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STATUTORY INSTRUMENTS

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1984 No. 1519 (S. 128)

FOOD

LABELLING

**The Food Labelling (Scotland) Regulations 1984**

*Made* - - - - 17th September 1984

*Laid before Parliament* 4th October 1984

*Coming into Operation* 25th October 1984

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In exercise of the powers conferred on me by sections 4, 7, 26(3) and 56 of the Food and Drugs (Scotland) Act 1956(a) and sections 2(2) of the European Communities Act 1972(b) and of all other powers enabling me in that behalf and as a Minister designated(c) for the purposes of the said section 2(2) of the last-mentioned Act in relation to the presentation and packaging of food intended for sale for human consumption and after consultation in accordance with section 56(6) of the said Act of 1956 with such organisations as appear to me to be representative of interests substantially affected by these regulations I hereby make the following regulations:—

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(a) 1956 c.30; section 4(1) was amended by Schedule 4, paragraph 3(1) to the European Communities Act 1972 (c.68); section 26(3) was amended by Schedule 27, paragraph 123 to the Local Government (Scotland) Act 1973 (c.65); section 56(8) was amended by and section 56(8A) inserted by Schedule 15, paragraph 8 to the Criminal Justice Act 1982 (c.48) and S.I. 1984/526.

(b) 1972 c.68.

(c) S.I. 1981/833.

## PART I

## PRELIMINARY

*Title and commencement*

1. These regulations may be cited as the Food Labelling (Scotland) Regulations 1984 and shall come into operation on 25th October 1984.

*Interpretation*

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

“the Act” means the Food and Drugs (Scotland) Act 1956;

“additive” means any substance, not commonly regarded or used as food, which is added to, or used in or on, food at any stage to affect its keeping qualities, texture, consistency, appearance, taste, odour, alkalinity or acidity, or to serve any other technological function in relation to food, and includes processing aids in so far as they are added to, or used in or on, food as aforesaid, but does not include—

- (a) vitamins, minerals or other nutrients in so far as they are used solely for the purpose of fortifying or enriching food or of restoring the constituents of food,
- (b) herbs or spices when used as seasoning,
- (c) hops,
- (d) salt,
- (e) yeast or yeast extracts,
- (f) the total products of any hydrolysis or autolysis of food protein,
- (g) starter cultures,
- (h) malt or malt extract,
- (i) any substance which is present in food solely as a result of its addition to animal, bird or fish feedingstuffs or its use in a process or treatment carried out in crop husbandry, animal husbandry, veterinary medicine or storage (including any pesticide, fumigant, sprout depressant or veterinary medicine), or
- (j) air or water;

“the additives regulations” means the Colouring Matter in Food (Scotland) Regulations 1973(a), the Antioxidants in Food (Scotland) Regulations 1978(b), the Preservatives in Food (Scotland) Regulations 1979(c), the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1980(d), and the Miscellaneous Additives in Food (Scotland) Regulations 1980(e);

“advertisement” has the same meaning as in the Act, except that it does not include any form of labelling, and “advertise” shall be construed accordingly;

(a) S.I. 1973/1310; relevant amending instruments are S.I. 1975/1595, 1976/2232, 1979/107.

(b) S.I. 1978/492; the relevant amending instrument is S.I. 1980/1886.

(c) S.I. 1979/1073; relevant amending instruments are S.I. 1980/1232, 1981/1320, 1982/516.

(d) S.I. 1880/1888; the relevant amending instrument is S.I. 1982/514.

(e) S.I. 1980/1889; the relevant amending instrument is S.I. 1982/515.

“alcoholic strength by mass” and “alcoholic strength by volume” have the meanings assigned to them by the Alcohol Tables Regulations 1979(a);

“aromatised wine” means vermouth or any other wine flavoured with aromatic extracts;

“biscuits” includes wafers, rusks, oatcakes and matzos;

“carbohydrate” means any carbohydrate which is metabolised in man and includes sugar alcohols;

“catering establishment” means a restaurant, canteen, club, public house, school, hospital or other establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer for immediate consumption;

“chocolate confectionery” means any food which is ready for consumption without further preparation, of which a characterising ingredient is chocolate, cocoa or non-fat cocoa solids, and includes food of which a characterising ingredient is carbohydrate sweetening matter and which has a chocolate or chocolate-flavoured coating, but does not include any biscuits, chocolate products, flour confectionery or edible ice;

“chocolate product” has the meaning assigned to it by the Cocoa and Chocolate Products (Scotland) Regulations 1976(b);

“confectionery product” means any item of chocolate confectionery or sugar confectionery;

“disease” includes any injury, ailment or adverse condition, whether of body or mind;

“edible ice” includes ice-cream, water ice and fruit ice, whether alone or in combination, and any similar food;

“flour confectionery” means any cooked food which is ready for consumption without further preparation (other than reheating), of which a characterising ingredient is ground cereal, including shortbread, sponges, crumpets, muffins, macaroons, ratafias, pastry and pastry cases, and also includes meringues, petits fours and uncooked pastry and pastry cases, but does not include bread, pizzas, biscuits, crispbread, extruded flat bread or any food containing a filling which has as an ingredient any cheese, meat, offal, fish, shellfish, vegetable protein material or microbial protein material;

“ingredient” means any substance, including any additive and any constituent of a compound ingredient, which is used in the preparation of a food and which is still present in the finished product, even if in altered form;

“intense sweetener” means acesulfame potassium, aspartame, saccharin, sodium saccharin, calcium saccharin or thaumatin;

“labelling”, in relation to a food, includes any words, particulars, trade mark, brand name, pictorial matter or symbol relating to the food and appearing on the packaging of the food or on any document, notice, label, ring or collar accompanying the food;

“liqueur wine”—

(a) in relation to a drink produced in the European Economic Community, has the meaning assigned to it by Annex II to

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(a) S.I. 1979/132.

(b) S.I. 1976/914.

Council Regulation (EEC) No.337/79(a) on the common organization of the market in wine, and

- (b) in relation to a drink produced elsewhere, has the meaning assigned to it by article 2 of Council Regulation (EEC) No. 339/79(b), as amended(c), defining certain products falling within heading Nos. 20.07, 22.04 and 22.05 of the Common Customs Tariff and originating in third countries;

“prepacked”, in relation to a food, means put into packaging (including a confining band) before being offered for sale in such a way that the food, whether wholly or only partly enclosed, cannot be altered without opening or changing the packaging and is ready for sale to the ultimate consumer or to a catering establishment, and includes a food which is wholly enclosed in packaging before being offered for sale and which is intended to be cooked without opening the packaging and which is ready for sale to the ultimate consumer or to a catering establishment, but does not include individually wrapped sweets or chocolates which are not enclosed in any further packaging and which are not intended for sale as individual items;

“presentation”, in relation to a food, includes the shape, appearance or packaging of the food, the way in which the food is arranged when it is exposed for sale and the setting in which the food is displayed with a view to sale, but does not include any form of labelling or advertising;

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

“sparkling wine”—

- (a) in relation to a drink produced in the European Economic Community, has the meaning assigned to it by Annex II to Council Regulation (EEC) No. 337/79, as amended(d), except that it also includes aerated sparkling wine, semi-sparkling wine and aerated semi-sparkling wine as therein defined, and
- (b) in relation to a drink produced elsewhere, has the meaning assigned to it by article 2 of Council Regulation (EEC) No. 339/79, as amended(e), except that it also includes aerated sparkling wine, semi-sparkling wine and aerated semi-sparkling wine as therein defined;

“sugar confectionery” means any food which is ready for consumption without further preparation, of which a characterising ingredient is carbohydrate sweetening matter, and includes sweetened liquorice and chewing gum, but does not include any chocolate confectionery, chocolate products, cocoa products, flour confectionery, edible ice, table jellies, slab marzipan or sugar;

“treating”, in relation to disease, includes doing or providing anything for alleviating the effects of the disease, whether it is done or provided by way of cure or not;

(a) O.J. No. L54, 5.3.79, p.1.

(b) O.J. No. L54, 5.3.79, p.57.

(c) The amending instrument is Council Regulation (EEC) No. 3083/82 (O.J. No. L326, 23.11.82, p.4).

(d) The amending instrument is Council Regulation (EEC) No. 3082/82 (O.J. No. L326, 23.11.82, p.1).

(e) The amending instrument is Council Regulation (EEC) No. 3082/82 (O.J. No. L326, 23.11.82, p.4).

“ultimate consumer” means any person who buys otherwise than—

- (a) for the purpose of resale,
- (b) for the purposes of a catering establishment, or
- (c) for the purposes of a manufacturing business;

“wine” has the meaning assigned to it by Annex II to Council Regulation (EEC) No. 337/79.

(2) For the purposes 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 purchasers shall be construed accordingly.

(3) Unless the context otherwise requires, all proportions mentioned in these regulations are proportions calculated by weight.

(4) 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 so numbered in these regulations.

#### *Exemptions*

3.— (1) Subject to paragraph (2) of this regulation, these regulations shall apply to cream and to food containing milk, but except as aforesaid they shall not apply to milk.

(2) These regulations, except in so far as they relate to advertising, shall not apply to any food which is—

- (a) not intended for sale for human consumption;
- (b) intended at the time of sale for export to any place outside the United Kingdom; or
- (c) 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(a).

## PART II

### PRESENTATION

#### *Prohibition of misleading presentation*

4. The presentation of food shall not be such that a purchaser is likely to be misled to a material degree as to the nature, substance or quality of the food.

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(a) 1952 c.67.

## PART III

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

*Scope and general labelling requirement**Scope of Part III*

5.— (1) Subject to the following paragraphs 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) This Part of these regulations does not apply to—
- (a) any specified sugar product as defined in the Specified Sugar Products (Scotland) Regulations 1976(a);
  - (b) any cocoa product or chocolate product as defined in the Cocoa and Chocolate Products (Scotland) Regulations 1976(b);
  - (c) any honey as defined in the Honey (Scotland) Regulations 1976(c);
  - (d) any condensed milk product or dried milk product as defined in the Condensed Milk and Dried Milk (Scotland) Regulations 1977(d), 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 food is intended for consumption by any other class of persons;
  - (e) hen eggs, in so far as their labelling is regulated by Council Regulation (EEC) No. 2772/75(e) on marketing standards for eggs, as amended(f);
  - (f) wines or grape musts, in so far as their labelling is regulated by Council Regulation (EEC) No. 355/79(g) laying down general rules for the description and presentation of wines and grape musts, as amended(h);
  - (g) any additive sold as such which is required to be labelled in accordance with regulation 6 of the Solvents in Food (Scotland) Regulations 1968(i) or the appropriate provisions or any of the additives regulations;
  - (h) 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;
  - (i) any food prepared on domestic premises for sale for the benefit of the

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(a) S.I. 1976/946, to which there is an amendment not relevant to these regulations.  
 (b) S.I. 1976/914, to which there are amendments not relevant to these regulations.  
 (c) S.I. 1976/1818, to which there is an amendment not relevant to these regulations.  
 (d) S.I. 1977/1027, the relevant amending instrument is S.I. 1982/1209.  
 (e) O.J. No. L282, 1.11.75, p.56.  
 (f) The amending instruments are Council Regulation (EEC) Nos. 1868/77 (O.J. No. L209, 17.8.77, p.1) and 1831/84 (O.J. No. L172, 30.6.84, p.2).  
 (g) O.J. No. L54, 5.3.79, p.99.  
 (h) The amending instruments are Council Regulation (EEC) Nos. 461/80 (O.J. No. L57, 29.2.80 p.36), 1016/81 (O.J. No. L103, 15.4.81, p.7) and 3685/81 (O.J. No. L369, 24.12.81, p.1).  
 (i) S.I. 1968/263, to which there are amendments not relevant to these regulations.



person preparing it by a society registered under the Industrial and Provident Societies Act 1965(a);

- (j) any food prepared otherwise than in the course of a trade carried on by the person preparing it.

