 54(1)
Article 31(4), first subparagraph (requirement for declared values to be average values based on a methodology set out in the first subparagraph of Article 31(4))	Articles 1(3) and 6 and the first paragraph of Article 54(1)
Article 32(1) (requirement to use the measurement units listed in Annex XV for energy value and amount of nutrients)	Articles 1(3) and 6, the first paragraph of Article 54(1) and Annex XV
Article 32(2) (energy value and amount of nutrients to be expressed per 100 grams or per 100 millilitres)	Articles 1(3), 6, 33(1), (2) and (3), the first paragraph of Article 54(1) and Part B of Annex XIII
Article 32(3) (declaration relating to vitamins and minerals also to be expressed as a percentage of reference intakes per 100 grams or per 100 millilitres)	Articles 1(3), 6 and 30(2)(f), the first paragraph of Article 54(1) and Part A of Annex XIII
Article 32(5) (requirement for additional statement relating to the reference intake of an average adult)	Articles 1(3), 6 and 32(4) (as read with Part B of Annex XIII) and the first paragraph of Article 54(1)
Article 33(1) (requirements in cases where energy value and amount of nutrients may be expressed per portion, per consumption unit, or both per portion and per consumption unit, in addition to, or instead of, per 100 grams or per 100 millilitres)	Articles 1(3), 6 and 32(2), (3) and (4) and the first paragraph of Article 54(1)
Article 33(2), second subparagraph (requirement for energy value to be expressed both per 100 grams or per 100 millilitres and per portion or consumption unit where information on energy, fat, saturates, sugars and salt is repeated voluntarily in the principal field of vision, and the amounts of the nutrients are expressed on a per portion or per consumption unit basis only)	Articles 1(3), 6, 30(3)(b), 32(2), the first paragraph of Article 33(2) and the first subparagraph of Article 54(1)



<i>Relevant provision of FIC</i>	<i>Provisions to be read with the provisions of FIC</i>
Article 33(4) (requirement for the portion or unit used to be in close proximity to the nutrition declaration)	Articles 1(3), 6 and 33(1) and the first paragraph of Article 54(1)
Article 34(1) (presentation of mandatory nutrition declaration and any supplementary information provided in accordance with Article 30(1) and (2) – field of vision, format and order of presentation)	Articles 1(3), 6 and 30(1) and (2), the first paragraph of Article 54(1) and Annex XV
Article 34(2) (presentation of mandatory nutrition declaration and any supplementary information provided in accordance with Article 30(1) and (2) – format and alignment of numbers)	Articles 1(3), 6, and 30(1) and (2), the second paragraph of Article 34(3), Article 34(4) and the first paragraph of Article 54(1)
Article 34(3), first subparagraph (presentation of nutrition information in a case where certain mandatory nutrition information is repeated in accordance with Article 30(3))	Articles 1(3), 6 and 30(3), the second paragraph of Article 34(3) and the first paragraph of Article 54(1)
Article 34(5), first subparagraph (requirement for indication of negligible energy value or amount of nutrients, where used, to be in close proximity to the nutrition declaration, when present)	Articles 1(3), 6 and 30(1) to (5), 48(2) and the first paragraph of Article 54(1)
Article 35(1) (requirements relating to energy value and the amount of nutrients used where additional forms of expression and presentation are used)	Articles 1(3), 6, 7, 30(1) to (5), 32(2) and (4), 33 and 34(2), the first paragraph of Article 54(1) and Annex VIII and XIII
Article 36(1) (requirements that voluntary information must comply with)	Articles 1(3), 6, 9, 10 and the first paragraph of Article 54(1) and sections 2 and 3 of Chapter IV
Article 36(2) (additional requirements that voluntary information must comply with)	Articles 1(3), 6 and 7 and the first paragraph of Article 54(1)
Article 37 (presentation of voluntary food information – no detriment to space availability)	Articles 1(3) and 6 and the first paragraph of Article 54(1)
Article 44(1)(a) (provision of allergen information for non-packaged food)	Articles 1(3), 6 and 9(1)(c), 10 and the first paragraph of Article 54(1) and regulation 5
Article 54(2) (requirement to comply with provisions relating to content, calculation, expression and presentation when nutrition information is provided on a voluntary basis during the period on and from 13th December 2014 to and including 12th December 2016)	Articles 1(3), 6 and 30 to 35

