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STATUTORY INSTRUMENTS

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**1996 No. 1499**

**The Food Labelling Regulations 1996**

**PART II**

**FOOD TO BE DELIVERED AS SUCH TO THE  
ULTIMATE CONSUMER OR TO CATERERS**

*Scope and general labelling requirement*

**Scope of Part II**

4.—(1) Subject to paragraphs (2) and (3) of this regulation, this Part of these Regulations applies to food which is ready for delivery to the ultimate consumer or to a catering establishment.

(2) Except for regulations 33 and 34 and, insofar as they relate to regulations 33 and 34, regulations 35 and 38, this Part of these Regulations does not apply to—

- (a) any specified sugar product as defined in the Specified Sugar Products Regulations 1976(1);
- (b) any cocoa product or chocolate product as defined in the Cocoa and Chocolate Products Regulations 1976;
- (c) any honey as defined in the Honey Regulations 1976(2);
- (d) any condensed milk product or dried milk product as defined in the Condensed Milk and Dried Milk Regulations 1977(3) which is ready for delivery to a catering establishment other than any such product which is specially prepared for infant feeding and in the labelling of which there appears a clear statement that such food is intended for consumption by infants and no statement to the effect that such is intended for consumption by any other class of person;
- (e) any coffee, coffee mixture, coffee extract product, chicory extract product or other designated product as defined in the Coffee and Coffee Products Regulations 1978(4) which is ready for delivery to a catering establishment;
- (f) hen eggs, in so far as their labelling is regulated by Council Regulation (EEC) No. 1907/90(5) on certain marketing standards for eggs, as amended(6), Commission Regulation (EEC) No. 1274/91(7) introducing detailed rules for implementing Regulation

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(1) S.I.1976/509; relevant amending instrument is S.I. 1980/1849.

(2) S.I. 1976/1832, to which there are amendments not relevant to these Regulations.

(3) S.I. 1977/928; relevant amending instrument is S.I. 1982/1066.

(4) S.I. 1978/1420; relevant amending instrument is S.I. 1987/1986.

(5) OJ No. L173, 6.7.90, p.5 as read with Corrigendum at OJ No. L195, 26.7.90, p.40.

(6) Council Regulation (EEC) No. 2617/93 (OJ No. L240, 25.9.93, p.1) and Council Regulation (EC) No. 3117/94 (OJ No. L330, 12.12.94, p.4).

(7) OJ No. L121, 16.5.91, p.11.

- (EEC) No. 1907/90, as amended(8), and Council Decision 94/371/EC(9) laying down specific public health conditions for the putting on the market of certain types of eggs;
- (g) spreadable fats, in so far as their labelling is regulated by Council Regulation (EC) No. 2991/94(10) laying down standards for spreadable fats;
- (h) wines or grape musts, in so far as their labelling is regulated by Council Regulation (EEC) No. 2392/89(11) laying down general rules for the description and presentation of wines and grape musts, as amended(12);
- (i) sparkling wines and aerated sparkling wines, in so far as their labelling is regulated by Council Regulation (EEC) No. 2333/92(13) laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines;
- (j) liqueur wines, semi-sparkling wines and aerated semi-sparkling wines, in so far as their labelling is regulated by Council Regulation (EEC) No. 3895/91(14) laying down rules for the description and presentation of special wines, and Commission Regulation (EEC) No. 3901/91(15) laying down certain detailed rules on the description and presentation of special wines;
- (k) any spirit drinks, in so far as their labelling is regulated by Council Regulation (EEC) No. 1576/89(16) laying down general rules on the definition, description and presentation of spirit drinks, Commission Regulation (EEC) No. 3773/89(17) laying down transitional measures relating to spirituous beverages, as amended(18), and Commission Regulation (EEC) No. 1014/90(19) laying down detailed implementing rules on the definition, description and presentation of spirit drinks, as amended(20);
- (l) fresh fruit and vegetables, in so far as their labelling is regulated by Council Regulation (EEC) No. 1035/72(21) on the common organisation of the market in fruit and vegetables, as amended(22);
- (m) preserved sardines, in so far as their labelling is regulated by Council Regulation (EEC) No. 2136/89(23) laying down common marketing standards for preserved sardines;
- (n) preserved tuna and bonito, in so far as their labelling is regulated by Council Regulation (EEC) No. 1536/92(24) laying down common marketing standards for preserved tuna and bonito;

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(8) Commission Regulation (EEC) No. 3540/91 (OJ No. L335, 6.12.91, p.12), Commission Regulation (EEC) No. 2221/92 (OJ No. L218, 1.8.92, p.81, as read with Corrigendum at OJ No. L292, 8.10.92, p.34), Commission Regulation (EC) No. 3300/93 (OJ No. L296, 1.12.93, p.52), Commission Regulation (EC) No. 1259/94 (OJ No. L137, 1.6.94, p.54), Commission Regulation (EC) No. 3239/94 (OJ No. L338, 28.12.94, p.48), Commission Regulation (EC) No. 786/95 (OJ No. L79, 7.4.95, p.12) and Commission Regulation (EC) No. 2401/95 (OJ No. L246, 13.10.95, p.6).