(3) This Part of these regulations does not apply to any coffee, coffee mixture, coffee extract product, chicory extract product or other designated product as defined in the Coffee and Coffee Products (Scotland) Regulations 1979(b), except that such food shall be marked or labelled with a list of ingredients in accordance with this Part.

#### *General labelling requirement*

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

#### *Name of the food*

##### *Name prescribed by law*

7.— (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 a 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*

8. If there is no name prescribed by law for a food, a customary name, that is

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(a) 1965 c.12.

(b) S.I. 1979/383, to which there are amendments not relevant to these regulations.

to say a name which is customary in the area where the food is sold, may be used for the food.

*Indication of true nature of food*

9. 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*

10. 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*

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

*Indication of physical condition or treatment*

12.— (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*

13. 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*

14.— (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 17, 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 13, 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) Without prejudice to regulation 13, 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*

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

(2) Where 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.

(3) 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.

(4) An ingredient 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, subject to the notes to that Schedule, be identified by the name of that category followed by the ingredient's specific name or serial number, if any, or both. An ingredient which is added to or used in a food to serve more than one such function shall,

subject to the aforesaid notes, be identified by the name of the category that represents the principal function served by the ingredient in that food followed by the ingredient's specific name or serial number, if any, or both.

(5) An additive which is required to be named in the list of ingredients of a food and which does not serve the function of one of the categories of additives listed in Schedule 4 shall be identified by its specific name.

(6) In this regulation "serial number" means the number specified for an additive in Schedule 1 to any of the additives regulations or the Sweeteners in Food (Scotland) Regulations 1983(a) or in Schedule 5 to these regulations.

#### *Compound ingredients*

16.— (1) Subject to paragraphs (3) and (4) of this regulation, where a compound ingredient, that is to say an ingredient which is itself composed of two or more ingredients, 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, the names of its ingredients shall follow that name immediately or appear in close proximity to it in such a way (in either case) 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 15(3), or
- (b) the compound ingredient constitutes less than 25 per cent of the finished product,

except that, subject to regulation 18, 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*

17.— (1) Except in the circumstances specified in paragraph (2) of this regulation, 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

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(a) S.I. 1983/1497.

- (b) it is used as, or as part of, a medium which is not normally consumed;  
or
- (c) added water does not exceed 5 per cent of the finished product.

(2) Water which is added to frozen or deep-frozen poultry to which Council Regulation (EEC) No. 2967/76(a) laying down common standards for the water content of frozen and deep-frozen chickens, hens and cocks, as amended(b), applies need not be declared in the list of ingredients of the food.

*Ingredients which need not be named*

18. 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*

19.— (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) flavourings;
- (f) any food consisting of a single ingredient, including flour to which no substances have been added other than those which are required to be

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(a) O.J. No. L339, 8.12.76, p.1.

(b) The relevant amending instruments are Council Regulations (EEC) Nos. 1691/77 (O.J. No. L188, 28.7.77, p.10) 641/79 (O.J. No. L82, 31.3.79, p.4), 2632/80 (O.J. No. L270, 15.10.80, p.14), 2835/80 (O.J. No. L292, 1.11.80, p.75) and 3204/83 (O.J. No. 315, 15.11.83, p.17).

present in the flour by regulation 4 of the Bread and Flour (Scotland) Regulations 1984(a);

(g) any drink with an alcoholic strength by volume of more than 1.2 per cent.

(2) Without prejudice to regulation 13, 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 13 to 18 as if it were required to be so marked or labelled.

#### *Ingredients given special emphasis*

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

**20.**— (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 appear either—

(a) next to the name of the food, or

(b) in the list of ingredients in close proximity to the name of the ingredient in question.

(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.

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(a) S.I. 1984/1518.

*Indication of minimum durability**Form of indication of minimum durability*

**21.**— (1) Subject to the following paragraphs of this regulation, the minimum durability of a food shall be indicated by—

- (a) the words “best before” followed by 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, and
- (b) in the case of a food which can reasonably be expected to retain its specific properties for more than three 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”.

(3) The date up to and including which a food can reasonably be expected to retain its specific properties if properly stored 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 appears.

(4) In the case of a perishable food which is intended for consumption within six weeks of being packed, the minimum durability of the food may be indicated by—

- (a) the words “sell by”—
  - (i) followed (subject to paragraph (5) of this regulation) by the latest recommended date of sale of the food, expressed in terms of a day and month, and
  - (ii) immediately preceded or immediately followed by an indication of the period from the date of purchase for 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 for that period.

(5) Where the minimum durability of a food is indicated in the manner permitted by paragraph (4) of this regulation, the latest recommended date of sale may appear on the labelling of the food separately from the words “sell by”, provided that those words are followed by a reference to the place where the date appears.

*Foods which need not bear an indication of minimum durability*

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

- (a) fresh fruit and vegetables, including potatoes, which have not been peeled or cut into pieces;
- (b) cider, perry, liqueur wine, sparkling wine, aromatised wine and any drink (other than barley wine) for which a composite name including the word "wine" may be used by virtue of regulation 39;
- (c) any drink with an alcoholic strength by volume of 10 per cent or more;
- (d) beer which is sold in a cask, keg, tank or other bulk container for resale;
- (e) flour confectionery and bread which are normally consumed within twenty-four hours of their preparation;
- (f) vinegar;
- (g) cooking salt;
- (h) solid sugar, and products consisting principally of flavoured or coloured sugars;
- (i) chewing gum and similar products;
- (j) deep-frozen (including quick-frozen) food;
- (k) edible ices;
- (l) cheese which is intended to ripen completely or partially in its packaging;
- (m) any food with a minimum durability of more than eighteen months;
- (n) until 1st January 1985, any food with a minimum durability of more than twelve months.

*Instructions for use*

*Requirements relating to instructions for use*

23.— (1) Any instructions for the use of a food given pursuant to these regulations shall be such as to enable appropriate use to be made of the food.

(2) In the case of a concentrate, dry mix or similar food, other than custard powder and blancmange powder, which is intended to be made into another food by the addition of any other substance, the instructions for use shall specify every substance, other than water, that must be added to the concentrate, dry mix or similar food, and that part of the instructions shall appear in immediate proximity to the name of the food, whether or not it appears elsewhere in the labelling of the food.

(3) Any advertisement, whether written or oral, for the sale of a concentrate, dry mix or similar food to which paragraph (2) of this regulation applies shall include an indication of every substance, other than water, that must be added to the food.

*Omission of certain particulars*

*Food which is not prepacked and similar food*

24.— (1) This regulation applies to—

- (a) food which is not prepacked,



- (b) food which is prepacked for direct sale, and
- (c) flour confectionery which is packed either 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, if there is not attached to the flour confectionery or its packaging any document, notice, label, ring or collar (other than a label on which only the price of the food is marked),

but does not apply to any such food to which regulation 28 or 29 applies.

(2) Food to which this regulation applies need not be marked or labelled with any of the particulars specified in regulation 6, except that any such food, other than—

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

shall be marked or labelled with the name of the food.

(3) In this regulation and in regulation 29 “prepacked for direct sale” means—

- (a) in relation to any food other than edible ices, flour confectionery and bread, prepacked by a retailer for sale by him on the premises where the food is packed or from a vehicle or stall used by him, and
- (b) in relation to edible ices, flour confectionery or bread, prepacked by a retailer for sale as aforesaid or prepacked for sale on premises where business is conducted by the producer of the food under the same name as the business conducted on the premises where the food is produced.

#### *Fancy confectionery products*

25.— (1) Individually wrapped fancy confectionery products which are not enclosed in any further packaging and which are intended for sale as single items need not be marked or labelled with any of the particulars specified in regulation 6 except the name of the food.

(2) In this regulation “fancy confectionery product” means any confectionery product in the form of a figure, animal, cigarette or egg or in any other fancy form.

#### *Indication of additives*

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

- (a) by virtue of regulation 24 or 25 alone is not marked or labelled with a list of ingredients, and
- (b) contains any additive which—

- (i) but for regulations 24 and 25, 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, artificial sweetener, colour, flavour enhancer, flavouring or preservative,

shall be marked or labelled with an indication of every such category of additives 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 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.

#### *Small packages*

27.—(1) Subject to paragraph (2) of this regulation, any prepacked food, the largest surface of whose packaging has an area of less than ten square centimetres, need not be marked or labelled with any of the particulars specified in regulation 6 except the name of the food and, unless the food is not required to be marked or labelled with such an indication, an indication of minimum durability.

(2) This regulation does not apply to any food to which regulation 24, 25, 28 or 29 applies.

#### *Food for immediate consumption where sold*

28.—(1) Any food which—

- (a) is not prepacked, and
- (b) is sold at a catering establishment for immediate consumption there, and
- (c) is not food to which regulation 29 applies,

need not be marked or labelled with any of the particulars specified in regulation 6.

(2) Any food which—

- (a) is prepacked, and
- (b) is sold at a catering establishment for immediate consumption there, and

(c) is sold as an individual portion, and  
(d) is intended as an accompaniment to another food,  
need not be marked or labelled with any of the particulars specified in regulation 6 except the name of the food.

(3) Any—

- (a) prepacked sandwich, filled roll or similar bread product, or
- (b) prepacked prepared meal,

which is sold at a catering establishment for immediate consumption there need not be marked or labelled with any of the particulars specified in regulation 6 except the name of the food.

(4) In this regulation and in regulation 29 “prepared meal” means any collection of two or more different foods which is suitable for consumption as a complete meal and which is ready for consumption without any further preparation.

*Other food for immediate consumption*

29.— (1) This regulation applies to—

- (a) sandwiches, filled rolls and similar bread products,
- (b) food which is sold hot and which is ready for consumption without any further cooking, heating or other preparation,
- (c) prepared meals,
- (d) food which is sold from a vending machine for heating by the purchaser at the establishment where it is sold and which is intended for immediate consumption, and
- (e) any food—
  - (i) which is not prepacked, or which is prepacked for direct sale, or which, in the case of flour confectionery, is packed either 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, if there is not attached to the flour confectionery or its packaging any document, notice, label, ring or collar (other than a label on which only the price of the food is marked), and
  - (ii) which is sold either at a catering establishment or at an establishment (including a vehicle or a fixed or mobile stall) whose business consists mainly of selling food of a kind described in one or more of the foregoing sub-paragraphs of this paragraph,

but, except in the case of food of a kind described in sub-paragraph (d) of this paragraph, this regulation does not apply to any food which is sold at a catering establishment for immediate consumption there.

(2) Food to which this regulation applies need not be marked or labelled with any of the particulars specified in regulation 6 if, subject to paragraph (5) of this regulation, the provisions of paragraphs (3) and (4) of this regulation are observed.

(3) In the case of any such food which is exposed for sale, either—

- (a) the food shall be marked or labelled with the name of the food, or
  - (b) the name of the food shall appear on a notice displayed in a prominent position near the point of sale.
- (4) In the case of any such food which is not exposed for sale—
- (a) when the food is sold to the ultimate consumer, the name of the food shall appear on a notice displayed in a prominent position near the point of sale, and
  - (b) when the food is sold otherwise than to the ultimate consumer, it shall be marked or labelled with the name of the food.
- (5) Prepared meals provided for persons staying at a hotel or other establishment at which sleeping accommodation is provided by way of trade or business need not be marked or labelled with any of the particulars specified in regulation 6.
- (6) In this regulation—
- “prepacked for direct sale” has the meaning assigned to it by regulation 24(3), and
  - “prepared meal” has the meaning assigned to it by regulation 28(4).

