

1982 No. 1779 (S. 192)

FOOD

LABELLING

The Food Labelling (Scotland) Amendment Regulations 1982

<i>Made</i> - - - - -	<i>6th December</i> 1982
<i>Laid before Parliament</i>	<i>10th December</i> 1982
<i>Coming into Operation</i>	
<i>Regulations 1 and 14</i>	<i>31st December</i> 1982
<i>Remainder</i>	<i>1st January</i> 1983

In exercise of the powers conferred on me by sections 4, 7 and 56 of the Food and Drugs (Scotland) Act 1956(a), and being a Minister designated(b) for the purposes of section 2(2) of the European Communities Act 1972(c) in relation to the presentation and packaging of food intended for sale for human consumption, and in the exercise of the powers conferred on me by the said section 2(2) and of all other powers enabling me in that behalf, and after consultation in accordance with section 56(6) of the said Act with such organisations as appear to me to be representative of interests substantially affected by these regulations, I hereby make the following regulations:—

Title, commencement and interpretation

1.—(1) These regulations may be cited as the Food Labelling (Scotland) Amendment Regulations 1982.

(2) This regulation and regulation 14 of these regulations shall come into operation on 31 December 1982 and all other provisions of these regulations shall come into operation on 1st January 1983.

(3) Any reference in these regulations to a numbered regulation or schedule shall, unless the reference is to a regulation of, or schedule to, specified regulations, be construed as a reference to the regulation or schedule so numbered in the Food Labelling (Scotland) Regulations 1981(d).

(a) 1956 c.30; section 4 was amended by the European Communities Act 1972 (c.68), section 4(1) and Schedule 4, paragraph 3(1).

(b) S.I. 1981/833.

(c) 1972 c.68.

(d) S.I. 1981/137.

Amendment of the Food Labelling (Scotland) Regulations 1981

2. The Food Labelling (Scotland) Regulations 1981 shall be amended in accordance with regulations 3 to 14 of these regulations.

Amendment of regulation 2

3. In regulation 2(1) after the definition of “prepacked” there shall be inserted the following definition:—

““presentation”, in relation to a food, includes the shape, appearance or packaging of the food, the way in which the food is arranged when it is exposed for sale and the setting in which the food is displayed with a view to sale, but does not include any form of labelling or advertising.”

Insertion of Part 1A

4. After regulation 3 there shall be inserted the following Part:—

“PART 1A
PRESENTATION

Prohibition of misleading presentation

3A. The presentation of food shall not be such that a purchaser is likely to be misled to a material degree as to the nature, substance or quality of the food.”

Amendment of regulation 4

5. For regulation 4(2)(i) there shall be substituted the following subparagraphs:—

“(i) any food prepared on domestic premises for sale for the benefit of the person preparing it by a society registered under the Industrial and Provident Societies Act 1965(a);

(j) any food prepared otherwise than in the course of a trade carried on by the person preparing it.”

Amendment of regulation 14

6. For regulation 14(1) there shall be substituted the following paragraphs:—

“14.—(1) Subject to the following paragraphs of this regulation, the name used for an ingredient in a list of ingredients shall be a name which, if the ingredient were itself being sold as a food, could be used as the name of the food.

(1A) Where a purchaser could be misled by the omission from the name used for an ingredient of any indication which, if the ingredient were itself, being sold as a food, would be required to be included in or to accompany the name of the food, the name used for the ingredient in a list of ingredients

(a) 1965 c.12.

shall include or be accompanied by that indication, unless the provision requiring the indication provides to the contrary.”.

Amendment of regulation 20

7. For regulation 20(4) there shall be substituted the following paragraphs:—

“(4) In the case of a perishable food which is intended for consumption within six weeks of being packed, the minimum durability of the food may be indicated by—

- (a) the words “sell by”—
- (i) followed (subject to paragraph (5) of this regulation) by the latest recommended date of sale of the food, expressed in terms of a day and month, and
 - (ii) immediately preceded or immediately followed by an indication of the period from the date of purchase for which the food can reasonably be expected to retain its specific properties if properly stored, and
- (b) any storage conditions which need to be observed if the food is to retain its specific properties for that period.

(5) Where the minimum durability of a food is indicated in the manner permitted by paragraph (4) of this regulation, the latest recommended date of sale may appear on the labelling of food separately from the words “sell by”, provided that those words are followed by a reference to the place where the date appears.”.

Amendment of regulation 23

8. In regulation 23(1)(c) after the words “price of the food” there shall be inserted the words “if there is not attached to the flour confectionery or its packaging any documents, notice, label, ring or collar (other than a label on which only the price of the food is marked)”.

Amendment of regulation 27

9. For regulation 27(3) there shall be substituted the following paragraph:—

“(3) Any—

- (a) prepacked sandwich, filled roll or similar bread product, or
- (b) prepacked prepared meal,

which is sold at a catering establishment for immediate consumption there need not be marked or labelled with any of the particulars specified in regulation 5 except the name of the food.”.