(9) OJ No. L168, 2.7.94, p.34.

(10) OJ No. L316, 9.12.94, p.2.

(11) OJ No. L232, 9.8.89, p.3.

(12) Council Regulation (EEC) No. 3886/89 (OJ No. L378, 27.12.89, p.12) and Council Regulation (EEC) No. 3897/91 (OJ No. L386, 31.12.91, p.5).

(13) OJ No. L231, 13.8.92, p.9.

(14) OJ No. L368, 31.12.91, p.1.

(15) OJ No. L368, 31.12.91, p.15.

(16) OJ No. L160, 12.6.89, p.1.

(17) OJ No. L365, 15.12.89, p.48.

(18) Commission Regulation (EEC) No. 1759/90 (OJ No. L162, 28.6.90, p.23), Commission Regulation (EEC) No. 3207/90 (OJ No. L307, 7.11.90, p.11), and Commission Regulation (EEC) No. 3750/90 (OJ No. L360, 22.12.90, p.40).

(19) OJ No. L105, 25.4.90, p.9.

(20) Commission Regulation (EEC) No. 1180/91 (OJ No. L115, 8.5.91, p.5), Commission Regulation (EEC) No. 1781/91 (OJ No. L160, 25.6.91, p.5), and Commission Regulation (EEC) No. 3458/92 (OJ No. L350, 1.12.92, p.59).

(21) OJ No. L118, 20.5.72, p.1.

(22) The relevant amending instrument is Council Regulation (EEC) No. 1603/91 (OJ No. L149, 14.6.91, p.12).

(23) OJ No. L212, 22.7.89, p.79.

(24) OJ No. L163, 17.6.92, p.1.

- (o) any additive sold as such which is required to be labelled in accordance with regulation 4(3) of the Extraction Solvents in Food Regulations 1993(25), or the appropriate provisions of any of the additives regulations.
- (3) This Part of these Regulations does not apply to—
  - (a) any drink bottled before 1st January 1983 which has an alcoholic strength by volume of more than 1.2 per cent and which is labelled in accordance with the legislation in force at the time of bottling;
  - (b) 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(26);
  - (c) any food prepared otherwise than in the course of a business carried on by the person preparing it.

### **General labelling requirement**

5. Subject to the following provisions of this Part of these Regulations, all food to which this Part of these Regulations applies shall be marked or labelled with—

- (a) the name of the food;
- (b) a list of ingredients;
- (c) the appropriate durability indication;
- (d) any special storage conditions or conditions of use;
- (e) the name or business name and an address or registered office of either or both of—
  - (i) the manufacturer or packer, or
  - (ii) a seller established within the European Community;
- (f) particulars of the place of origin or provenance of the food if failure to give such particulars might mislead a purchaser to a material degree as to the true origin or provenance of the food; and
- (g) instructions for use if it would be difficult to make appropriate use of the food in the absence of such instructions.

#### *Name of the food*

### **Name prescribed by law**

6.—(1) If there is a name prescribed by law for a food, that is to say if a particular name is required to be used for the food, that name shall be used as the name of the food.

(2) The name used for food specified in Schedule 1 shall be the name required by that Schedule.

(3) A name that is required to be used for a food by paragraph (1) or (2) of this regulation may be qualified by other words which make it more precise.

### **Customary name**

7. If there is no name prescribed by law for a food, a customary name, that is to say a name which is customary in the area where the food is sold, may be used for the food.

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(25) S.I. 1993/1658, amended by S.I. 1995/1440.

(26) 1965 c. 12.

### **Indication of true nature of food**

8. If—

- (a) there is no name prescribed by law for a food, and
- (b) there is no customary name or the customary name is not used,

the name used for the food shall be sufficiently precise to inform a purchaser of the true nature of the food and to enable the food to be distinguished from products with which it could be confused and, if necessary, shall include a description of its use.

### **Form of name**

9. The name of a food may consist of a name or description or of a name and description and it may contain more than one word.

### **Trade marks, brand names and fancy names**

10. A trade mark, brand name or fancy name shall not be substituted for the name of a food.

### **Indication of physical condition or treatment**

11.—(1) Where a purchaser could be misled by the omission of an indication—

- (a) that a food is powdered or is in any other physical condition, or
- (b) that a food has been dried, freeze-dried, frozen, concentrated or smoked, or has been subjected to any other treatment,

the name of the food shall include or be accompanied by such an indication.

