1967 No. 1865

FOOD AND DRUGS

COMPOSITION AND LABELLING

The Coffee and Coffee Product Regulations 1967

Made - - -	14*th December* 1967
Laid before Parliament	21*st December* 1967
Coming into Operation	4*th January* 1971

The Minister of Agriculture, Fisheries and Food and the Minister of Health, acting jointly, in exercise of the powers conferred on them by sections 4, 7, 123 and 136(2) of, and paragraph 2(2) of Schedule 12 to, the Food and Drugs Act 1955(a) and of all other powers enabling them in that behalf, hereby make the following regulations after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations and reference to the Food Hygiene Advisory Council under section 82 of the said Act (insofar as the regulations are made in exercise of the powers conferred by the said section 7) :—

Citation and commencement

1. These regulations may be cited as the Coffee and Coffee Product Regulations 1967 ; and shall come into operation on 4th January 1971.

Interpretation

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

"the Act" means the Food and Drugs Act 1955 ;

"caffeine" means anhydrous caffeine ;

"chicory" means roasted chicory root ;

"coffee" means coffee intended for sale for human consumption being the decorticated berries of coffee and including any such berries which have been roasted or ground or roasted and ground ;

"coffee product" means any coffee product intended for sale for human consumption being any dried or liquid extract of coffee, any coffee and chicory mixture, any dried or liquid extract of a coffee and chicory mixture, any coffee and fig mixture, or any dried or liquid extract of a coffee and fig mixture, with or without, in any case, the addition of permitted additives ;

"container" includes any form of packaging of food for sale as a single item, whether by way of wholly or partly enclosing the food or by way of attaching the food to some other article, and in particular includes a wrapper or confining band ;

"fig" means dried fig ;

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

(*a*) water, live animals or birds,

(*b*) fodder or feeding stuffs for animals, birds or fish, or

(a) 4 & 5 Eliz. 2. c. 16.

(*c*) articles or substances used only as drugs;

"food and drugs authority" has the meaning assigned to it by section 83 of the Act;

"human consumption" includes use in the preparation of food for human consumption;

"permitted additive" means any emulsifier, stabiliser, preservative or solvent, as the case may be, inasmuch as its use in a coffee product is permitted by the appropriate regulations mentioned in the Schedule to these regulations;

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

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

(2) The Interpretation Act 1889(**a**) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament, and as if these regulations and the orders and regulations hereby revoked or partially revoked, as the case may be, were Acts of Parliament.

(3) Except where the context otherwise requires, all percentages mentioned in these regulations are percentages calculated by weight.

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

(5) 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 purchasing and purchaser shall be construed accordingly.

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

Exemptions

3. The following provisions of these regulations shall not apply in relation to any coffee, decaffeinated coffee or coffee product which is—

(*a*) sold, consigned or delivered for exportation to any place outside the United Kingdom;

(*b*) supplied under Government contracts for consumption by Her Majesty's Forces or supplied for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(**b**);

(*c*) sold, consigned or delivered to a manufacturer for the purposes of his manufacturing business.

Composition of coffee, decaffeinated coffee and coffee products

4.—(1) Any food sold, consigned or delivered, which is described directly or by implication as coffee, shall be food which comes within the meaning of the expression "coffee" as defined in regulation 2(1) of these regulations:

Provided that any beverage may be described as coffee if coffee, coffee extract or coffee essence is the ingredient which characterises such beverage.

(2) Any coffee sold, consigned or delivered, which is described directly or by implication as decaffeinated, shall contain not more than 0.1 per cent. of caffeine.

(**a**) 1889 c. 63. (**b**) 1952 c. 67.

(3) Any coffee product sold, consigned or delivered shall comply with the compositional requirements specified in the appropriate following sub-paragraph of this paragraph in relation to that coffee product.

(*a*) A dried extract of coffee shall contain—
(i) as not less than 95 per cent. thereof, the dried water-soluble solids of coffee, and
(ii) not more than 100 parts per million of matter not derived from coffee.

(*b*) A liquid extract of coffee shall contain—
(i) no extract from any vegetable matter other than coffee, and
(ii) as not less than 0.5 per cent. weight in volume thereof, caffeine derived from coffee:
Provided that it shall be sufficient compliance with the requirements of this sub-paragraph (ii) if every gallon of such liquid extract is prepared from not less than 4 pounds of roasted coffee, or from a proportionate amount of roasted coffee for any quantity of less than 1 gallon.

(*c*) A mixture of coffee and chicory (including French coffee) shall contain—
(i) as not less than 51 per cent. thereof, coffee, and
(ii) no matter other than coffee and chicory.

(*d*) A dried extract of coffee and chicory shall contain—
(i) as not less than 95 per cent. thereof, a homogeneous mixture of the dried water-soluble solids of coffee and chicory, and
(ii) not more than 100 parts per million of matter other than coffee and chicory.

