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## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

These Regulations, which apply to England and Wales only, and come into force on 11th April 1990, provide for the enforcement of Council Regulation (EEC) No. 1898/87 on the protection of designations used in the marketing of milk and milk products.

The Council Regulation provides, inter alia, for—

- (a) the definition of the terms “milk” and “milk products” and the reservation of certain designations (cream, butter, etc.) to the latter (article 2 of and the Annex to the Council Regulation);
- (b) a prohibition on the use of those designations for any product other than those referred to in Article 2, save in respect of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product (article 3.1 of the Council Regulation); and
- (c) a prohibition, in respect of any product other than those described in Article 2, on the use of any label etc., advertising, or presentation which claims, implies or suggests that the product is a dairy product (article 3.2 of the Council Regulation).

These Regulations

- (a) prescribe offences and penalties in respect of article 3 of the Council Regulation (regulation 2(1));
- (b) designate enforcement authorities (regulation 2(2));
- (c) provide a defence for advertisers acting in the ordinary course of business (regulation 3); and
- (d) introduce consequential amendments (including repeals and revocations) to the Food Act 1984 and certain other regulations (regulations 5 and 6, and the Schedule) and
- (e) make ancillary provisions (regulation 4).