

1976 No. 541

FOOD AND DRUGS

COMPOSITION AND LABELLING

The Cocoa and Chocolate Products Regulations 1976

<i>Made - - - -</i>	<i>2nd April 1976</i>
<i>Laid before Parliament</i>	<i>14th April 1976</i>
<i>Coming into Operation</i>	
<i>Regulations 2 and 22</i>	<i>5th May 1976</i>
<i>Remainder - - -</i>	<i>5th May 1977</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Social Services, acting jointly, in exercise of the powers conferred on them by sections 4, 7 and 123 of the Food and Drugs Act 1955(a) as amended by section 4(1) of, and paragraph 3(1) of Schedule 4 to, the European Communities Act 1972(b) and as read with the Secretary of State for Social Services Order 1968(c), and of all other powers enabling them in that behalf, hereby make the following regulations, after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations and after reference to the Food Hygiene Advisory Council under section 82 of the Food and Drugs Act 1955 (in so far as the regulations are made in exercise of the powers conferred by the said section 7):—

Citation and commencement

1. These regulations may be cited as the Cocoa and Chocolate Products Regulations 1976, and shall come into operation as respects regulations 2 and 22 on 5th May 1976 and as respects the remainder on 5th May 1977.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Food and Drugs Act 1955;

“appropriate designation” has the meaning assigned to it by the Labelling of Food Regulations 1970(d), as amended(e);

“chocolate product” means any food specified in column 2 of Part II of Schedule 1 as read with paragraphs 1, 2 and 3 of that Part, but does not include any product specially prepared for diabetics or to which a slimming claim is lawfully applied and which has been specially prepared in connection with that claim by the addition of any ingredient other than an edible substance;

“cocoa product” means any food specified in column 2 of Part I of Schedule 1 as read with paragraph 1 of that Part, but does not include any product specially prepared for diabetics or to which a slimming claim is lawfully applied and which has been specially prepared in connection

(a) 4 & 5 Eliz. 2. c. 16. (b) 1972 c. 68. (c) S.I. 1968/1699 (1968 III, p. 4585).

(d) S.I. 1970/400 (1970 I, p. 1383).

(e) The relevant amending instrument is S.I. 1972/1510 (1972 III, p. 4441).

with that claim by the addition of any ingredient other than an edible substance;

“cocoa solids” means the constituents of cocoa nib, whether or not containing minor proportions of shell or germ;

“the Community” means the European Economic Community;

“container” includes any form of packaging of food for sale as a single item, whether by way of wholly or partly enclosing the food or by way of attaching the food to some other article, and in particular includes a wrapper or confining band, but does not include any crimp case used to support the base or the base and sides of any chocolate product;

“edible substance” means any substance suitable for use as food, which is wholly a natural product, whether or not that substance has been subjected to any process or treatment, or any vitamin or mineral, or any flavouring substance which does not impart the flavour of chocolate or milk fat, but does not include—

- (a) any food specified in column 2 of Part I of Schedule 1 as read with paragraph 1 of that Part,
- (b) any food specified in column 2 of Part II of Schedule 1 as read with paragraphs 1, 2 and 3 of that Part, or
- (c) any permitted acid, permitted base or permitted emulsifier of a description specified in column 2 or paragraph 1 of Part I of Schedule 2;

“extracted cocoa butter” means press cocoa butter, expeller cocoa butter, refined cocoa butter or any combination of two or more of these cocoa products;

“expeller process” means a process using pressure resulting from the shearing action of a press;

“fancy chocolate product” includes any chocolate product in the form of figurines, cigarettes or eggs or enclosed in a seasonal selection pack;

“flavouring substance” means any substance which is capable of imparting, and is generally used to impart, taste or odour, or both, to food;

“food” means food intended for sale for human consumption and includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—

- (a) water, live animals or birds,
- (b) fodder or feeding stuffs for animals, birds or fish, or
- (c) articles or substances used only as drugs;

“food and drugs authority” has the meaning assigned to it by section 198 of the Local Government Act 1972(a);

“germ” means the embryo of the cocoa bean;

“human consumption” includes use in the preparation of food for human consumption;

“ice cream” has the meaning assigned to it by the Ice Cream Regulations 1967(b);

“instant preparation”, in relation to any cocoa product, means a product capable of rapid dispersal in milk or water;

“milk” means cows’ milk;

“milk solids” means all the constituents of milk other than water whether or not in their natural proportions;

“non-fat cocoa solids” means the constituents of cocoa solids other than permitted cocoa butter and cocoa fat;

“permitted acid” means any acid in so far as its use is permitted by the Miscellaneous Additives in Food Regulations 1974(a), as amended(b);

“permitted base” means any base in so far as its use is permitted by the Miscellaneous Additives in Food Regulations 1974, as amended;

“permitted cocoa butter” means fat in parts of cocoa beans having a level of unsaponifiable matter not exceeding 0.5 per centum determined using petroleum ether and an acidity of not more than 1.75 per centum expressed as oleic acid, with or without, in relation to any chocolate product, any extracted cocoa butter;

“permitted emulsifier” means any emulsifier in so far as its use is permitted by the Emulsifiers and Stabilisers in Food Regulations 1975(c);

“pre-packed” means made up in advance in or on a container ready for sale by retail; and where any food made up in or on a container is found on any premises where such food is so made up or is kept or stored for sale, that food shall be deemed to be pre-packed unless the contrary is proved, and it shall not be sufficient proof of the contrary to show that the food had not been labelled in accordance with the provisions of these regulations;

“reserved description”, as respects any cocoa product or chocolate product, means a description specified or referred to in relation to that product in column 1 of Part I or II of Schedule 1, and the use of any such description in these regulations shall be construed as meaning any cocoa product or chocolate product specified in relation to that description in column 2, as read with paragraph 1, of Part I of Schedule 1 or column 2, as read with paragraphs 1, 2 and 3 of Part II of that Schedule;

“seasonal selection pack” means a pack wholly or mainly enclosing, in an outer container decorated with seasonal designs, a selection of chocolate products individually pre-packed and labelled for sale by retail in accordance with these regulations;

“sell” includes offer or expose for sale or have in possession for sale and “sale” and “sold” shall be construed accordingly;

“sell by retail” means sell to a person buying otherwise than for the purpose of re-sale, but does not include selling to a caterer for the purposes of his catering business or to a manufacturer for the purposes of his manufacturing business; and “sale by retail” and “sold by retail” shall be construed accordingly;

“shell” means the outer covering of the cocoa bean;

“slimming claim” means any words, device or description referred to in regulation 24 of the Labelling of Food Regulations 1970, as amended (which imposes restrictions on claims that foods are starch-reduced or can aid slimming);

“spirits” has the meaning assigned to it by the Customs and Excise Act 1952(d);

“swiss roll” means a food consisting of a layer of sponge cake spread with preserve, fruit spread, cream, imitation cream or buttercream or with preserve or fruit spread and cream, imitation cream or buttercream and rolled into a cylindrical shape, whether or not flavoured with any flavouring substance;

(a) S.I. 1974/1121 (1974 II, p. 4227).

(b) There is no amendment which relates expressly to the subject matter of these regulations.

(c) S.I. 1975/1486 (1975 III, p. 4932).