## PART 2

Specified FIC provision applying on and from 13th December 2016

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<i>Relevant provision of FIC</i>	<i>Provisions to be read with the provision of FIC</i>
Article 9(1)(1) (mandatory nutrition declaration)	Articles 1(3), 6, 9(2), 11 and 16, section 3 of Chapter IV, Article 40 and the second subparagraph of Article 54(1), the second subparagraph of Article 55, Annex V and regulation 3

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SCHEDULE 4      Regulations 1(2) and (4) and 13  
Revocations

PART 1

Revocations coming into force on 13th December 2014

<i>Reference</i>	<i>Extent of revocation</i>
The Food Labelling Regulations 1996 <b>(a)</b>	The whole Regulations except for the purposes of the following provisions in those Regulations— <ul style="list-style-type: none"> <li>(a) Regulation 43;</li> <li>(b) Regulation 42(1) for the purposes of the entries in Part I of Schedule 8 relating to the descriptions “alcohol-free”, “dealcoholised”, “low alcohol” (or any other word or description which implies that the drink being described is low in alcohol) and “non-alcoholic”;</li> <li>(c) Regulation 42(2) to (4);</li> <li>(d) the entries in Part I of Schedule 8 relating to the descriptions “alcohol-free”, “dealcoholised”, “low alcohol” (or any other word or description which implies that the drink being described is low in alcohol) and “non-alcoholic”; and</li> <li>(e) Parts II and III of Schedule 8.</li> </ul>
The Bread and Flour Regulations 1998 <b>(b)</b>	Regulations 5(3) and 11.
The Food Labelling (Amendment) Regulations 1998 <b>(c)</b>	The whole Regulations except for regulations 2 and 11.
The Food Labelling (Amendment) Regulations 1999 <b>(d)</b>	The whole Regulations except for regulations 2 and 11.
The Miscellaneous Food Additives (Amendment) Regulations 1999 <b>(e)</b>	In regulation 14(1), the words “the Food Labelling Regulations 1996”, and the whole of regulation 14(3).

**(a)** S.I. 1996/1499, as amended by S.I. 1998/141, 1398, 1999/747, 1136, 1483, 1603, 2000/768, 2254, 3323, 2003/461, 474, 1563, 1596, 1659, 2075, 2243, 2647, 3120, 2004/1512, 2824, 2005/899, 2626, 2006/14, 2007/2080, 2008/1188, 1317, 2009/2538, 3235, 2010/295, 2225, 2817, 2011/402, 1043, 2936, 2013/1466, 2210, 3235 and these Regulations.

**(b)** S.I. 1998/141, to which there are amendments not relevant to these Regulations.

**(c)** S.I. 1998/1398.

**(d)** S.I. 1999/747.

**(e)** S.I. 1999/1136, to which there are amendments not relevant to these Regulations.

<i>Reference</i>	<i>Extent of revocation</i>
The Food Labelling (Amendment) (No. 2) Regulations 1999 <b>(a)</b>	The whole Regulations.
The Contaminants in Food (Amendment) Regulations 1999 <b>(b)</b>	The whole Regulations.
The Food Irradiation Provisions (Scotland) Regulations 2000 <b>(c)</b>	The whole Regulations.
The Coffee Extracts and Chicory Extracts (Scotland) Regulations 2001 <b>(d)</b>	Regulation 11(1) and (2)(g).
The Food Labelling (Amendment) (Scotland) Regulations 2003 <b>(e)</b>	The whole Regulations.
The Specified Sugar Products (Scotland) Regulations 2003 <b>(f)</b>	Regulation 11(h).
The Cocoa and Chocolate Products (Scotland) Regulations 2003 <b>(g)</b>	Regulation 12(h).
The Food Labelling Amendment (Scotland) Regulations 2003 <b>(h)</b>	The whole Regulations.
The Food Labelling Amendment (Scotland) Regulations 2004 <b>(i)</b>	The whole Regulations.
The Food Labelling Amendment (Scotland) (No. 2) Regulations 2004 <b>(j)</b>	The whole Regulations.
The Food with Added Phytosterols or Phytostanols (Labelling) (Scotland) Regulations 2005 <b>(k)</b>	The whole Regulations.
The Food Labelling Amendment (Scotland) Regulations 2005 <b>(l)</b>	The whole Regulations.
The Food Hygiene (Scotland) Regulations 2006 <b>(m)</b>	In Schedule 7, paragraphs 12 to 18
The Nutrition and Health Claims (Scotland) Regulations 2007 <b>(n)</b>	Regulation 8.