*Additional labelling requirements for certain categories of food*

*Food sold from vending machines*

**30.** 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 manner as to be easily visible and clearly legible to an intending purchaser through the outside of the machine.

*Alcoholic drinks*

**31.—** (1) Subject to paragraph (2) of this regulation, every drink with an alcoholic strength by volume of more than 1.2 per cent shall, when sold prepacked, be marked or labelled with an indication of its alcoholic strength by volume in the form of a figure and the symbol “% vol” or its alcoholic strength by mass in the form of a figure and the symbol “% mas”.

(2) The following drinks need not be marked or labelled with an indication of their alcoholic strength when sold prepacked: beer, cider, perry, liqueur wine, sparkling wine and any drink for which a composite name including the word “wine” may be used by virtue of regulation 39 and which is not derived wholly or partly from fruit other than grapes or from other vegetable, plant or carbohydrate material.

(3) Any whisky which has an alcoholic strength by volume of less than 40 per cent and any brandy, gin, rum or vodka which has an alcoholic strength by volume of less than 37.2 per cent shall, when sold prepacked, be marked or labelled with the words “under strength”. This requirement does not apply to brandy whose alcoholic strength by volume has fallen to less than 37.2 per cent only through maturing in cask.

*Manner of marking or labelling**General requirement*

32.— (1) When any food other than food to which regulation 24, 25, 28 or 29 applies is sold to the ultimate consumer, 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.

(2) When any food other than food to which regulation 24, 25, 28, or 29 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 the packaging, or
- (b) on a label attached to the packaging, or
- (c) on a label that is clearly visible through the packaging, or
- (d) in relevant trade documents furnished on or before delivery of the food.

*Food to which regulation 24, 25, 28 or 29 applies*

33.— (1) When any food to which regulation 24, 25, 28 or 29 applies is sold 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 displayed in immediate proximity to the food.

(2) When any food to which regulation 24, 25 or 29 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 displayed in immediate proximity to the food, or
- (c) in relevant trade documents furnished on or before delivery of the food.

*Intelligibility*

34.— (1) The particulars with which a food is required to be marked or labelled by these regulations, or which appear on a notice 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) Paragraphs (1) and (2) of this regulation shall not be taken to require any particulars to appear on the outer packaging of a seasonal selection pack,

provided that each item contained in the pack is individually prepacked and is marked or labelled—

- (a) in the case of a confectionery product, in accordance with these regulations, and
- (b) in the case of a chocolate product, in accordance with the Cocoa and Chocolate Products (Scotland) Regulations 1976(a).

(4) In this regulation “seasonal selection pack” means a pack consisting of confectionery products, or of a mixture of confectionery products and chocolate products, which are wholly or partly enclosed in outer packaging decorated with seasonal designs.

#### *Field of vision*

35.— (1) Where a food is required to be marked or labelled with an indication of minimum durability, that indication shall appear in the labelling of the food in the same field of vision as the name of the food.

(2) Where a food is required by the Weights and Measures Acts 1963 to 1979(b) or by any order made thereunder to be marked or labelled with an indication of net quantity, that indication shall appear in the labelling of the food in the same field of vision as the name of the food and, if the food is also required to be marked or labelled with an indication of minimum durability, in the same field of vision as the indication of minimum durability.

(3) Until 1st January 1989 paragraphs (1) and (2) of this regulation shall not apply to any food sold in a glass bottle which is intended for re-use and which is indelibly marked with one or more of the particulars which, but for this paragraph, would be required to appear in the same field of vision.

## PART IV

### CLAIMS AND MISLEADING DESCRIPTIONS

#### *Claims*

36.— (1) A claim of a type described in Part I of Schedule 6 shall not be made, either expressly or by implication, in the labelling or advertising of a food.

(2) A claim of a type described in Part II of Schedule 6 shall not be made, either expressly or by implication, in the labelling or advertising of a food, except in accordance with the appropriate conditions set out in that Part of that Schedule.

(3) Where a claim is a claim of two or more of the types described in Part II of Schedule 6, the conditions appropriate to each of the relevant types of claim shall be observed.

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(a) S.I. 1976/914.

(b) 1963 c.31, 1976 c.77, 1979 c.45.

*Supplementary provisions relating to claims*

37.— (1) The notes in Schedule 6 shall have effect for the interpretation of the items and tables to which they relate.

(2) Nothing in regulation 36 or Schedule 6 shall be taken to prevent the dissemination of useful information or recommendations intended exclusively for persons having qualifications in dentistry, medicine, nutrition, dietetics or pharmacy.

(3) The following shall not of themselves constitute a claim of a type described in Schedule 6:—

- (a) a reference to a substance other than vitamins, minerals, polyunsaturated fatty acids, or cholesterol in the name of a food;
- (b) a reference to a substance in a list of ingredients or in a statement of the total nutrient content of a food;
- (c) a statement of the energy value of a food.

(4) In the calculation of the energy value of a food for the purpose of any statement required by regulation 36 and Schedule 6 the following conversion factors shall be employed:—

- (a) 1 gram of carbohydrate (expressed as monosaccharides) shall be deemed to contribute 16 kilojoules (3.75 kilocalories);
- (b) 1 gram of protein shall be deemed to contribute 17 kilojoules (4 kilocalories);
- (c) 1 gram of alcohol shall be deemed to contribute 29 kilojoules (7 kilocalories);
- (d) 1 gram of fat shall be deemed to contribute 37 kilojoules (9 kilocalories).

(5) Where a statement of the energy value of a food is required by these regulations to be expressed in kilojoules and kilocalories, the expression in kilojoules shall predominate and the characters used in the expression in kilocalories shall not be larger than those used in the expression in kilojoules.

(6) In Schedule 6—

“the prescribed energy statement” means—

- (a) in relation to a food with an energy value of 50 kilojoules (12 kilocalories) or more per hundred grams or hundred millilitres, as the case may be, a statement of—
  - (i) the energy value, expressed in kilojoules and kilocalories, of each hundred grams or hundred millilitres of the food, as is appropriate, and, where appropriate, of a quantified serving of the food, and
  - (ii) the amount of carbohydrate, protein and fat contained in each hundred grams or hundred millilitres of the food, as is appropriate, and, where appropriate, in a quantified serving of the food; and
- (b) in relation to a food with an energy value of less than 50 kilojoules (12

kilocalories) per hundred grams or hundred millilitres, as the case may be, either—

- (i) a statement of the kind described in sub-paragraph (a) of this definition, or
- (ii) a statement that the energy value of the food is less than 50 kilojoules (12 kilocalories) per hundred grams or hundred millilitres, as is appropriate;

“recommended daily amount”, in relation to a vitamin or mineral, means the recommended daily amount specified for that vitamin or mineral in column 3 of Table A or Table B in Schedule 6.

*Misleading descriptions*

**38.**— (1) The words and descriptions specified in Column 1 of Schedule 7 shall not be used in the labelling or advertising of a food, except in accordance with the appropriate conditions set out in column 2 of that Schedule.

(2) Schedule 7 shall be read with the note thereto.

*The word “wine”*

**39.**— (1) Notwithstanding article 45(1) of Council Regulation (EEC) No. 355/79(a) (which restricts the appellation “wine” to wine as defined in Annex II to Council Regulation (EEC) No. 337/79(b)), and in accordance with article 45(2) of Council Regulation (EEC) No. 355/79 and article 20 of Commission Regulation (EEC) No. 997/81(c) laying down detailed rules for the description and presentation of wines and grape musts, the word “wine” may, subject to the following paragraphs of this regulation, be used in a composite name in the labelling or advertising of food for a drink which is not wine as defined in Annex II to Council Regulation (EEC) No. 337/79.

(2) Subject to paragraph (3) of this regulation, when the word “wine” is used in a composite name in the labelling or advertising of food for a drink which is derived wholly or partly from fruit other than grapes or from other vegetable, plant or carbohydrate material, the word “wine” shall be immediately preceded in the composite name by an indication of that fruit, vegetable, plant or carbohydrate material.

(3) When the word “wine” is used in a composite name in the labelling or advertising of food for a drink which is derived wholly or partly from a mixture of such ingredients as are described in paragraph (2) of this regulation and which is characterised by one or more of those ingredients, it shall be sufficient to specify in the indication required by the said paragraph (2) such of those ingredients as characterise the drink.

(4) The composite name “non-alcoholic wine” shall not be used pursuant to paragraph (1) of this regulation, except for a drink derived from unfermented grape juice which is intended exclusively for communion or sacramental use

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(a) O.J. No. L54, 5.3.79, p.99.

(b) O.J. No. L54, 5.3.79, p.1.

(c) O.J. No. L106, 16.4.81, p.1.



and which is described clearly in its labelling or advertising, as the case may be, as being exclusively for such use.

(5) The word "wine" shall not be used pursuant to paragraph (1) of this regulation as part of a composite name which is likely to cause confusion with wine or table wine as defined in Annex II to Council Regulation (EEC) No. 337/79, as amended(a).

(6) Each word that forms part of a composite name used pursuant to paragraph (1) of this regulation must appear in lettering of the same type and colour and of such a height that the composite name is clearly distinguishable from other particulars.

## PART V

### OFFENCES AND LEGAL PROCEEDINGS

#### *Offences and penalties*

40. If any person—

- (a) sells any food the presentation of which contravenes regulation 4, or
- (b) sells any food which is not marked or labelled in accordance with the provisions of Part III of these regulations, or
- (c) sells or advertises for sale any food in respect of which a claim is made or a description is used in contravention of the provisions of Part IV of these regulations, or
- (d) advertises for sale any food in contravention of regulation 23(3), or
- (e) sells any food from a vending machine in contravention of regulation 30,

he shall be guilty of an offence and shall be liable—

- (a) on summary conviction to a fine not exceeding £2000 or to imprisonment for a term not exceeding six months or both;
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding one year or both.

#### *Enforcement*

41. Each district and islands council shall enforce and execute these regulations within their area.

#### *Defences*

42.— (1) In any proceedings for an offence against these regulations of having in possession for sale any food which is not marked or labelled in accordance with the provisions of Part III of these regulations, or in the labelling of which a claim is made or a description is used in contravention of

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(a) The amending instrument is Council Regulation (EEC) No. 1990/80 (O.J. L195, 29.7.80, p.6).

the provisions of Part IV of these regulations, it shall be a defence for the accused to prove that before offering the food for sale he would have taken all reasonable steps to ensure either that the food was marked or labelled in accordance with the provisions of Part III of these regulations or, as the case may be, that a claim was not made or a description used in the labelling of the food in contravention of the provisions of Part IV of these regulations.

(2) In any proceedings for an offence against these regulations of selling any meat or offal which has been frozen and thawed and which is not marked or labelled in accordance with regulation 12(2) in that it does not bear the indication required by paragraph 2 of Schedule 2, it shall be a defence for the accused to prove that he did not know that the meat or offal had been frozen.

(3) In any proceedings for an offence against these regulations of selling any food which is not marked or labelled with an indication of minimum durability in accordance with the provisions of Part III of these regulations, it shall be a defence for the accused to prove that he had taken all reasonable steps to ensure that the food was so marked or labelled.

