STATUTORY INSTRUMENTS

1980 No. 1849

FOOD AND DRUGS

LABELLING

The Food Labelling Regulations 1980

Made - - - - -	*2nd December* 1980
Laid before Parliament -	*11th December* 1980
Coming into Operation—	
Regulations 1, 2 and 45	*1st January* 1981
Remainder - - -	*1st January* 1983

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

1. Citation and commencement.
2. Interpretation.
3. Exemptions.

PART II

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

Scope and general labelling requirement

4. Scope of Part II.
5. General labelling requirement.

Name of the food

6. Name prescribed by law.
7. Customary name.
8. Indication of true nature of food.
9. Form of name.
10. Trade marks, brand names and fancy names.
11. Indication of physical condition or treatment.

List of ingredients

12. Heading of list of ingredients.
13. Order of list of ingredients.
14. Names of ingredients.
15. Compound ingredients.
16. Added water.
17. Ingredients which need not be named.
18. Foods which need not bear a list of ingredients.

Ingredients given special emphasis

19. Indication of minimum or maximum percentage of ingredients.

Indiciation of minimum durability

20. Form of indication of minimum durability.
21. Foods which need not bear an indication of minimum durability.

Instructions for use

22. Requirements relating to instructions for use.

Omission of certain particulars

23. Food which is not prepacked and similar food.
24. Fancy confectionery products.
25. Indication of additives.
26. Small packages.
27. Food for immediate consumption where sold.
28. Other food for immediate consumption.

Additional labelling requirements for certain categories of food

29. Food sold from vending machines.
30. Alcoholic drinks.

Manner of marking or labelling

31. General requirement.
32. Food to which regulation 23, 24, 27 or 28 applies.
33. Intelligibility.
34. Field of vision.

PART III

CLAIMS AND MISLEADING DESCRIPTIONS

35. Claims relating to foods for particular nutritional uses.
36. Medicinal claims.
37. Misleading descriptions.
38. The word "wine".

PART IV

OFFENCES AND LEGAL PROCEEDINGS

39. Offences and penalties.
40. Enforcement.
41. Defences.
42. Application of various provisions of the Act.

PART V

AMENDMENTS, REVOCATIONS AND TRANSITIONAL PROVISIONS

43. Amendments.
44. Revocations.
45. Transitional provisions.

SCHEDULES

Schedule 1. Names prescribed by law.
Schedule 2. Indications of treatment.
Schedule 3. Generic names in list of ingredients.
Schedule 4. Categories of additives which must be identified in a list of ingredients by their category name.
Schedule 5. Claims relating to foods for particular nutritional uses: prescribed energy statement.
Schedule 6. Misleading descriptions.
Schedule 7. Amendments.
Part I. Provisions relating to sales to caterers.
Part II. Provisions relating to manner of marking or labelling.
Part III. Amendments consequent upon the revocation of the Labelling of Food Regulations 1970.
Schedule 8. Revocations.

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Social Services and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 4, 7 and 123 of the Food and Drugs Act 1955(a), and now vested in them(b), 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 after reference to the Food Hygiene Advisory Council under section 82 of the said Act (in so far as the regulations are made under the said section 7):—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Food Labelling Regulations 1980 and shall come into operation—

(*a*) as respects regulations 1, 2 and 45 on 1st January 1981, and

(*b*) as respects the remainder on 1st January 1983.

Interpretation

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

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

"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) 1955 c. 16 (4 & 5 Eliz. 2); section 4 was amended by section 4(1) of and paragraph 3(1) of Schedule 4 to the European Communities Act 1972 (c. 68).
(b) S.I. 1968/1699, 1978/272.

(*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 Regulations 1973(**a**), the Antioxidants in Food Regulations 1978(**b**), the Preservatives in Food Regulations 1979(**c**), the Emulsifiers and Stabilisers in Food Regulations 1980(**d**) and the Miscellaneous Additives in Food 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;

"alcoholic strength by mass" and "alcoholic strength by volume" have the meanings assigned to them by the Alcohol Tables Regulations 1979(**f**);

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

"biscuits" includes wafers, rusks, crispbreads, oatcakes and matzos;

"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 or cocoa, 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 ice-cream;

"chocolate product" has the meaning assigned to it by the Cocoa and Chocolate Products Regulations 1976(**g**);

"confectionery product" means any item of chocolate confectionery or sugar confectionery;

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

(**a**) S.I. 1973/1340; relevant amending instruments are S.I. 1975/1488, 1976/2086 and 1978/1787.
(**b**) S.I. 1978/105, amended by S.I. 1980/1831.
(**c**) S.I. 1979/752, to which there is an amendment not relevant to these regulations.
(**d**) S.I. 1980/1833.
(**e**) S.I. 1980/1834.
(**f**) S.I. 1979/132.
(**g**) S.I. 1976/541.

"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 or any food containing a filling which has as an ingredient any cheese, meat, offal, fish, shellfish, vegetable protein material or microbial protein material;

"food and drugs authority" has the meaning assigned to it by section 198 of the Local Government Act 1972(a);

"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;

"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 Council Regulation (EEC) No. 337/79(b) 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(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;

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

"serial number", in relation to an additive, means the number specified for that additive in Schedule 1 to any of the additives regulations;

"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, 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, except that

(a) 1972 c. 70.