**(a)** S.I. 1999/1483.

**(b)** S.I. 1999/1603.

**(c)** S.S.I. 2000/309, as amended by S.S.I. 2009/261.

**(d)** S.S.I. 2001/38, to which there are amendments not relevant to these Regulations.

**(e)** S.S.I. 2003/578.

**(f)** S.S.I. 2003/527, to which there are amendments not relevant to these Regulations.

**(g)** S.S.I. 2003/291.

**(h)** S.S.I. 2003/578.

**(i)** S.S.I. 2004/269.

**(j)** S.S.I. 2004/472.

**(k)** S.S.I. 2005/1.

**(l)** S.S.I. 2005/222.

**(m)** S.S.I. 2006/3 to which there are amendments not relevant to these Regulations.

**(n)** S.S.I. 2007/383 to which there are amendments not relevant to this revocation.

<i>Reference</i>	<i>Extent of revocation</i>
The Food Labelling (Declaration of Allergens) (Scotland) Regulations 2008 <b>(a)</b>	The whole Regulations.
The Drinking Milk (Scotland) Regulations 2011 <b>(b)</b>	Regulation 8.
The Food Labelling (Nutrition Information) (Scotland) Regulations 2009 <b>(c)</b>	The whole Regulations.
The Food Enzymes (Scotland) Regulations 2009 <b>(d)</b>	Regulation 7.
The Flavourings in Food (Scotland) Regulations 2010 <b>(e)</b>	Regulation 7.
The Eggs and Chicks (Scotland) Amendment Regulations 2010 <b>(f)</b>	Regulation 19.
The Food Labelling (Declaration of Allergens) (Scotland) Regulations 2011 <b>(g)</b>	The whole Regulations.
The Materials and Articles in Contact with Food (Scotland) Regulations 2012 <b>(h)</b>	Regulation 29.
The Food Additives, Flavourings, Enzymes and Extraction Solvents (Scotland) Regulations 2013 <b>(i)</b>	Regulation 18(1).
The Single Common Market Organisation (Consequential Amendments) Regulations 2013 <b>(j)</b>	Regulation 6(2)(b), (c), (f), (h) and (i), (3), (5) and (6).

## PART 2

### Revocations coming into force on 13th December 2018

<i>Reference</i>	<i>Extent of revocation</i>
The Food Labelling Regulations 1996	The remainder of the Regulations.
The Food Labelling (Amendment) Regulations 1998	Regulation 11.
The Wine Regulations 2011 <b>(k)</b>	Regulation 19(3).

**(a)** S.S.I. 2008/180.

**(b)** S.S.I. 2011/84, to which there are amendments not relevant to this revocation.

**(c)** S.S.I. 2009/328.

**(d)** S.S.I. 2009/435, amended by S.S.I. 2013/266; there are other amending instruments but none are relevant.

**(e)** S.S.I. 2010/439.

**(f)** S.S.I. 2010/450.

**(g)** S.S.I. 2011/152.

**(h)** S.S.I. 2012/318.

**(i)** S.S.I. 2013/266.

**(j)** S.I. 2013/3235

**(k)** S.I. 2011/2936.

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<i>Reference</i>	<i>Extent of revocation</i>
The Single Common Market Organisation (Consequential Amendments) Regulations 2013	Regulation 6.

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## Consequential and other amendments

Consequential and other amendments that have effect on 13th December 2014

**The Quick-frozen Foodstuffs Regulations 1990**

1. The Quick-frozen Foodstuffs Regulations 1990(a) are amended as follows—
  - (a) in regulation 2(1)—
    - (i) omit the definition of “catering establishment”;
    - (ii) insert the following definition in its alphabetical place—

““mass caterer” has the meaning given by Article 2(2)(d) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers;”;
    - (iii) in the definition of “prepackaging”, for “the Food Labelling Regulations 1996”, substitute “Article 2(2)(e) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”; and
    - (iv) substitute the definition of “ultimate consumer” with the following definition—

““ultimate consumer” has the same meaning as “final consumer” in point 18 of Article 3 of Regulation (EC) No 178/2002.”; and
  - (b) in regulation 5(2) and (4), and in paragraph 2(d) of Schedule 1, for “catering establishment”, substitute “mass caterer”.