*Application of various provisions of the Act*

43.— (1) Subject to paragraph (2) of this regulation, the following provisions 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:—

- (a) section 41(2) and (5) (which relate to proceedings);
- (b) section 42(1), (2) and (3) (which relates to evidence of analysis);
- (c) section 44 (which relates to the power of a court to require analysis by the Government Chemist);
- (d) section 45 (which relates to a contravention due to some person other than the person charged);
- (e) section 46(2) (which relates to the conditions under which a warranty may be pleaded as a defence);
- (f) section 47 (which relates to offences in relation to warranties and certificates of analysis).

(2) Section 44 of the Act shall apply for the purposes of these regulations as if the reference therein to section 41(5) of the Act included a reference to that subsection as applied by paragraph (1) of this regulation.

## PART VI

### AMENDMENTS, REVOCATIONS AND TRANSITIONAL PROVISIONS

*Amendment of the Cocoa and Chocolate Products (Scotland) Regulations 1976*

**44. Regulation 2(1) of the Cocoa and Chocolate Products (Scotland)**

Regulations 1976(a) shall be amended by substituting for the definition of "slimming claim" the following definition:—

"slimming claim", as respects any food, means a claim, whether made expressly or by implication, that the food is an aid to slimming or weight control or weight reduction, or has a reduced or low energy value;'

*Revocations*

45.— (1) The Miscellaneous Additives in Food (Scotland) Amendment Regulations 1975(b) are hereby revoked.

(2) The Labelling of Food (Scotland) Regulations 1970(c) are hereby revoked.

(3) The Food Labelling (Scotland) Regulations 1981(d) are hereby revoked.

*Transitional provision*

46. In any proceedings for an offence against these regulations it shall be a defence to prove that—

- (a) (i) the act was committed before 1st July 1986, or
- (ii) the act was committed in relation to food prepacked before 1st January 1986; and
- (b) the matters constituting the offence would not have constituted an offence against regulations 21 to 26 of the Labelling of Food (Scotland) Regulations 1970 or against the Food Labelling (Scotland) Regulations 1981 if those regulations had been in operation when the act was committed or the food was prepacked.

*George Younger,*  
One of Her Majesty's Principal  
Secretaries of State.

New St Andrew's House,  
Edinburgh.  
17th September 1984.

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(a) S.I. 1976/914; the relevant amending instrument is S.I. 1981/137.  
(b) S.I. 1975/1596, amended by S.I. 1980/1889.  
(c) S.I. 1970/1127, which is to be read with regulation 15 of S.I. 1982/1779; relevant amending instruments are S.I. 1972/1790, 1976/1176, 1977/1027.  
(d) S.I. 1981/137, amended by S.I. 1982/1619, 1779, 1983/270, 1497.

## Regulation 7(2)

## SCHEDULE 1

## NAMES PRESCRIBED BY LAW

*Fish*

1. — (1) Subject to sub-paragraph (2) of this paragraph, the name used for any species of fish specified in column 2 of the following Table shall be a name specified for that species in the corresponding entry in column 1 of the said Table.

(2) A customary name may be used for any species of fish which has been subjected to smoking or any similar process, unless the name of the species in column 2 of the following Table is followed by an asterisk. In such cases the name used for the food when the fish is smoked shall be either—

- (a) a name specified for that species in column 1 of the said Table preceded by the word “smoked”, or
- (b) except in the case of *Salmo salar L.*, “smoked Pacific salmon”.

TABLE

Column 1	Column 2
Name	Species of fish
SEA FISH	
Anchovy	All species of <i>Engraulis</i>
Bass	<i>Dicentrarchus labrax</i> (L.)
Brill	<i>Scophthalmus rhombus</i> (L.)
Brisling	<i>Sprattus sprattus</i> (L.), when canned
Catfish or Rockfish	All species of <i>Anarhichas</i>
Cod or Codling	<i>Gadus morhua</i> (L.) (including <i>Gadus morhua callarias</i> and <i>Gadus morhua morhua</i> )
Pacific cod or cod	<i>Gadus macrocephalus</i>
Greenland cod or cod	<i>Gadus ogac</i>
Coley or Siathe or Coalfish	<i>Pollachius virens</i> (L.)
Conger	All species of <i>Conger</i>
Dab	<i>Limanda limanda</i> (L.)
Dogfish or flake or Huss or Rigg	{ All species of <i>Galeorhinus</i> All species of <i>Mustelus</i> All species of <i>Scyliorhinus</i> <i>Galeus melastomus</i> Rafin. <i>Squalus acanthias</i> (L.)
Dory or John Dory	<i>Zeus faber</i> L.
Eel	All species of <i>Anguilla</i>
Flounder	<i>Platichthys flesus</i> (L.)
Forkbeard	{ All species of <i>Phycis</i> All species of <i>Urophycis</i> <i>Raniceps raninus</i> (L.)
Garfish	All species of <i>Belone</i>
Grey mullet	{ All species of <i>Mugil</i> All species of <i>Liza</i> All species of <i>Chelon</i>
Gurnard	{ All genera of Triglidae <i>Peristedion cataphractum</i> L.
Haddock	<i>Melanogrammus aeglefinus</i> (L.)
Hake or Silver hake	<i>Merluccius merluccius</i> (L.)
Cape hake or Hake	{ ( <i>Merluccius capensis</i> (Castelnau) ( <i>Merluccius paradoxus</i> (Franca)
Atlantic hake or Hake	{ <i>Merluccius hubbsi</i> (Marini) <i>Merluccius bilinearis</i> (Mitchell)
Pacific hake or Hake	{ <i>Merluccius productus</i> (Ayres) ( <i>Merluccius gayi</i> (Guich)
Halibut	{ ( <i>Hippoglossus hippoglossus</i> (L.) ( <i>Hippoglossus stenolepis</i>
Black halibut or Greenland halibut	<i>Reinhardtius hippoglossoides</i> (Walbaum)
Herring	<i>Clupea harengus</i> L.
Lascar	<i>Pegusa lascaris</i> (Risso)
Ling	All species of <i>Molva</i>
Mackerel	All species of <i>Scomber</i>
Megrim	All species of <i>Lepidorhombus</i>

TABLE (continued)

Column 1	Column 2
Name	Species of fish
Monkfish <i>or</i> Angler	<i>Lophius piscatorius</i> L.
Pilchard	<i>Sardina pilchardus</i> (Walbaum)
Pacific pilchard	{ <i>Sardinops sagax caerulea</i> (Girard) <i>Sardinops sagax sagax</i> (Jenyns) ( <i>Sardinops sagax melanosticta</i> (Schlegel)
South Atlantic pilchard	<i>Sardinops sagax ocellata</i> (Pappe)
Plaice	<i>Pleuronectes plastessa</i> L.
Pollack <i>or</i> Pollock <i>or</i> Lythe	<i>Pollachius pollachius</i> (L.)
Pacific pollack <i>or</i> Pacific pollock <i>or</i> Alaska pollack <i>or</i> Alaska pollock	<i>Theragra chalcogramma</i> (Pallas)
Pout <i>or</i> Pouting	<i>Trisopterus luscus</i> (L.)
Redfish <i>or</i> Ocean perch <i>or</i> Rose fish	{ All species of <i>Sebastes</i> <i>Helicolenus maculatus</i> ( <i>Helicolenus dactylopterus</i> (De la Roche)
Red mullet	All species of <i>Mullus</i>
Roughback	<i>Hippoglossoides platessoides</i> (Fabr.)
Sardine	Small <i>Sardina pilchardus</i> (Walbaum)
Sardinella	All species of <i>Sardinella</i>
Scad	All species of <i>Trachurus</i>
Sea bream	All genera of Sparidae
Sild	{ Small <i>Clupea harengus</i> L., when canned Small <i>Sprattus sprattus</i> (L.), when canned
Skate <i>or</i> Ray <i>or</i> Roker	All species of <i>Raja</i>
Smelt <i>or</i> Sparling	All species of <i>Osmerus</i>
Sole <i>or</i> Dover sole	<i>Solea solea</i> (L.)
Canary sole	<i>Solea senegalensis</i> Kaup.
Lemon sole	<i>Microstomus kitt</i> (Walbaum)
Sprat	<i>Sprattus sprattus</i> (L.), except when canned
Thickback	<i>Microchirus variegatus</i> (Don.)
Tuna <i>or</i> Tunny	{ All species of <i>Thunnus</i> except <i>Thunnus alalunga</i> (Bonnaterre) All species of <i>Neothunnus</i>
Albacore tuna	<i>Thunnus alalunga</i> (Bonnaterre)
Bonito tuna	All species of <i>Sarda</i>
Skipjack tuna	{ All species of <i>Euthynnus</i> ( <i>Katsuwonus pelamis</i> (L.)
Turbot	<i>Scophthalmus maximus</i> (L.)
Tusk	<i>Brosme brosme</i> (Ascanius)
Whitebait	{ Small <i>Clupea harengus</i> L. } except when Small <i>Sprattus sprattus</i> (L.) } canned
Whiting	<i>Merlangius merlangus</i> (L.)
Blue whiting	<i>Micromesistius poutassou</i> (Risso)
Winter flounder	<i>Pseudopleuronectes americanus</i> (Walbaum)
Witch	<i>Glyptocephalus cynoglossus</i> (L.)

TABLE (continued)

Column 1	Column 2
Name	
Species of fish	
SALMON AND FRESHWATER FISH	
Salmon	<i>Salmo salar</i> L.*
Cherry salmon	<i>Oncorhynchus masou</i> (Walbaum)*
Chum salmon or Keta salmon	<i>Oncorhynchus keta</i> (Walbaum)*
Medium red salmon or Coho salmon or Silver salmon	<i>Oncorhynchus kisutch</i> (Walbaum)*
Pink salmon	<i>Oncorhynchus gorbuscha</i> (Walbaum)*
Red salmon or Sockeye salmon	<i>Oncorhynchus nerka</i> (Walbaum)*
Spring salmon or King salmon or Chinook salmon	<i>Oncorhynchus tshawytscha</i> (Walbaum)*
Brown trout	<i>Salmo trutta</i> L. which has spent all its life in fresh water
Sea trout or Salmon trout	<i>Salmo trutta</i> L. which has spent part of its life in sea water
Cut-throat trout	<i>Salmo clarkii</i> Richardson
Rainbow trout or Steelhead trout	<i>Salmo gairdneri</i> Richardson
SHELLFISH	
Abalone or Ormer	All species of <i>Haliotis</i>
Clam or Hard shell clam	{ <i>Mercenaria mercenaria</i> L. ( <i>Venus verrucosa</i> L.
Clam or Razor clam	All species of <i>Ensis</i> and <i>Solen</i>
Cockle	All species of <i>Cerastoderma</i>
Crab	{ All species of the section Brachyura All species of the family Lithodidae
Crawfish or Spiny lobster or Rock lobster	All species of the family Palinuridae
Crayfish	{ All species of the family Astacidae All species of the family Parastacidae All species of the family Austroastacidae
Lobster	All species of <i>Homarus</i>
Slipper lobster	All species of <i>Scyllaridae</i>
Squat lobster	All species of the family Galatheidae
Mussel	All species of <i>Mytilus</i>
Oyster	{ All species of <i>Crassostrea</i> All species of <i>Ostrea</i>
Oyster or Portuguese oyster	<i>Crassostrea angulata</i> (Lmk.)
Oyster or Pacific oyster	<i>Crassostrea gigas</i> (Thunberg)
Oyster or Native oyster	<i>Ostrea edulis</i> L.
Prawn or Shrimp	Whole fish of— all species of <i>Palaemonidae</i> , all species of <i>Penaeidae</i> , and all species of <i>Pandalidae</i> , which are of such a size that, when cooked, they have a count of less than 397 per kg (180 per lb).