(d) 1952 c. 44.

“winnowing” means the separation by mechanical processes and air classification of cocoa nib from shell;

AND other expressions shall have the same meaning as in the Act.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(3) Any reference in these regulations to a label borne on a container shall be construed as including a reference to any legible marking on the container however effected.

(4) All proportions mentioned in these regulations are proportions calculated by weight, and unless the context otherwise requires, are calculated on the total weight of the product.

(5) For the purpose of these regulations, the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food, and references to purchasing and purchasers shall be construed accordingly.

(6) Any reference in these regulations to any other regulations shall be construed as a reference to such regulations as amended by any subsequent regulations.

(7) Any reference in these regulations to a numbered regulation or schedule shall, unless the reference is to a regulation of or schedule to specified regulations, be construed as a reference to the regulation or schedule bearing that number in these regulations.

Exemptions

3. The following provisions of these regulations shall not apply to any cocoa product or chocolate product—

- (a) sold, consigned or delivered for exportation to any place outside the United Kingdom; or
- (b) supplied under Government contracts for consumption by Her Majesty's forces or supplied for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(b).

General restrictions on use of reserved descriptions

4. No person shall—

- (a) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement for food, which bears or includes any reserved description or any derivative thereof or any word or description substantially similar thereto unless—
 - (i) such food is a cocoa product or chocolate product to which the reserved description relates, or
 - (ii) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is an ingredient of that food, or
 - (iii) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food either is not, or does not contain, a cocoa product or chocolate product:

(a) 1889 c. 63.

(b) 1952 c. 67.

Provided that the words "choc ice" or "choc bar" may be used in relation to a compound food intended for individual consumption consisting of ice cream which has a coating resembling a chocolate product and containing not less than 2.5 per centum dry non-fat cocoa solids, and the words "choc roll" may be used in relation to a compound food consisting of swiss roll which has such a coating, if in each case the words are accompanied by an appropriate designation of the coating in such a manner that the coating cannot be confused with any cocoa product or chocolate product.

Labelling and description of cocoa and chocolate products

5.—(1) No person shall sell or consign or deliver pursuant to a sale any cocoa product or chocolate product unless there is applied to it a true statement in compliance with this regulation.

(2) The said statement shall specify—

(a) a reserved description which, subject to regulation 6, shall be accompanied—

(i) in the case of the reserved description "filled chocolate" by a description of the filling;

(ii) in the case of the reserved description "a chocolate" or "chocolates", where the chocolate product contains a filling, by a description of the filling or an indication that the product is a mixture or an assortment;

(b) for filled chocolate or chocolates, containing plain chocolate which is not chocolate or couverture chocolate, or gianduja nut chocolate, milk chocolate, gianduja nut milk chocolate, cream chocolate, skimmed milk chocolate, white chocolate or a combination of two or more such chocolate products, a reserved description of each such chocolate product, qualifying the reserved description referred to in sub-paragraph (a) hereof.

(3) The said statement shall, in relation to any cocoa product or chocolate product referred to in any of the following sub-paragraphs, also include any declaration specified in that sub-paragraph for that product and any such declaration specified in sub-paragraph (d), (e), (f) or (h) shall accompany the reserved description of that product:—

(a) for any cocoa product or chocolate product to which is applied the reserved description "sweetened cocoa", "sweetened cocoa powder", "sweetened fat-reduced cocoa", "sweetened fat-reduced cocoa powder", "drinking chocolate", "fat-reduced drinking chocolate", "chocolate", "plain chocolate", "milk chocolate", "cream chocolate" or "skimmed milk chocolate", the declaration "cocoa solids X% minimum", the declaration being completed by inserting at X the minimum total dry cocoa solids content;

(b) for any chocolate product to which is applied the reserved description "milk chocolate" and which complies with—

(i) paragraph (a) only of the definition specified in Part II of Schedule 1 in relation to that reserved description, the declaration "milk solids 14% minimum";

(ii) paragraph (b) only of the said definition, the declaration "milk solids 20% minimum";

(iii) paragraphs (a) and (b) of the said definition, either of the declarations specified in this sub-paragraph;

- (c) for any cocoa product or chocolate product to which is applied the reserved description “sweetened cocoa”, “sweetened cocoa powder”, “sweetened fat-reduced cocoa”, “sweetened fat-reduced cocoa powder”, “drinking chocolate”, “fat-reduced drinking chocolate”, “chocolate”, “plain chocolate”, “chocolate vermicelli”, “chocolate flakes”, “gianduja nut chocolate”, “couverture chocolate”, “milk chocolate”, “milk chocolate vermicelli”, “milk chocolate flakes”, “gianduja nut milk chocolate”, “couverture milk chocolate”, “white chocolate”, “cream chocolate” or “skimmed milk chocolate” and which contains more than 5 per centum dextrose in place of sucrose, the declaration “containing dextrose”;
- (d) for any cocoa product or chocolate product to which is applied the reserved description “cocoa mass”, “couverture chocolate” or “milk couverture chocolate” and which contains a flavouring substance, such of the following declarations, as may be applicable, that is to say—
- (i) where ethyl vanillin is used, the declaration “with ethyl vanillin” or “ethyl vanillin flavour”;
 - (ii) where any other flavouring substance is used, the declaration “X taste” or “X flavour”, the declaration being completed by inserting at X the description of such flavouring substance, so however that if the flavouring substance is derived wholly or mainly from its natural source, there may be substituted for such declaration either a reference to that natural source or the declaration “X flavoured”, the declaration being completed by inserting at X the description of such source;
- (e) for any cocoa product or chocolate product to which is applied the reserved description “cocoa”, “cocoa powder”, “fat-reduced cocoa”, “fat-reduced cocoa powder”, “sweetened cocoa”, “sweetened cocoa powder”, “sweetened fat-reduced cocoa”, “sweetened fat-reduced cocoa powder”, “drinking chocolate”, “fat-reduced drinking chocolate”, “chocolate”, “plain chocolate”, “chocolate vermicelli”, “chocolate flakes”, “gianduja nut chocolate”, “milk chocolate”, “milk chocolate vermicelli”, “milk chocolate flakes”, “gianduja nut milk chocolate”, “white chocolate”, “cream chocolate” or “skimmed milk chocolate” and which contains a flavouring substance the taste or odour of which is predominant, such of the following declarations, as may be applicable, that is to say—
- (i) where ethyl vanillin is used, the declaration “with ethyl vanillin” or “ethyl vanillin flavour”;
 - (ii) where any other flavouring substance is used, the declaration “X taste” or “X flavour” the declaration being completed by inserting at X the description of such flavouring substance, so however that if the flavouring substance is derived wholly or mainly from its natural source, there may be substituted for such declaration either a reference to that natural source or the declaration “X flavoured”, the declaration being completed by inserting at X the description of such source;
- (f) for any cocoa product to which is applied the reserved description “cocoa beans”, “cocoa dust”, “cocoa fines”, “cocoa mass”, “cocoa press cake”, “fat-reduced cocoa press cake”, “expeller cocoa press cake”, “cocoa”, “cocoa powder”, “fat-reduced cocoa”, “fat-reduced cocoa powder”, “sweetened cocoa”, “sweetened cocoa powder”, “sweetened fat-reduced cocoa”, “sweetened fat-reduced cocoa powder”, “drinking chocolate”, “fat-reduced drinking chocolate”, “press cocoa