(2) Without prejudice to the generality of paragraph (1) of this regulation, the name used for a food specified in Schedule 2 shall include or be accompanied by such indication as is required by that Schedule.

### *List of ingredients*

### **Heading of list of ingredients**

12. The list of ingredients must be headed or preceded by an appropriate heading which consists of or includes the word “ingredients”.

### **Order of list of ingredients**

13.—(1) Subject to the following paragraphs of this regulation, when a food is marked or labelled with a list of ingredients, the ingredients shall be listed in descending order of weight determined as at the time of their use in the preparation of the food.

(2) Subject to regulation 16, water and volatile products which are added as ingredients of a food shall be listed in order of their weight in the finished product, the weight being calculated in the case of water by deducting from the total weight of the finished product the total weight of the other ingredients used.

(3) In the case of an ingredient which is used in a food in concentrated or dehydrated form and which is reconstituted during preparation of the food, the weight used in determining the order of the list of ingredients may be the weight of the ingredient before concentration or dehydration.

(4) Without prejudice to regulation 12, where a food is in concentrated or dehydrated form and is intended to be reconstituted by the addition of water, its ingredients may be listed in descending

order of their weight in the food when reconstituted as directed if the heading of the list of ingredients includes or is accompanied by the words “ingredients of the reconstituted product” or “ingredients of the ready to use product” or by some other indication to similar effect.

(5) Where a food consists of, or contains, mixed fruit, nuts, vegetables, spices or herbs and no particular fruit, nut, vegetable, spice or herb predominates significantly by weight, those ingredients may be listed otherwise than in descending order of weight if—

- (a) in the case of a food which consists entirely of such a mixture, the heading of the list of ingredients includes or is accompanied by the words “in variable proportion” or other words indicating the nature of the order in which the ingredients are listed, and
- (b) in the case of a food which contains such a mixture, that part of the list where the names of those ingredients appear is accompanied by the words “in variable proportion” or other words indicating the nature of the order in which those ingredients are listed.

### **Names of ingredients**

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

(2) The name used in any list of ingredients for any food which has been irradiated shall include or be accompanied by the word “irradiated” or the words “treated with ionising radiation”.

(3) Where in any case other than one to which paragraph (2) of this regulation applies 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 shall include or be accompanied by that indication unless the provision requiring the indication provides to the contrary.

(4) A generic name which appears in column 1 of Schedule 3 may be used for an ingredient which is specified in the corresponding entry in column 2 of that Schedule in accordance with any conditions that are laid down in the corresponding entry in column 3 of that Schedule.

(5) Where an ingredient being a flavouring is added to or used in a food it shall be identified by either—

- (a) the word “flavouring” or, where more than one such ingredient is used, “flavourings”, or
- (b) a more specific name or description of the flavouring (or flavourings).

(6) The word “natural”, or any other word having substantially the same meaning, may be used for an ingredient being a flavouring only where the flavouring component (or components) of such an ingredient consists (or consist) exclusively of—

- (a) a flavouring substance (or flavouring substances) which is (or are) obtained, by physical, enzymatic or microbiological processes, from material of vegetable or animal origin which material is either raw or has been subjected to a process normally used in preparing food for human consumption and to no process other than one normally so used,
- (b) a flavouring preparation (or flavouring preparations), or
- (c) both (a) and (b) above.

(7) If the name of an ingredient being a flavouring refers to the vegetable or animal nature or origin of the material which it incorporates, the word “natural”, or any other word having substantially the same meaning, may not be used for that ingredient unless, in addition to satisfying the requirements of paragraph (6) of this regulation, the flavouring component (or components) of that ingredient has (or have) been isolated by physical, enzymatic or microbiological processes, or by a process normally used in preparing food for human consumption, solely or almost solely from that vegetable or animal source.

(8) In paragraphs (6) and (7) of this regulation—

- (a) distillation and solvent extraction shall be regarded as included among types of physical process, and
- (b) drying, torrefaction and fermentation shall be treated as included among the types of process normally used in preparing food for human consumption.

(9) An additive which is added to or used in a food to serve the function of one of the categories of additives listed in Schedule 4 shall be identified by the name of that category followed by the additive's specific name or serial number (if any). An additive which is added to or used in a food to serve more than one such function shall be identified by the name of the category that represents the principal function served by the additive in that food followed by the additive's specific name or serial number (if any).

(10) An additive which is required to be named in the list of ingredients of a food and which is neither a flavouring nor serves the function of one of the categories of additives listed in Schedule 4 shall be identified by its specific name.

(11) In this regulation "serial number" means the number specified for an additive in any of the additive regulations or in Schedule 3 to the Bread and Flour Regulations.