\* See paragraph 2(2) of this Schedule.

TABLE (continued)

Column 1	Column 2
Name	Species of fish
Shrimp	The tails of— all species of <i>Palaemonidae</i> , all species of <i>Penaeidae</i> , and all species of <i>Pandalidae</i> , which are of such a size that, when peeled and cooked, they have a count of less than 1,323 per kg (600 per lb)
Shrimp or Pink shrimp	Whole fish of— all species of <i>Palaemonidae</i> , all species of <i>Penaeidae</i> , and all species of <i>Pandalidae</i> , which are of such a size that, when cooked, they have a count of 397 per kg (180 per lb) or more
Shrimp or Brown shrimp	The tails of— all species of <i>Palaemonidae</i> , all species of <i>Penaeidae</i> , and all species of <i>Pandalidae</i> , which are of such a size that, when peeled and cooked, they have a count of 1,323 per kg (600 per lb) or more
Scallop	<i>Pandalus montagui</i> Leach
Scallop or Queen scallop or Queen	All species of <i>Crangon</i>
Scampi or Norway lobster or Dublin Bay prawn	All species of <i>Pectinidae</i>
Whelk	<i>Chlamys (Acquiptecton) opercularis</i> (L.)
Winkel	<i>Nephrops norvegicus</i> (L.)
	All species of <i>Buccinum</i>
	All species of <i>Littorina</i>

*Melons*

2. The name used for melons sold as such shall include or be accompanied by an indication of their species.

*Potatoes*

3. The name used for potatoes sold as such shall include or be accompanied by an indication of their variety.

*Vitamins*

4.— (1) The name used for a vitamin specified in Table A in Schedule 6 shall be the name specified for that vitamin in column 1 of that Table, with or without the words, if any, that appear in brackets in that column of that Table.

(2) The name used for vitamin B<sub>6</sub>, pantothenic acid, biotin, vitamin E or vitamin K shall be “vitamin B<sub>6</sub>”, “pantothenic acid”, “biotin”, “vitamin E” or “vitamin K”, as is appropriate.



## SCHEDULE 2

## Regulation 12(2)

## INDICATIONS OF TREATMENT

*Food frozen with dichlorodifluoromethane*

1. The name used for a food which has been contact frozen with dichlorodifluoromethane shall include or be accompanied by the words "contact frozen with dichlorodifluoromethane".

*Frozen meat and offal*

2. The name used for any meat (including poultry meat) or offal sold as such which has been frozen and thawed shall include or be accompanied by the words "previously frozen—do not refreeze", unless, in the case of such food which is not prepacked, there is displayed in a prominent position near the food a notice, incorporating the aforesaid words, stating which such food sold on the premises where the notice is displayed has been previously frozen.

*Tenderised meat*

3. The name used for any meat which has been treated with proteolytic enzymes or which is derived from an animal that has been so treated shall include or be accompanied by the word "tenderised".

*Processed peas*

4. The name used for any dried peas which have been soaked and then canned or frozen shall include or be accompanied by the word "dried", "processed" or "soaked".

## Regulation 15(3)

## SCHEDULE 3

## GENERIC NAMES IN LIST OF INGREDIENTS

Column 1	Column 2	Column 3	
<i>Generic name</i>	<i>Ingredients</i>	<i>Conditions or use of generic name</i>	
Caseinates. Cheese.	Any type of caseinate. Any type of cheese.	The labelling of the food of which the cheese is an ingredient must not refer to a specific type of cheese.	
Citrus peel.	The peel of any type of citrus fruit.		
Cocoa butter.	Press, expeller or refined cocoa butter.	The generic name must be accompanied by either— (a) the description “animal” or “vegetable”, or both, as is appropriate; or (b) an indication of the specific animal origin or the specific vegetable origin of the fat, or both, as is appropriate.	
Cream.	Any of the types of cream specified in sub-paragraphs (a) to (f) of regulation 4(1) of the Cream (Scotland) Regulations 1970(a)		
Half cream.	Either of the types of cream specified in sub-paragraphs (g) and (h) of regulation 4(1) of the Cream (Scotland) Regulations 1970		
Crumbs or rusks, as is appropriate.	Any type of crumbed, baked cereal product.		
Dextrose.	Anhydrous dextrose or dextrose monohydrate.		
Fat.	Any refined fat or mixture of refined fats.		
Fish.	Any species of fish or shell-fish.		The labelling of the food of which the fish is an ingredient must not refer to a specific species of fish.
Other fish.	Any species of fish or shell-fish other than a species referred to in the labelling of the food of which the fish or shellfish is an ingredient.		
Flour, followed by a list of the cereals from which the flour is derived in descending order of weight.	Any mixture of flour derived from two or more types of cereal.		

(a) S.I. 1970/1191, to which there is an amendment not relevant to these regulations.

GENERIC NAMES IN LIST OF INGREDIENTS *cont.*

Column 1	Column 2	Column 3
<i>Generic name</i>	<i>Ingredients</i>	<i>Conditions or use of generic name</i>
Crystallised fruit.	Any crystallised fruit.	The proportion of crystallised fruit in the food of which it is an ingredient must not exceed 10 per cent.
Gum base.	Any type of gum preparation used in the preparation of chewing gum.	
Herbs <i>or</i> mixed herbs.	Any combination of two or more herbs or parts of herbs.	The proportion of herbs in the food of which they are ingredients must not exceed 2 per cent.
Honey.	Any type of honey as defined in the Honey (Scotland) Regulations 1976(a)	
Meat.	Any type of meat.	The labelling of the food of which the meat is an ingredient must not refer to a specific type of meat.
Other meat.	Any type of meat other than a type referred to in the labelling of the food of which it is an ingredient.	
Offal.	Any offal (not including meat).	The generic name may be used only for an ingredient of a cooked food.
Poultry meat.	Any type of poultry meat.	The labelling of the food of which the poultry meat is an ingredient must not refer to a specific type of poultry meat.
Nuts.	Any nuts.	The generic name may be used only if either— (a) the proportion of nuts in the food of which they are ingredients does not exceed 1 per cent, or (b) the nuts are ingredients of a prepacked mixture of nuts with muscatels, raisins, sultanas and/or currants and the net weight of the mixture is not more than 50g.
Oil.	Any refined oil, other than olive oil, or any mixture of refined oils not including olive oil.	The generic name must be accompanied by either— (a) the description "animal" or "vegetable", or both, as is appropriate, or (b) an indication of the specific animal origin or the specific vegetable origin of the oil, or both, as is appropriate.

(a) S.I. 1976/1818.

GENERIC NAMES IN LIST OF INGREDIENTS *cont.*

Column 1	Column 2	Column 3
<i>Generic name</i>	<i>Ingredients</i>	<i>Conditions or use of generic name</i>
Spices <i>or</i> mixed spices.	Any combination of two or more spices and/or spice extracts.	In the case of hydrogenated oil, the generic name must, unless it is accompanied only by the description "animal", be accompanied also by the description "hydrogenated".  The proportion of spices and/or spice extracts in the food of which they are ingredients must not exceed 2 per cent.
Starch.	Any starch other than one which has been modified chemically.	
Modified starch.	Any starch which has been modified chemically.	
Sugar.	Any type of sucrose.	
Vine fruits.	Any muscatels, raisins, sultanas or currants.	

## SCHEDULE 4

## Regulation 15(4)

## CATEGORIES OF ADDITIVES WHICH MUST BE IDENTIFIED IN A LIST OF INGREDIENTS BY THEIR CATEGORY NAME

Acids <sup>1</sup>	Flavour enhancers
Acidity regulators	Flavourings <sup>2</sup>
Anti-caking agents	Flour improvers
Anti-foaming agents	Gelling agents
Antioxidants	Glazing agents
Artificial sweeteners	Preservatives
Colours	Raising agents
Emulsifiers	Stabilisers
Emulsifying salts <sup>3</sup>	Thickeners

*Notes*

1. In the case of an additive which is added to or used in food to serve the function of an acid and whose specific name includes the word "acid", it shall not be necessary to use the category name.
2. It shall be sufficient, in the case of an additive which is identified by this category name, to use the category name alone.
3. This category name shall be used only for an emulsifying salt, as defined in the Cheese (Scotland) Regulations 1970(a), which is added to or used in processed cheese (including cheese spread).

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(a) S.I. 1970/108; the relevant amending instruments are S.I. 1974/1337, 1984/847.

## Regulation 15(6)

## SCHEDULE 5

## SERIAL NUMBERS FOR ADDITIVES

Column 1	Column 2
<i>Name of additive</i>	<i>Serial number</i>
Riboflavin-5'-phosphate	101a
Yellow 2G	107
Red 2G	128
Brilliant Blue FCF	133
Brown FK	154
Chocolate Brown HT	155
Nisin	234
Sodium acetate, anhydrous	}
Sodium acetate	
DL-Malic acid	}
L-Malic acid	
Fumaric acid	297
Sodium malate	}
Sodium hydrogen malate	
Potassium malate	351
Calcium malate	}
Calcium hydrogen malate	
Metatartaric acid	353
Adipic acid	355
Succinic acid	363
1, 4-Heptonolactone	370
Nicotinic acid	375
<i>tri</i> Ammonium citrate	380
Ammonium ferric citrate	}
Ammonium ferric citrate, green	
Calcium disodium ethylenediamine-NNN'N' tetra-acetate (Synonym: Calcium disodium EDTA)	385
Karaya gum	416
Polyoxyethylene (8) stearate	430
Polyoxyethylene (40) stearate	431
Polyoxyethylene (20) sorbitan monolaurate	432
Polyoxyethylen (20) sorbitan mono-oleate	433
Polyoxyethylene (20) sorbitan monopalmitate	434
Polyoxyethylene (20) sorbitan monostearate	435
Polyoxyethylene (20) sorbitan tristearate	436
Ammonium phosphatides	442

SERIAL NUMBERS FOR ADDITIVES *cont.*

Column 1	Column 2
<i>Name of additive</i>	<i>Serial number</i>
Polyglycerol esters of polycondensed fatty acids of castor oil (Synonym: Polyglycerol polyricinoleate)	476
Lactylated fatty acid esters of glycerol and propane-1, 2-diol	478
Sorbitan monostearate	491
Sorbitan tristearate	492
Sorbitan monolaurate	493
Sorbitan mono-oleate	494
Sorbitan monopalmitate	495
Sodium carbonate	} 500
Sodium hydrogen carbonate	
Sodium sesquicarbonate	
Potassium carbonate	} 501
Potassium hydrogen carbonate	
Ammonium carbonate	} 503
Ammonium hydrogen carbonate	
Magnesium carbonate, heavy	} 504
Magnesium carbonate, light	
Hydrochloric acid	507
Potassium chloride	508
Calcium chloride, anhydrous	} 509
Calcium chloride	
Ammonium chloride	510
Sulphuric acid	513
Sodium sulphate	514
Potassium sulphate	515
Calcium sulphate	516
Magnesium sulphate	518
Sodium hydroxide	524
Potassium hydroxide	525
Calcium hydroxide	526
Ammonium hydroxide	527
Magnesium hydroxide	528
Calcium oxide	529
Magnesium oxide, heavy	} 530
Magnesium oxide light	
Sodium ferrocyanide	535
Potassium ferrocyanide	536
<i>di</i> Calcium diphosphate	540