- butter", "cocoa butter", "expeller cocoa butter", "refined cocoa butter" or "cocoa fat" and which contains added lecithins, an indication of the percentage of added lecithins;
- (g) for any cocoa product in the form of an instant preparation to which is applied the reserved description "cocoa", "cocoa powder", "fat-reduced cocoa", "fat-reduced cocoa powder", "sweetened cocoa", "sweetened cocoa powder", "sweetened fat-reduced cocoa", "sweetened fat-reduced cocoa powder", "drinking chocolate" or "fat-reduced drinking chocolate" and which contains added ammonium phosphatides, a declaration that the product is an instant preparation;
- (h) for any chocolate product to which is applied the reserved description "chocolate", "plain chocolate", "couverture chocolate", "milk chocolate", "couverture milk chocolate", "white chocolate", "cream chocolate" or "skimmed milk chocolate", subject to regulation 7, a declaration of any edible substances present other than milk or milk products or vegetable fat;
- (j) for any chocolate product to which is applied the reserved description "chocolate", "plain chocolate", "couverture chocolate", "milk chocolate", "couverture milk chocolate", "white chocolate", "cream chocolate" or "skimmed milk chocolate" and which contains any vegetable fat or preparation of vegetable fat not derived from cocoa beans or parts of cocoa beans, the declaration "contains vegetable fat", so however that this declaration may be omitted if, a full list of ingredients, in descending order by weight appears in the said statement;
- (k) for any filled chocolate or chocolates to which is applied, in relation to any chocolate product contained therein, the reserved description "plain chocolate", "gianduja nut chocolate", "milk chocolate", "gianduja nut milk chocolate", "couverture milk chocolate", "white chocolate", "cream chocolate" or "skimmed milk chocolate", any declaration prescribed by paragraph (3)(b), (c), (e), (h), or (j) of this regulation for a chocolate product to which such a description is applied;
- (l) for any filled chocolate or chocolates to which is applied no such description as is specified in paragraph (3)(k) of this regulation, any declaration prescribed by paragraph (3)(c), (e), (h) or (j) of this regulation for a chocolate product to which the reserved description "chocolate" is applied.
- (4) The said statement shall also specify the name or trade name and the address or registered office of the manufacturer or packer of the cocoa product or chocolate product, or of a seller thereof established within the Community.
- (5) Subject to paragraphs (6) and (7) of this regulation, the said statement shall appear—
- (a) in the case of a sale otherwise than by retail or a consignment or delivery pursuant to such a sale of any cocoa product or chocolate product in a container, on a label marked on, or securely attached to, the container;
- (b) in the case of a sale otherwise than by retail or a consignment or delivery pursuant to such a sale of any cocoa product or chocolate product not in a container, in a document accompanying the product;
- (c) in the case of a sale by retail or a consignment or delivery pursuant to such a sale of any pre-packed cocoa product or pre-packed chocolate product other than a fancy chocolate product, on a label marked on, or securely attached to, the container;

- (d) in the case of a sale by retail or a consignment or delivery pursuant to such a sale of any pre-packed fancy chocolate product, either on a label marked on or securely attached to the container or on a ticket displayed on or in the immediate proximity to the product;
- (e) in the case of a sale by retail or a consignment or delivery pursuant to such a sale of any cocoa product or chocolate product which is not pre-packed, on a ticket displayed on or in immediate proximity to the product.
- (6) Notwithstanding the provisions of paragraph 5(a) of this regulation, in the case of a sale otherwise than by retail or a consignment or delivery pursuant to such a sale in a container of a net weight of not less than ten kilogrammes—
- (a) of any cocoa product to which is applied the reserved description “cocoa beans”, “cocoa nib”, “cocoa dust”, “cocoa fines”, “cocoa mass”, “cocoa press cake”, “fat-reduced cocoa press cake” or “expeller cocoa press cake”, the said statement may, as an alternative, be contained in a document accompanying the product;
- (b) of any other cocoa product or of any chocolate product, that part of the said statement which is specified in paragraph (3) of this regulation may, as an alternative, be contained in a document accompanying the product.
- (7) Where any chocolate product to which paragraph (5)(d) or (e) of this regulation applies is sold without having been previously exposed for sale, there shall be deemed to be sufficient compliance with this regulation if the purchaser is notified at or before the delivery of the product to him of the contents of the statement required by this regulation to be applied to the product.

Labelling and advertisement of filled chocolate

6. No person shall—

- (a) give with any filled chocolate sold by him any label, whether attached to or borne on the container or not, or display with any filled chocolate offered or exposed by him for sale any ticket or notice, or
- (b) publish or be a party to the publication of, any advertisement for filled chocolate,
- which—
- (i) describes or depicts the filled chocolate directly or indirectly either in words or by means of any pictorial device as liqueur chocolate or chocolate liqueur or as containing a liquid filling comprising any liqueur or spirits or fortified wine, whether any of the said descriptions is qualified or not, unless such filled chocolate contains a liquid filling comprising a significant quantity of such liqueur, spirits or fortified wine, as the case may be;
- (ii) bears or includes in the description, designation or name of the filling, the word “butter” or “cream”, or any word derived from or substantially similar to either of those words, in a manner which suggests the presence of butter or, as the case may be, cream in the filling unless that filling contains not less than 4 per centum of milk fat.

Declaration of the presence of certain ingredients in chocolate products

7.—(1) Subject to the provisions of paragraph (2) of this regulation, no person shall—

- (a) give with any chocolate product sold by him any label, whether attached to or borne on the container or not, or display with any chocolate product offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement for any chocolate product,

which bears or includes a declaration of the presence of—

- (i) milk or milk products unless the chocolate product is milk chocolate, couverture milk chocolate, white chocolate, cream chocolate or skimmed milk chocolate;
- (ii) spirits unless the amount of the spirits is not less than 1 per centum of the chocolate product;
- (iii) coffee unless the amount of coffee solids, calculated on the dry matter, is not less than 1 per centum of the chocolate product;
- (iv) any other edible substance, other than any flavouring substance or any vegetable fat or preparation of vegetable fat not derived from cocoa beans or parts of cocoa beans, which is not in clearly visible and discrete pieces unless the amount of that edible substance is not less than 5 per centum of the chocolate product, so however that in the case of filled chocolate the amount shall be calculated as a percentage of the chocolate product without the filling.

(2) The reference in paragraph (1) of this regulation to a declaration shall not include a reference to—

- (a) any declaration which appears as part of a full list of ingredients in descending order by weight;
- (b) any declaration which relates to the filling of filled chocolate;
- (c) any words, device or description referred to in regulation 22 of the Labelling of Food Regulations 1970(a), as amended(b) (which imposes restrictions on claims as to the presence in food of vitamins and minerals).

Dark couverture chocolate

8. No person shall—

- (a) give with any chocolate product to which the reserved description “couverture chocolate” is applied and which is sold by him any label, whether attached to or borne on the container or not, or display with any such chocolate product which is offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement for any chocolate product to which the reserved description “couverture chocolate” is applied,

which bears or includes the word “dark” qualifying that reserved description, unless the chocolate product contains not less than 16 per centum dry non-fat cocoa solids calculated after deducting the weight of any substance which, by virtue of regulation 15 and Part II of Schedule 2, may be present in such a chocolate product.