### **Compound ingredients**

**15.**—(1) Subject to paragraphs (3) and (4) of this regulation, where a compound ingredient is used in the preparation of a food, the names of the ingredients of the compound ingredient shall be given in the list of ingredients of the food either instead of or in addition to the name of the compound ingredient itself.

(2) If the name of a compound ingredient is given, it shall be immediately followed by the names of its ingredients in such a way as to make it clear that they are ingredients of that compound ingredient.

(3) The names of the ingredients of a compound ingredient need not be given in a case where the compound ingredient would not be required to be marked or labelled with a list of ingredients if it were itself being sold prepacked as a food.

(4) The names of the ingredients of a compound ingredient need not be given in a case where—

- (a) the compound ingredient is identified in the list of ingredients by a generic name in accordance with regulation 14(4), or
- (b) the compound ingredient constitutes less than 25 per cent of the finished product, except that, subject to regulation 17, any additive which is an ingredient of such a compound ingredient shall be named in the list of ingredients in accordance with paragraph (2) of this regulation.

### **Added water**

**16.**—(1) Water which is added as an ingredient of a food shall be declared in the list of ingredients of the food unless—

- (a) it is used in the preparation of the food solely for the reconstitution or partial reconstitution of an ingredient used in concentrated or dehydrated form; or
- (b) it is used as, or as part of, a medium which is not normally consumed; or
- (c) it does not exceed 5 per cent of the finished product.

(2) Water which is added to any frozen or quick-frozen chicken carcase to which Commission Regulation (EEC) No. 1538/91(27) applies, as amended by Commission Regulation

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(27) OJ No. L143, 7.6.91, p.11.

(EEC) No. 2891/93(28), introducing detailed rules for implementing Council Regulation (EEC) No. 1906/90 on certain marketing standards for poultry, need not be declared in the list of ingredients of the food.

#### **Ingredients which need not be named**

17. The following ingredients of a food need not be named in its list of ingredients:
- (a) constituents of an ingredient which have become temporarily separated during the manufacturing process and are later re-introduced in their original proportions;
  - (b) any additive whose presence in the food is due solely to the fact that it was contained in an ingredient of the food, if it serves no significant technological function in the finished product;
  - (c) any additive which is used solely as a processing aid;
  - (d) any substance other than water which is used as a solvent or carrier for an additive and is used in an amount that is no more than that which is strictly necessary for that purpose.

#### **Foods which need not bear a list of ingredients**

- 18.—(1) The following foods need not be marked or labelled with a list of ingredients:
- (a) fresh fruit and vegetables, including potatoes, which have not been peeled or cut into pieces;
  - (b) carbonated water, to which no ingredient other than carbon dioxide has been added, and whose name indicates that it has been carbonated;
  - (c) vinegar which is derived by fermentation exclusively from a single basic product and to which no other ingredient has been added;
  - (d) cheese, butter, fermented milk and fermented cream, to which no ingredient has been added other than lactic products, enzymes and micro-organism cultures essential to manufacture or, in the case of cheese other than fresh curd cheese and processed cheese, such amount of salt as is needed for its manufacture;
  - (e) any food consisting of a single ingredient, including flour to which no substances have been added other than those which are required to be present in the flour by regulation 4 of the Bread and Flour Regulations;
  - (f) any drink with an alcoholic strength by volume of more than 1.2 per cent.
- (2) Without prejudice to regulation 12, in the case of—
- (a) any vinegar which is derived by fermentation exclusively from a single basic product and to which any other ingredient has been added, or
  - (b) any cheese, butter, fermented milk or fermented cream, to which any ingredient, other than one which is mentioned in paragraph (1)(d) of this regulation, has been added,

only those other added ingredients need be named in the list of ingredients, if the heading of the list includes or is accompanied by the words “added ingredients” or other words indicating that the list is not a complete list of ingredients.

(3) The labelling of any food that is not required to bear a list of ingredients shall not include a list of ingredients unless the food is marked or labelled with a complete list of ingredients in accordance with regulations 12 to 17 as if it were required to be so marked or labelled.

### *Ingredients given special emphasis*

#### **Indication of minimum or maximum percentage of ingredients**

19.—(1) Where a food is characterised by the presence of a particular ingredient, the labelling of the food shall not place special emphasis on the presence of that ingredient, unless it includes a declaration of the minimum percentage of that ingredient in the food, determined as at the time of its use in the preparation of the food.

(2) Where a food is characterised by the low content of a particular ingredient, the labelling of the food shall not place special emphasis on the low content of that ingredient, unless it includes a declaration of the maximum percentage of that ingredient in the food, determined as at the time of its use in the preparation of the food.

(3) Any declaration required by paragraph (1) or (2) of this regulation shall either—

- (a) appear next to the name of the food, or
- (b) accompany the name of the ingredient in question in the list of ingredients.

(4) A reference in the name of a food to a particular ingredient shall not of itself constitute the placing of special emphasis on the presence or low content of that ingredient.