(*e*) A liquid extract of coffee and chicory shall contain—
(i) no extract from any vegetable matter other than coffee and chicory, and
(ii) as not less than 0.25 per cent. weight in volume thereof, caffeine derived from coffee:
Provided that it shall be sufficient compliance with the requirements of this sub-paragraph (ii) if every gallon of such liquid extract is prepared from not less than 2 pounds of roasted coffee, or from a proportionate amount of roasted coffee for any quantity of less than 1 gallon.

(*f*) Any coffee with fig flavouring or fig seasoning (including Viennese coffee) shall contain—
(i) as not less than 85 per cent. thereof, coffee, and
(ii) no matter other than coffee and fig.

(*g*) A dried extract of coffee and fig shall contain—
(i) as not less than 95 per cent. thereof, a homogeneous mixture of the dried water-soluble solids of coffee and fig, and
(ii) not more than 100 parts per million of matter other than coffee and fig.

(*h*) A liquid extract of coffee and fig shall contain—
(i) no extract from any vegetable matter other than coffee and fig, and
(ii) as not less than 0.4 per cent. weight in volume thereof, caffeine derived from coffee:
Provided that it shall be sufficient compliance with the requirements of this sub-paragraph (ii) if every gallon of such liquid extract is prepared from not less than 3½ pounds of roasted coffee, or from a proportionate amount of roasted coffee for any quantity of less than 1 gallon.

(*f*) A coffee extract, coffee essence or coffee mixture described directly or by implication as decaffeinated shall not contain caffeine exceeding 0.3 per cent. of the coffee solids contained in such extract, essence or mixture.

(4) No person shall sell, consign or deliver, as the case may be, any coffee, decaffeinated coffee or coffee product in contravention of this regulation.

Designation of decaffeinated coffee and of coffee products

5. No person shall sell, consign or deliver any decaffeinated coffee or any coffee product otherwise than under a designation specified in the appropriate following sub-paragraph of this paragraph in relation to that decaffeinated coffee or coffee product.

(*a*) In relation to any decaffeinated coffee, the designation "decaffeinated coffee" shall be used.

(*b*) In relation to any dried extract of coffee, one of the following designations shall be used, namely "dried extract of coffee", "dried coffee extract" or "instant coffee".

(*c*) In relation to any liquid extract of coffee, one of the following designations shall be used, namely "extract of coffee", "coffee extract", "essence of coffee" or "coffee essence".

(*d*) In relation to any coffee and chicory mixture, including any such mixture described as "French coffee", one of the following designations shall be used, namely "coffee and chicory mixture", "mixture of coffee and chicory", "French coffee—coffee and chicory mixture", "coffee and chicory mixture—French coffee", "French coffee—mixture of coffee and chicory" or "mixture of coffee and chicory—French coffee".

(*e*) In relation to any dried extract of coffee and chicory, one of the following designations shall be used, namely "dried extract of coffee and chicory", "dried coffee and chicory extract" or "instant coffee and chicory".

(*f*) In relation to any liquid extract of coffee and chicory, one of the following designations shall be used, namely "extract of coffee and chicory", "coffee and chicory extract", "essence of coffee and chicory" or "coffee and chicory essence".

(*g*) In relation to any coffee with fig flavouring or fig seasoning, including any such coffee described as "Viennese coffee", one of the following designations shall be used, namely "coffee with fig flavouring", "coffee with fig seasoning", "Viennese coffee—coffee with fig flavouring", "coffee with fig flavouring—Viennese coffee", "Viennese coffee—coffee with fig seasoning" or "coffee with fig seasoning—Viennese coffee".

(*h*) In relation to any dried extract of coffee and fig, one of the following designations shall be used, namely "dried extract of coffee and fig", "dried coffee and fig extract" or "instant coffee and fig".

(*j*) In relation to any liquid extract of coffee and fig, one of the following designations shall be used, namely "extract of coffee and fig", "coffee and fig extract", "essence of coffee and fig" or "coffee and fig essence".

(*k*) In relation to any decaffeinated coffee product, the designation, specified in the appropriate preceding sub-paragraph of this paragraph in relation to that coffee product, shall include the word "decaffeinated" placed immediately before the word "coffee" in such designation, except that in the case of any decaffeinated coffee product in the designation of which the words "French coffee" or the words "Viennese coffee" are

used, the word "decaffeinated" shall be placed immediately before the word "French" or the word "Viennese", as the case may be, in such designation.

General requirements as to composition and description

6.—(1) No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing any coffee, any decaffeinated coffee or any coffee product for which compositional requirements are specified in these regulations unless such food complies with the appropriate compositional requirements specified in regulation 4 of these regulations in relation to that coffee, decaffeinated coffee or coffee product.

(2) Where a person sells any food to a purchaser in response to a request for any kind of coffee, decaffeinated coffee or coffee product for which compositional requirements are specified in these regulations, he shall be deemed to sell coffee or a coffee product of that kind and conforming to the compositional requirements for coffee or a coffee product of that kind which are specified in regulation 4 of these regulations, unless he clearly notifies the purchaser at the time of sale that the food is not coffee, decaffeinated coffee or a coffee product of that kind.