(a) S.I. 1970/400 (1970 I, p. 1383).

(b) The relevant amending instrument is S.I. 1972/1510 (1972 III, p. 4441).

*Declarations relating to quality of certain chocolate products***9.** No person shall—

- (a) give with any chocolate product to which the reserved description “chocolate” or “milk chocolate” is applied and which is sold by him any label, whether attached to or borne on the container or not, or display with any such chocolate product which is offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement for any chocolate product to which the reserved description “chocolate” or “milk chocolate” is applied,

which bears or includes any declaration or description relating to quality unless—

- (i) in the case of a chocolate product to which the reserved description “chocolate” is applied, the chocolate product contains not less than 43 per centum total dry cocoa solids including not less than 26 per centum permitted cocoa butter; or
- (ii) in the case of a chocolate product to which the reserved description “milk chocolate” is applied, the chocolate product contains not more than 50 per centum sucrose, not less than 30 per centum total dry cocoa solids and not less than 18 per centum milk solids including not less than 4.5 per centum milk fat.

*References to natural sources of flavouring substances***10.** No person shall—

- (a) give with any cocoa product or chocolate product containing a flavouring substance and which is sold by him any label, whether attached to or borne on the container or not, or display with any such cocoa product or chocolate product offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement for any cocoa product or chocolate product containing a flavouring substance,

which bears or includes any reference, direct or indirect, whether in words or by means of any pictorial device, to a natural source, unless the flavouring substance is derived wholly or mainly from that source.

Manner of marking or labelling

11.—(1) Any statement required by regulation 5 to appear on a label marked on, or securely attached to the container of any cocoa product or chocolate product or on a ticket displayed on or in immediate proximity to the product—

- (a) shall be clear, legible and indelible;
- (b) shall be in a conspicuous position on the label marked on, or securely attached to, the container or, as the case may be, on the ticket on, or in immediate proximity to, the cocoa product or chocolate product to which the ticket relates in such a manner that in either case it will be readily discernible and easily read by an intending purchaser or consumer under normal conditions of purchase or use;
- (c) shall not be interrupted by other written or pictorial matter where such interruption might mislead the purchaser or consumer as to the nature of the cocoa product or chocolate product;
- (d) shall not be in any way hidden or obscured or reduced in conspicuousness by any other matter, whether pictorial or not, appearing on the label or ticket.

(2) The height of the letters in any statement referred to in paragraph (1) of this regulation shall be such as is not calculated by any undue or insufficient prominence to mislead as to the nature, substance or quality of the cocoa product or chocolate product to which that statement relates.

(3) If any cocoa product or chocolate product is packaged in more than one container, any label which by virtue of any of these regulations is required to be marked on, or securely attached to, the container shall either be marked on, or securely attached to, the outermost container or shall be readily discernible and easily read through, or notwithstanding, the outermost container.

Instant preparations for sale otherwise than by retail

12. No person shall sell otherwise than by retail, or consign or deliver pursuant to a sale otherwise than by retail any cocoa product in the form of an instant preparation to which is applied the reserved description "cocoa", "cocoa powder", "fat-reduced cocoa", "fat-reduced cocoa powder", "sweetened cocoa", "sweetened cocoa powder", "sweetened fat-reduced cocoa", "sweetened fat-reduced cocoa powder", "drinking chocolate" or "fat-reduced drinking chocolate" and which contains added ammonium phosphatides unless a document accompanying the product contains the declaration referred to in regulation 5(3)(g).

Advertisement of cocoa and chocolate products for sale from vending machines

13.—(1) Subject to paragraph (2) of this regulation, no person shall sell in or from any vending machine any cocoa product or chocolate product in a container unless a reserved description relating to that cocoa product or chocolate product appears in clear lettering in a prominent position on the front of that machine.

(2) This regulation shall not apply where a reserved description relating to that chocolate product appears on a label on that container or a facsimile thereof being a label which complies with the requirements of these regulations as respects that cocoa product or chocolate product and, to the extent that it bears such a reserved description, is conspicuous and legible to an intending purchaser on or through the outside of the vending machine.

Cocoa beans

14. No person shall use as an ingredient in the preparation of any cocoa product or chocolate product, cocoa beans which are not sound, wholesome and in marketable condition.

Permitted additional ingredients in cocoa and chocolate products

15. No person shall sell, consign or deliver any cocoa product or chocolate product which has in it or on it any added ingredient:

Provided that—

(a) any cocoa product or chocolate product to which is applied a reserved description specified in column 1 of Part I of Schedule 2 may contain any permitted acid, permitted base or permitted emulsifier of the description and in the proportion specified in relation thereto in columns 2 and 3 respectively, as read with paragraphs 1 and 2, of that Part of that Schedule;

(b) any filled chocolate or chocolates to which is applied, in relation to any chocolate product contained therein, the reserved description "plain chocolate", "gianduja nut chocolate", "milk chocolate", "gianduja nut

- milk chocolate”, “couverture milk chocolate”, “white chocolate”, “cream chocolate” or “skimmed milk chocolate” may contain any permitted emulsifier of the description specified for, in the amount appropriate to the quantity of, that chocolate product in accordance with paragraph (a) of this proviso;
- (c) any filled chocolate or chocolates to which is applied no such description as is specified in paragraph (b) of this proviso may contain any permitted emulsifier of the description specified for, in the amount appropriate to the quantity of, a chocolate product to which the reserved description “chocolate” is applied, in accordance with paragraph (a) of this proviso;
- (d) any cocoa product or chocolate product to which is applied a reserved description specified in column 1 of Part II of Schedule 2 may have in it or on it any edible substance of the description and in the proportion specified in relation thereto in columns 2 and 3 respectively as read with paragraph 1 of that Part of that Schedule;
- (e) any filled chocolate or chocolates to which is applied, in relation to any chocolate product contained therein, the reserved description “plain chocolate”, “gianduja nut chocolate”, “milk chocolate”, “gianduja nut milk chocolate”, “couverture milk chocolate”, “white chocolate”, “cream chocolate” or “skimmed milk chocolate” may contain any edible substance, other than any partial coating or decoration, of the description specified for, in the amount appropriate to the quantity of, that chocolate product in accordance with paragraph (d) of this proviso;
- (f) any filled chocolate or chocolates to which is applied no such description as is specified in paragraph (e) of this proviso may contain any edible substance, other than any partial coating or decoration, of the description specified for, in the amount appropriate to the quantity of, a chocolate product to which the reserved description “chocolate” is applied, in accordance with paragraph (d) of this proviso;
- (g) any filled chocolate or chocolates may have on it or on them any partial coating or decoration in any proportion not exceeding 10 parts per centum;
- (h) nothing in this regulation shall prohibit the presence of any ingredient in the filling of filled chocolate or, to the extent that the ingredient is derived from such filling, in that part of the filled chocolate other than the filling.

Penalties and enforcement

16.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both, and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

(2) Each food and drugs authority shall enforce and execute such provisions in their area.

