
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England and Wales only, further amend the Food Labelling Regulations 1984 (“the principal Regulations”). They implement provisions of Council Directive No. [79/112/EEC](#) (OJ 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 as added or varied by Council Directive No. [89/395/EEC](#) (OJ No. L186, 30.6.89, p. 17).

The Regulations delete national provisions permitting the use of a “sell by” date and introduce provisions requiring a “use by” date for microbiologically highly perishable foodstuffs (regulations 3 to 10). New offences are introduced for selling foods bearing an expired “use by” date and for anyone other than the person originally responsible for applying the date mark to change it (regulations 11 and 13). Regulation 7 removes the exemption from date marking for deep frozen food, certain cheeses and long-life foods with effect from 20th June 1992. Regulation 8 extends the current limited labelling requirements for small packages to include indelibly marked glass bottles intended for re-use. Regulation 9 requires certain information to be given on the packaging of the food if trade documents are used to convey labelling information. The Regulations also restrict the use of the description “low alcohol” (or any other word or description implying a low alcoholic content) to alcoholic drinks having an alcoholic strength by volume of not more than 1.2 per cent (regulation 14). In addition the principal Regulations are applied to milk other than cows' milk (regulation 3).

The Regulations come into force on 1st January 1991 but there are transitional provisions establishing that no offence is committed in selling or advertising for sale alcoholic drinks described as “low alcohol” (or bearing any other word or description implying a low alcoholic content) but not meeting the new conditions where such drinks were prepacked and labelled before the coming into force of the Regulations and permitting continuation of the observance of previous labelling conditions on durability until the end of March 1991 following which “use by” will become compulsory for microbiologically highly perishable foods (regulation 15).