**The Food Labelling Regulations 1996**

2. The Food Labelling Regulations 1996(b) are amended as follows—
  - (a) In Schedule 8 (misleading descriptions), Part I—
    - (i) in column 2 of the entry relating to the description “alcohol-free”, for sub-paragraph (b) substitute—

“(b) the drink is marked or labelled with—

      - (i) an indication of its maximum alcoholic strength in a form comprising of the words “not more than” followed by a figure to more than one decimal place indicating its maximum alcoholic strength and the symbol “% vol.” (required form 1), “alcohol % vol.” (required form 2), or “alc. % vol.” (required form 3), or
      - (ii) in an appropriate case an indication that it contains no alcohol.”;
    - (ii) in column 2 of the entry relating to the description “dealcoholised”, for subparagraph (b) substitute—

“(b) the drink is marked or labelled with—

      - (i) an indication of its maximum alcoholic strength in required form 1,2 or 3; or
      - (ii) in an appropriate case, an indication that it contains no alcohol.”; and

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(a) S.I. 1990/2615, as amended by S.I. 1996/1499 and S.S.I. 2007/106.

(b) S.I. 1996/1499, as amended by 2011/2936 and to which there are other amendments not relevant to these amendments.

- (iii) in column 2 of the entry relating to the description “low alcohol” (or any other word or description which implies that the drink being described is low in alcohol), for subparagraph (b) substitute—

“(b) an indication of its maximum alcoholic strength in required form 1, 2 or 3.”.

### **The Food (Lot Marking) Regulations 1996**

**3.** The Food (Lot Marking) Regulations 1996(a) are amended, as follows—

(a) in regulation 2—

- (i) omit the definition of “edible ice”;
- (ii) in the definition of “first seller established within the European Union”, for “Council Directive 89/396/EEC”(b), substitute “Directive 2011/91/EU of the European Parliament and of the Council on indications or marks identifying the lot to which a foodstuff belongs”(c)
- (iii) omit the definition of “the Food Labelling Regulations” and the words “and “indication of minimum durability”, “use by date” and “ultimate consumer” have the same meanings as in those Regulations;” following that definition;
- (iv) omit the definition of “prepacked” and the words “and “prepacking” shall be construed accordingly;” following that definition;

(v) insert the following definitions in their alphabetical place—

““date of minimum durability” has the meaning given in Article 2(2)(r) of Regulation (EU) No 1169/2011;”;

““ice cream” has the same meaning as in Directive 2011/91/EU of the European Parliament and of the Council on indications or marks identifying the lot to which a foodstuff belongs;”;

““prepacked food” has the meaning given in Article 2(2)(e) of Regulation (EU) No 1169/2011 and “prepacking” must be construed accordingly;”;

““Regulation (EU) No 1169/2011” 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;”;

““ultimate consumer” has the same meaning as “final consumer” in point 18 of Article 3 of Regulation (EC) No 178/2002 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”;

““use by date” has the same meaning as in Regulation (EU) No 1169/2011.”; and

- (vi) in the definition of “prepacked for immediate sale”, for “the Food Labelling Regulations”, substitute “Regulation (EU) No 1169/2011”;

(b) in regulation 4(e) for “edible ice”, substitute “ice cream”; and

(c) in regulation 4(g)—

- (i) for “an indication of minimum durability”, substitute “the date of minimum durability”; and

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(a) S.I. 1996/1502.

(b) OJ No L 186, 30.6.1989, p.21, repealed by Directive 2011/91/EU (OJ No L 334, 16.12.2011, p.1).

(c) OJ No L 334, 16.12.2011, p.1.



- (ii) for “the Food Labelling Regulations require”, substitute “Regulation (EU) No 1169/2011 requires”.

#### **The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997**

4. In regulation 3(b) of the Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997(a), for “Tables A and B of Part II of Schedule 6 to the Food Labelling Regulations 1996”, substitute “point 1 of Part A of Annex XIII to Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”.