(3) The requirements of section 109(3) of the Act (which requires notice to be given to the Minister of Agriculture, Fisheries and Food of intention to institute proceedings for an offence against any provisions of these regulations relating to the labelling, advertising or description of food) shall not apply

as respects any proceedings instituted by a council for an offence against any such provisions of these regulations.

Defences

17.—(1) In any proceedings for an offence against these regulations in relation to the publication of an advertisement, it shall be a defence for the defendant to prove that, being a person whose business it is to publish or arrange for the publication of advertisements, he received the advertisement for publication in the ordinary course of business.

(2) In any proceedings against the manufacturer or importer of any cocoa product, chocolate product or other food for an offence against these regulations in relation to the publication of an advertisement, it shall rest on the defendant to prove that he did not publish, and was not party to the publication of, the advertisement.

Application of various sections of the Act

18.—(1) Sections 108(3) and (4) (which relate to prosecutions), 110(1), (2) and (3) (which relate to evidence of analysis), 112 (which relates to the power of a court to require analysis by the Government Chemist), 113 (which relates to a contravention due to some person other than the person charged), 115(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 116 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution as the case may be, taken or brought for an offence under these regulations and as if the reference in the said section 112 to subsection (4) of the section 108 included a reference to that subsection as applied by these regulations.

(2) Paragraph (b) of the proviso to section 108(1) of the Act shall apply for the purposes of these regulations as if the references therein to section 116 of the Act included a reference to that section as applied by these regulations.

Amendment of the Labelling of Food Regulations 1970

19.—(1) In this regulation a reference to a numbered regulation or schedule is a reference to the regulation or schedule bearing that number in the Labelling of Food Regulations 1970(a), as amended(b).

(2) Regulation 2(1) shall be amended—

- (a) by inserting in the definition of chocolate confectionery after the words “but does not include” the words “chocolate products,”;
- (b) by inserting after the definition of chocolate confectionery the following definitions:—

“‘chocolate product’ and ‘cocoa product’ have the meanings respectively assigned to them by the Cocoa and Chocolate Products Regulations 1976;”;
- (c) by substituting in the definition of container for the words “or chocolate confectionery” the words, “chocolate confectionery or chocolate products”;
- (d) by inserting in the definition of sugar confectionery after the words “but does not include sugar, chocolate confectionery,” the words “chocolate products, cocoa products,”.

(a) S.I. 1970/400 (1970 I, p. 1383).

(b) The relevant amending instrument is S.I. 1972/1510 (1972 III, p. 4441).

(3) Regulation 4 shall be amended by adding at the end thereof the following paragraph:—

“(4) The provisions of Parts II and III of these regulations shall not apply to any cocoa product or chocolate product.”.

(4) Regulation 13 shall be deleted.

(5) Schedule 2 shall be amended by adding at the end of item 6 thereof the following entry:—

“Column 1	Column 2
Description of food	Extent of exemption from regulation 5(2) and (6)
Any of the following when forming an ingredient of some other food:— Chocolate products	Exempt to the extent that it may be designated by its appropriate designation without specifying the appropriate designations of its constituents.”.

Amendment of the Miscellaneous Additives in Food Regulations 1974

20. The Miscellaneous Additives in Food Regulations 1974(a), as amended(b), shall be further amended as follows:—

(a) by substituting in regulation 2(1) thereof for the definition of chocolate confectionery the following definitions:—

“ ‘chocolate confectionery’ has the meaning assigned to it by the Labelling of Food Regulations 1970, as amended;

‘chocolate product’ has the meaning assigned to it by the Cocoa and Chocolate Products Regulations 1976;”;

(b) by inserting in Schedule 2 thereto immediately after the item relating to chocolate confectionery the following item:—

“Column 1	Column 2	Column 3
Specified food	Permitted Miscellaneous Additive	Except where otherwise stated, milligrams per kilogram not exceeding—
Chocolate products	Carnauba wax	200”.

(a) S.I. 1974/1121 (1974 II, p. 4227).

(b) There is no amendment which relates expressly to the subject matter of these regulations.

Amendment of the Emulsifiers and Stabilisers in Food Regulations 1975

21. The Emulsifiers and Stabilisers in Food Regulations 1975(a) shall be amended as follows:—

(a) by inserting in regulation 2(1) thereof after the definitions of cheese spread, processed cheese, soft cheese and whey cheese the following definition:—

“‘chocolate product’ and ‘cocoa product’ have the meanings respectively assigned to them by the Cocoa and Chocolate Products Regulations 1976;”;

(b) by inserting in Part II of Schedule 2 thereto after item (b) the following item:—

“Column 1	Column 2	Column 3
Specified food	Permitted emulsifier or permitted stabiliser	Milligrams per kilogram Not exceeding—
(c) Cocoa products, chocolate products	As prescribed by the Cocoa and Chocolate Products Regulations 1976	As prescribed by the Cocoa and Chocolate Products Regulations 1976”.

Transitional provisions

22. Until 5th May 1977, Parts II and III of the Labelling of Food Regulations 1970, as amended, shall not apply to any sale or delivery of any cocoa product or chocolate product which complies with these regulations or in relation to any label, ticket, notice or advertisement which so complies.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 31st March 1976.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

2nd April 1976.

Barbara Castle,
Secretary of State for Social Services.

SCHEDULE 1

Regulation 2(1)

PART I

COCOA PRODUCTS AND THEIR RESERVED DESCRIPTIONS

Column 1	Column 2
Reserved descriptions	Cocoa products
Cocoa bean	The seed of the cacao tree (<i>Theobroma cacao</i> L.) fermented and dried.
Cocoa nib	The cotyledon of roasted or unroasted cocoa beans containing a residue of shell or germ not exceeding 5 per centum calculated on the dry defatted matter and an ash content not exceeding 10 per centum calculated on the dry defatted matter.
Cocoa dust Cocoa fines	The mixture of fine particles of cocoa nib and shell collected together as a result of winnowing and containing not less than 20 per centum fat calculated on the dry matter.
Cocoa mass	Cocoa nib, mechanically processed to a paste, which retains the natural fat content of cocoa nib.
Cocoa press cake	Cocoa nib or cocoa mass which has been converted, by pressure by a mechanical process, to a solid compressed mass and which contains not more than 9 per centum water and not less than 20 per centum permitted cocoa butter calculated on the dry matter.
Fat-reduced cocoa press cake	Cocoa press cake containing not less than 8 per centum permitted cocoa butter calculated on the dry matter.
Expeller cocoa press cake	Cocoa beans or cocoa dust or both with or without cocoa nib, cocoa mass, cocoa press cake, fat-reduced cocoa press cake or any combination of two or more thereof which has been converted by the expeller process to a solid compressed mass.
Cocoa Cocoa powder	The finely ground particles obtained from the mechanical disintegration of cocoa press cake containing not more than 9 per centum water and not less than 20 per centum permitted cocoa butter calculated on the dry matter.
Fat-reduced cocoa Fat-reduced cocoa powder	The finely ground particles obtained from the mechanical disintegration of cocoa press cake or fat-reduced cocoa press cake or cocoa press cake and fat-reduced cocoa press cake containing not more than 9 per centum water and not less than 8 per centum permitted cocoa butter calculated on the dry matter.
Sweetened cocoa Sweetened cocoa powder	A mixture of cocoa and sucrose containing not less than 32 per centum of cocoa.