(5) A reference in the labelling of a food to an ingredient which is used in a small quantity and only as a flavouring shall not of itself constitute the placing of special emphasis on the presence or low content of that ingredient.

### *Appropriate durability indication*

#### **Form of indication of minimum durability**

20.—(1) Subject to the following paragraphs of this regulation, the minimum durability of a food shall be indicated by the words “best before” followed by—

- (a) the date up to and including 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 until that date.

(2) The date in the indication of minimum durability shall be expressed in terms of a day, month and year (in that order), except that—

- (a) in the case of a food which can reasonably be expected to retain its specific properties for three months or less, it may be expressed in terms of a day and month only;
- (b) in the case of a food which can reasonably be expected to retain its specific properties for more than three months but not more than 18 months it may be expressed in terms of a month and year only, if the words “best before” are replaced by the words “best before end”, and
- (c) in the case of a food which can reasonably be expected to retain its specific properties for more than 18 months it may be expressed either in terms of a month and year only or in terms of a year only, if (in either case) the words “best before” are replaced by the words “best before end”.

(3) Either—

- (a) the date up to and including which a food can reasonably be expected to retain its specific properties if properly stored, or
- (b) that date and any storage conditions which need to be observed if the food is to retain its specific properties until that date,

may appear on the labelling of a food separately from the words “best before” or “best before end”, as the case may be, provided that those words are followed by a reference to the place where the date (or the date and the storage conditions) appears (or appear).

#### **Form of indication of “use by” date**

**21.**—(1) Where a “use by” date is required in respect of a food it shall be indicated by the words “use by” followed by—

- (a) the date up to and including which the food, if properly stored, is recommended for use, and
- (b) any storage conditions which need to be observed.

(2) The “use by” date shall be expressed in terms either of a day and month (in that order) or of a day, a month and a year (in that order).

(3) Either—

- (a) the date up to and including which a food required to bear a “use by” date is recommended for use, or
- (b) that date and any storage conditions which need to be observed,

may appear separately from the words “use by”, provided that those words are followed by a reference to the place where the date (or the date and the storage conditions) appears (or appear).

#### **Foods which need not bear an appropriate durability indication**

**22.** The following foods need not be marked or labelled with an appropriate durability indication:

- (a) fresh fruit and vegetables (including potatoes but not including sprouting seeds, legume sprouts and similar products) which have not been peeled or cut into pieces;
- (b) wine, liqueur wine, sparkling wine, aromatised wine and any similar drink obtained from fruit other than grapes;
- (c) any drink made from grapes or grape musts and coming within codes 2206 00 39, 2206 00 59 and 2206 00 89 of the Combined Nomenclature given in Council Regulation (EEC) No. 2658/87(29) on the tariff and statistical nomenclature and on the Common Customs Tariff, as amended(30);
- (d) any drink with an alcoholic strength by volume of 10 per cent or more;
- (e) any soft drink, fruit juice or fruit nectar or alcoholic drink, sold in a container containing more than 5 litres and intended for supply to catering establishments;
- (f) any flour confectionery and bread which, given the nature of its content, is normally consumed within 24 hours of its preparation;
- (g) vinegar;
- (h) cooking and table salt;
- (i) solid sugar and products consisting almost solely of flavoured or coloured sugars;
- (j) chewing gums and similar products;
- (k) edible ices in individual portions.

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(29) OJ No. L256, 7.9.87, p.1.

(30) Relevant amendment is Commission Regulation (EEC) No. 2551/93, OJ No. L241, 27.9.93, p.1.

*Omission of certain particulars*

**Food which is not prepacked and similar food, and fancy confectionery products**

23.—(1) This regulation applies to—

- (a) food which is—
  - (i) not prepacked, or
  - (ii) prepacked for direct sale,
 other than any such food to which regulation 27 applies;
- (b) any flour confectionery which is packed in a crimp case only or in wholly transparent packaging which is either unmarked or marked only with an indication of the price of the food and any lot marking indication given in accordance with the Food (Lot Marking) Regulations 1992<sup>(31)</sup>, if there is not attached to the flour confectionery or its packaging any document, notice, label, ring or collar (other than a label (or labels) on which only the price of the food and any lot marking indication are marked); and
- (c) individually wrapped fancy confectionery products which are not enclosed in any further packaging and which are intended for sale as single items.

(2) Subject to paragraph (3) of this regulation, food to which this regulation applies need not be marked or labelled with any of the particulars specified in regulation 5 except—

- (a) the name of the food; and
- (b) in the case of milk, the particulars required by regulation 5(f) (where the appropriate circumstances described in that regulation apply) and, if such milk is raw milk, the particulars required by regulation 5(e)(i),

nor, where but for this regulation they would otherwise be required, with any of the particulars specified in regulations 32, 33 and 34; and

(3) Food to which this regulation applies which has not been irradiated and which is—

- (a) not exposed for sale, or
- (b) white bread or flour confectionery, or
- (c) carcasses and parts of carcasses which are not intended for sale in one piece,

need not be marked or labelled with any of the particulars specified in regulation 5.