#### **The Bread and Flour Regulations 1998**

5. The Bread and Flour Regulations 1998(b) are amended as follows—

- (a) in regulation 2(1)—
  - (i) in the definition of “ingredient”, for “the Food Labelling Regulations 1996”, substitute “Article 2(2)(f) of Regulation (EU) No 1169/2011”;
  - (ii) in the definition of “labelling”, for “the Food Labelling Regulations 1996”, substitute “Article 2(2)(j) of Regulation (EU) No 1169/2011”;
  - (iii) omit the definition of “the labelling regulations”; and
  - (iv) insert the following definition in its alphabetical place—

““Regulation (EU) No 1169/2011” 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; and”;
- (b) omit regulation 5(3).

#### **The Coffee Extracts and Chicory Extracts (Scotland) Regulations 2001**

6. The Coffee Extracts and Chicory Extracts (Scotland) Regulations 2001(c) are amended as follows—

- (a) in regulation 2(1)—
  - (i) omit the definition of “the 1996 Regulations”; and
  - (ii) insert the following definition in its alphabetical place—

““Regulation (EU) No 1169/2011” 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;”;

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(a) S.I. 1997/2182, to which there are amendments not relevant to these Regulations.  
(b) S.I. 1998/141, to which there are amendments not relevant to these Regulations.  
(c) S.S.I. 2001/38, to which there are amendments not relevant to these Regulations.

- (b) in regulation 5(1)—
  - (i) in the introductory wording, for “the 1996 Regulations”, substitute “Regulation (EU) No 1169/2011”;
  - (ii) in subparagraph (a), for “regulation 6(1) of the 1996 Regulations”, substitute “Article 17 of Regulation (EU) No 1169/2011”; and
  - (iii) in subparagraph (c), for “the 1996 Regulations”, substitute “Article 17 of Regulation (EU) No 1169/2011”; and
- (c) omit regulation 6.

### **The Food Supplements (Scotland) Regulations 2003**

7. The Food Supplements (Scotland) Regulations 2003(a) are amended as follows—

- (a) in regulation 2(1)—
  - (i) omit the definition of “Directive 90/496”; and
  - (ii) insert the following definition in its alphabetical place—
 

““Regulation (EU) No 1169/2011” 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;”;
- (b) regulation 6 is amended as follows—
  - (i) in paragraph (2) for “the Food Labelling Regulations 1996” substitute “Regulation (EU) No 1169/2011”; and
  - (ii) in paragraph 3(e) for “the Annex to Directive 90/496” substitute “point 1 of Part A of Annex XIII to Regulation (EU) No 1169/2011 and for “relevant recommended daily allowance specified in that Annex” substitute “relevant reference value specified in that point”; and
- (c) in regulation 7(1), for “regulation 5(a), (c) and (e) of the Food Labelling Regulations 1996”, substitute “Article 9(1)(a), (f), (g) and (h) of Regulation (EU) No 1169/2011”.

### **The Specified Sugar Products (Scotland) Regulations 2003**

8. The Specified Sugar Products (Scotland) Regulations 2003(b) are amended as follows—

- (a) in regulation 2, omit the definition of “the 1996 Regulations”;
- (b) in regulation 5, for “Part II of the 1996 Regulations”, substitute “Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”;
- (c) omit regulation 6; and
- (d) in Schedule 2, omit the entry relating to the Food Labelling Regulations 1996.

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(a) S.S.I. 2003/278, amended by S.S.I. 2009/438 and to which there are other amendments not relevant to these Regulations.

(b) S.S.I. 2003/527, to which there are other amendments not relevant to these Regulations.

### **The Cocoa and Chocolate Products (Scotland) Regulations 2003**

9. The Cocoa and Chocolate Products (Scotland) Regulations 2003(a) are amended as follows—

- (a) in regulation 2(1)—
  - (i) omit the definition of “the 1996 Regulations”; and
  - (ii) insert the following definition in its alphabetical place—

““Regulation (EU) No 1169/2011” 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;”;
- (b) in regulation 5—
  - (i) at the end of paragraph (b), omit “or”;
  - (ii) for the full stop at the end of paragraph (c), substitute “; or”; and
  - (iii) after paragraph (c), insert—

“(d) the use of such description, derivative or word to designate the food is in accordance with the customs applicable in the United Kingdom and the food cannot be confused with a product listed in column 1 of Schedule 1.”;
- (c) in regulation 6—
  - (i) in paragraph (1), for “Part II of the 1996 Regulations”, substitute “Regulation (EU) No 1169/2011”; and
  - (ii) in paragraph (2)(b) for “the 1996 Regulations”, substitute “Article 9(1)(b) of Regulation (EU) No 1169/2011”; and
- (d) in regulation 7—
  - (i) omit paragraph (1); and
  - (ii) in paragraph (2)(a), for “the 1996 Regulations”, substitute “Article 9(1)(b) of Regulation (EU) No 1169/2011”.