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

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

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, ice-cream, ice lollies, 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;

"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

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

Scope and general labelling requirement

Scope of Part II

4.—(1) Subject to the following paragraphs of this regulation, this Part of

(a) 1952 c. 67.

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 Regulations 1976(**a**);

(*b*) any cocoa product or chocolate product as defined in the Cocoa and Chocolate Products Regulations 1976(**b**);

(*c*) any honey as defined in the Honey Regulations 1976(**c**);

(*d*) any condensed milk product or dried milk product as defined in the Condensed Milk and Dried Milk 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 31(2) of the Bread and Flour Regulations 1963(**i**), regulation 6 of the Solvents in Food Regulations 1967(**j**) or the appropriate provisions of 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% 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 either by a society registered under the Industrial and Provident Societies Act 1965(**j**) or otherwise than for the profit of the person preparing the food.

(3) This Part of these regulations does not apply to—

(*k*) any fruit juice, concentrated fruit juice, dried fruit juice or fruit nectar as defined in the Fruit Juices and Fruit Nectars Regulations 1977 (**l**), or

(*b*) any coffee, coffee mixture, coffee extract product, chicory extract product or other designated product as defined in the Coffee and Coffee Products Regulations 1978(**m**),

except that such food shall be marked or labelled with a list of ingredients in accordance with this Part.

(**a**) S.I. 1976/509, to which there is an amendment not relevant to these regulations.
(**b**) S.I. 1976/541.
(**c**) S.I. 1976/1832.
(**d**) S.I. 1977/928.
(**e**) O.J. No. L282, 1.11.75, p. 56.
(**f**) The amending instrument is Council Regulation (EEC) No. 1868/77 (O.J. No. L209, 17.8.77, p. 1).
(**g**) O.J. No. L54, 5.3.79, p. 99.
(**h**) The amending instrument is Council Regulation (EEC) No. 461/80 (O.J. No. L57, 29.2.80, p. 36).
(**i**) S.I. 1963/1435, to which there are amendments not relevant to these regulations.
(**j**) S.I. 1967/1582, to which there are amendments not relevant to these regulations.
(**k**) 1965 c. 12.
(**l**) S.I. 1977/927, to which there are amendments not relevant to these regulations.
(**m**) S.I. 1978/1420, to which there is an amendment not relevant to these regulations.

General labelling requirement

5. 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 food in the absence of such instructions.

Name of the food

Name prescribed by law

6.—(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

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

8. 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

9. 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

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

Indication of physical condition or treatment

11.—(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

12. 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

13.—(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 16, 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 12, 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 12, 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 preceded by the words "in variable proportion" or other words indicating the nature of the order in which those ingredients are listed.

Names of ingredients

14.—(1) Subject to the following paragraphs of this regulation, the name used for an ingredient in a list of ingredients—

(*a*) shall be a name which, if the ingredient were itself being sold as a food, could be used as the name of the food, and

(*b*) shall include or be accompanied by 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, unless the provision requiring such an indication provides to the contrary.

(2) 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.

(3) 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.

(4) 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.

Compound ingredients

15.—(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 14(2), or

(*b*) the compound ingredient constitutes less than 25% of the finished product,

except that, subject to regulation 17, 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

16.—(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

(*b*) it is used as, or as part of, a medium which is not normally consumed; or

(*c*) added water does not exceed 5% 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

17. 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

18.—(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 present in the flour by regulation 24 of the Bread and Flour Regulations 1963(**c**);

(**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) and 641/79 (O.J. No. L82, 31.3.79, p. 4).

(**c**) S.I. 1963/1435; the relevant amending instrument is S.I. 1972/1391.

(*g*) any drink with an alcoholic strength by volume of more than 1·2%.

(2) Without prejudice to regulation 12, 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 12 to 17 as if it were required to be so marked or labelled.

Ingredients given special emphasis

Indication of minimum or maximum percentage of ingredients

19.—(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.

Indication of minimum durability

Form of indication of minimum durability

20.—(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" followed immediately by—

(i) the latest recommended date of sale of the food, expressed in terms of a day and month, and

(ii) 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.

Foods which need not bear an indication of minimum durability

21. 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 38;

(*c*) any drink with an alcoholic strength by volume of 10% 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

22.—(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

23.—(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,

but does not apply to any such food to which regulation 27 or 28 applies.

(2) Food to which this regulation applies need not be marked or labelled with any of the particulars specified in regulation 5, except that any such food, other than—

(*a*) food which is not exposed for sale,

(*b*) white bread which complies with regulation 5 of the Bread and Flour Regulations 1963,

(*c*) flour confectionery, and

(*d*) carcases and parts of carcases 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 28 "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 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

24.—(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 5 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

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

(*a*) by virtue of regulation 23 or 24 alone is not marked or labelled with a list of ingredients, and

(*b*) contains any additive which—

(i) but for regulations 23 and 24, 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

26.—(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 5 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 23, 24, 27 or 28 applies.

Food for immediate consumption where sold

27.—(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 28 applies,

need not be marked or labelled with any of the particulars specified in regulation 5.

(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 5 except the name of the food.

(3) Any 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 5 except the name of the food.

(4) In this regulation and in regulation 28 "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

28.—(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, 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 5 if the provisions of the following paragraphs 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) In this regulation—

"prepacked for direct sale" has the meaning assigned to it by regulation 23(3), and

"prepared meal" has the meaning assigned to it by regulation 27(4).