Column 1	Column 2
Reserved descriptions	Cocoa products
Sweetened fat-reduced cocoa Sweetened fat-reduced cocoa powder	A mixture of fat-reduced cocoa and sucrose containing not less than 32 per centum fat-reduced cocoa.
Drinking chocolate	A mixture of cocoa and sucrose containing not less than 25 per centum cocoa.
Fat-reduced drinking chocolate	A mixture of fat-reduced cocoa and sucrose containing not less than 25 per centum fat-reduced cocoa.
Press cocoa butter Cocoa butter	<p>Fat obtained by pressure, from cocoa nib, cocoa mass, cocoa press cake, fat-reduced cocoa press cake, or any combination of two or more thereof:—</p> <p>(a) having been treated by no process other than degumming by filtering, centrifuging and other physical processes used for this purpose and deodorisation by super-heated steam under vacuum and other physical processes used for this purpose; and</p> <p>(b) containing not more than 0.35 per centum unsaponifiable matter determined using petroleum ether and not more than 1.75 per centum acidity expressed as oleic acid.</p>
Expeller cocoa butter	<p>Fat obtained by the expeller process from cocoa beans or from cocoa beans combined with cocoa nib, cocoa mass, cocoa press cake, fat-reduced cocoa press cake, or any combination of two or more thereof:—</p> <p>(a) having been treated by no process other than those specified for press cocoa butter; and</p> <p>(b) containing not more than 0.5 per centum unsaponifiable matter determined using petroleum ether and not more than 1.75 per centum acidity expressed as oleic acid.</p>

Column 1	Column 2
Reserved descriptions	Cocoa products
Refined cocoa butter	<p>Fat obtained by pressure, the expeller process, solvent extraction or any combination of those processes from cocoa beans, cocoa nib, cocoa dust, cocoa mass, cocoa press cake, fat-reduced cocoa press cake, expeller cocoa press cake or any combination of two or more thereof with or without the addition of cocoa fat from one or more of these cocoa products:—</p> <p>(a) having been refined through neutralization by an alkaline solution or similar substance used for this purpose and de-colorization with one or more of the following substances namely, bentonite, active carbons or similar substances used for this purpose;</p> <p>(b) having been treated by no additional process other than those specified for press cocoa butter; and</p> <p>(c) containing not more than 0.5 per centum unsaponifiable matter determined using petroleum ether and not more than 1.75 per centum acidity expressed as oleic acid and shell and germ fat in a ratio to fat from the cotyledon not exceeding that existing naturally in cocoa beans.</p>
Cocoa fat	Fat, other than extracted cocoa butter, obtained from cocoa beans or parts of cocoa beans.

1. Any product specified in column 2 of this Part of this Schedule by reference to its sucrose content, in place of an equal amount of sucrose may contain dextrose, fructose, lactose, maltose or any combination of two or more thereof, in each case, in a proportion not exceeding 5 per centum of the total weight of the product:

Provided that where in place of an equal amount of sucrose the product contains only dextrose, that substance may be present in a proportion not exceeding 20 per centum of the total weight of the product.

PART II
CHOCOLATE PRODUCTS AND THEIR RESERVED DESCRIPTIONS

Column 1	Column 2
Reserved descriptions	Chocolate products
Chocolate	Any product obtained from cocoa nib, cocoa mass, cocoa, fat-reduced cocoa or any combination of two or more thereof and sucrose, with or without the addition of extracted cocoa butter and containing not less than 35 per centum total dry cocoa solids, including not less than 14 per centum dry non-fat cocoa solids and not less than 18 per centum permitted cocoa butter.
Plain chocolate	Any product complying with the definition specified in this Part of this Schedule in relation to the reserved description "chocolate" except that it contains not less than 30 per centum total dry cocoa solids, including not less than 12 per centum dry non-fat cocoa solids.
Chocolate vermicelli Chocolate flakes	Any product in the form of granules or flakes complying with the definition specified in this Part of this Schedule in relation to the reserved description "chocolate" except that it contains not less than 32 per centum total dry cocoa solids, including not less than 12 per centum permitted cocoa butter.
Gianduja nut chocolate	Any product complying with the definition specified in this Part of this Schedule in relation to the reserved description "chocolate" except that:— (a) it contains not less than 32 per centum total dry cocoa solids, including not less than 8 per centum dry non-fat cocoa solids calculated on the weight of the product excluding nuts; (b) it is combined with finely ground hazelnuts comprising not less than 20 and not more than 40 per centum of the product; and (c) it may contain almonds, hazelnuts and other nuts, either whole or broken, if the total nut content of the product does not exceed 60 per centum.
Couverture chocolate	Any product complying with the definition specified in this Part of this Schedule in relation to the reserved description "chocolate" except that it contains not less than 31 per centum permitted cocoa butter and not less than 2.5 per centum dry non-fat cocoa solids.

Column 1	Column 2
Reserved descriptions	Chocolate products
Milk chocolate	<p>Any product obtained from cocoa nib, cocoa mass, cocoa, fat-reduced cocoa or any combination thereof and sucrose, and from milk or milk solids, with or without the addition of extracted cocoa butter and containing:—</p> <p>(a) not less than 25 per centum total dry cocoa solids including not less than 2.5 per centum dry non-fat cocoa solids, not less than 14 per centum milk solids including not less than 3.5 per centum milk fat, not more than 55 per centum sucrose and not less than 25 per centum total fat; or</p> <p>(b) not less than 20 per centum total dry cocoa solids including not less than 2.5 per centum dry non-fat cocoa solids, not less than 20 per centum milk solids including not less than 5 per centum milk fat, not more than 55 per centum sucrose and not less than 25 per centum total fat.</p>
Milk chocolate vermicelli Milk chocolate flakes	<p>Any product in the form of granules or flakes complying with paragraph (a) of the definition specified in this Part of this Schedule in relation to the reserved description "milk chocolate" except that it contains not less than 20 per centum total dry cocoa solids, not less than 12 per centum milk solids including not less than 3 per centum milk fat, not more than 66 per centum sucrose and not less than 12 per centum total fat.</p>
Gianduja nut milk chocolate	<p>Any product complying with the definition specified in this Part of this Schedule in relation to the reserved description "milk chocolate" except that:—</p> <p>(a) it contains not less than 25 per centum total dry cocoa solids and not less than 10 per centum milk solids calculated on the weight of the product excluding nuts;</p> <p>(b) it is combined with finely ground hazelnuts comprising not less than 15 and not more than 40 per centum of the product; and</p> <p>(c) it may contain almonds, hazelnuts and other nuts, either whole or broken, if the total nut content of the product does not exceed 60 per centum.</p>

