

1989 No. 1291

**CONSUMER PROTECTION**

**The Food Imitations (Safety) Regulations 1989**

*Made* - - - - *27th July 1989*

*Laid before Parliament* *28th July 1989*

*Coming into force* - *1st January 1990*

Whereas the Secretary of State has, in accordance with section 11(5) of the Consumer Protection Act 1987(a), consulted such organisations as appear to him to be representative of interests substantially affected by these Regulations and such other persons as he considers appropriate:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 11 of the said Act, hereby makes the following Regulations:-

1. These Regulations may be cited as the Food Imitations (Safety) Regulations 1989 and shall come into force on 1st January 1990.

2. The Food Imitations (Safety) Regulations 1985(b) and the Food Imitations (Safety) (Amendment) Regulations 1985(c) are hereby revoked.

3. In these Regulations-

“food” means food for human consumption and includes drink, chewing gum and other products of a like nature and use and articles and substances used as ingredients in the preparation of food or drink or of such products;

“goods” do not include those mentioned in section 11(7)(a) to (d) of the Consumer Protection Act 1987 or-

(a) marbles;

(b) products bona fide intended for use to represent food in a dolls’ house or other model scene or setting; or

(c) anything consisting entirely of articles or substances used as ingredients in the preparation of food.

4. No person shall supply, offer to supply, agree to supply, expose for supply or possess for supply any manufactured goods which are ordinarily intended for private use and are not food but which-

(a) have a form, odour, colour, appearance, packaging, labelling, volume or size which is likely to cause persons, in particular, children to confuse them with food and in consequence to place them in their mouths or suck them or swallow them; and

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(a) 1987 c.43.

(b) S.I. 1985/99.

(c) S.I. 1985/1191.

- (b) where such action as is mentioned in (a) above is taken in relation to them, may cause death or personal injury.

27th July 1989

*Eric Forth*  
Parliamentary Under-Secretary of State,  
Department of Trade and Industry

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#### EXPLANATORY NOTE

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

These Regulations implement Council Directive No. 87/357/EEC (O.J. No. L192 11.7.1987 p.49) concerning products which, appearing to be other than they are, endanger the health or safety of consumers.

The Regulations revoke the Food Imitations (Safety) Regulations 1985 and the Food Imitations (Safety) (Amendment) Regulations 1985 which prohibited the supply of certain products which looked like food or smelled like food or like flowers or tasted like food.

The Regulations prohibit persons from supplying, offering to supply, agreeing to supply, exposing for supply or possessing for supply any manufactured goods, subject to the exceptions mentioned below, which are ordinarily intended for private use and which are not food for human consumption (food being defined so as to include drink, chewing gum and similar products and materials used in preparing food or drink or such products) but have a form, odour, colour, appearance, packaging, labelling, volume or size which is likely to cause persons (particularly children) to mistake them for food and to put them in their mouths or suck them or swallow them with the result that they may suffer death or personal injury.

The prohibition does not apply to goods mentioned in section 11(7) of the Consumer Protection Act 1987 (including controlled drugs or licensed medicinal products) or to marbles, products which are bona fide intended for use to represent food in a dolls' house or other model scene or setting or things made entirely of food ingredients.

The Regulations come into force on 1st January 1990.

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