Additional labelling requirements for certain categories of food

Food sold from vending machines

29. 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

30.—(1) Subject to paragraph (2) of this regulation, every drink with an alcoholic strength by volume of more than 1·2% 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 38 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% and any brandy, gin, rum or vodka which has an alcoholic strenth by volume of less than 37·2% 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% only through maturing in cask.

Manner of marking or labelling

General requirement

31.—(1) When any food other than food to which regulation 23, 24, 27 or 28 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 23, 24, 27, or 28 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 23, 24, 27 or 28 applies

32.—(1) When any food to which regulation 23, 24, 27 or 28 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 23, 24 or 28 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

33.—(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) None of the particulars with which a food is required to be marked or labelled by these regulations shall be given in more than one language unless all such particulars appear in the same languages.

(4) 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 Regulations 1976.

(5) 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

34.—(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(a) 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 III

CLAIMS AND MISLEADING DESCRIPTIONS

Claims relating to foods for particular nutritional uses

35.—(1) A claim that a food is suitable for fulfilling the particular nutritional requirements of—

(*a*) a class of persons whose digestive process or metabolism is disturbed, or

(*b*) a class of persons who, by reason of their special physiological condition, obtain special benefit from a controlled consumption of certain substances,

shall not be made, either expressly or by implication, in the labelling or advertising of a food, unless—

(i) in the case of a food which has not been specially made for that class of persons—

(*aa*) the food is capable of fulfilling the claim, and

(*ab*) the food is marked or labelled with an indication of the particular aspects of its composition or manufacturing process that give the food its particular nutritional characteristics; and

(ii) in the case of a food which has been specially made for that class of persons—

(*aa*) the food is capable of fulfilling the claim,

(*ab*) the name of the food includes or is accompanied by an indication of the food's particular nutritional characteristics,

(*ac*) the food is marked or labelled with an indication of the particular aspects of its composition or manufacturing process that give the food its particular nutritional characteristics,

(*ad*) the food is marked or labelled with the prescribed energy statement, and

(*ae*) when sold to the ultimate consumer, the food is prepacked and completely enclosed by its packaging.

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

(2) A claim that a food has been specially made for any such class of persons shall not be made, either expressly or by implication, in the labelling or advertising of a food, unless—

(*a*) the food has been specially made to fulfil the particular nutritional requirements of that class of persons, and

(*b*) the provisions of paragraph (1)(ii) of this regulation are satisfied.

(3) A claim that a food is suitable for fulfilling the particular nutritional requirements of babies or young children shall not be made, either expressly or by implication, in the labelling or advertising of a food, unless—

(*a*) in the case of a food which has not been specially made for babies or young children, the food is capable of fulfilling the claim, and

(*b*) in the case of a food which has been specially made for babies or young children—

(i) the food is capable of fulfilling the claim,

(ii) the food is marked or labelled with an indication that it is intended for babies or young children,

(iii) the food is marked or labelled with the prescribed energy statement, and

(iv) when sold to the ultimate consumer, the food is prepacked and completely enclosed by its packaging.

(4) A claim that a food has been specially made for babies or young children shall not be made, either expressly or by implication, in the labelling or advertising of a food, unless—

(*a*) the food has been specially made to fulfil the particular nutritional requirements of babies or young children, and

(*b*) the provisions of paragraph (3)(*b*) of this regulation are satisfied.

(5) In this regulation "the prescribed energy statement" has the meaning assigned to it by Schedule 5.

Medicinal claims

36.—(1) A claim that a food is capable of preventing, treating or curing human disease shall not be made, either expressly or by implication, in the labelling or advertising of any food which does not have a product licence issued under the provisions of the Medicines Act 1968**(a)**.

(2) A claim that a food is suitable for fulfilling the particular nutritional requirements of, or has been specially made for, any such class of persons as is specified in regulation 35(1) or (3) shall not be taken to be a claim that the food is capable of preventing, treating or curing human disease.

Misleading descriptions

37.—(1) The words and descriptions specified in column 1 of Schedule 6 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 6 shall be read with the note thereto.

(a) 1968 c. 67.

The word "wine"

38.—(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. 1608/76(**c**) laying down detailed rules for the description and presentation of wines and grape musts, as amended(**d**), 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 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.

(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 IV

OFFENCES AND LEGAL PROCEEDINGS

Offences and penalties

39. If any person—

(*a*) sells any food which is not marked or labelled in accordance with the provisions of Part II of these regulations, or

(**a**) O.J. No. L54, 5.3.79, p. 99. (**b**) O.J. No. L54, 5.3.79, p. 1.
(**c**) O.J. No. L183, 8.7.76, p. 1.
(**d**) The relevant amending instrument is Commission Regulation (EEC) No. 1054/77 (O.J. No. L130, 25.5.77, p. 1).

(*b*) sells or advertises for sale any food in repect of which a claim is made or a description is used in contravention of the provisions of Part III of these regulations, or

(*c*) advertises for sale any food in contravention of regulation 22(3), or

(*d*) sells any food from a vending machine in contravention of regulation 29,

he shall be guilty of an offence and shall be liable to a fine not exceeding £100 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 £5 for each day during which the offence continues after conviction.

Enforcement

40.—(1) Subject to paragraph (2) of this regulation, each food and drugs authority shall enforce and execute these regulations in its area.

(2) Each port health authority shall enforce and execute these regulations in its district in relation to imported food.

