



Food Act 1984

1984 CHAPTER 30

PART I

FOOD GENERALLY

Composition and labelling of food

1 Offences as to preparation and sale of injurious foods

- (1) A person is guilty of an offence who—
 - (a) adds any substance to food,
 - (b) uses any substance as an ingredient in the preparation of food,
 - (c) abstracts any constituent from food, or
 - (d) subjects food to any other process or treatment, so as (in any such case) to render the food injurious to health, with intent that the food shall be sold for human consumption in that state.
- (2) A person is guilty of an offence who—
 - (a) sells for human consumption,
 - (b) offers, exposes or advertises for sale for human consumption, or has in his possession for the purpose of such sale,any food rendered injurious to health by means of any operation described in subsection (1), subject to subsections (3) and (4).
- (3) In proceedings under this section for an offence consisting of the advertisement for sale of any food, it is a defence for the person charged to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.
- (4) In determining for the purposes of this Act whether an article of food is injurious to health, regard shall be had not only to the probable effect of that article on the health of a person consuming it, but also to the probable cumulative effect of articles of

substantially the same composition on the health of a person consuming such articles in ordinary quantities.

2 General protection for purchasers of food

- (1) If a person sells to the purchaser's prejudice any food which is not—
 - (a) of the nature, or
 - (b) of the substance, or
 - (c) of the quality,of the food demanded by the purchaser, he is guilty of an offence, subject to section 3.
- (2) In subsection (1) the reference to sale shall be construed as a reference to sale for human consumption; and in proceedings under that subsection it is not a defence that the purchaser was not prejudiced because he bought for analysis or examination.

3 Defences in proceedings under s.2

- (1) In proceedings under section 2 for an offence consisting of the sale of food—
 - (a) to which any substance has been added, or
 - (b) in the preparation of which any substance has been used as an ingredient, or
 - (c) from which any constituent has been abstracted, or
 - (d) which has been subjected to any other process or treatment, other than food thereby rendered injurious to health, it is a defence to prove that—
 - (i) the operation in question was not carried out fraudulently, and
 - (ii) the article was sold with a notice attached to it of adequate size, distinctly and legibly printed and conspicuously visible, stating explicitly the nature of the operation, or was sold in a wrapper or container displaying such a notice.
- (2) In proceedings under section 2 in respect of any food containing some extraneous matter, it is a defence to prove that the presence of that matter was an unavoidable consequence of the process of collection or preparation.
- (3) In proceedings under section 2 in respect of diluted whisky, brandy, rum or gin, it is a defence to prove that—
 - (a) the spirit in question had been diluted with water only; and
 - (b) its alcoholic strength by volume was still not lower than 37.2 per cent.

4 Regulations as to composition of food etc.

- (1) The Ministers may, so far as appears to them to be necessary or expedient in the interests of the public health, or otherwise for the protection of the public, or to be called for by any Community obligation, make regulations for any of the following purposes—
 - (a) for requiring, prohibiting or regulating the addition of any specified substance, or any substance of any specified class, to food intended for sale for human consumption or any class of such food, or the use of any such substance as an ingredient in the preparation of such food, and generally for regulating the composition of such food;

- (b) for requiring, prohibiting or regulating the use of any process or treatment in the preparation of any food intended for sale for human consumption, or any class of such food;
 - (c) for prohibiting or regulating the sale, possession for sale, offer or exposure for sale, consignment, or delivery, of food which does not comply with any of the regulations, or in relation to which an offence against the regulations has been committed or would have been committed if any relevant act or omission had taken place in England and Wales, or in Northern Ireland, subject to subsection (5), or for prohibiting or regulating the importation of any such food as is mentioned above;
 - (d) for prohibiting or regulating the sale, possession for sale, or offer, exposure or advertisement for sale, of any specified substance, or of any substance of any specified class, with a view to its use in the preparation of food for human consumption, and the possession of any such substance for use in the preparation of food intended for sale for human consumption.
- (2) In the exercise of their functions under this section the Ministers shall have regard to the desirability of restricting, so far as practicable, the use of substances of no nutritional value as foods or as ingredients of foods.
- (3) Regulations made under this section may apply to cream, and to any food containing milk, but otherwise shall not apply to milk.
- (4) Regulations so made may provide that, where any food is certified by a public analyst as being food to which the regulations apply so far as they are made under paragraph (c) of subsection (1), that food may be treated for the purposes of section 9, or in any corresponding Northern Ireland enactment, as being unfit for human consumption.
- Those regulations may be—
- (a) in relation to such cases as may be specified, and
 - (b) subject to such exceptions as may be allowed,
- by or under the regulations, but nothing in any such regulations shall be taken as prejudicing the generality of the powers conferred by section 9, or in any corresponding Northern Ireland enactment.
- (5) So far as this section relates to importation it applies to Northern Ireland.