**Indication of additives**

24.—(1) Subject to the following paragraphs of this regulation, any food which—

- (a) by virtue of regulation 23 alone is not marked or labelled with a list of ingredients, and
- (b) contains any additive which—
  - (i) but for regulation 23, would be required to be named in the list of ingredients of the food, and
  - (ii) was added to or used in the food or an ingredient of the food to serve the function of an antioxidant, colour, flavouring, flavour enhancer, preservative, or sweetener,
 shall be marked or labelled with an indication of every such category of additive that is contained in the food.

(2) Any edible ice or flour confectionery which, but for this paragraph, would be required to be marked or labelled in accordance with paragraph (1) of this regulation need not be so marked

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(31) S.I. 1992/1357.

or labelled if there is displayed in a prominent position near the edible ice or flour confectionery a notice stating, subject to paragraph (3) of this regulation, that edible ices or flour confectionery, as the case may be, sold at the establishment where the notice is displayed may contain such categories of additives.

(3) Where, in the circumstances described in paragraph (1) or (2) of this regulation, an additive serves more than one of the functions specified in the said paragraph (1), it shall only be necessary to indicate that category which represents the principal function served by the additive in the food or ingredient to which it was added or in which it was used.

(4) This regulation does not apply to food which is not exposed for sale.

### **Indication of irradiated ingredients**

**25.**—(1) Subject to paragraph (2) of this regulation, any food which—

- (a) by virtue of regulation 23 alone is exempted from the requirement to be marked or labelled with a list of ingredients, and
- (b) contains any ingredient which has been irradiated (and which comprises a particular with which, had that food not been subject to that exemption, the food would have been required by these Regulations to be marked or labelled),

shall be marked or labelled with an indication that it contains that ingredient, and in such a case the reference within that indication to that ingredient shall include or be accompanied by the word “irradiated” or the words “treated with ionising radiation”.

(2) This regulation does not apply to food which is not exposed for sale.

### **Small packages and certain indelibly marked bottles**

**26.**—(1) Subject to the following paragraphs of this regulation, any prepacked food, either contained in an indelibly marked glass bottle intended for re-use and having no label, ring or collar, or the largest surface of whose packaging has an area of less than ten square centimetres, need not by virtue of these Regulations be marked or labelled with any of the particulars specified in regulation 5 except the name of the food and, unless the food is not required to be marked or labelled with such an indication, the appropriate durability indication.

(2) Any bottle referred to in paragraph (1) of this regulation which contains milk shall also be marked or labelled with the particulars required by regulation 5(f) (where the appropriate circumstances described in that regulation apply) and, if such milk is raw milk, with the particulars required by regulation 5(e)(i).

(3) Subject to paragraphs (4) and (5) of this regulation, any prepacked food which—

- (a) is sold or supplied as an individual portion, and
- (b) is intended as a minor accompaniment to either—
  - (i) another food, or
  - (ii) another service,

need not be marked or labelled with any of the particulars specified in regulation 5 except the name of the food nor, where but for this regulation they would otherwise be required, with any of the particulars specified in regulations 32, 33 and 34. Such prepacked food shall include butter and other fat spreads, milk, cream and cheeses, jams and marmalades, mustards, sauces, tea, coffee and sugar, and such other service shall include the provision of sleeping accommodation at an hotel or other establishment at which such accommodation is provided by way of trade or business.

(4) This regulation does not apply to any food to which regulation 23 or 27 applies.

- (5) Any bottle referred to in paragraph (1) of this regulation need not—
- (a) where it contains milk, or
  - (b) where it contains any other food, in which case until 1st January 1997,
- be marked or labelled with an appropriate durability indication.

### **Certain food sold at catering establishments**

**27.**—(1) Subject to the following paragraphs of this regulation, any food which is sold at a catering establishment and is either—

- (a) not prepacked, or
- (b) prepacked for direct sale,

need not be marked or labelled with any of the particulars specified in regulation 5 nor, where but for this regulation they would otherwise be required, with any of the particulars specified in regulations 32, 33 and 34.

(2) In the case of any such food being milk which is prepacked for direct sale it shall be marked or labelled with the particulars required by regulations 5(f) (where the appropriate circumstances described in that regulation apply) and, if such milk is raw milk, the particulars required by regulation 5(e)(i).

(3) In the case of any such food which has been irradiated that food shall be marked or labelled with an indication of such treatment, which indication shall include or be accompanied by the word “irradiated” or the words “treated with ionising radiation”.