Defences

41.—(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 II of these regulations, or in the labelling of which a claim is made or a description is used in contravention of the provisions of Part III of these regulations, it shall be a defence for the defendant 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 II 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 III 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 11(2) in that it does not bear the indication required by paragraph 2 of Schedule 2, it shall be a defence for the defendant 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 II of these regulations, it shall be a defence for the defendant 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

42.—(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 108(3) and (4) (which relates to prosecutions);

(*b*) section 110(1), (2) and (3) (which relates to evidence of analysis);

(*c*) section 112 (which relates to the power of a court to require analysis by the Government Chemist);

(*d*) section 113 (which relates to a contravention due to some person other than the person charged);

(*e*) section 115(2) (which relates to the conditions under which a warranty may be pleaded as a defence);

(*f*) section 116 (which relates to offences in relation to warranties and certificates of analysis).

(2) Section 112 of the Act shall apply for the purposes of these regulations as if the reference therein to section 108(4) of the Act included a reference to that subsection as applied by paragraph (1) of this regulation.

(3) 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 paragraph (1) of this regulation.

PART V

AMENDMENTS, REVOCATIONS AND TRANSITIONAL PROVISIONS

Amendments

43. The regulations specified in Schedule 7 shall be amended in accordance with the provisions of that Schedule.

Revocations

44. The regulations specified in Schedule 8 are hereby revoked to the extent specified in column 3 of that Schedule.

Transitional provisions

45. In any proceedings for an offence against the Labelling of Food Regulations 1970(a), other than an offence against regulations 21 to 26 of those regulations, in respect of an act committed after 31st December 1980 and before 1st January 1983 it shall be a defence for the defendant to prove that the matters constituting the offence against the aforesaid regulations would not have constituted an offence against these regulations if these regulations had been in operation when the act was committed.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th November 1980.

(L.S.)

Peter Walker,
Minister of Agriculture,
Fisheries and Food.

(a) S.I. 1970/400, amended by S.I. 1972/1510, 1974/1119, 1121, 1975/1485, 1976/509, 541, 859, 1832, 1977/927, 928, 1978/646, 420, 1979/1570 and 1980/1834.

1st December 1980.

Patrick Jenkin,
Secretary of State for
Social Services.

2nd December 1980.

Nicholas Edwards,
Secretary of State for Wales.

SCHEDULE 1

Regulation 6(2)

NAMES PRESCRIBED BY LAW

Bread

1. The name used for any bread which is not required by regulation 14 of the Bread and Flour Regulations 1963 to bear any description shall be "white bread", "brown bread" or "wheatmeal bread", "wheat germ bread", "wholemeal bread" or "soda bread", as is appropriate.

Fish

2.—(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".

SCHEDULE 1—*continued*

TABLE

Column 1	Column 2
Name	**Species of Fish**
SEA FISH	
Anchovy	All species of *Engraulis*
Bass	*Dicentrarchus labrax* (L.)
Brill	*Scophthalmus rhombus* (L.)
Brisling	*Sprattus sprattus* (L.), when canned
Catfish *or* Rockfish	All species of *Anarhichas*
Cod *or* Codling	*Gadus morhua* (L.)
Coley *or* Saithe *or* Coalfish	*Pollachius virens* (L.)
Conger	All species of *Conger*
Dab	*Limanda limanda* (L.)
Dogfish *or* Flake *or* Huss *or* Rigg	All species of *Galeorhinus* All species of *Mustelus* All species of *Scyliorhinus* *Galeus melastomus* Rafin. *Squalus acanthias* (L.)
Dory *or* John Dory	*Zeus faber* L.
Eel	All species of *Anguilla*
Flounder	*Platichthys flesus* (L.)
Forkbeard	All species of *Phycis* All species of *Urophycis* *Raniceps raninus* (L.)
Garfish	All species of *Belone*
Grey mullet	All species of *Mugil* All species of *Liza* All species of *Chelon*
Gurnard	All genera of Triglidae *Peristedion cataphractum* L.
Haddock	*Melanogrammus aeglefinus* (L.)
Hake *or* Silver hake	*Merluccius merluccius* (L.)
Cape hake *or* Hake	*Merluccius capensis* (Castelnau) *Merluccius paradoxus* (Franca)
Atlantic hake *or* Hake	*Merluccius hubbsi* (Marini) *Merluccius bilinearis* (Mitchell)
Pacific hake *or* Hake	*Merluccius productus* (Ayres) *Merluccius gayi* (Guich)
Halibut	*Hippoglossus hippoglossus* (L.) *Hippoglossus stenolepis*
Black halibut *or* Greenland halibut	*Reinhardtius hippoglossoides* (Walbaum)
Herring	*Clupea harengus* L.
Lascar	*Pegusa lascaris* (Risso)
Ling	All species of *Molva*
Mackerel	All species of *Scomber*
Megrim	All species of *Lepidorhombus*
Monkfish *or* Angler	*Lophius piscatorius* L.
Pilchard	*Sardina pilchardus* (Walbaum)
Pacific pilchard	*Sardinops sagax caerulea* (Girard) *Sardinops sagax sagax* (Jenyns) *Sardinops sagax melanosticta* (Schlegel)
South Atlantic pilchard	*Sardinops sagax ocellata* (Pappe)
Plaice	*Pleuronectes platessa* L.
Pollack *or* Pollock *or* Lythe	*Pollachius pollachius* (L.)
Pacific pollack *or* Pacific pollock *or* Alaska pollack *or* Alaska pollock	*Theragra chalcogramma* (Pallas)
Pout *or* Pouting	*Trisopterus luscus* (L.)

