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STATUTORY INSTRUMENTS

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**1995 No. 77**

**The Infant Formula and Follow-on Formula Regulations 1995**

**Title, commencement and interpretation**

1.—(1) These Regulations may be cited as the Infant Formula and Follow-on Formula Regulations 1995 and shall come into force on 1st March 1995.

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

“the Act” means the Food Safety Act 1990;

“advertisement” has the same meaning as in the Act, except that it does not include any label or wrapper, and “advertise” and “advertising” shall be construed accordingly;

“follow-on formula” means a food intended for particular nutritional use by infants in good health who are aged over four months, and constituting the principal liquid element in a progressively diversified diet;

“food authority” has the same meaning as in the Act, except that it does not include either the council of any district in a non-metropolitan county in England and Wales or the appropriate Treasurer referred to in section 5(1)(c) of the Act (which deals with the Inner Temple and the Middle Temple);

“health care system” means institutions or organisations engaged, directly or indirectly, in health care for mothers, infants and pregnant women, including nurseries or child-care institutions and health workers in private practice;

“infant” means a child under the age of twelve months;

“infant formula” means a food intended for particular nutritional use by infants in good health during the first four to six months of life, and satisfying by itself the nutritional requirements of such infants;

“member State” means a member State of the European Community other than the United Kingdom;

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

“sell” includes possess for sale and offer, expose or advertise for sale, but does not include—

- (a) an advertisement of the type described in section 22 of the Act (publication in the course of business), or
- (b) anything not qualifying as a placing on the market for the purposes of Council Directive 89/398/EEC(1) on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses;

“third country” means a country or territory other than a member State, the United Kingdom, the Isle of Man or any of the Channel Islands;

“young children” means children aged between one and three years.

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(1) OJNo. L186, 30.6.89, p.27.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(3) Any reference in these Regulations to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule bearing that number in these Regulations.