Column 1	Column 2
Reserved descriptions	Chocolate products
Couverture milk chocolate.	Any product complying with paragraph (a) of the definition specified in this Part of this Schedule in relation to the reserved description "milk chocolate" except that it contains not less than 31 per centum total fat.
White chocolate	Any product, white in appearance and containing no colouring matter, obtained from extracted cocoa butter, sucrose and milk or milk solids and containing not less than 20 per centum permitted cocoa butter, not less than 14 per centum milk solids, including not less than 3.5 per centum milk fat, and not more than 55 per centum sucrose.
Filled chocolate Any description specified in paragraph 4 of this Part of this Schedule	Any product consisting of a filling, other than flour confectionery or biscuits, wholly or partly enclosed in plain chocolate, gianduja nut chocolate, couverture chocolate, milk chocolate, gianduja nut milk chocolate, white chocolate, cream chocolate, skimmed milk chocolate or a combination of two or more thereof which comprises not less than 25 per centum of the product.
A chocolate Chocolates	Any product normally capable of being consumed in a single mouthful consisting of:— (a) filled chocolate; (b) plain chocolate, couverture chocolate, gianduja nut chocolate, milk chocolate, gianduja nut milk chocolate, white chocolate, cream chocolate, skimmed milk chocolate or any combination of two or more thereof; (c) a combination of plain chocolate, gianduja nut chocolate, couverture chocolate, milk chocolate, gianduja nut milk chocolate, white chocolate, cream chocolate, skimmed milk chocolate or any combination of two or more thereof with any edible substance or substances so that the parts of the product constituted by chocolate products are, at least in part, clearly visible and comprise not less than 25 per centum of the product; or (d) a mixture of plain chocolate, couverture chocolate, milk chocolate, cream chocolate, skimmed milk chocolate or any combination of two or more thereof with any edible substance or substances, other than flour or starches, so that the chocolate products comprise not less than 25 per centum of the product.

Column 1	Column 2
Reserved descriptions	Chocolate products
Cream chocolate	Any product obtained from cocoa nib, cocoa mass, cocoa, fat-reduced cocoa or any combination of two or more thereof and sucrose, and from milk or milk solids, with or without the addition of extracted cocoa butter and containing not less than 25 per centum total dry cocoa solids, including not less than 2.5 per centum dry non-fat cocoa solids, not less than 7 per centum milk fat, not less than 3 and not more than 14 per centum dry non-fat milk solids, not more than 55 per centum sucrose and not less than 25 per centum total fat.
Skimmed milk chocolate	Any product obtained from cocoa nib, cocoa mass, cocoa, fat-reduced cocoa or any combination of two or more thereof and sucrose, and from milk or milk solids, with or without the addition of extracted cocoa butter and containing not less than 25 per centum total dry cocoa solids, including not less than 2.5 per centum dry non-fat cocoa solids, less than 3.5 per centum milk fat, not less than 14 per centum dry non-fat milk solids, not more than 55 per centum sucrose and not less than 25 per centum total fat.

1. Any product specified in column 2 of this Part of this Schedule by reference to its sucrose content, in place of an equal amount of sucrose may contain dextrose, fructose, lactose, maltose or any combination of two or more thereof, in each case, in a proportion not exceeding 5 per centum of the total weight of the product:

Provided that where in place of an equal amount of sucrose the product contains only dextrose, that substance may be present in a proportion not exceeding 20 per centum of the total weight of the product.

2. Any reference in this Part of this Schedule to sucrose, fructose, lactose, maltose or dextrose shall be construed as not including that substance in clearly visible and discrete pieces.

3. Any percentage specified in column 2 of this Part of this Schedule for a component of any product, shall be calculated after deducting the weight of any substance which may be present in that product by virtue of regulation 15 and Schedule 2:

Provided that—

(a) where any such substance is a component of the product for which a minimum percentage is specified in column 2 and the product is labelled with a declaration of the addition of that substance, there shall be deducted only the weight of that amount of the substance which exceeds that minimum percentage;

(b) the weight of any partial coating or decoration in or on any filled chocolate or chocolates by virtue of regulation 15 shall not be deducted before calculating the percentage of any other chocolate product therein.

4. Each of the following descriptions shall be a reserved description for filled chocolate, namely "X-filled Y", or "Y with X filling", or "Y filled with X", or "Y with X centre" if such description is completed by inserting at X a description of the filling and at Y a reserved description of the chocolate product or reserved descriptions of the chocolate products contained therein.

SCHEDULE 2
PART I
PERMITTED ACIDS, PERMITTED BASES AND PERMITTED EMULSIFIERS

Regulation 15

Column 1	Column 2	Column 3
Reserved description of cocoa product or chocolate product	Permitted base or permitted emulsifier	Except where otherwise stated parts per centum not exceeding—
Cocoa nib	Any permitted base	5.0 (calculated as potassium carbonate on the weight of the dry defatted matter)
Cocoa bean, cocoa dust, cocoa fines, cocoa mass, cocoa press cake, fat-reduced cocoa press cake, expeller cocoa press cake	Any permitted base Lecithins Ammonium phosphatides	5.0 (calculated as potassium carbonate on the weight of the dry defatted matter) 0.5 phosphatides other than ammonium phosphatides 0.7
Press cocoa butter, cocoa butter, expeller cocoa butter, refined cocoa butter, cocoa fat	Lecithins Ammonium phosphatides	0.5 phosphatides other than ammonium phosphatides 0.7
Cocoa, cocoa powder, fat-reduced cocoa, fat-reduced cocoa powder, in each case in relation to a cocoa product other than in the form of an instant preparation	Any permitted base Lecithins Ammonium phosphatides Any combination of lecithins and ammonium phosphatides subject to the maximum percentages specified for those emulsifiers	5.0 (calculated as potassium carbonate on the weight of the dry defatted matter) 1.0 phosphatides other than ammonium phosphatides 0.7 1.5 phosphatides

Column 1	Column 2	Column 3
Reserved description of cocoa product or chocolate product	Permitted base or permitted emulsifier	Except where otherwise stated, parts per centum not exceeding—
Cocoa, cocoa powder, fat-reduced cocoa, fat-reduced cocoa powder, in each case in relation to a cocoa product in the form of an instant preparation	Any permitted base Lecithins Ammonium phosphatides Any combination of lecithins and ammonium phosphatides subject to the maximum percentages specified for those emulsifiers	5.0 (calculated as potassium carbonate on the weight of the dry defatted matter) 5.0 phosphatides other than ammonium phosphatides 0.7 5.0 phosphatides
Drinking chocolate, fat-reduced drinking chocolate, sweetened cocoa, sweetened cocoa powder, sweetened fat-reduced cocoa, sweetened fat-reduced cocoa powder, in each case in relation to a cocoa product other than in the form of an instant preparation	Lecithins Ammonium phosphatides Any combination of lecithins and ammonium phosphatides subject to the maximum percentages specified for those emulsifiers	1.0 phosphatides other than ammonium phosphatides 0.7 1.5 phosphatides
Drinking chocolate, fat-reduced drinking chocolate, sweetened cocoa, sweetened cocoa powder, sweetened fat-reduced cocoa, sweetened fat-reduced cocoa powder, in each case in relation to a cocoa product in the form of an instant preparation	Lecithins Ammonium phosphatides Any combination of lecithins and ammonium phosphatides subject to the maximum percentages specified for those emulsifiers	5.0 phosphatides other than ammonium phosphatides 0.7 5.0 phosphatides