SCHEDULE 1—*continued*

Column 1	Column 2
Name	**Species of Fish**
SEA FISH	
Redfish *or* Ocean perch *or* Rose fish	All species of *Sebastes* *Helicolenus maculatus* *Helicolenus dactylopterus* (De la Roche)
Red mullet	All species of *Mullus*
Roughback	*Hippoglossoides platessoides* (Fabr.)
Sardine	Small *Sardina pilchardus* (Walbaum)
Sardinella	All species of *Sardinella*
Scad	All species of *Trachurus*
Sea bream	All genera of Sparidae
Sild	Small *Clupea harengus* L., when canned Small *Sprattus sprattus* (L.), when canned
Skate *or* Ray *or* Roker	All species of *Raja*
Smelt *or* Sparling	All species of *Osmerus*
Sole *or* Dover sole	*Solea solea* (L.)
Canary sole	*Solea senegalensis* Kaup.
Lemon sole	*Microstomus kitt* (Walbaum)
Sprat	*Sprattus sprattus* (L.), except when canned
Thickback	*Microchirus variegatus* (Don.)
Tuna *or* Tunny	All species of *Thunnus* except *Thunnus alalunga* (Bonnaterre) All species of *Neothunnus*
Albacore tuna	*Thunnus alalunga* (Bonnaterre)
Bonito tuna	All species of *Sarda*
Skipjack tuna	All species of *Euthynnus* *Katsuwonus pelamis* (L.)
Turbot	*Scophthalmus maximus* (L.)
Tusk	*Brosme brosme* (Ascanius)
Whitebait	Small *Clupea harengus* L. } except when canned Small *Sprattus sprattus* (L.) } except when canned
Whiting	*Merlangius merlangus* (L.)
Blue whiting	*Micromesistius poutassou* (Risso)
Winter flounder	*Pseudopleuronectes americanus* (Walbaum)
Witch	*Glyptocephalus cynoglossus* (L.)
SALMON AND FRESHWATER FISH	
Salmon	*Salmo salar* L.*
Cherry salmon	*Oncorhynchus masou* (Walbaum)*
Chum salmon *or* Keta salmon	*Oncorhynchus keta* (Walbaum)*
Medium red salmon *or* Coho salmon *or* Silver salmon	*Oncorhynchus kisutch* (Walbaum)*
Pink salmon	*Oncorhynchus gorbuscha* (Walbaum)*
Red salmon *or* Sockeye salmon	*Oncorhynchus nerka* (Walbaum)*
Spring salmon *or* King salmon *or* Chinook salmon	*Oncorhynchus tschwytscha* (Walbaum)*
Brown trout	*Salmo trutta* L. which has spent all its life in fresh water
Sea trout *or* Salmon trout	*Salmo trutta* L. which has spent part of its life in sea water
Cut-throat trout	*Salmo clarkii* Richardson
Rainbow trout *or* Steelhead trout	*Salmo gairdneri* Richardson

*See paragraph 2(2) of this Schedule.

SCHEDULE 1—*continued*.

Column 1	Column 2
Name	**Species of Fish**
SHELLFISH	
Abalone *or* Ormer	All species of *Haliotis*
Clam *or* Hard shell clam	*Mercenaria mercenaria* L. *Venus verrucosa* L.
Clam *or* Razor clam	All species of *Ensis* and *Solen*
Cockle	All species of *Cerastoderma*
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 *Homarus*
Slipper lobster	All species of *Scyllaridae*
Squat lobster	All species of the family Galatheidae
Mussel	All species of *Mytilus*
Oyster	All species of *Crassostrea* All species of *Ostrea*
Oyster *or* Portuguese oyster	*Crassostrea angulata* (Lmk.)
Oyster *or* Pacific oyster	*Crassostrea gigas* (Thunberg)
Oyster *or*Native oyster	*Ostrea edulis* L.
Prawn *or* Shrimp	Whole fish of— all species of *Palaemonidae*, all species of *Penaeidae*, and all species of *Pandalidae*, which are of such a size that, when cooked, they have a count of less than 397 per kg (180 per lb) The tails of— all species of *Palaemonidae*, all species of *Penaeidae*, and all species of *Pandalidae*, 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	Whole fish of— all species of *Palaemonidae*, ail species of *Penaeidae*, and all species of *Pandalidae*, which are of such a size that, when cooked, they have a count of 397 per kg (180 per lb) or more The tails of— all species of *Palaemonidae*, all species of *Penaeidae*, and all species of *Pandalidae*, 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
Shrimp *or* Pink shrimp	*Pandalus montagui* Leach
Shrimp *or* Brown shrimp	All species of *Crangon*
Scallop	All species of *Pectinidae*
Scallop *or* Queen scallop *or* Queen	*Chlamys (Acquipecton) opercularis* (L.)
Scampi *or* Norway lobster *or* Dublin Bay prawn	*Nephrops norvegicus* (L.)
Whelk	All species of *Buccinum*
Winkle	All species of *Littorina*

SCHEDULE 1—*continued*

Melons

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

Potatoes

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

SCHEDULE 2 *Regulation 11(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 14(2)

SCHEDULE 3

GENERIC NAMES IN LIST OF INGREDIENTS

Column 1	Column 2	Column 3
Generic name	**Ingredients**	**Conditions of use of generic name**
Caseinates.	Any type of caseinate.	
Cheese.	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.	
Cream.	Any of the types of cream specified in sub-paragraphs (*a*) to (*f*) of regulation 4(1) of the Cream 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 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.	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.
Fish.	Any species of fish or shellfish.	The labelling of the food of which the fish is an ingredient must not refer to a specific species of fish.

