
STATUTORY INSTRUMENTS

2014 No. 1855

The Food Information Regulations 2014

Citation, extent, application, commencement and expiry

1.—(1) These Regulations may be cited as the Food Information Regulations 2014.

(2) A revocation, or partial revocation, of a statutory instrument by regulation 13 and Schedule 6 has the same extent and application as the statutory instrument, or provision or part of the instrument, being revoked except that, for the purpose of the revocations in entries 1 to 7 of the table in Part 1, and entries 1 to 3 of the table in Part 2, of Schedule 6, these Regulations apply in England only.

(3) An amendment of a provision of a statutory instrument by regulation 14 and Schedule 7 has the same extent and application as the provision being amended except that, for the purpose of the amendment of the Regulations to which paragraphs 1 to 5 and 10 to 20 of Schedule 7 apply, these Regulations apply in England only.

(4) For all other purposes, these Regulations apply in England only.

(5) Except as provided for in paragraphs (6) to (8), these Regulations come into force on 13th December 2014.

(6) For the purposes of the following provisions, these Regulations come into force on 15th August 2014—

- (a) regulation 4;
- (b) regulation 12 and Schedule 4 so far as (by applying, with some modifications, specified provisions of the Act) they enable an improvement notice to be served on a person requiring that person to comply with the provision of FIC specified in Part 1 of Schedule 5 and an appeal against such a notice to be made and dealt with, and make the failure to comply with such an improvement notice an offence;
- (c) regulation 14 so far as it relates to Part 1 of Schedule 7;
- (d) Schedule 2;
- (e) Part 1 of Schedule 5; and
- (f) Part 1 of Schedule 7.

(7) For the purposes of the following provisions, these Regulations come into force on 13th December 2016—

- (a) Part 3 of Schedule 5; and
- (b) regulation 12 and Schedule 4 so far as (by applying, with some modifications, specified provisions of the Act) they enable an improvement notice to be served on a person requiring that person to comply with the provision of FIC specified in Part 3 of Schedule 5 and an appeal against such a notice to be made and dealt with, and make the failure to comply with such an improvement notice an offence.

(8) For the purposes of Part 2 of Schedule 6, and regulation 13 so far as it relates to that Part of Schedule 6, these Regulations come into force on 13th December 2018.

(9) The following provisions cease to have effect on 13th December 2021—

- (a) regulations 5, 6 and 7; and

- (b) regulation 12 and Schedule 4 so far as (by applying, with some modifications, specified provisions of the Act) they enable an improvement notice to be served on a person requiring that person to comply with a provision of regulations 5, 6 and 7 and an appeal against such a notice to be made and dealt with, and make the failure to comply with such an improvement notice an offence.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“Directive 1999/2/EC” means Directive 1999/2/EC of the European Parliament and of the Council on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation⁽¹⁾;

“FIC” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004;

“final consumer” has the meaning given in point 18 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety;

“food authority” means—

- (a) a county council;
- (b) a metropolitan district council;
- (c) a non-metropolitan district council for an area for which there is no county council;
- (d) a London borough council;
- (e) the Common Council of the City of London (in their capacity as a local authority); and
- (f) the Council of the Isles of Scilly;

“food business operator” has the meaning given in point 3 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council;

“mass caterer” has the meaning given in Article 2(2)(d) and “mass caterers” is to be construed accordingly;

“means of distance communication” has the meaning given in Article 2(2)(u);

“offered for sale” has the same meaning as in Article 44 and “offers for sale” is to be construed accordingly;

“prepacked food” has the meaning given in Article 2(2)(e);

“prepacked for direct sale” has the same meaning as in Article 2(2)(e);

“ready for consumption” has the same meaning as in Article 2(2)(d).

(2) Except as otherwise provided for—

- (a) any reference in these Regulations to an Article is a reference to an Article of FIC, and

(1) OJ No L 66, 13.3.1999, p 16, last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council (OJ No L 311, 21.11.2008, p 1).

(b) any reference in these Regulations to an Annex is a reference to an Annex to FIC.

