

Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (Text with EEA relevance)

## CHAPTER II

### COMPOSITIONAL AND INFORMATION REQUIREMENTS

#### SECTION I

#### **General requirements**

##### *Article 6*

#### **General provisions**

- 1 Food referred to in Article 1(1) shall comply with any requirement of [<sup>F1</sup>retained EU law] applicable to food.
- 2 The requirements laid down in this Regulation shall prevail over any conflicting requirement of [<sup>F1</sup>retained EU law] applicable to food.

#### **Textual Amendments**

- F1** Words in [Art. 6](#) substituted (E.W.S.) (31.12.2020) by [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/651\)](#), regs. 1(1), **19(6)**; 2020 c. 1, Sch. 5 para. 1(1)

##### *<sup>F2</sup>Article 7*

#### **Opinions of the Authority**

#### **Textual Amendments**

- F2** [Art. 7](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/651\)](#), regs. 1(1), **19(7)**; 2020 c. 1, Sch. 5 para. 1(1)

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### <sup>F3</sup>Article 8

#### Access to documents

##### Textual Amendments

- F3** [Art. 8](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/651\)](#), regs. 1(1), **19(7)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 9

#### General compositional and information requirements

1 The composition of food referred to in Article 1(1) shall be such that it is appropriate for satisfying the nutritional requirements of, and is suitable for, the persons for whom it is intended, in accordance with generally accepted scientific data.

2 Food referred to in Article 1(1) shall not contain any substance in such quantity as to endanger the health of the persons for whom it is intended.

For substances which are engineered nanomaterials, compliance with the requirement referred to in the first subparagraph shall be demonstrated on the basis of adequate test methods, where appropriate.

3 On the basis of generally accepted scientific data, substances added to food referred to in Article 1(1) for the purposes of the requirements under paragraph 1 of this Article shall be bio-available for use by the human body, have a nutritional or physiological effect and be suitable for the persons for whom the food is intended.

4 Without prejudice to Article 4(1) of this Regulation, food referred to in Article 1(1) of this Regulation may contain substances covered by [<sup>F4</sup>Regulation (EU) 2015/2283], provided that those substances fulfil the conditions under that Regulation for being placed on the market.

5 The labelling, presentation and advertising of food referred to in Article 1(1) shall provide information for the appropriate use of such food, and shall not mislead, or attribute to such food the property of preventing, treating or curing a human disease, or imply such properties.

6 Paragraph 5 shall not prevent the dissemination of any useful information or recommendations exclusively intended for persons having qualifications in medicine, nutrition, pharmacy, or for other healthcare professionals responsible for maternal care and childcare.

##### Textual Amendments

- F4** Words in [Art. 9\(4\)](#) substituted (E.W.S.) (31.12.2020) by [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/651\)](#), regs. 1(1), **19(8)**; 2020 c. 1, Sch. 5 para. 1(1)

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## Article 10

### Additional requirements for infant formula and follow-on formula

1 The labelling, presentation and advertising of infant formula and follow-on formula shall be designed so as not to discourage breast-feeding.

2 The labelling, presentation and advertising of infant formula, and the labelling of follow-on formula shall not include pictures of infants, or other pictures or text which may idealise the use of such formulae.

Without prejudice to the first subparagraph, graphic representations for easy identification of infant formula and follow-on formula and for illustrating methods of preparation shall be permitted.

## SECTION 2

### Specific requirements

## Article 11

### Specific compositional and information requirements

1 <sup>F5</sup>... Taking into account relevant technical and scientific progress, [<sup>F6</sup>and having regard to such scientific opinion as an appropriate authority considers appropriate, the appropriate authority may make regulations], with respect to the following:

- a the specific compositional requirements applicable to food referred to in Article 1(1), with the exception of requirements as set out in the Annex;
- b the specific requirements on the use of pesticides in products intended for the production of food referred to in Article 1(1) and on pesticide residues in such food. <sup>F7</sup>...
- c the specific requirements on labelling, presentation and advertising of food referred to in Article 1(1), including the authorisation of nutrition and health claims in relation thereto;
- d the notification requirements for the placing on the market of food referred to in Article 1(1), in order to facilitate the efficient official monitoring of such food, <sup>F8</sup>...
- e the requirements concerning promotional and commercial practices relating to infant formula;
- f the requirements concerning information to be provided in relation to infant and young child feeding in order to ensure adequate information on appropriate feeding practices;
- g the specific requirements for food for special medical purposes developed to satisfy the nutritional requirements of infants, including compositional requirements and requirements on the use of pesticides in products intended for the production of such food, pesticide residues, labelling, presentation, advertising, and promotional and commercial practices, as appropriate.