SERIAL NUMBERS FOR ADDITIVES *cont.*

Column 1	Column 2
<i>Name of additive</i>	<i>Serial number</i>
Sodium aluminium phosphate, acidic	} 541
Sodium aluminium phosphate, basic	
Edible bone phosphate	542
Calcium polyphosphates	544
Ammonium polyphosphates	545
Silicon dioxide	551
Calcium silicate	552
Magnesium silicate, synthetic	} 553a
Magnesium trisilicate	
Talc	553b
Aluminium sodium silicate	554
Aluminium calcium silicate	556
Bentonite	558
Kaoline, heavy	} 559
Kaolin, light	
Stearic acid	570
Magnesium stearate	572
D-Glucono-1,5-lactone (Synonym: Glucono <i>delta</i> -lactone)	575
Sodium gluconate	576
Potassium gluconate	577
Calcium gluconate	578
L-glutamic acid	620
Sodium hydrogen L-glutamate (Synonym: <i>mono</i> Sodium glutamate)	621
Potassium hydrogen L-glutamate (Synonym: <i>mono</i> Potassium glutamate)	622
Calcium dihydrogen di-L-glutamate (Synonym: Calcium glutamate)	623
Guanosine 5'-(disodium phosphate) (Synonym: Sodium guanylate)	627
Inosine 5'-(disodium phosphate) (Synonym: Sodium inosinate)	631
Sodium 5'-ribonucleotide	635
Maltol	636
Ethyl maltol	637
Dimethylpolysiloxane	900
Beeswax, white	} 901
Beeswax, yellow	
Carnauba wax	903



SERIAL NUMBERS FOR ADDITIVES *cont.*

Column 1	Column 2
<i>Name of additive</i>	<i>Serial number</i>
Shellac	904
Mineral hydrocarbons	905
Refined microcrystalline wax	907
L-cysteine hydrochloride	} 920
L-cysteine hydrochloride monohydrate	
Potassium bromate	924
Chlorine	925
Chlorine dioxide	926
Azodicarbonamide (Synonym: Azoformamide)	927

## SCHEDULE 6

## Regulation 36

## CLAIMS

## PART I

## PROHIBITED CLAIMS

1. A claim that a food has tonic properties.

*Note*

The use of the word "tonic" to denote a soft drink which complies with the requirements as to composition specified in Part I of Schedule 2 to the Soft Drinks (Scotland) Regulations 1964(a) shall not of itself constitute a claim of a type described in this item.

2. A claim that a food which is intended for babies is equivalent or superior to the milk of a healthy mother.

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(a) S.I. 1964/767; relevant amending instruments are S.I. 1969/1847, 1977/1026.

**PART II**  
**RESTRICTED CLAIMS**

Column 1	Column 2
<i>Types of claim</i>	<i>Conditions</i>
<p><i>Claims relating to foods for particular nutritional uses</i></p> <p>3. A claim that a food is suitable, or has been specially made, for fulfilling the particular nutritional requirements of—</p> <p>(a) a class of persons whose digestive process or metabolism is disturbed, or</p> <p>(b) a class of persons who, by reason of their special physiological condition, obtain special benefit from a controlled consumption of certain substances.</p>	<p>1. The food must be capable of fulfilling the claim.</p> <p>2. The food must be marked or labelled with an indication of the particular aspects of its composition or manufacturing process that give the food its particular nutritional characteristics.</p> <p>3. If the food has been specially made for the class of persons to which the claim refers—</p> <p>(a) the name of the food must include or be accompanied by an indication of the food's particular nutritional characteristics,</p> <p>(b) the food must be marked or labelled with the prescribed energy statement, and</p> <p>(c) when sold to the ultimate consumer, the food must be prepacked and completely enclosed by its packaging.</p>
<p><i>Claims relating to babies or young children.</i></p> <p>4. A claim that a food is suitable, or has been specially made, for fulfilling the particular nutritional requirements of babies or young children.</p>	<p>1. The food must be capable of fulfilling the claim.</p> <p>2. If the food has been specially made for babies or young children—</p> <p>(a) the food must be marked or labelled with an indication that it is intended for babies or young children,</p> <p>(b) the food must be marked or labelled with the prescribed energy statement, and</p> <p>(c) when sold to the ultimate consumer, the food must be prepacked and completely enclosed by its packaging.</p>
<p><i>Diabetic claims</i></p> <p>5. A claim that a food is suitable, or has been specially made, for diabetics.</p>	<p>1.— (1) A given quantity of the food must not have a higher energy content than the same quantity of a similar food in relation to which no diabetic claim is made, unless the food is—</p> <p>(a) an intense sweetener, or</p> <p>(b) a product which consists of a mixture of an intense sweetener with other substances and which, when compared on a weight for weight basis, is significantly sweeter than sucrose.</p>

RESTRICTED CLAIMS *cont.*

Column 1	Column 2
<i>Types of claim</i>	<i>Conditions</i>
<p><i>Diabetic claims cont.</i></p> <p><i>Notes</i></p> <p>(a). Where a food is in concentrated or dehydrated form and is intended to be reconstituted by the addition of water or other substances, condition 1 shall apply to the food when reconstituted as directed.</p> <p>(b). In this item "readily absorbable carbohydrate" does not include sugar alcohols or fructose, but includes other mono- and disaccharides and isolated or purified starches.</p>	<p>(2) A given quantity of the food must not have a higher fat content than the same quantity of a similar food in relation to which no diabetic claim is made.</p> <p>(3) In the case of a claim that a food has been specially made for diabetics, a given quantity of the food must not have a readily absorbable carbohydrate content greater than 50 per cent of the readily absorbable carbohydrate content of the same quantity of a similar food in relation to which no diabetic claim is made.</p> <p>(4) The food must not contain a greater quantity of mono- or disaccharides, other than fructose, than the quantity that is technically necessary to retain the essential characteristics of the food while having regard to its claimed suitability for diabetics.</p> <p>2.— (1) If the claim is made in the labelling of a food, the food must be marked or labelled with a statement to the effect that the food is not suitable for an overweight diabetic, unless the energy value of a given weight of the food is not more than one half of that of the equivalent weight of a similar food in relation to which no diabetic claim is made;</p> <p>(2) If the claim is made in the advertising of a food, otherwise than in an oral advertisement (including a television advertisement), the advertisement must, subject to the same qualification, include the said statement.</p> <p>(3) If the claim is made in an oral advertisement (including a television advertisement), either—</p> <p>(a) the advertisement must, subject to the same qualification, include the said statement, or</p> <p>(b) subject to the same qualification, the food in relation to which the claim is made must be intended to be sold prepacked and, when sold, must be marked or labelled with the said statement.</p> <p>3. If the claim is made in the labelling or advertising of a food that contains fructose, sorbitol, mannitol, xylitol, isomalt or hydrogenated glucose syrup, the food must be marked or labelled with the words</p> <p>(a) "best eat less than 25g of X a day", where only one such substance is contained in the food, there being inserted in place of "X" the name of that substance,</p> <p>(b) "best eat less than 25g of a combination of X a day", where more than one such substance is contained in the food, there being inserted in place of "X" the name of every such substance that the food contains.</p>

RESTRICTED CLAIMS *cont.*

Column 1	Column 2
<i>Types of claim</i>	<i>Conditions</i>
<p><i>Diabetic claims cont.</i></p>	<p>4. The conditions set out in item 3 of this Schedule must be satisfied except that—</p> <p>(a) condition 3(b) of item 3 must be satisfied whether or not the food has been specially made for diabetics, and</p> <p>(b) if the food contains fructose, sorbitol, mannitol, xylitol, isomalt or hydrogenated glucose syrup, the prescribed energy statement must include a statement of the total amount of—</p> <p>(i) the aforementioned substances that are present in the food, and</p> <p>(ii) other carbohydrate, and</p> <p>(iii) the total amount of carbohydrate</p> <p>that is contained in each hundred grams or hundred millilitres of the food, as is appropriate, and, where appropriate, in a quantified serving of the food.</p>
<p><i>Slimming claims</i></p> <p>6. A claim that a food is an aid to slimming or weight control or weight reduction or has a reduced or low energy value.</p> <p><i>Notes</i></p> <p>(a). The appearance on the container of a soft drink, as defined in the Soft Drinks (Scotland) Regulations 1964, of the words "low calorie" in accordance with regulation 11 of those regulations shall not of itself constitute a claim of a type described in this item.</p> <p>(b). Where a food is in concentrated or dehydrated form and is intended to be reconstituted by the addition of water or other substances, conditions 6 and 7 shall apply to the food when reconstituted as directed.</p>	<p>1. The food must be capable of contributing to weight control or weight reduction.</p> <p>2. The food must not consist wholly or mainly of vitamins or minerals or of a mixture of vitamins and minerals.</p> <p>3. The conditions set out in item 3 of this Schedule must be satisfied, except that in the case of prepacked food condition 3(b) of item 3 must be satisfied whether or not the food has been specially made for such a class of persons as is specified in item 3.</p> <p>4.— (1) If the claim is made in the labelling of a food, the food must be marked or labelled with the words "can help slimming or weight control only as part of a controlled diet", except that the word "calorie", "joule" or "energy" may be inserted immediately before the word "controlled".</p> <p>(2) If the claim is made in the advertising of a food, the advertisement must include the said words, subject to the same qualification.</p> <p>5. If the claim is that the food has a reduced energy value, the energy value of a given weight of the food, or of a given volume in the case of a liquid food, must not be more than three quarters of that of the equivalent weight, or volume, of a similar food in relation to which no such claim is made, unless the food is—</p>

RESTRICTED CLAIMS *cont.*

Column 1	Column 2
<i>Types of claim</i>	<i>Conditions</i>
<p><i>Slimming claims cont.</i></p>	<p>(i) an intense sweetener, or  (ii) a product which consists of a mixture of an intense sweetener with other substances and which, when compared on a weight for weight basis, is significantly sweeter than sucrose.</p> <p>6. If the claim is that the food has a low energy value—</p> <p>(a) the energy value of the food must not be more than 167 kJ (40 kcal) per hundred grams or hundred millilitres, as is appropriate, unless the food is—</p> <p>(i) an intense sweetener, or  (ii) a product which consists of a mixture of an intense sweetener with other substances and which, when compared on a weight for weight basis, is significantly sweeter than sucrose,</p> <p>(b) the energy value of a normal serving of the food must not be more than 167 kJ (40 kcal), and</p> <p>(c) in the case of an uncooked food which naturally has a low energy value, the claim must be in the form “a low energy food” or “a low calorie food” or “a low joule food”.</p> <p>7. If the claim is combined with a claim that the food is suitable to replace part of a daily diet, the food must be marked or labelled with a statement to the effect that the food—</p> <p>(a) should not be used as a replacement for a person’s whole diet, and</p> <p>(b) should be supplemented by at least one daily meal having a high nutritive quality.</p>
<p><i>Medicinal claims</i></p> <p>7. A claim that a food is capable of preventing, treating or curing human disease.</p> <p><i>Note</i></p> <p>A claim of a type described in item 3 or 4 of this Schedule shall not be regarded as a claim of a type described in this item.</p>	<p>1. The food must have a product licence issued under the provisions of the Medicines Act 1968(a).</p>
<p><i>Protein claims</i></p> <p>8. A claim that a food, other than a food intended for babies or young children which satisfies the conditions of item 4 of this Schedule, is a source of protein.</p>	<p>1. The quantity of the food that can reasonably be expected to be consumed in one day must contribute at least 12g of protein.</p> <p>2.— (1) If the claim is that the food is a rich or excellent source of protein, at least 20 per cent of the energy value of the food must be provided by protein.</p> <p>(2) In any other case, at least 12 per cent of the energy value of the food must be provided by protein.</p>

(a) 1968 c.67.