### **The Honey (Scotland) Regulations 2003**

10. The Honey (Scotland) Regulations 2003(b) are amended as follows—

- (a) in regulation 5(1), for “Part II of the 1996 Regulations” substitute “Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”; and
- (b) omit regulation 7.

### **The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004**

11. In regulation 8(1) of the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004(c), for “Part II of the Food Labelling Regulations 1996”, substitute “Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers”.

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(a) S.S.I. 2003/291.

(b) S.S.I. 2003/569, to which there are amendments not relevant to these Regulations.

(c) S.S.I. 2004/8, to which there are amendments not relevant to these Regulations.

### **The Food Hygiene (Scotland) Regulations 2006**

**12.** The definition of “shelf life” in paragraph 4 of Schedule 4 to the Food Hygiene (Scotland) Regulations 2006(a) is amended as follows—

- (a) in subparagraph (a), for “regulation 20 of the Food Labelling Regulations 1996 (form of indication of minimum durability)”, substitute “Article 9(1)(f) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as read with Article 24(1) and (2) of, and point 1 of Annex X to, that Regulation”; and
- (b) in subparagraph (b), for “regulation 21 of the Food Labelling Regulations 1996 (form of indication of “use by” date)” substitute “Article 9(1)(f) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as read with Article 24(1) and (2) of, and point 2 of Annex X to, that Regulation”.

### **The Addition of Vitamins, Minerals and Other Substances (Scotland) Regulations 2007**

**13.** In the Addition of Vitamins, Minerals and Other Substances (Scotland) Regulations 2007(b), in regulation 4(2), for subparagraph (e) substitute—

- “(e) Article 7(1), (2) and (3) (restrictions and conditions applying to labelling, presentation and advertising of foods to which vitamins or minerals have been added). (c).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.”.

### **The Nutrition and Health Claims (Scotland) Regulations 2007**

**14.** In the Nutrition and Health Claims (Scotland) Regulations 2007, in regulation 5(2), for subparagraph (d)(d), substitute—

- “(d) Article 7 (requirements for nutrition information)(e) 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.”.

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(a) S.S.I. 2006/3, to which there are amendments not relevant to these Regulations.

(b) S.S.I. 2007/325.

(c) Article 7(3) of Regulation (EC) No 1925/2006 is amended by Article 50 of Regulation (EU) No 1169/2011.

(d) S.S.I. 2007/383.

(e) Article 7 of Regulation (EC) No 1924/2006 is amended by Article 49 of Regulation (EU) No 1169/2011.

## **The Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007**

15. Regulation 2 (1) (interpretation) of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007(a) are amended as follows—

- (a) for the definition of “advertisement” and “advertise” substitute—

““advertisement” means a representation in any form in connection with a trader or business in order to promote the supply of goods and “advertise” is to be construed accordingly;” and
- (b) after the definition of “Regulation 115/2010” insert—

““Regulation 1169/2011” 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(b);”.

## **The Eggs and Chicks (Scotland) (No 2) Regulations 2008**

16. The Eggs and Chicks (Scotland) (No 2) Regulations 2008(a) are amended as follows—

- (a) in regulation 2(1)—
  - (i) omit the definition of “Directive 2000/13/EC”;
  - (ii) insert the following definition in its alphabetical place—

““Regulation (EU) No 1169/2011” 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; and;”
- (b) in regulation 15(4) and 15A(4) for “Article 1(2) of Directive 2000/13/EC” substitute “Article 2(2)(d) of Regulation (EU) No 1169/2011”; and
- (c) in Part 2 of Schedule 2—
  - (i) in the second column of the entry relating to Article 4(2), for “Directive 2000/13/EC”, substitute “Regulation (EU) No 1169/2011”;
  - (ii) in the second column of the entry relating to Article 6(3), for “Article 9(2) of Directive 2000/13/EC”, substitute “point 1(a) of Annex X to Regulation (EU) No 1169/2011”; and
  - (iii) in the second column of the entry relating to Article 13, for “Article 3(1)(5) of Directive 2000/13/EC”, substitute “Article 9(1)(f) of Regulation (EU) No 1169/2011”.