7. Nothing in these regulations shall prohibit the use of the words "dandelion coffee"—

(*a*) to describe a product which consists wholly of roasted dandelion root, or

(*b*) as part of the description applied to an extract or essence derived mainly from roasted dandelion root, or

(*c*) to describe any beverage in which roasted dandelion root is the ingredient which characterises such beverage.

General requirements as to labelling and advertisement of coffee, decaffeinated coffee and coffee products

8. No person shall—

(*a*) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, or

(*b*) publish, or be a party to the publication of, any advertisement for food,

being a label, ticket, notice or advertisement, as the case may be, which bears or includes the description "coffee" or any designation specified in regulation 5 of these regulations unless—

(i) such food complies with the appropriate compositional requirements specified in relation to food of that kind in regulation 4 of these regulations, or

(ii) the description or designation, as the case may be, is used in such a context as to indicate clearly that the coffee, decaffeinated coffee or coffee product, as the case may be, to which the description or designation relates is an ingredient, with one or more others, of such food and such coffee, decaffeinated coffee or coffee product complies with the compositional requirements specified in relation thereto in regulation 4 of these regulations, or

(iii) the description or designation, as the case may be, is used in such a context as to indicate explicitly or by clear implication that such food is not of a kind in relation to which that description or designation is specified by these regulations and does not include any of that kind.

Restriction of use of the words "French coffee" and "Viennese coffee"

9.—(1) No person shall publish, or be a party to the publication of, any advertisement which includes the words "French coffee" unless—

(*a*) when it appears in visual form, the words "coffee and chicory mixture" or "mixture of coffee and chicory" appear clearly and prominently in letters substantially as conspicuous as the letters of the words "French coffee" at least once, immediately before or immediately after the words "French coffee";

(*b*) when it is presented in oral form, the words "coffee and chicory mixture" or "mixture of coffee and chicory" are spoken audibly and clearly at least once, immediately before or immediately after the words "French coffee".

(2) No person shall publish, or be a party to the publication of, any advertisement which includes the words "Viennese coffee" unless—

(*a*) when it appears in visual form, the words "coffee with fig flavouring" or "coffee with fig seasoning" appear clearly and prominently in letters substantially as conspicuous as the letters of the words "Viennese coffee" at least once, immediately before or immediately after the words "Viennese coffee";

(*b*) when it is presented in oral form, the words "coffee with fig flavouring" or "coffee with fig seasoning" are spoken audibly and clearly at least once, immediately before or immediately after the words "Viennese coffee".

Penalties and enforcement

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

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

(3) The requirement of section 109(3) of the Act (which requires notice to be given to the Minister of Agriculture, Fisheries and Food of intention to institute proceedings for an offence against any provisions of these regulations made under section 7 of the Act) shall not apply as respects any proceedings instituted by a council for an offence against any such provisions of these regulations.

Defences

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

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

Applications of various sections of the Act

12.—(1) Sections 108(3) and (4) (which relate to prosecutions), 110(1), (2) and (3) (which relate to evidence of analysis), 112 (which relates to the power of a court to require analysis by the Government Chemist), 113 (which relates

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

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

Revocation

13. The Food Standards (Liquid Coffee Essences) Order 1945(**a**), the Food Standards (Coffee Mixtures) Order 1952(**b**), and article 7(3) of the Labelling of Food Order 1953(**c**), as amended (**d**), are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 8th December 1967.

(L.S.) *Frederick Peart,*
Minister of Agriculture, Fisheries and Food.

Given under the official seal of the Minister of Health on 14th December 1967.

(L.S.) *Kenneth Robinson,*
Minister of Health.

SCHEDULE

Regulation 2 (1)

Regulations	References
The Emulsifiers and Stabilisers in Food Regulations 1962.	S.I. 1962/720 (1962 I, p. 729).
The Preservatives in Food Regulations 1962.	S.I. 1962/1532 (1962 II, p. 1655).
The Solvents in Food Regulations 1967.	S.I. 1967/1582 (1967 III, p. 4385).

(**a**) S.R. & O. 1945/389 (1945 II, p. 465).
(**b**) S.I. 1952/1697 (1952 I, p. 958).
(**c**) S.I. 1953/536 (1953 I, p. 665).
(**d**) The amending order and regulations are not relevant to the subject matter of this regulation.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which apply to England and Wales only, supersede the Food Standards (Liquid Coffee Essences) Order 1945, the Food Standards (Coffee Mixtures) Order 1952 and article 7(3) of the Labelling of Food Order 1953.

The regulations—

(*a*) specify compositional requirements for coffee, decaffeinated coffee and coffee products (regulation 4);

(*b*) prescribe appropriate designations for decaffeinated coffee and coffee products (regulation 5);

(*c*) specify general requirements as to the composition and description (regulation 6) and as to the labelling and advertisement (regulation 8) of coffee, decaffeinated coffee and coffee products; and

(*d*) place restrictions on the use of the words "French coffee" and "Viennese coffee" (regulation 9).

The regulations do not apply to coffee, decaffeinated coffee or coffee products sold for export or supplied for consumption by Her Majesty's Forces or a visiting force or sold to a manufacturer for the purposes of his manufacturing business (regulation 3), or to dandelion coffee (regulation 7).