RESTRICTED CLAIMS *cont.*

Column 1	Column 2
<i>Types of claim</i>	<i>Conditions</i>
<p><i>Protein claims cont.</i></p>	<p>3.— (1) If the claim is made in the labelling of a food, the food must be marked or labelled with a statement of the protein content of each hundred grams or hundred millilitres of the food, as is appropriate, and, where appropriate, of a quantified serving of the food.</p> <p>(2) If the claim is made in the advertising of a food, the food when sold prepacked must be marked or labelled with the the said statement.</p>
<p><i>Vitamin claims</i></p> <p>9. A claim that a food, other than a food intended for babies or young children which satisfies the conditions of item 4 of this Schedule, is a source of vitamins.</p> <p><i>Note</i></p> <p>A reference to a vitamin in the name of a food shall not of itself constitute a claim of a type to which this item applies if the food consists solely of</p> <p>(a) vitamins, or</p> <p>(b) a mixture of vitamins and minerals, or</p> <p>(c) a mixture of vitamins, or of vitamins and minerals, and a carrying agent, or</p> <p>(d) a mixture of vitamins, or of vitamins and minerals, and other substances sold in tablet, capsule or elixir form.</p>	<p>1.— (1) If the claim is not confined to named vitamins, every vitamin named in the claim must be a vitamin specified in column 1 of Table A below, and—</p> <p>(a) where the claim is that the food is a rich or excellent source of vitamins, the quantity of the food that can reasonably be expected to be consumed in one day must contain at least one half of the recommended daily amount of two or more of the vitamins specified in column 1 of Table A below, and</p> <p>(b) in any other case, the quantity of the food that can reasonably be expected to be consumed in one day must contain at least one sixth of the recommended daily amount of two or more of the vitamins specified in column 1 of Table A below.</p> <p>(2) If the claim is confined to named vitamins, every vitamin named in the claim must be a vitamin specified in column 1 of Table A below, and—</p> <p>(a) where the claim is that the food is a rich or excellent source of vitamins, the quantity of the food that can reasonably be expected to be consumed in one day must contain at least one half of the recommended daily amount of every vitamin named in the claim, and</p> <p>(b) in any other case, the quantity of the food that can reasonably be expected to be consumed in one day must contain at least one sixth of the recommended daily amount of every vitamin named in the claim.</p> <p>2.— (1) If the claim is made in the labelling of a food, the food must be marked or labelled with a statement—</p> <p>(a) (i) where the claim is not confined to named vitamins, of the percentage of the recommended daily amount of the vitamins enabling the claim to be made that is contained in a quantified serving of the food; and</p>

RESTRICTED CLAIMS *cont.*

Column 1	Column 2
<i>Types of claim</i>	<i>Conditions</i>
<p><i>Vitamin claims cont.</i></p>	<p>(ii) where the claim is confined to named vitamins, of the percentage of the recommended daily amount of every vitamin named in the claim that is contained in a quantified serving of the food; and</p> <p>(b) where the food is prepacked, of the number of such servings contained in the package, and the name used in the statement for any such vitamin shall be the name specified for that vitamin in column 1 of Table A below, with or without the words, if any, that appear in brackets in that column of that Table.</p> <p>(2) If the claim is made in the advertising of a food, the food when sold prepacked must be marked or labelled with the said statement.</p>
<p><i>Mineral claims</i></p> <p><b>10.</b> A claim that a food, other than a food intended for babies or young children which satisfies the conditions of item 4 of this Schedule, is a source of minerals.</p> <p><i>Notes</i></p> <p>(a). A claim that a food has low or reduced levels of minerals shall not be regarded as a claim of a type described in this item.</p> <p>(b). The note that applies to item 9 of this Schedule applies equally to this item with the substitution of—</p> <p>(i) the word “mineral” for “vitamin”,</p> <p>(ii) the word “minerals” for “vitamins” wherever it occurs, and</p> <p>(iii) the word “vitamins” for “minerals” wherever it occurs.</p>	<p>The conditions are the same as those set out in item 9 of this Schedule with the substitution of—</p> <p>(a) the word “mineral” for “vitamin” wherever it occurs,</p> <p>(b) the word “minerals” for “vitamins” wherever it occurs, and</p> <p>(c) the expression “Table B” for “Table A” wherever it occurs.</p>
<p><i>Polyunsaturated fatty acid claims</i></p> <p><b>11.</b> A claim relating to polyunsaturated fatty acids in a food.</p>	<p>1. (a) The food must contain at least 35 per cent fat by weight; and</p> <p>(b) at least 45 per cent of the fatty acids must be polyunsaturated and not more than 25 per cent of the fatty acids may be saturated; and</p> <p>(c) the claim must be accompanied by the words “low in saturates” or “low in saturated fatty acids”; and</p> <p>(d) the food must be marked or labelled with a declaration, expressed in grams per hundred grams or millilitres per hundred millilitres of the food, as is appropriate, stating—</p> <p>(i) the amount of fat or oil;</p>

RESTRICTED CLAIMS *cont.*

Column 1	Column 2
<i>Types of claim</i>	<i>Conditions</i>
<i>Polyunsaturated fatty acid claims cont.</i>	<p>(ii) the amount of polyunsaturated fatty acids which are <i>cis</i>, <i>cis</i>-methylene interrupted polyunsaturated fatty acids; and</p> <p>(iii) the amount of saturated fatty acids; and each part of this declaration must be given equal prominence.</p> <p>2. The claim must not be accompanied by a suggestion, whether express or implied, that the food is beneficial to human health because it contains polyunsaturated fatty acids.</p>
<p><i>Cholesterol claims</i></p> <p>12. A claim relating to the presence or absence of cholesterol in a food.</p>	<p>1. The food must contain no more than 0.005 per cent of cholesterol.</p> <p>2. A polyunsaturated fatty acid claim must be made, and the conditions set out in item 11 of this Schedule satisfied.</p> <p>3. The claim relating to cholesterol must not be in larger letters than, nor precede, the polyunsaturated fatty acid claim.</p> <p>4. The claim must not be accompanied by a suggestion, whether express or implied, that the food is beneficial to human health because of its level of cholesterol.</p>
<p><i>Energy claims</i></p> <p>13. A claim that a food provides more energy than another food or is a good source of energy.</p>	<p>1. The food must be capable of fulfilling the claim.</p> <p>2. If the claim is made in the labelling of any food, the food must be marked or labelled with the prescribed energy statement in accordance with the provisions of regulation 37(6).</p> <p>3. If the claim is made in the advertising of any food, the food, when sold prepacked, must be marked or labelled with the prescribed energy statement.</p>
<p><i>Claims which depend on another food</i></p> <p>14. A claim that a food has a particular value or confers a particular benefit.</p>	<p>The value or benefit must not be derived wholly or partly from another food that is intended to be consumed with the food in relation to which the claim is made.</p>



TABLE A

*Vitamins in respect of which claims may be made*

Column 1	Column 2	Column 3
<i>Vitamin</i>	<i>To be calculated as</i>	<i>Recommended daily amount</i>
Vitamin A	Micrograms of retinol <i>or</i> micrograms of retinol equivalent on the basis that 6 $\mu\text{g}$ of beta-carotene <i>or</i> 12 $\mu\text{g}$ of other biologically active carotenoids equal 1 $\mu\text{g}$ of retinol equivalent.	750 $\mu\text{g}$
Thiamin (vitamin B <sub>1</sub> )	Milligrams of thiamin.	1.2 mg
Riboflavin (vitamin B <sub>2</sub> )	Milligrams of riboflavin.	1.6 mg
Niacin	Milligrams of nicotinic acid <i>or</i> milligrams of nicotinamide <i>or</i> milligrams of niacin equivalent on the basis that 60 mg of tryptophan equal 1 mg of niacin equivalent.	18 mg
Folic acid	Micrograms of total folic acid.	300 $\mu\text{g}$
Vitamin B <sub>12</sub>	Micrograms of cobalamines.	2 $\mu\text{g}$
Vitamin C (ascorbic acid)	Milligrams of ascorbic acid <i>or</i> milligrams of dehydroascorbic acid	30 mg
Vitamin D	Micrograms of ergocalciferol (vitamin D <sub>2</sub> ) <i>or</i> micrograms of cholecalciferol (vitamin D <sub>3</sub> ).	2.5 $\mu\text{g}$

TABLE B

*Minerals in respect of which claims may be made*

Column 1	Column 2	Column 3
<i>Mineral</i>	<i>To be calculated as</i>	<i>Recommended daily amount</i>
Calcium	Milligrams of calcium.	500 mg
Iodine	Micrograms of iodine.	140 $\mu\text{g}$
Iron	Milligrams of iron.	12 mg

*Notes*

1. Each vitamin and mineral specified in Tables A and B above includes its biologically active derivative.

2. The quantity of any vitamin or mineral specified in Table A or B above (as extended by note 1 above) shall be calculated in accordance with column 2 of the appropriate Table.

## Regulation 38

## SCHEDULE 7

## MISLEADING DESCRIPTIONS

Column 1	Column 2
<i>Words and descriptions</i>	<i>Conditions</i>
The word "butter" or any other word or description which implies that the food being described contains butter.	<p>Shall not be applied to any chocolate confectionery or sugar confectionery or to a part of any chocolate confectionery or sugar confectionery, unless at least 4 per cent of the confectionery or part to which the word or description is applied consists of milk fat.</p> <p>Shall not be used in the name of any biscuit, unless—</p> <p>(a) at least half the fat used in the preparation of the biscuit is milk fat, and</p> <p>(b) at least 7 per cent of the biscuit consists of milk fat.</p>
The word "cream" or any other word or description which implies that the food being described contains cream.	Shall not be applied to any chocolate confectionery or sugar confectionery or to a part of any chocolate confectionery or sugar confectionery, unless at least 4 per cent of the confectionery or part to which the word or description is applied consists of milk fat.
The description "dietary" or "dietetic".	<p>Shall not be applied to any food, unless—</p> <p>(a) the food has been specially made for a class of persons whose digestive process or metabolism is disturbed or who, by reason of their special physiological condition, obtain special benefit from a controlled consumption of certain substances, and</p> <p>(b) the food is suitable for fulfilling the particular nutritional requirements of that class of persons.</p>
A name which appears in column 1 of the Table of fish names following paragraph 1 of Schedule 1.	Shall not be used, whether modified or not, for any species of fish other than a species specified in the corresponding entry in column 2 of the Table following paragraph 1 of Schedule 1.
Any description incorporating the name of a food in such a way as to imply that the food, or the part of a food, being described has the flavour of the food named in the description.	Shall not be applied to any food unless the flavour of the food being described is derived wholly or mainly from the food named in the description, except that any description incorporating the word "chocolate" which is such as to imply that the food being described has a chocolate flavour may be applied to a food which has a chocolate flavour derived wholly or mainly from non fat cocoa solids.

