

2003 No. 474

FOOD, ENGLAND

**The Food Labelling (Amendment) (England)
Regulations 2003**

<i>Made - - - -</i>	<i>2nd March 2003</i>
<i>Laid before Parliament</i>	<i>3rd March 2003</i>
<i>Coming into force</i>	<i>24th March 2003</i>

The Secretary of State, in exercise of the powers conferred by sections 16(1)(e) and (f), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990(a) and now vested in him(b), having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation both as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(c) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety and in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

Title, commencement and extent

1. These Regulations may be cited as the Food Labelling (Amendment) (England) Regulations 2003; they come into force on 24th March 2003 and extend to England only.

Amendment of the Food Labelling Regulations 1996

2. The Food Labelling Regulations 1996(d) shall be amended (in so far as they extend to England) in accordance with regulations 3 to 5.

3. In regulation 14 (names of ingredients) there shall be substituted for paragraph (4) the following paragraph—

“(4) A generic name which is listed in or referred to in column 1 of Part I of Schedule 3 may be used for an ingredient which is specified in the corresponding entry in column 2 of that Part of that Schedule in accordance with any conditions that are laid down in the corresponding entry in column 3 of that Part of that Schedule.”.

(a) 1990 c.16.

(b) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c.28) and paragraphs 12 and 21 of that Schedule amend respectively sections 17(1) and 48 of the 1990 Act. Functions of “the Ministers” so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the 1999 Act and those functions so far as exercisable in relation to Scotland were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46) as read with section 40(2) of the 1999 Act. Regulation 13(4) of S.I. 2000/656 expressly authorises the Secretary of State to amend or revoke existing Regulations made or having effect as if made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the 1990 Act.

(c) OJ No. L31, 1.2.2002, p.1.

(d) S.I. 1996/1499; relevant amending instruments are S.I. 1998/1398, 1999/747, 1136, 1483, 2000/768.

4. In regulation 50 (transitional provision) there shall be inserted at the end the following paragraph—

“(10) In any proceedings for an offence under regulation 44(1)(a), it shall be a defence to prove that—

- (a) the food concerned was sold before 1st July 2003 or marked or labelled before that date; and
- (b) the matters constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3 and 5 of the Food Labelling (Amendment) (England) Regulations 2003 had not been in operation when the food was sold.”.

5. In Schedule 3 (generic names in list of ingredients)—

(a) there shall be inserted at the beginning the following heading—

“PART I

GENERAL”;

(b) after the entries relating to herb, herbs or mixed herbs, the following entries shall be inserted in column 1 (generic name), column 2 (ingredients) and column 3 (conditions of use of generic name) respectively—

<p>““Meat” and the name of the animal species from which it comes, <i>or</i> a word which describes the meat by reference to the animal species from which it comes</p>	<p>Any skeletal muscle, including the diaphragm and the masseters, of a mammalian or bird species recognised as fit for human consumption with any naturally included or adherent tissue, but excluding—</p> <ul style="list-style-type: none"> (a) the heart, (b) the tongue, (c) the muscles of the head (other than the masseters), (d) the muscles of the carpus, (e) the tarsus, (f) the tail, and (g) any products covered by the definition of “mechanically recovered meat” in Article 2(c) of Council Directive 64/433/EEC^(a) on health conditions for the production and marketing of fresh meat, as last amended by Council Directive 95/23/EC^(b). 	<p>The total fat and connective tissue content must not exceed the limits specified in Part II of this Schedule and the meat must constitute an ingredient of another food. If such a limit is exceeded, but the ingredient falls within the description in column 2 of this entry, any reference to the meat content must be adjusted downwards accordingly and the list of ingredients must also mention the presence of fat or connective tissue, as appropriate.</p>
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(a) OJ No. 121, 29.7.64, p.2012 (OJ/SE 1963–64 p.185).

(b) OJ No. L243, 11.10.95, p.7.

(c) there shall be inserted at the end the following Part—

“PART II

MAXIMUM FAT AND CONNECTIVE TISSUE CONTENTS FOR
INGREDIENTS FOR WHICH THE GENERIC NAME MEAT OR
EQUIVALENT AS REFERRED TO IN PART I OF THIS SCHEDULE IS
USED

<i>Species</i>	<i>Fat (%)</i>	<i>Connective tissue (%)</i> ¹
Mammals (other than rabbits and porcines) and mixtures of species with mammals predominating	25	25
Porcines	30	25
Birds and rabbits	15	10

¹ The connective tissue content is calculated on the basis of the ratio between collagen content and meat protein content. The collagen content means the hydroxyproline content multiplied by a factor of 8.”

Signed by authority of the Secretary of State for Health

2nd March 2003

Hazel Blears
Parliamentary Under-Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Food Labelling Regulations 1996, as amended, (“the principal Regulations”) in so far as they extend to England. Those Regulations extend to the whole of Great Britain.
2. These Regulations implement in England Commission Directive 2001/101/EC (OJ No. L310, 28.11.2001, p.19) as amended by Commission Directive 2002/86/EC (OJ No. L305, 7.11.2002, p.19). Directive 2001/101/EC amends Directive 2000/13/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs. The Regulations allow use of the generic name “meat” with the name of the animal species from which it comes (or equivalent terms such as “pork” or “beef”) for skeletal muscles of mammalian and bird species in ingredients lists, subject to certain conditions (regulations 2, 3 and 5). The rules in regulation 19 of the principal Regulations on indications of quantities of certain ingredients or categories of ingredients apply in respect of that generic name. These Regulations also insert a transitional provision in respect of that generic name in implementation of Directive 2002/86/EC for food sold, marked or labelled before 1st July 2003 (regulation 4).
3. A regulatory impact assessment has been prepared and placed in the Library of each House of Parliament together with a Transposition Note setting out how the main elements of Directive 2001/101/EC and Directive 2002/86/EC are transposed in these Regulations. Copies may be obtained from the Food Labelling and Standards Division of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.

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