(a) S.I. 1970/752, to which there is an amendment not relevant to these regulations.

SCHEDULE 3—*continued*

Column 1	Column 2	Column 3
Generic name	**Ingredients**	**Conditions of use of generic name**
Other fish.	Any species of fish or shellfish 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.	
Crystallised fruit.	Any crystallised fruit.	The proportion of crystallised fruit in the food of which it is an ingredient must not exceed 10%.
Gum base.	Any type of gum preparation used in the preparation of chewing gum.	
Herbs *or* 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%.
Honey.	Any type of honey as defined in the Honey 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.

(a) S.I. 1976/1832.

SCHEDULE 3—*continued*

Column 1	Column 2	Column 3
Generic name	**Ingredients**	**Conditions of use of generic name**
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%, 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. 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".
Spices *or* mixed spices.	Any combination of two or more spices and/or spice extracts.	The proportion of spices and/or spice extracts in the food of which they are ingredients must not exceed 2%.
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 14(3)*

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

Acids[1]	Flavour enhancers
Acidity regulators	Flavourings[2]
Anti-caking agents	Flour improvers
Anti-foaming agents	Gelling agents
Antioxidants[2]	Glazing agents
Artificial sweeteners	Preservatives[2]
Colours[2]	Raising agents
Emulsifiers[2]	Stabilisers[2]
Emulsifying salts[2,3]	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 Regulations 1970(a), which is added to or used in processed cheese (including cheese spread).

SCHEDULE 5 *Regulation 35*

CLAIMS RELATING TO FOODS FOR PARTICULAR NUTRITIONAL USES: PRESCRIBED ENERGY STATEMENT

Definition

1. In regulation 35 "the prescribed energy statement" means—

(*a*) in relation to a food with an energy value of 50 kilojoules (12 kilocalories) or more per hundred grammes or hundred millilitres, as the case may be, a statement of—

(i) the energy value, expressed in kilojoules and kilocalories, of each hundred grammes 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 grammes 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 grammes or hundred millilitres, as the case may be, either—

(i) a statement of the kind described in sub-paragraph (*a*) of this paragraph, or

(ii) a statement that the energy value of the food is less than 50 kilojoules (12 kilocalories) per hundred grammes or hundred millilitres, as is appropriate.

Energy conversion factors

2. In the calculation of the energy value of a food for the purpose of the prescribed energy statement the following conversion factors shall be employed:—

(*a*) 1 gramme of available carbohydrate (expressed as monosaccharides) shall be deemed to contribute 16 kilojoules (3·75 kilocalories);

(*b*) 1 gramme of glycitol shall be deemed to contribute 16 kilojoules (3·75 kilocalories);

(*c*) 1 gramme of protein shall be deemed to contribute 17 kilojoules (4 kilocalories);

(*d*) 1 gramme of alcohol shall be deemed to contribute 29 kilojoules (7 kilocalories);

(*e*) 1 gramme of fat shall be deemed to contribute 37 kilojoules (9 kilocalories).

(a) S.I. 1970/94; the relevant amending instrument is S.I. 1974/1122.

Regulation 37

SCHEDULE 6

MISLEADING DESCRIPTIONS

Column 1	Column 2
Words and descriptions	**Conditions**
The word "butter" or any other word or description which implies that the food being described contains butter.	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% of the confectionery or part to which the word or description is applied consists of milk fat. Shall not be used in the name of any biscuit, unless— (*a*) at least half the fat used in the preparation of the biscuit is milk fat, and (*b*) at least 7% of the biscuit consists of milk fat.
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% of the confectionery or part to which the word or description is applied consists of milk fat.
The description "dietary" or "dietetic".	Shall not be applied to any food, unless— (*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 (*b*) the food is suitable for fulfilling the particular nutritional requirements of that class of persons.
A name which appears in column 1 of the Table of fish names following paragraph 2 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 2 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 cocoa. 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.

SCHEDULE 6—*continued*

Column 1	Column 2
Words and descriptions	**Conditions**
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.	Shall not be used as part of the name of a food, unless— (*a*) the food has as an ingredient cow's milk with all its normal constituents in their natural proportions; or (*b*)(i) the food has as an ingredient cow's milk which has been subjected to a process or treatment, and (ii) the word or description is accompanied by an indication of that process or treatment; or (*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 (ii) the word or description is accompanied by the name of that animal; or (*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 (ii) the word or description is accompanied by the name of that animal and an indication of that process or treatment; or (*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 (*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.