(4) In the case of any such food which contains an ingredient which has been irradiated (and which comprises a particular with which, had that food been prepacked, the food would have been required by these Regulations to be marked or labelled), that food shall (subject to regulation 36(3) and (4)) be marked or labelled with an indication that it contains that ingredient and the reference within that indication to that ingredient shall include or be accompanied by the word “irradiated” or the words “treated with ionising radiation”.

### **Seasonal selection packs**

**28.** The outer packaging of a seasonal selection pack need not be marked or labelled with any of the particulars specified by these Regulations, provided that each item contained in the pack is individually prepacked and is marked or labelled in accordance with the provisions of these Regulations or any other Regulations applying to such item.

### *Additional labelling requirements for certain categories of food*

#### **Food sold from vending machines**

**29.**—(1) Subject to paragraph (2) of this regulation, where any food is sold from a vending machine, without prejudice to any other labelling requirements imposed by these Regulations, there shall appear on the front of the machine a notice indicating the name of the food (unless that name appears on the labelling of the food in such a manner as to be easily visible and clearly legible to an intending purchaser through the outside of the machine), together with—

- (a) in the event that such food is not prepacked, and there is made in respect of it (whether on the machine or elsewhere) a claim of a type described in Part II of Schedule 6, a notice giving the prescribed nutrition labelling described in paragraph 2 of Part II of Schedule 7;

- (b) in the event that such food is one which should properly be reheated before it is eaten, but suitable instructions for such reheating are not given on the packaging (if any) of the food, a notice giving such instructions.
- (2) A notice required under sub-paragraph (a) or (b) of paragraph (1) of this regulation shall appear either—
  - (a) on the front of the vending machine, or
  - (b) in close proximity to the machine and in such a way as to be readily discernible by an intending purchaser.

### **Prepacked alcoholic drinks other than Community controlled wine**

**30.**—(1) In the case of prepacked alcoholic drinks other than Community controlled wine, every drink with an alcoholic strength by volume of more than 1.2 per cent shall be marked or labelled with an indication of its alcoholic strength by volume in the form of a figure to not more than one decimal place (which may be preceded by the word “alcohol” or by the abbreviation “alc”) followed by the symbol “% vol”.

(2) Positive and negative tolerances shall be permitted in respect of the indication of alcoholic strength by volume and shall be those specified in Schedule 5, expressed in absolute values.

(3) For the purposes of this regulation, the alcoholic strength of any drink shall be determined at 20°C.

### **Raw milk**

**31.**—(1) Subject to paragraph (3) of this regulation, and except in cases to which paragraph (2) of this regulation applies, the container in which any raw milk is sold shall be marked or labelled with the words “This milk has not been heat-treated and may therefore contain organisms harmful to health”.

(2) Subject to paragraph (3) of this regulation, in the case of any raw milk which is not prepacked and is sold at a catering establishment there shall appear—

- (a) on a label attached to the container in which that milk is sold, or
- (b) on a ticket or notice that is readily discernible by an intending purchaser at the place where he chooses that milk,

the words “Milk supplied in this establishment has not been heat-treated and may therefore contain organisms harmful to health”.

(3) The provisions of paragraphs (1) and (2) of this regulation shall not apply to raw milk from buffaloes.

### **Products consisting of skimmed milk together with non-milk fat**

**32.** The container in which any product—

- (a) consisting of skimmed milk together with non-milk fat,
- (b) which is capable of being used as a substitute for milk, and
- (c) which is neither—

- (i) an infant formula or a follow-on formula, nor

- (ii) a product specially formulated for infants or young children for medical purposes,

is sold shall be prominently marked or labelled with a warning that the product is unfit, or not to be used, as food for babies.

### **Foods packaged in certain gases**

**33.** A food the durability of which has been extended by means of its being packaged in any packaging gas authorised pursuant to Council Directive [89/107/EEC\(32\)](#), concerning food additives for use in foodstuffs intended for human consumption, shall be marked or labelled with the indication “packaged in a protective atmosphere”.

### **Foods containing sweeteners, added sugar and sweeteners, aspartame or polyols**

**34.**—(1) A food containing a sweetener or sweeteners authorised pursuant to the Sweeteners in Food Regulations 1995([33](#)) shall be marked or labelled with the indication “with sweetener(s)”.

(2) A food containing both an added sugar or sugars and a sweetener or sweeteners authorised pursuant to those Regulations shall be marked or labelled with the indication “with sugar(s) and sweetener(s)”.

(3) A food containing aspartame shall be marked or labelled with the indication “contains a source of phenylalanine”.

(4) A food containing more than 10% added polyols shall be marked or labelled with the indication “excessive consumption may produce laxative effects”.

(5) The indications required by paragraphs (1) and (2) above shall accompany the name of the food.

