
 STATUTORY INSTRUMENTS

1982 No. 17

FOOD

COMPOSITION AND LABELLING

**The Cocoa and Chocolate Products (Amendment)
Regulations 1982**

<i>Made - - - -</i>	<i>8th January 1982</i>
<i>Laid before Parliament</i>	<i>18th January 1982</i>
<i>Coming into Operation</i>	<i>8th February 1982</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Social Services and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 4, 7, 123 and 123A of the Food and Drugs Act 1955(a) and now vested in them(b) and of all other powers enabling them in that behalf, hereby make the following regulations, after consultation in accordance with section 123(6) of the said Act with such organisations as appear to them to be representative of interests substantially affected by the regulations and after reference to the Food Hygiene Advisory Council under section 82 of the said Act (in so far as the regulations are made in exercise of the powers conferred by the said section 7):—

Citation and commencement

1. These regulations may be cited as the Cocoa and Chocolate Products (Amendment) Regulations 1982, and shall come into operation on 8th February 1982.

Amendment of the Cocoa and Chocolate Products Regulations 1976

2. The Cocoa and Chocolate Products Regulations 1976(c) are hereby amended as follows:—

- (1) In regulation 2(1), the definition of “milk solids” shall be deleted and replaced by the following:

“milk solids” means all the constituents of milk other than water and fat, in their natural proportions, and milk fat;
- (2) In regulation 5(3)(f), the concluding words; “lecithins, an indication of the percentage of added lecithins;” shall be deleted and replaced by “ammonium phosphatides or lecithins, a declaration of the percentage thereof;”

(a) 1955 c. 16 (4 & 5 Eliz.2); section 4 was amended, and section 123A inserted, by section 4(1) of and paragraph 3(1) and (2)(a) of Schedule 4 to the European Communities Act 1972 (c. 68).

(b) S.I. 1968/1699, 1978/272.

(c) S.I. 1976/541.

- (3) In regulation 5(3)(g), the words "or lecithins" shall be inserted in line 6 immediately after "ammonium phosphatides".
- (4) In Part II of Schedule 1, (which provides reserved descriptions for specified chocolate products) for the definition specified in column 2 in relation to the reserved description "Gianduja nut chocolate" there shall be substituted the following:
- "Any product complying with the definition specified in this Part of this Schedule in relation to the reserved description "chocolate" except that—
- (a) it contains not less than 32 per centum total dry cocoa solids, including not less than 8 per centum dry non-fat cocoa solids calculated on the weight of the product excluding nuts;
- (b) it is combined with finely ground hazelnuts comprising not less than 20 and not more than 40 per centum of the product;
- (c) it may contain almonds, hazelnuts and other nuts either whole or broken, if the total nut content of the product does not exceed 60 per centum; and
- (d) it may contain milk or dry matter produced by the partial or complete dehydration of whole milk or partially or fully skimmed milk if the finished product contains not more than 5 per centum dry milk solids including not more than 1.25 per centum butterfat."
- (5) For Part I of Schedule 2 there shall be substituted the contents of the Schedule to these regulations.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 12th December 1981.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

Signed by authority of the Secretary of
State for Social Services.

Gerard Vaughan,
Minister of State,
Department of Health and Social Security.

5th January 1982.

Nicholas Edwards,
Secretary of State for Wales.

8th January 1982.