5 Ministers' power to obtain particulars of ingredients

- (1) To enable the Ministers to exercise their functions under section 4—
- (a) they may by order require every person who at the date of the order or at any subsequent time carries on a business which includes the production, importation or use of substances of any class specified in the order to provide the Minister (within such time as may be so specified) with the particulars mentioned in paragraph (b);
 - (b) those particulars shall be such as may be so specified of the composition and use of any such substance sold in the course of that business for use in the preparation of food for human consumption, or used for that purpose in the course of that business.

Status: This is the original version (as it was originally enacted).

- (2) Without prejudice to the generality of subsection (1), an order made under that subsection may require the following particulars to be provided in respect of any substance—
- (a) particulars of the composition and chemical formula of the substance;
 - (b) particulars of the manner in which the substance is used or proposed to be used in the preparation of food;
 - (c) particulars of any investigations carried out by or to the knowledge of the person carrying on the business in question, for the purpose of determining whether and to what extent the substance, or any product formed when the substance is used as mentioned above, is injurious to, or in any other way affects, health;
 - (d) particulars of any investigations or inquiries carried out by or to the knowledge of the person carrying on the business in question for the purpose of determining the cumulative effect on the health of a person consuming the substance in ordinary quantities.
- (3) No particulars provided in accordance with an order under this section, and no information relating to any individual business obtained by means of such particulars, shall, without the previous consent in writing of the person carrying on the business in question, be disclosed except—
- (a) in accordance with directions of the Minister, so far as may be necessary for the purposes of section 4 or of any corresponding enactment for the time being in force in Scotland or Northern Ireland,
 - (b) for the purposes of any proceedings for an offence against the order or any report of those proceedings,
- and a person who discloses any such information or particulars in contravention of this subsection is guilty of an offence.
- (4) Section 51 of the Patents Act 1949 (which secures inventions against anticipation in certain cases) applies in relation—
- (a) to the disclosure of any invention made in pursuance of an order under this section, and
 - (b) to anything done in consequence of any such disclosure,
- as it applies in relation to such communications of inventions as are therein mentioned, and to anything done in consequence of such communications.
- (5) So far as this section relates to importation it applies to Northern Ireland, and accordingly the words "production" and "or use" shall be omitted from subsection (1).

6 Food falsely described

- (1) A person who gives with any food sold by him, or displays with any food exposed by him for sale, a label, whether or not attached to or printed on the wrapper or container, which—
- (a) falsely describes the food, or
 - (b) is calculated to mislead as to its nature, or its substance or its quality,
- is guilty of an offence, unless he proves that he did not know, and could not with reasonable diligence have ascertained, that the label was of such character as mentioned above.

- (2) A person who publishes, or is a party to the publication of, an advertisement (not being such a label so given or displayed by him as mentioned above) which—
- (a) falsely describes any food, or
 - (b) is calculated to mislead as to the nature, or the substance or the quality of any food,
- is guilty of an offence, subject to subsection (3); and in any proceedings under this subsection against the manufacturer, producer or importer of the food, it rests on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.
- (3) In proceedings under subsection (2) it is a defence for the person charged to prove either—
- (a) that he did not know, and could not with reasonable diligence have ascertained, that the advertisement was of such a character as is described in that subsection, or
 - (b) that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.
- (4) For the purposes of this section, a label or advertisement which is calculated to mislead as to the nutritional or dietary value of any food is calculated to mislead as to the quality of the food.
- (5) In proceedings for an offence under this section the fact that a label or advertisement in respect of which the offence is alleged to have been committed contained an accurate statement of the composition of the food shall not preclude the court from finding that the offence was committed.
- (6) In this section references to sale shall be construed as references to sale for human consumption.

7 Regulations as to describing food

- (1) The Ministers may make regulations for imposing requirements as to, and otherwise regulating—
- (a) the labelling, marking or advertising of food intended for sale for human consumption; and
 - (b) the descriptions which may be applied to such food.
- This provision is without prejudice to section 6.
- (2) Regulations made under this section—
- (a) may apply to cream, and to any food containing milk (but shall not otherwise apply to milk);
 - (b) may provide for any purpose authorised by paragraph (c) of section 4(1) in the case of regulations under that section.
- (3) So far as this section relates to importation it applies to Northern Ireland.