Amendment of regulation 28

10. In regulation 28(1)(e)(i) after the words “price of the food” there shall be inserted the words “if there is not attached to the flour confectionery or its packaging any document, notice, label, ring or collar (other than a label on which only the price of the food is marked)”.

Amendment of regulation 33

11. Regulation 33(3) shall be deleted.

Amendment of regulation 39

12. In regulation 39 for sub-paragraph (a) there shall be substituted the following sub-paragraphs:—

- “(a) sells any food the presentation of which contravenes regulation 3A,
or
(aa) sells any food which is not marked or labelled in accordance with the provisions of Part II of these regulations, or”.

Amendment of Schedule 6

13.—(1) In column 2 of the item in Schedule 6 relating to any description incorporating the name of a food in such a way as to imply that the food, or the part of a food, being described has the flavour of the food named in the description for the word “cocoa” there shall be substituted the words “non-fat cocoa solids”.

(2) In column 2 of the item in Schedule 6 relating to the description “dealcoholised” for “0.1%” there shall be substituted “0.5%”.

Amendment of Schedule 8

14. In column 3 of the item in Schedule 8 relating to the Labelling of Food (Scotland) Regulations 1970(a) after the word “instrument” there shall be inserted the words “except regulations 1, 2, 4(1), 21 to 25, 27 and 30 to 32 and Schedule 4”.

Interpretation of the Labelling of Food (Scotland) Regulations 1970

15.—(1) Those provisions of the Labelling of Food (Scotland) Regulations 1970 (in this regulation called “the 1970 regulations”) which are not revoked by the Food Labelling (Scotland) Regulations 1981 (in this regulation called “the 1981 regulations”) shall have effect subject to the following paragraphs of this regulation.

(2) Any reference to an appropriate designation of a food shall be construed as if it were a reference to the name of the food, and references to provisions of the 1970 regulations requiring food to bear a statement specifying an appropriate designation of the food shall be construed as if they were references to the provisions of the 1981 regulations requiring food to be marked or labelled with the name of the food.

(3) References to provisions of the 1970 regulations requiring food to bear a statement specifying an appropriate designation of each ingredient of the food, or exempting food from bearing such a statement, shall be construed as if they were references to the provisions of the 1981 regulations requiring food to be

(a) S.I. 1970/1127; relevant amending instruments are S.I. 1972/1790, 1976/914, 946, 1176, 1818, 1977/1026, 1027, 1979/383.

marked or labelled with, or exempting food from being marked or labelled with, a list of ingredients.

(4) Regulations 31 to 33 of the 1981 regulations shall apply to lists of statements required by the 1970 regulations as if such lists or statements were particulars with which a food is required to be marked or labelled by the 1981 regulations.

Amendment of the Jam and Similar Products (Scotland) Regulations 1981

16. The Jam and Similar Products (Scotland) Regulations 1981(a) shall be amended by substituting for regulation 8(7) thereof the following paragraph:—

“(7) This regulation does not apply to—

- (a) food prepared on domestic premises for sale for the benefit of the person preparing it by a society registered under the Industrial and Provident Societies Act 1965;
- (b) food prepared otherwise than in the course of a trade carried on by the person preparing it; or
- (c) food to which regulation 27 or 28 of the Food Labelling (Scotland) Regulations 1981 (which relate to food for immediate consumption) applies.”

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
6th December 1982.

(a) S.I. 1981/1320.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Food Labelling (Scotland) Regulations 1981 ("the 1981 Regulations")

The Regulations—

- (a) prohibit the misleading presentation of food in implementation of Council Directive No 79/112/EEC (OJ No. L33, 8.2.79, p.1) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer (Regulations 3, 4 and 12);
- (b) alters the wording of the exemption for food sold for charitable purposes (Regulation 5);
- (c) relax slightly the requirements relating to ingredient listing and date marking (Regulations 6 and 7);
- (d) tighten the exemption from full labelling for flour confectionery in wholly transparent packaging (Regulations 8 and 10);
- (e) relax the labelling requirements for prepacked sandwiches and similar products when sold in a catering establishment for consumption there (Regulation 9);
- (f) remove the requirement that, when any of the statutory labelling particulars appears in more than one language, all the statutory particulars must be given in each language (Regulation 11);
- (g) clarify the provision in the 1981 regulations permitting the use of the word "chocolate" to denote a flavour derived from cocoa (Regulation 13(1));
- (h) increase the maximum alcoholic strength of drinks described as "dealcoholised" (Regulation 13(2)); and
- (i) retain in operation most of the claims provisions of the Labelling of Food (Scotland) Regulations 1970 (Regulations 14 and 15).

The Regulations also make an amendment to the Jam and Similar Products (Scotland) Regulations 1981 similar to that described in sub-paragraph (b) above.

Most of the amendments take effect on 1st January 1983, the date of commencement of the 1981 Regulations.

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