(3) Any reference to FIC, or a provision of FIC (including a reference to an Article of, or Annex to, FIC to which paragraph (2) applies), in a provision of these Regulations listed in Schedule 1 is a reference to that provision as amended from time to time.

Derogation relating to milk and milk products

3. The requirements laid down in Articles 9(1) and 10(1) do not apply to milk or milk products presented in a glass bottle where the glass bottle is intended for reuse.

Derogation relating to minced meat

4.—(1) The requirements laid down in point 1 of Part B of Annex VI do not prevent minced meat that does not comply with those requirements being placed on the market using a minced meat designation if the national mark in Part 1 of Schedule 2 appears on the labelling.

(2) Part 2 of Schedule 2 applies to the form of the national mark.

(3) In paragraph (1)—

“on the labelling” has the same meaning as in point 2 of Part B of Annex VI as read with the definition of “labelling” in Article 2(2)(j);

“placed on the market” is to be construed taking into account the meaning of “placing on their national market” as used in point 3 of Part B of Annex VI.

Foods that are not prepacked etc. containing an allergenic substance or product etc.

5.—(1) A food business operator who offers for sale a relevant food to which this regulation applies may make available the particulars specified in Article 9(1)(c) (labelling of certain substances or products causing allergies or intolerances) in relation to that food by any means the operator chooses, including, subject to paragraph (3), orally.

(2) This regulation applies to a relevant food that is offered for sale to a final consumer or to a mass caterer otherwise than by means of distance communication and is—

(a) not prepacked,

(b) packed on the sales premises at the consumer’s request, or

(c) prepacked for direct sale.

(3) Where a food business operator intends to make available the particulars specified in Article 9(1)(c) relating to a relevant food orally, and a substance or product listed in Annex II or derived from a substance or product listed in Annex II is used as an ingredient or processing aid in the manufacture or preparation of the food, the operator must indicate that details of that substance or product can be obtained by asking a member of staff.

(4) The indication mentioned in paragraph (3) must be given—

(a) on a label attached to the food, or

(b) on a notice, menu, ticket or label that is readily discernible by an intending purchaser at the place where the intending purchaser chooses that food.

(5) In relation to a relevant food to which this regulation applies, the Article 9(1)(c) particulars made available by a food business operator must be made available with a clear reference to the name of the substance or product listed in Annex II where—

(a) the relevant ingredient or processing aid is derived from a substance or product listed in Annex II, and

(b) the particulars are made available otherwise than by means provided for in FIC.

(6) In this regulation “relevant food” means a food in which an ingredient or processing aid listed in Annex II, or derived from a substance or product listed in Annex II, has been used in its manufacture or preparation and that is still present in the finished product (even if in an altered form).

Foods that are not prepacked etc. – general requirement to name them

6.—(1) A food business operator who offers for sale a food to which this regulation applies must provide the particulars required by Article 9(1)(a) (the name of the food) as read with—

- (a) Article 17(1) to (4), and
- (b) in the case of food offered for sale using a minced meat designation as a name—
 - (i) Article 17(5) and point 1 of Part B of Annex VI, and
 - (ii) point 3 of Part B of Annex VI as read with regulation 4 and Schedule 2.

(2) This regulation applies to a food that is offered for sale to a final consumer or a mass caterer and is—

- (a) not prepacked,
- (b) packed on the sales premises at the consumer’s request, or
- (c) prepacked for direct sale.

(3) This regulation does not apply to a food prepared to be ready for consumption by a final consumer that is offered for sale to a final consumer by a mass caterer (whether at a mass catering establishment where sales are made in person to a final consumer or by means of distance communication) as part of their business as a mass caterer.

(4) The particulars must appear—

- (a) on a label attached to the food, or
- (b) on a notice, ticket or label that is readily discernible by an intending purchaser at the place where the intending purchaser chooses that food.

(5) Paragraph (4) does not apply in the case of an offer for sale made by means of distance communication.

Foods that are not prepacked etc. containing meat and other ingredients

7.—(1) A food business operator who offers for sale a food to which this regulation applies must provide the particulars required by Article 9(1)(d) (quantity of certain ingredients), as read with Article 22 and Annex VIII, in respect of the ingredients in the food that are meat.