THE SCHEDULE

NEW PART I OF SCHEDULE 2 TO THE COCOA AND CHOCOLATE PRODUCTS
REGULATIONS 1976

PART I

PERMITTED ACIDS, PERMITTED BASES AND PERMITTED EMULSIFIERS

Column 1	Column 2	Column 3
Reserved descriptions of cocoa product or chocolate product	Permitted base or permitted emulsifier	Except where otherwise stated parts per centum not exceeding—
Cocoa Nib	Any permitted base	5.0 (calculated as potassium carbonate on the weight of the dry defatted matter)
Cocoa bean, cocoa dust, cocoa fines, cocoa mass, cocoa press cake, fat-reduced cocoa press cake, expeller cocoa press cake	Any permitted base Lecithins, ammonium phosphatides or any combination thereof	5.0 (calculated as potassium carbonate on the weight of the dry defatted matter) 0.5 phosphatides
Press cocoa butter, cocoa butter, expeller cocoa butter, refined cocoa butter, cocoa fat	Lecithins, ammonium phosphatides or any combination thereof	0.5 phosphatides
Cocoa, cocoa powder, fat-reduced cocoa, fat-reduced cocoa powder, in each case in relation to a cocoa product other than in the form of an instant preparation	Any permitted base Lecithins, ammonium phosphatides or any combination thereof	5.0 (calculated as potassium carbonate on the weight of the dry defatted matter) 1.0 phosphatides
Cocoa, cocoa powder, fat-reduced cocoa, fat-reduced cocoa powder, in each case in relation to a cocoa product in the form of an instant preparation	Any permitted base Lecithins and ammonium phosphatides either singly or in combination	5.0 (calculated as potassium carbonate on the weight of the dry defatted matter) 5.0 phosphatides
Drinking chocolate, fat-reduced drinking chocolate, sweetened cocoa, sweetened cocoa powder, sweetened fat-reduced cocoa, sweetened fat-reduced cocoa powder, in each case in relation to a cocoa product other than in the form of an instant preparation	Lecithins, and ammonium phosphatides either singly or in combination	1.0 phosphatides

Column 1	Column 2	Column 3
Reserved descriptions of cocoa product or chocolate product	Permitted base or permitted emulsifier	Except where otherwise stated parts per centum not exceeding—
Drinking chocolate, fat-reduced drinking chocolate, sweetened cocoa, sweetened cocoa powder, sweetened fat-reduced cocoa, sweetened fat-reduced cocoa powder, in each case in relation to a cocoa product in the form of an instant preparation	Lecithins, and ammonium phosphatides either singly or in combination	5.0 phosphatides
Chocolate, plain chocolate, gianduja nut chocolate, couverture chocolate, milk chocolate with the declaration "milk solids 14 per cent minimum", gianduja nut milk chocolate, couverture milk chocolate, white chocolate, cream chocolate, skimmed milk chocolate	Lecithins and ammonium phosphatides either singly or in combination Polyglycerol esters of polycondensed fatty acids of castor oil Sorbitan tristearate Any combination of two or more of these permitted emulsifiers subject to the maximum percentages specified for those emulsifiers	0.5 phosphatides 0.5 1.0 1.5
Chocolate vermicelli, chocolate flakes, milk chocolate with the declaration "milk solids 20 per cent minimum", milk chocolate vermicelli, milk chocolate flakes	Lecithins, and ammonium phosphatides either singly or in combination Polyglycerol esters of polycondensed fatty acids of castor oil Sorbitan tristearate Any combination of two or more of these permitted emulsifiers subject to the maximum percentages specified for those emulsifiers	1.0 phosphatides 0.5 1.0 1.5

1. Subject to paragraph 2 hereof, where a permitted base is used in any cocoa product, that product may contain any of the permitted acids, citric acid, tartaric acid, orthophosphoric acid or any combination of two or more thereof in a proportion not exceeding 0.5 parts per centum.

2. A permitted base or a permitted acid shall not be used in any cocoa product unless the ash content of the resulting product will not exceed 14 parts per centum of the dry defatted matter.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which come into operation on 8th February 1982, amend the Cocoa and Chocolate Products Regulations 1976.

The definition of "milk solids" in regulation 2(1) of the principal regulations is amended so as to require the solids other than fat to be present in their natural proportions.

In implementation of Council Directive 78/609/EEC (O.J. No. L 197, 22.7.78, p.10) amending for the fifth time Directive 73/241/EEC on the approximation of the laws of the Member States relating to cocoa and chocolate products intended for human consumption, regulation 2(4) amends the definition of "gianduja nut chocolate" in Schedule 1 to the principal regulations so as to permit the addition of milk or milk solids.

In implementation of Council Directive 80/608/EEC (O.J. No. L 170, 3.7.80, p.33) amending for the seventh time Directive 73/241/EEC, a new Part I of Schedule 2 to the principal regulations is substituted for the original Part, making minor alterations to the amounts of ammonium phosphatides which may be added to certain cocoa and chocolate products, and deleting polyoxethylene (20) sorbitan monostearate and sorbitan monostearate from the list of emulsifiers which may be used in chocolate products. There are also two amendments to regulation 5 of the principal regulations, as to the labelling and description of cocoa and chocolate products.

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