Column 1	Column 2	Column 3
Reserved description of cocoa product or chocolate product Chocolate, plain chocolate, gianduja nut chocolate, couverture chocolate, milk chocolate with the declaration "milk solids 14% minimum", gianduja nut milk chocolate, couverture milk chocolate, white chocolate, cream chocolate, skimmed milk chocolate	Permitted base or permitted emulsifier Lecithins Ammonium phosphatides Polyglycerol esters of polycondensed fatty acids of castor oil Polyoxyethylene (20) sorbitan monostearate Sorbitan monostearate Sorbitan tristearate Any combination of two or more of these permitted emulsifiers subject to the maximum percentages specified for those emulsifiers	Except where otherwise stated, parts per centum not exceeding— 0.5 phosphatides other than ammonium phosphatides 0.7 0.5 1.0 1.0 1.0 1.5
Chocolate vermicelli, chocolate flakes, milk chocolate with the declaration "milk solids 20% minimum", milk chocolate vermicelli, milk chocolate flakes	Lecithins Ammonium phosphatides Polyglycerol esters of polycondensed fatty acids of castor oil Polyoxyethylene (20) sorbitan monostearate Sorbitan monostearate Sorbitan tristearate Any combination of two or more of these permitted emulsifiers subject to the maximum percentages specified for those emulsifiers	1.0 phosphatides other than ammonium phosphatides 0.7 0.5 1.0 1.0 1.0 1.5

1. Subject to paragraph 2 hereof, where a permitted base is used in any cocoa product, that product may contain any of the permitted acids, citric acid, tartaric acid, orthophosphoric acid or any combination of two or more thereof in a proportion not exceeding 0.5 parts per centum.

2. A permitted base or a permitted acid shall not be used in any cocoa product unless the ash content of the resulting product will not exceed 14 parts per centum of the dry defatted matter.

PART II
EDIBLE SUBSTANCES PERMITTED AS ADDITIONAL INGREDIENTS

Column 1	Column 2	Column 3
Reserved description of cocoa product or chocolate product	Edible substance	Parts per centum except where otherwise stated, not exceeding—
Chocolate, plain chocolate, milk chocolate, white chocolate, cream chocolate, skimmed milk chocolate	<p>(a) any edible substance (other than flour or starch added as such or any fat or fat preparation not derived exclusively from milk) in clearly visible and discrete pieces; or</p> <p>(b) any edible substance (other than flour or starch added as such or sucrose, dextrose, fructose, lactose, maltose or any fat or fat preparation not derived exclusively from milk) not in clearly visible and discrete pieces; or</p> <p>(c) any vegetable fat or preparation of vegetable fat not derived from cocoa beans or parts of cocoa beans; or</p> <p>(d) any partial coating or decoration; or</p> <p>(e) any combination of one or more of the edible substances specified in paragraph (a) together with one or more of the edible substances specified in paragraph (b) to (d) of this item subject to the maximum percentages specified for those edible substances; or</p> <p>(f) any combination of two or more of the edible substances specified in paragraphs (b) to (d) of this item subject to the maximum percentages specified for those edible substances.</p>	40 and not less than 5 30 5 10 40 30

Column 1	Column 2	Column 3
Reserved description of cocoa product or chocolate product	Edible substance	Parts per centum except where otherwise stated, not exceeding—
Couverture chocolate, couverture milk chocolate	<p>(a) any edible substance (other than flour or starch added as such or any fat or fat preparation not derived exclusively from milk) in clearly visible and discrete pieces; or</p> <p>(b) any edible substance (other than flour or starch added as such or sucrose, dextrose, lactose, fructose, maltose or any fat or fat preparation not derived exclusively from milk) not in clearly visible and discrete pieces; or</p> <p>(c) any vegetable fat or preparation of vegetable fat not derived from cocoa beans or parts of cocoa beans; or</p> <p>(d) any combination of one or more of the edible substances specified in paragraph (a) together with one or more of the edible substances specified in paragraphs (b) to (c) of this item subject to the maximum percentages specified for those edible substances; or</p> <p>(e) any combination of two or more of the edible substances specified in paragraphs (b) to (c) of this item subject to the maximum percentages specified for those edible substances.</p>	<p>40 and not less than 5</p> <p>30</p> <p>5</p> <p>40</p> <p>30</p>

Column 1	Column 2	Column 3
Reserved description of cocoa product or chocolate product Cocoa mass, cocoa, cocoa powder, fat-reduced cocoa, fat-reduced cocoa powder, sweetened cocoa, sweetened cocoa powder, sweetened fat-reduced cocoa, sweetened fat-reduced cocoa powder, drinking chocolate, fat-reduced drinking chocolate, chocolate vermicelli, chocolate flakes, gianduja nut chocolate, milk chocolate vermicelli, milk chocolate flakes, gianduja nut milk chocolate	Edible substance Any flavouring substance which does not impart the flavour of chocolate or milk fat.	Parts per centum except where otherwise stated, not exceeding— In accordance with good manufacturing practice.

1. In calculating for the purposes of this Part of this Schedule the amount of edible substances in or on any chocolate product to which a reserved description is applied, there shall be deducted the weight of any such substance for which a minimum percentage is prescribed in relation to that description in the definition of the product specified in Part II of Schedule 1:

Provided that where a declaration of the addition of that substance is applied to that product, there shall be deducted only that amount of the substance which does not exceed the minimum percentage.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which apply to England and Wales only, come into operation on 5th May 1977 except for regulations 2 and 22 which come into operation on 5th May 1976. The regulations implement Council Directive No. 73/241/EEC (OJ No. L228, 16.8.73, p. 23) on the approximation of the laws of the Member States relating to cocoa and chocolate products intended for human consumption as amended by Council Directive No. 74/411/EEC (OJ No. L221, 12.8.74, p. 17), Council Directive No. 74/644/EEC (OJ No. L349, 28.12.74, p. 63) and Council Directive No. 75/155/EEC (OJ No. L64, 11.3.75, p. 21).

The regulations—

- (a) prescribe definitions and reserved descriptions for cocoa and chocolate products (regulation 2 and Schedule 1);
- (b) subject to specified exceptions, prohibit the labelling and advertisement with reserved descriptions of food other than cocoa and chocolate products to which those descriptions relate (regulation 4);
- (c) require reserved descriptions and specified declarations as to content to be applied to cocoa and chocolate products and prescribe the manner of marking and labelling to be employed (regulations 5, 11 and 12);
- (d) impose restrictions on the labelling of specified chocolate products with descriptions of fillings and ingredients, the description "dark couverture chocolate" and descriptions as to quality (regulations 6, 7, 8 and 9);
- (e) impose restrictions on the labelling and advertisement of cocoa and chocolate products with references to natural sources of flavouring substances (regulation 10);
- (f) impose requirements as to the advertisement of cocoa and chocolate products for sale from vending machines (regulation 13);
- (g) specify compositional requirements for cocoa beans used as ingredients in the preparation of cocoa and chocolate products (regulation 14);
- (h) subject to prescribed limits, specify the added ingredients permitted in and on cocoa and chocolate products (regulation 15 and Schedule 2);
- (j) make consequential amendments to the Labelling of Food Regulations 1970, as amended, the Miscellaneous Additives in Food Regulations 1974, as amended and the Emulsifiers and Stabilisers in Food Regulations 1975 (regulations 19, 20 and 21).

The regulations do not apply to cocoa and chocolate products intended for export or supplied for consumption by Her Majesty's forces or a visiting force (regulation 3).

SI 1976/541
ISBN 0-11-060541-1



780110605418