(2) This regulation applies to a food (other than a food specified in Schedule 3) that is offered for sale to a final consumer or a mass caterer, contains meat and any other ingredient and is—

- (a) not prepacked,
- (b) packed on the sales premises at the consumer’s request, or
- (c) prepacked for direct sale.

(3) This regulation does not apply to a food prepared to be ready for consumption by a final consumer that is offered for sale to a final consumer by a mass caterer (whether at a mass catering establishment where sales are made in person to a final consumer or by means of distance communication) as part of their business as a mass caterer.

(4) The quantity of meat specified in the particulars mentioned in paragraph (1) is to be determined taking into account the provisions relating to total fat and connective tissue content in point 17 of Part B of Annex VII, including any downward adjustment needed in a case where the total fat and connective tissue content in the food exceeds the values indicated in the table in that point.

- (5) The particulars must appear—
- (a) on a label attached to the food, or
 - (b) on a notice, ticket or label that is readily discernible by an intending purchaser at the place where the intending purchaser chooses that food.
- (6) Paragraph (5) does not apply in the case of an offer for sale made by means of distance communication.
- (7) In this regulation—
- “meat” means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue but does not include mechanically separated meat;
- “mechanically separated meat” has the meaning given in point 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin⁽²⁾.

Irradiated foods

- 8.—**(1) Any person who places on the market, in bulk, a product to which this paragraph applies must ensure that the relevant indication appears, together with the name of the product, on a display or notice above or beside the container in which the products are placed on the market.
- (2) Paragraph (1) applies to—
- (a) a product intended for the ultimate consumer or mass caterers that has been treated with ionising radiation, and
 - (b) a product intended for the ultimate consumer or mass caterers that contains an ingredient that has been treated with ionising radiation.
- (3) Any person who places on the market a product to which this paragraph applies must ensure that the relevant indication appears in the list of ingredients of that product to indicate the ingredient that has been irradiated.
- (4) Paragraph (3) applies to a product intended for the ultimate consumer or mass caterers—
- (a) containing a compound ingredient in a case where an ingredient of that compound ingredient has been treated with ionising radiation, and
 - (b) to which, in relation to that compound ingredient, the provisions of point 2 of Part E of Annex VII (setting out cases where a list of ingredients for compound ingredients is not compulsory) would, but for the requirement in paragraph (3), apply.
- (5) The relevant indication is the word “irradiated” or the words “treated with ionising radiation”.
- (6) This regulation does not apply to—
- (a) a product exposed to ionising radiation generated by measuring or inspection devices, provided the dose absorbed is not greater than 0.01 Gy for inspection devices which utilise neutrons and 0.5 Gy in other cases, at a maximum radiation energy level of 10 MeV in the case of X-rays, 14 MeV in the case of neutrons and 5 MeV in other cases, or
 - (b) a product which is prepared for patients requiring sterile diets under medical supervision.
- (7) In this regulation—
- “in bulk” has the same meaning as in the second subparagraph of Article 6(1)(a) of Directive 1999/2/EC;
- “ionising radiation” has the same meaning as in Directive 1999/2/EC;

(2) OJ No L 139, 30.4.2004, p 55, last amended by Commission Regulation (EU) No 633/2014 (OJ No L 175, 16.6.2014, p 6).

“places on the market” is to be construed taking into account the meaning of “placed on the market” as used in Article 2 of Directive 1999/2/EC;

“product” has the same meaning as in Directive 1999/2/EC.

Enforcement

9.—(1) It is the duty of a food authority within its area and a port health authority within its district to enforce these Regulations.

(2) A non-metropolitan district council for an area for which there is a county council may enforce these Regulations within its area in relation to—

- (a) Article 44(1)(a), as read with Articles 1(3), 6 and 9(1)(c) and the first subparagraph of Article 54(1) and regulation 5, and
- (b) regulation 5(3), (4) and (5).