#### *Manner of marking or labelling*

### **General requirement**

**35.** When any food other than food to which regulation 23, 27 or 31 applies is sold, the particulars with which it is required to be marked or labelled by these Regulations shall appear—

- (a) on the packaging, or
- (b) on a label attached to the packaging, or
- (c) on a label that is clearly visible through the packaging,

save that where the sale is otherwise than to the ultimate consumer such particulars may, alternatively, appear only on the commercial documents relating to the food where it can be guaranteed that such documents, containing all such particulars, either accompany the food to which they relate or were sent before, or at the same time as, delivery of the food, and provided always that the particulars required by regulation 5(a), (c) and (e) shall also be marked or labelled on the outermost packaging in which that food is sold.

### **Food to which regulation 23 or 27 applies**

**36.**—(1) When any food to which regulation 23 or 27 applies is sold to the ultimate consumer, the particulars with which it is required to be marked or labelled by these Regulations shall, except in a case to which paragraph (2) of this regulation applies, appear—

- (a) on a label attached to the food, or
- (b) on a menu, notice, ticket or label that is readily discernible by an intending purchaser at the place where he chooses that food.

(2) In any case where food to which paragraph (1)(b) of this regulation applies has been or contains an ingredient which has been irradiated and that food is sold and delivered to the ultimate

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(32) OJ No. L40, 11.2.89, p.27.

(33) S.I. [1995/3123](#), as amended by S.I. [1996/1477](#).

consumer in a catering establishment, use of alternative labelling shall not alone be treated as a contravention of these Regulations and for this purpose alternative labelling is used where, instead of the particulars referred to in that paragraph appearing in the manner specified therein, alternative particulars are displayed in accordance with paragraph (3), with paragraph (4) or with paragraphs (3) and (4) of this regulation.

(3) Alternative particulars are displayed in accordance with this paragraph in relation to any ingredient which has been irradiated if there appears, in the manner specified in paragraph (1)(b) of this regulation, an indication that the food of which that irradiated ingredient forms part may contain that irradiated ingredient and if the reference within that indication to that ingredient includes or is accompanied by the word “irradiated” or the words “treated with ionising radiation”.

(4) Alternative particulars are displayed in accordance with this paragraph if the irradiated ingredients to which they relate are dried substances normally used for seasoning, if there appears, in the manner specified in paragraph (1)(b) of this regulation, an indication to the effect that food sold in the catering establishment contains (or may contain) those irradiated ingredients and if the reference within that indication to those ingredients includes or is accompanied by the word “irradiated” or the words “treated with ionising radiation”.

(5) When any food to which regulation 23 applies is sold otherwise than to the ultimate consumer, the particulars with which it is required to be marked or labelled by these Regulations shall appear—

- (a) on a label attached to the food, or
- (b) on a ticket or notice that is readily discernible by the intending purchaser at the place where he chooses the food, or
- (c) in commercial documents relating to the food where it can be guaranteed that such documents either accompany the food to which they relate or were sent before, or at the same time as, delivery of the food.

## **Milk**

**37.**—(1) Subject to paragraph (2) of this regulation, in the case of milk that is contained in a bottle, any particulars which are required to be given under these Regulations may be given on the bottle cap.

(2) In the case of raw milk contained in a bottle, the particulars specified in regulation 31(1) shall be given elsewhere than on the bottle cap.

## **Intelligibility**

**38.**—(1) The particulars with which a food is required to be marked or labelled by these Regulations, or which appear on a menu, notice, ticket or label pursuant to these Regulations, shall be easy to understand, clearly legible and indelible and, when a food is sold to the ultimate consumer, the said particulars shall be marked in a conspicuous place in such a way as to be easily visible.

(2) Such particulars shall not in any way be hidden, obscured or interrupted by any other written or pictorial matter.

(3) Paragraph (1) of this regulation shall not be taken to preclude the giving of such particulars at a catering establishment, in respect of foods the variety and type of which are changed regularly, by means of temporary media (including the use of chalk on a blackboard).

## **Field of vision**

**39.**—(1) Where a food is required to be marked or labelled with more than one of the following indications, such indications shall appear in the labelling of the food in the same field of vision—

- (a) the name of the food,

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- (b) an appropriate durability indication,
  - (c) an indication of alcoholic strength by volume,
  - (d) the cautionary words in respect of raw milk,
  - (e) the warning required on certain products by regulation 32, and
  - (f) an indication of the net quantity as required by the Weights and Measures Act 1985<sup>(34)</sup> or by any Order or Regulations made thereunder.
- (2) Paragraph (1)(b), (c) and (f) of this regulation shall not apply to any food sold in a bottle or packaging where such bottle or packaging is the subject of regulation 26.

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<sup>(34)</sup> 1985 c. 72.