SCHEDULE 6—*continued*

Column 1	Column 2
Words and descriptions	**Conditions**
The word "milk".	Shall not be used as the name of an ingredient of a food, unless— (*a*) (i) the ingredient is cow's milk, or (ii) the word is accompanied by the name of the animal from which the milk has been obtained; and (*b*) the use of the word as the name of the ingredient complies in all other respects with these regulations.
The description "alcohol-free".	Shall not be applied to any alcoholic drink from which the alcohol has been extracted, unless— (*a*) the drink has an alcoholic strength by volume of not more than 0·05%, and (*b*) the drink is marked or labelled with an indication of its maximum alcoholic strength (in one of the forms specified in regulation 30(1) immediately preceded by the words "not more than") or, in an appropriate case, with an indication that it contains no alcohol.
The description "dealcoholised".	Shall not be applied to any drink, unless— (*a*) the drink, being an alcoholic drink from which the alcohol has been extracted, has an alcoholic strength by volume of not more than 0·1%, and (*b*) the drink is marked or labelled with an indication of its maximum alcoholic strength (in one of the forms specified in regulation 30(1) immediately 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 38.
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%.

SCHEDULE 6—*continued*

Column 1	Column 2
Words and descriptions	**Conditions**
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%.
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%.
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%.
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 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 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).

(**b**) S.I. 1964/760, to which there are amendments not relevant to these regulations.

Regulation 43

SCHEDULE 7

AMENDMENTS

PART I

PROVISIONS RELATING TO SALES TO CATERERS

The Skimmed Milk with Non-Milk Fat Regulations 1960

1. The Skimmed Milk with Non-Milk Fat Regulations 1960(a) shall be further amended by deleting from regulation 3(2) thereof the words "a sale to a caterer for the purposes of his catering business or".

The Salad Cream Regulations 1966

2. The Salad Cream Regulations 1966(b) shall be further amended—

(*a*) by deleting from regulation 3(*c*) thereof the words "or to a caterer for the purposes of his catering business"; and

(*b*) by inserting at the end of regulation 3 thereof after sub-paragraph (*c*) the words "; and the provisions of regulations 4 and 5 of these regulations shall not apply to any salad cream sold to a caterer for the purposes of his catering business".

The Butter Regulations 1966

3. The Butter Regulations 1966(c) shall be further amended—

(*a*) by deleting from regulation 3(*c*) thereof the words "to a caterer for the purposes of his catering business or"; and

(*b*) by inserting at the end of regulation 3 thereof after sub-paragraph (*c*) the words "; and the provisions of regulations 4 and 5 of these regulations shall not apply in relation to any butter sold to a caterer for the purposes of his catering business".

The Canned Meat Product Regulations 1967

4. The Canned Meat Product Regulations 1967(d) shall be further amended—

(*a*) by deleting from regulation 3(1)(*m*) thereof the words "or to a caterer for the purposes of his catering business"; and

(*b*) by inserting at the end of regulation 3(1) thereof after sub-paragraph (*m*) the words "; and the provisions of regulations 6, 7, 9 and 12 of these regulations shall not apply to any canned meat product sold, consigned or delivered to a caterer for the purposes of his catering business".

The Sausage and Other Meat Product Regulations 1967

5. The Sausage and Other Meat Product Regulations 1967(e) shall be further amended—

(*a*) by deleting from regulation 3(*n*) thereof the words "or to a caterer for the purposes of his catering business"; and

(*b*) by inserting at the end of regulation 3 thereof after sub-paragraph (*n*) the words "; and the provisions of regulations 5, 6 and 8 of these regulations shall not apply to any meat product sold, consigned or delivered to a caterer for the purposes of his catering business".

The Ice-Cream Regulations 1967

6. The Ice-Cream Regulations 1967(f) shall be amended—

(a) S.I. 1960/2331, to which there are amendments not relevant to these regulations.
(b) S.I. 1966/1051, to which there is an amendment not relevant to these regulations.
(c) S.I. 1966/1074, to which there is an amendment not relevant to these regulations.
(d) S.I. 1967/861, to which there are amendments not relevant to these regulations.
(e) S.I. 1967/862, to which there are amendments not relevant to these regulations.
(f) S.I. 1967/1866.

SCHEDULE 7, PART I—*continued*

(*a*) by deleting from regulation 3(*c*) thereof the words ", or to a caterer for the purposes of his catering business"; and

(*b*) by inserting at the end of regulation 3 thereof after sub-paragraph (*c*) the words "; and the provisions of regulations 4 and 5 of these regulations shall not apply to any ice-cream or any Parev ice sold, consigned or delivered to a caterer for the purposes of his catering business".

The Margarine Regulations 1967

7. The Margarine Regulations 1967(**a**) shall be amended–

(*a*) by deleting from regulation 3(*c*) thereof the words "or to a caterer for the purposes of his catering business"; and

(*b*) by inserting at end of regulation 3 thereof after sub-paragraph (*c*) the words "; and the provisions of regulations 5, 6, 7 and 9 of these regulations shall not apply to any margarine sold, consigned or delivered to a caterer for the purposes of his catering business".

The Fish and Meat Spreadable Products Regulations 1968

8. The Fish and Meat Spreadable Products Regulations 1968(**b**) shall be further amended—

(*a*) by deleting from regulation 3(*c*) thereof the words "or to a caterer for the purposes of his catering business"; and

(*b*) by inserting at the end of regulation 3 thereof after sub-paragraph (*c*) the words "; and the provisions of regulations 4, 5, 6 and 7 of these regulations shall not apply to any paste sold, consigned or delivered to a caterer for the purposes of his catering business".