Offence

10.—(1) A person is guilty of an offence if the person fails to comply with—

- (a) any provision of FIC specified in paragraph (2), as read with Articles 1(3) and 6 and the first subparagraph of Article 54(1), or
- (b) regulation 5(5).

(2) The provisions of FIC are—

- (a) Article 9(1)(c), as also read with Annex II;
- (b) Article 21(1)(a), as also read with Articles 9(1)(c) and 18(1) and Annex II;
- (c) the second subparagraph of Article 21(1), as also read with Articles 9(1)(c) and 19(1) and Annex II; and
- (d) Article 44(1)(a), as also read with Article 9(1)(c) and regulation 5.

Penalty

11. A person guilty of an offence under regulation 10 is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Application of provisions of the Act

12.—(1) Subsections (1) and (2) of section 10 of the Act (improvement notices) apply, with the modification (in the case of section 10(1)) specified in Part 1 of Schedule 4, for the purposes of—

- (a) enabling an improvement notice to be served on a person requiring the person to comply with any of the following provisions—
 - (i) a provision of FIC specified in Schedule 5, to the extent provided for in section 10 as applied by paragraph (1) and modified by Part 1 of Schedule 4;
 - (ii) regulation 5(3), (4) or (5);
 - (iii) regulation 6(1) or (4);
 - (iv) regulation 7(1), (4) or (5); or
 - (v) regulation 8(1) or (3); and
- (b) making the failure to comply with a notice referred to in subparagraph (a) an offence.

(2) Subsections (1) to (8) of section 32(3) of the Act (powers of entry) apply, with the modifications (in the case of section 32(1)) specified in Part 2 of Schedule 4, for the purposes of enabling an authorised officer of a food authority or a port health authority—

- (a) to exercise a power of entry to ascertain whether there is, or has been, any contravention of a provision of FIC specified in Schedule 5, to the extent provided for in section 32(1) (a) as applied by this paragraph and modified by Part 2 of Schedule 4;
- (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of such a provision; and
- (c) when exercising a power of entry under the provisions of section 32 as applied by this paragraph, to exercise the powers in subsections (5) and (6) relating to records.

(3) Subsections (1) and (6) of section 37 of the Act (appeals) apply, with the modifications specified in Part 3 of Schedule 4, for the purpose of enabling a decision to serve a notice referred to in paragraph (1)(a) to be appealed.

(4) Section 39 of the Act (appeals against improvement notices) applies, with the modifications (in the case of subsections (1) and (3) of section 39) specified in Part 4 of Schedule 4, for the purpose of dealing with appeals against a decision to serve a notice referred to in paragraph (1)(a).

(5) The provisions of the Act specified in column 1 of the table in Part 5 of Schedule 4 apply, with the modifications specified in column 2 of that Part, for the purposes of these Regulations.

(6) Paragraphs (1) to (4) are without prejudice to the application of sections 10, 32, 37 and 39 of the Act to these Regulations for purposes other than those specified in those paragraphs.

Revocations

13. The Regulations listed in Schedule 6 are revoked to the extent specified.

Consequential and other minor amendments to statutory instruments

14. Schedule 7 has effect.

Review

15.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out a review mentioned in paragraph (1) the Secretary of State must, so far as is reasonable, have regard to—

- (a) the powers and mechanisms available in other member States to enable the provisions of FIC to be enforced, and
- (b) how the second subparagraph of point 1(a), the second subparagraph of point 1(b), and point 1(c) of Article 6 of Directive 1999/2/EC (which are implemented by means of regulation 8 and regulation 12 and Schedule 4 so far as (by applying, with some modifications, specified provisions of the Act) they enable an improvement notice to be served on a person requiring that person to comply with regulation 8(1) and (3) and an appeal against such a notice to be made and dealt with, and make the failure to comply with such an improvement notice an offence) are implemented in other member States.

(3) Subsections (5) and (6) of section 32 were amended by paragraph 18 of Schedule 2 to the Criminal Justice and Police Act 2001 (c. 16).

- (3) The report must, in particular—
 - (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published before 13th December 2019.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

George Eustice
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

14th July 2014