

**EXPLANATORY MEMORANDUM TO THE
FOOD LABELLING (AMENDMENT) (ENGLAND) REGULATIONS 2005**

2005 No. 899

1. This explanatory memorandum has been prepared by the Food Standards Agency and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The SI provides for the implementation of Commission Directive 2004/77/EC of 29 April 2004 on the labelling of certain pre-packed foods containing glycyrrhizinic acid and its ammonium salt. Its main provision is the requirement for confectionery and drinks containing certain levels glycyrrhizinic acid and its ammonium salt to be labelled with the indication ‘contains liquorice’ and for this to be coupled with a warning in certain cases. There are exemptions for food which is not pre-packed, food which is pre-packed for direct sale, fancy confectionery products, small packages and certain indelibly marked glass bottles.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The ministerial powers under which this SI is made are sections 16(1)(e) and (f), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990, as amended.

4.2 This SI further amends the Food Labelling Regulations 1996 (SI 1996 No1499) in relation to England only. It implements Directive 2004/77/EC which itself amends Directive 94/54/EC.

4.3 A transposition note is attached at Annex I.

5. Extent

5.1 This instrument applies in relation to England.

6. European Convention on Human Rights

6.1 The Secretary of State for Health, Melanie Johnson has made the following statement regarding Human Rights:

‘In my view the provisions of the Food Labelling (Amendment) (England) Regulations 2005 are compatible with the Convention rights.’

7. Policy background

- 7.1 There are estimated to be 170,000 deaths per year in England, where high blood pressure (hypertension) is a cause or contributing factor. High blood pressure affects around one in three people in England. People with high blood pressure are three times more likely to develop heart disease and stroke and twice as likely to die from these diseases than those with normal levels.
- 7.2 Commission Directive 2004/77/EC and therefore the Regulations, address the risk that consumers suffering from hypertension may consume harmful amounts of glycyrrhizinic acid and/or its ammonium salts due to its presence not being declared on prepacked food.
- 7.3 Glycyrrhizinic acid occurs naturally in the liquorice plant *Glycyrrhiza glabra* while its ammonium salt is manufactured from aqueous extracts of the liquorice plant. Consumption above a certain level of glycyrrhizinic acid and its ammonium salt may give rise to, or exacerbate hypertension. The EU Scientific Committee on Food (SCF) (opinion of 4 April 2003) concluded that an upper limit for regular ingestion of 100mg/day of glycyrrhizinic acid and its ammonium salt provides a sufficient level of protection for the majority of the population. However the Committee noted that there are subgroups for which this upper limit might not offer sufficient protection, such as those with medical conditions related to disturbed water and electrolyte homeostasis.
- 7.4 The purpose of Directive 2004/77/EC is to ensure that consumers receive clear information about the presence of glycyrrhizinic acid or its ammonium salt in confectionery and beverages and that those with medical conditions related to disturbed water and electrolyte homeostasis are able to identify products they may need. In addition where products contain high levels of glycyrrhizinic acid or its ammonium salt consumers will be informed that excessive intake should be avoided.
- 7.5 Over 1000 interested parties were consulted on the draft statutory instrument, Partial Regulatory Impact Assessment (RIA) and Guidance, of which two responses were received. A brief analysis of these is provided in the RIA. The legislation is not likely to be politically or legally significant.

8. Impact

- 8.1 The Full Regulatory Impact Assessment is attached at Annex II.
- 8.2 Following consultation with trade/retail organisations, it appears that the new rules will have little impact on businesses, estimated at less than £1000 per annum.

9. Contact

9.1 Dr Theresa Ekong, Food Standards Agency, Room 115B, Aviation House, 125 Kingsway, London WC2B 6NH. Tel: 0207-276-8192; E-mail: theresa.ekong@foodstandards.gsi.gov.uk.