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(a) S.S.I. 2008/395, as amended by S.S.I. 2010/450.

### **The Eggs and Chicks (Scotland) Amendment Regulations 2010**

17. The Eggs and Chicks (Scotland) Amendment Regulations 2010**(a)** are amended as follows—

“In regulation 2 omit the words “and “the 1996 Regulations” means the Food Labelling Regulations 1996”.

### **The Fruit Juices and Fruit Nectars (Scotland) Regulations 2013**

18. In Regulation 15 (1) of the Fruit Juices and Fruit Nectars (Scotland) Regulations 2013**(b)** omit from “Regulation 35(1)” to “labelling of food)” and insert—

“Articles 8 (responsibilities) and 13 (presentation of mandatory particulars) 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 308/2004.”.

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**(a)** S.S.I. 2010/450.

**(b)** S.S.I. 2013/305.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision to enforce, in Scotland, certain provisions 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 (OJ L 304, 22.11.2011, p.18) (“FIC”).

They also implement, in Scotland, certain provisions of Article 6 of Directive 1999/2/EC of the European Parliament and of the Council on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation (OJ L 66, 13.3.1999, p.16).

Regulation 3 contains a derogation relating to milk or milk products presented in a glass bottle intended for reuse and regulation 4 and Schedule 1 contains a derogation relating to minced meat that does not comply with the requirements laid down in FIC.

Regulation 5 imposes a requirement for the name of the food to be provided for foods that are not prepacked. Regulation 6 regulates the way in which information relating to an allergenic substance or product in a non-prepacked food can be given.

Regulation 7 and Schedule 2 imposes a requirement for the quantity of certain ingredients to be provided in respect of meat ingredients.

Regulation 8 imposes a requirement for irradiation information to be provided when irradiated food products and food products containing an irradiated ingredient are sold in bulk and when irradiated ingredients are used in certain food products that are prepacked.

Regulation 9 imposes an obligation on food authorities to enforce the Regulations.

Regulation 10 makes it an offence to fail to comply with specified FIC provisions (as defined in regulation 2 and specified in Schedule 3) and certain other provisions. Regulation 11 provides for the penalty for offences.

Regulation 12 applies certain provisions of the Food Safety Act 1990 with modifications.

The Regulations revoke and replace the Food Labelling Regulations 1996 (“the 1996 Regulations”), as amended, with effect from 13th December 2014, so far as those Regulations apply to Scotland, except for the purposes of certain provisions of those Regulations (regulation 43, regulation 42(1) for the purposes of the entries in Part I of Schedule 8 relating to the descriptions “alcohol-free”, “dealcoholised”, “low alcohol” (or any other word or description which implies that the drink being described is low in alcohol) and “non-alcoholic”; regulation 42(2) to (4); the entries in Part I of Schedule 8 relating to the descriptions “alcohol-free”, “dealcoholised”, “low alcohol” (or any other word or description which implies that the drink being described is low in alcohol) and “non-alcoholic”; and Parts II and III of Schedule 8), which are revoked with effect from 13th December 2018 (regulation 13 and Schedule 4). The Regulations revoke other relevant legislation.

The Regulations amend the 1996 Regulations, so far as those Regulations apply to Scotland, during the period before those Regulations are revoked (regulation 14 and Schedule 5). They make amendments to other legislation to take account of the repeal and replacement of the relevant EU legislation and the revocation of the 1996 Regulations. The Regulations also amend the Food (Lot Marking) Regulations 1996, in their application to Scotland, to take account of the repeal and replacement of Council Directive 89/396/EEC by Directive 2011/91/EU of the European Parliament and of the Council on indications or marks identifying the lot to which a foodstuff belongs (OJ L 334, 16.12.2011, p.1).

A full business and regulatory impact assessment of the effect that this instrument will have on the costs to business and the voluntary sector has been prepared and placed in the Scottish Parliament

Information Centre. Copies may be obtained from the Food Standards Agency in Scotland, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ and online at [www.legislation.gov.uk](http://www.legislation.gov.uk).

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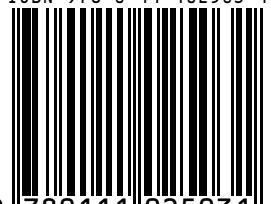
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