



Food Act 1984

1984 CHAPTER 30

PART I

FOOD GENERALLY

Composition and labelling of food

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

Status: This is the original version (as it was originally enacted).

- (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.