<sup>F9</sup>  
...

<sup>F10</sup>2 .....

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#### Textual Amendments

- F5** Words in Art. 11(1) omitted (E.W.S.) (31.12.2020) by virtue of [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/651\)](#), regs. 1(1), **19(9)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 11(1) substituted (E.W.S.) (31.12.2020) by [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/651\)](#), regs. 1(1), **19(9)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 11(1)(b) omitted (E.W.S.) (31.12.2020) by virtue of [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/651\)](#), regs. 1(1), **19(9)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 11(1)(d) omitted (E.W.S.) (31.12.2020) by virtue of [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/651\)](#), regs. 1(1), **19(9)(a)(iv)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in Art. 11(1) omitted (E.W.S.) (31.12.2020) by virtue of [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/651\)](#), regs. 1(1), **19(9)(a)(v)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Art. 11(2) omitted (E.W.S.) (31.12.2020) by virtue of [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/651\)](#), regs. 1(1), **19(9)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

### <sup>F11</sup>Article 12

#### Milk-based drinks and similar products intended for young children

#### Textual Amendments

- F11** Art. 12 omitted (E.W.S.) (31.12.2020) by virtue of [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/651\)](#), regs. 1(1), **19(10)**; 2020 c. 1, Sch. 5 para. 1(1)

### <sup>F12</sup>Article 13

#### Food intended for sportspeople

#### Textual Amendments

- F12** Art. 13 omitted (E.W.S.) (31.12.2020) by virtue of [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/651\)](#), regs. 1(1), **19(10)**; 2020 c. 1, Sch. 5 para. 1(1)

### Article 14

#### Technical guidelines

[<sup>F13</sup>The Secretary of State, the Scottish Ministers and the Welsh Ministers] may adopt technical guidelines to facilitate compliance by food business operators, in particular [<sup>F14</sup>small or medium sized enterprises as defined in the Annex to Commission Recommendation 2003/361/EC concerning the definition of micro, small and medium-sized enterprises], with this Chapter and Chapter III [<sup>F15</sup>, as it applies in their territory. For the purposes of this Article, the Annex to Commission Recommendation 2003/361/

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EC concerning the definition of micro, small and medium-sized enterprises is to be read as if—

- a in Article 2—
  - i in paragraph 1, for “EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million” there were substituted “£44,000,000, and/or an annual balance sheet total not exceeding £38,000,000”;
  - ii in paragraph 2, for “EUR 10 million” there were substituted “£8,800,000”;
  - iii in paragraph 3, for “EUR 2 million” there were substituted “£1,750,000”;
- b in Article 3—
  - i in paragraph 2(a), for “EUR 1 250 000” there were substituted “£1,100,000”;
  - ii in paragraph 2(d), for “EUR 10 million” there were substituted “£8,800,000”;
  - iii in paragraph 5, for “by national or Community rules” there were substituted “under the law of Great Britain (or any part of it)”;
- c in Article 5, in paragraph (b), for “national law” there were substituted “the law of Great Britain (or any part of it)”].

#### Textual Amendments

- F13** Words in [Art. 14](#) substituted (E.W.S.) (31.12.2020) by [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/651), regs. 1(1), **19(11)(a)** (as amended by S.I. 2020/1476, regs. 1(2), **5(4)(c)**); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in [Art. 14](#) substituted (E.W.S.) (31.12.2020) by [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/651), regs. 1(1), **19(11)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in [Art. 14](#) inserted (E.W.S.) (31.12.2020) by [The Nutrition \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/651), regs. 1(1), **19(11)(c)** (as amended by S.I. 2020/1476, regs. 1(2), **5(4)(b)**); 2020 c. 1, Sch. 5 para. 1(1)

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**Changes and effects yet to be applied to :**

- Regulation applied (with modifications) by [S.I. 2023/959 reg. 4\(a\)Sch. 1](#)

**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Art. 16E omitted in earlier amending provision S.I. 2019/651, reg. 19(15) by [S.I. 2020/1476 reg. 5\(4\)\(d\)\(ii\)](#)