MISLEADING DESCRIPTIONS *cont.*

Column 1	Column 2
<i>Words and descriptions</i>	<i>Conditions</i>
	This shall not be taken to prevent the use of the word "flavour" preceded by the name of a food when the flavour of the food being described is not derived wholly or mainly from the food named in the description.
A pictorial representation of a food which is such as to imply that the food to which the representation is applied has the flavour of the food depicted in the representation.	Shall not be applied to any food unless the flavour of the food to which the representation is applied is derived wholly or mainly from the food depicted in the representation.
The description "fresh", "garden" or "green".	Shall not be applied to any canned or frozen peas which have been dried and soaked before being canned or frozen.
The word "milk" or any other word or description which implies that the food being described contains milk.	<p>Shall not be used as part of the name of a food, unless—</p> <ul style="list-style-type: none"> <li>(a) the food has as an ingredient cow's milk with all its normal constituents in their natural proportions; or</li> <li>(b) (i) the food has as an ingredient cow's milk which has been subjected to a process or treatment, and</li> <li style="padding-left: 2em;">(ii) the word or description is accompanied by an indication of that process or treatment; or</li> <li>(c) (i) the food has as an ingredient the milk of an animal other than the cow with all its normal constituents in their natural proportions, and</li> <li style="padding-left: 2em;">(ii) the word or description is accompanied by the name of that animal; or</li> <li>(d) (i) the food has as an ingredient the milk of an animal other than the cow which has been subjected to a process or treatment, and</li> <li style="padding-left: 2em;">(ii) the word or description is accompanied by the name of that animal and an indication of that process or treatment; or</li> <li>(e) the word or description is used in such a way as to indicate clearly that it does not refer to the presence of milk or any of its constituents in the food; or</li> <li>(f) the word or description is used in accordance with any regulations made, or having effect as if made, under the Act or any order having effect as if contained in regulations so made.</li> </ul>

MISLEADING DESCRIPTIONS *cont.*

Column 1	Column 2
<i>Words and descriptions</i>	<i>Conditions</i>
The word "milk".	Shall not be used as the name of an ingredient of a food, unless— <ul style="list-style-type: none"> <li>(a) (i) the ingredient is cow's milk, or</li> <li>(ii) the word is accompanied by the name of the animal from which the milk has been obtained; and</li> <li>(b) the use of the words as the name of the ingredient complies in all other respects with these regulations.</li> </ul>
The description "starch-reduced".	Shall not be applied to any food, unless— <ul style="list-style-type: none"> <li>(a) less than 50 per cent of the food consists of anhydrous carbohydrate calculated by weight on the dry matter of the food and</li> <li>(b) the starch content of a given quantity of the food is substantially less than that of the same quantity of similar foods to which the description is not applied.</li> </ul>
The word "vitamin" or any other word or description which implies that the food to which the word or description relates is a vitamin.	Shall not be used in the labelling or advertising of any food, unless the food to which the word or description relates is— <ul style="list-style-type: none"> <li>(a) one of the vitamins specified in column 1 of Table A in Schedule 6; or</li> <li>(b) vitamin B<sub>6</sub>, pantothenic acid, biotin, vitamin E or vitamin K.</li> </ul>
The description "alcohol-free".	Shall not be applied to any alcoholic drink from which the alcohol has been extracted, unless— <ul style="list-style-type: none"> <li>(a) the drink has an alcoholic strength by volume of not more than 0.05 per cent, and</li> <li>(b) the drink is marked or labelled with an indication of its maximum alcoholic strength (in one of the forms specified in regulation 31(1) immediately preceded by the words "not more than") or, in an appropriate case, with an indication that it contains no alcohol.</li> </ul>
The description "dealcoholised".	Shall not be applied to any drink, unless— <ul style="list-style-type: none"> <li>(a) the drink, being an alcoholic drink from which the alcohol has been extracted, has an alcoholic strength by volume of not more than 0.5 per cent</li> <li>(b) the drink is marked or labelled with an indication of its maximum alcoholic strength (in one of the forms specified in regulation 31(1) immedi-</li> </ul>

MISLEADING DESCRIPTIONS *cont.*

Column 1	Column 2
<i>Words and descriptions</i>	<i>Conditions</i>
	ately preceded by the words “not more than”) or, in an appropriate case, with an indication that it contains no alcohol.
The description “non-alcoholic”.	Shall not be used in conjunction with a name commonly associated with an alcoholic drink, except in the composite name “non-alcoholic wine” when that composite name is used in accordance with regulation 39.
The word “shandy”, used alone.	Shall not be applied to any drink, unless— (a) it is a mixture of beer and lemonade, and (b) it has an alcoholic strength by volume of at least 0.9 per cent.
The word “shandygaff”, used alone, or the words “ginger beer shandy”.	Shall not be applied to any drink, unless— (a) it is a mixture of beer and ginger beer, and (b) it has an alcoholic strength by volume of at least 0.9 per cent.
The words “cider shandy”.	Shall not be applied to any drink, unless— (a) it is a mixture of cider and lemonade, and (b) it has an alcoholic strength by volume of at least 0.9 per cent.
The words “cider shandygaff” or “cider and ginger beer shandy”.	Shall not be applied to any drink, unless— (a) it is a mixture of cider and ginger beer, and (b) it has an alcoholic strength by volume of at least 0.9 per cent.
The words “sweetened liqueur”.	Shall not be applied to any drink, except a suitably flavoured compounded spirit which has been rendered sweet and viscous only by the addition of carbohydrate sweetening matter.
The name “tonic wine”.	Shall not be applied to any drink unless there appears in immediate proximity to the words “tonic wine” the clear statement: “the name ‘tonic wine’ does not imply health giving or medicinal properties”. No recommendation as to consumption or dosage shall appear in the labelling or advertising of the drink.

MISLEADING DESCRIPTIONS *cont.*

Column 1	Column 2
<i>Words and descriptions</i>	<i>Conditions</i>
The description "vintage".	Shall not be applied to any drink, except (a) brandy, or (b) cider or perry which is the product of the fresh juice of apples or pears, as the case may be, harvested in the designated vintage year and which is marked or labelled with an indication of that year, or (c) liqueur wine or wine which, in either case, is obtained by the fermentation in its district of origin of the juice of fresh grapes.
The words "Scotch whisky", "Irish whiskey", "blended Scotch whisky", or "blended Irish whiskey".	Shall not be used as the name of a spirit distilled on or after 1st August 1969, unless the spirit is Scotch whisky, Irish whiskey, blended Scotch whisky or blended Irish whiskey, as the case may be, as those expressions are defined for all purposes of customs and excise in paragraph 1 of Schedule 7 to the Finance Act 1969(a)

*Note*

The entry in this Schedule relating to the use of the name of a food or of a pictorial representation which is such as to imply that the food being described or to which the representation is applied has the flavour of the food named in the description or depicted in the representation shall not be taken to prohibit the use in the labelling of a soft drink, as defined in the Soft Drinks (Scotland) Regulations 1964(b), of any word or pictorial device suggestive of any fruit or fruits, if the sale of a soft drink so labelled would not constitute an offence against regulation 8 of those regulations.

(a) 1969 c.32; paragraph 1 of Schedule 7 was amended by section 9 of the Finance Act 1980 (c.48) and prospectively repealed by section 9 of the Finance Act 1983 (c.28).

(b) S.I. 1964/767, to which there are amendments not relevant to these regulations.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations, which apply to Scotland only, revoke and replace the Food Labelling (Scotland) Regulations 1981 and continue to implement Council Directive No. 79/112/EEC (O.J. No. L33, 8.2.79, p.1) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer (apart from the provisions of that Directive relating to net quantity), except in relation to milk and certain additives, and Council Directive No. 77/94/EEC (O.J. No. L26, 3.1.77, p.55) on the approximation of the laws of the Member States relating to foodstuffs for particular nutritional uses, and the labelling requirements for alcoholic drinks imposed pursuant to Council Directive No. 76/766/EEC (O.J. No. L262, 27.9.76, p.149) on the approximation of the laws of the Member States relating to alcohol tables.

The principal effect of the regulations is to—

- (a) prohibit the misleading presentation of food, including its shape, appearance or packaging and the way it is arranged or displayed for sale (regulation 4);
- (b) require all food, subject to certain exceptions, to be marked or labelled with—
  - (i) the name of the food (regulations 6 to 12 and Schedules 1 and 2);
  - (ii) a list of ingredients (regulations 6 and 13 to 19 and Schedules 3 to 5),
  - (iii) an indication of minimum durability (regulations 6, 21 and 22),
  - (iv) any special storage conditions or conditions of use (regulation 6), and
  - (v) the name and an address of the manufacturer or packer or of a seller (regulation 6), and in certain cases—
  - (vi) the particulars of the place of origin of the food (regulation 6), and
  - (vii) instructions for use (regulations 6 and 23);
- (c) require, where the labelling of a food places special emphasis on the presence or low content of an ingredient in a food, an indication of the minimum or maximum percentage respectively of that ingredient in the food (regulation 20);
- (d) make special provision for the labelling of food which is not prepacked and certain similar foods, fancy confectionery products, food which is packed in small packages and food for immediate consumption (regulations 24 to 29);
- (e) specify additional labelling requirements for food sold from vending machines and for alcoholic drinks (regulations 30 and 31) and require any compulsory indication of the strength of an alcoholic drink to be in the form “% vol” or “% mas” (regulation 31);
- (f) specify requirements as to the manner of marking or labelling of food (regulations 32 to 35);
- (g) prohibit claims in the labelling or advertising of a food that it has tonic properties or is equivalent or superior to mother’s milk, and impose conditions for the making of—
  - (i) claims relating to foods for particular nutritional uses,

- (ii) claims relating to foods for babies or young children,
  - (iii) diabetic claims,
  - (iv) slimming claims,
  - (v) medicinal claims,
  - (vi) protein claims,
  - (vii) vitamin claims,
  - (viii) mineral claims,
  - (ix) polyunsaturated fatty acid claims,
  - (x) cholesterol claims,
  - (xi) energy claims, and
  - (xii) claims which depend upon another food (regulations 36 and 37 and Schedule 6);
- (h) impose restrictions on the use of certain words and descriptions in the labelling or advertising of food (regulation 38 and Schedule 7);
- (i) permit the use of the word "wine" in composite names for drinks other than wine or table wine in accordance with article 45(2) of Council Regulation (EEC) No 355/79 (regulation 39);
- (j) amend the Cocoa and Chocolate Products (Scotland) Regulations 1976 by substituting a definition of "slimming claim" for the existing one (regulation 44);
- (k) revoke the Labelling of Food (Scotland) Regulations 1970, the Food Labelling (Scotland) Regulations 1981 and Miscellaneous Additives in Food (Scotland) Amendment Regulations 1975 (regulation 45).
- (l) prescribe offences and penalties and make supplementary provisions (regulations 40 to 43).  
The regulations do not apply—
- (a) to milk;
  - (b) except in so far as they relate to advertisements, to food which is not intended for sale for human consumption or which is intended for export or for consumption by Her Majesty's forces or a visiting force;
  - (c) apart from the provisions relating to claims and misleading descriptions, to products whose labelling is controlled by the Specified Sugar Products (Scotland) Regulations 1976, the Cocoa and Chocolate Products (Scotland) Regulations 1976, the Honey (Scotland) Regulations 1976, the Condensed Milk and Dried Milk (Scotland) Regulations 1977 (other than such products specially prepared for and clearly specified to be intended to be consumed by infants), Council Regulation (EEC) No. 2772/75 on marketing standards for eggs or Council Regulation (EEC) No. 355/79 laying down general rules for the description and presentation of wines and grape musts, additives sold as such whose labelling is controlled by other regulations, in certain circumstances alcoholic drinks bottled before the regulations come into operation, certain food prepared on domestic premises, or food prepared otherwise than in the course of trade.
  - (d) apart from the provisions relating to claims and misleading descriptions and the provisions relating to a list of ingredients, to products whose labelling is controlled by the Coffee and Coffee Products (Scotland) Regulations 1979 (regulation 5).



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The regulations come into force on 25th October 1984 (regulation 1), but there are transitional provisions which make it a defence to prove that the act was committed before 1st July 1986 or the food was prepacked before 1st January 1986, and that the matters constituting the offence would not have been an offence under the Food Labelling (Scotland) Regulations 1981 or those provisions of the Labelling of Food (Scotland) Regulations 1970 which were in force at the time these regulations were made (regulation 46).

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