PART II

PROVISIONS RELATING TO MANNER OF MARKING OR LABELLING

The Skimmed Milk with Non-Milk Fat Regulations 1960

9. The Skimmed Milk with Non-Milk Fat Regulations 1960 shall be further amended—

(*a*) by substituting for paragraphs 3 and 4 of Part I of Schedule 1 thereto the following paragraphs:—

"3. Such declaration shall be clearly legible and indelible and, on a sale to the ultimate consumer, shall be marked in a conspicuous place in such a way as to be easily visible.

4. Such declaration shall not in any way be hidden, obscured or interrupted by any other written or pictorial matter."; and

(*b*) by inserting after paragraph 5 of the said Part I the following paragraph:—

"6. In this Part of this Schedule 'ultimate consumer' has the meaning assigned to it by the Food Labelling Regulations 1980.".

The Bread and Flour Regulations 1963

10. The Bread and Flour Regulations 1963(**c**) shall be further amended by substituting for regulation 14(5) thereof the following paragraphs:—

"(5) The description required by this regulation shall be easy to understand, clearly legible and indelible and, on a sale to the ultimate consumer, shall be marked in a conspicuous place in such a way as to be clearly visible.

(6) The said description shall not in any way be hidden, obscured or interrupted by any other written or pictorial matter.

(7) In this regulation 'ultimate consumer' has the meaning assigned to it by the Food Labelling Regulations 1980.".

(**a**) S.I. 1967/1867.
(**b**) S.I. 1968/430, to which there is an amendment not relevant to these regulations.
(**c**) S.I. 1963/1435, to which there are amendments not relevant to this Schedule.

SCHEDULE 7, PART II—*continued*

The Soft Drinks Regulations 1964

11. The Soft Drinks Regulations 1964(a) shall be further amended by substituting for regulation 14 thereof the following regulation:—

"14.—(1) All letters, words and instructions required by regulations 7, 7A, 8(2), 9, 10 and 11 hereof to appear on a label on a container or required by regulation 12 hereof to appear on a vending machine shall be easy to understand, clearly legible and indelible and, on a retail sale, shall be marked in a conspicuous place in such a way as to be easily visible.

(2) Such letters, words and instructions shall not in any way be hidden, obscured or interrupted by any other written or pictorial matter.".

The Ice-Cream Regulations 1967

12. The Ice-Cream Regulations 1967 shall be amended by substituting for regulation 6(3) thereof the following paragraphs:—

"(3) All words required by paragraph (1) of this regulation to appear on a label on a container or which, in compliance with paragraph (2) of this regulation, appear on a ticket or notice shall be clearly legible and indelible and, on a sale to the ultimate consumer, shall be marked in a conspicuous place in such a way as to be easily visible.

(4) Such words shall not in any way by hidden, obscured or interrupted by any other written or pictorial matter.

(5) In this regulation 'ultimate consumer' has the meaning assigned to it by the Food Labelling Regulations 1980.".

The Margarine Regulations 1967

13. The Margarine Regulations 1967 shall be amended—

(*a*) by deleting from regulation 9(2)(*a*) thereof the words "paragraph 2 of"; and

(*b*) by substituting for Schedule 2 thereto the following Schedule:—

"SCHEDULE 2

Regulations 8(d) and 9(2)(a)

Requirements as to marking on labels on containers, on tickets and notices and in advertisements

1. Where the word 'margarine' appears on a label on a container, or on a ticket or notice, pursuant to regulation 8(*d*) of these regulations, or in an advertisement pursuant to regulation 9(2)(*a*) of these regulations, it shall be clearly legible and indelible and, on a sale to the ultimate consumer, it shall be marked in a conspicuous place in such a way as to be easily visible.

2. Where the word 'margarine' appears as aforesaid, it shall not in any way be hidden, obscured or interrupted by any other written or pictorial matter.

3. In this Schedule 'ultimate consumer' has the meaning assigned to it by the Food Labelling Regulations 1980.".

The Cheese Regulations 1970

14. The Cheese Regulations 1970(b) shall be further amended by substituting for regulation 14 thereof the following regulation:—

"14.—(1) All letters, words and numerals required by regulation 12 to appear on a label on a container, or on a ticket, shall be easy to understand, clearly legible and indelible and, on a sale by retail, shall be marked in a conspicuous position in such a way as to be easily visible.

(a) S.I. 1964/760; the relevant amending instruments are S.I. 1972/1510 and 1976/295.
(b) S.I. 1970/94, to which there are amendments not relevant to this Schedule.

SCHEDULE 7, PART II—*continued*

(2) Such letters, words and numerals shall not in any way be hidden, obscured or interrupted by any other written or pictorial matter.

(3) Where the declaration specified in regulation 4(2)(*b*) or 7(2)(*b*) is required by regulation 12 to appear on a label on a container, or on a ticket, that declaration shall appear in the same field of vision as the name of the cheese or processed cheese.".

The Cream Regulations 1970

15. The Cream Regulations 1970(**a**) shall be further amended by substituting for regulation 11 thereof the following regulation:—

"11.—(1) Any description required by regulation 4 to be borne by any cream shall appear—

(*a*) when the cream is sold, consigned or delivered in a container, on the container or on a label borne on the container of the cream; and

(*b*) when the cream is sold by retail otherwise than in a container, on a ticket or notice displayed on or in immediate proximity to the cream.

(2) Any such description shall be easy to understand, clearly legible and indelible and, on a sale by retail, shall be marked in a conspicuous place in such a way as to be easily visible.

(3) Such description shall not in any way be hidden, obscured or interrupted by any other written or pictorial matter.".

PART III

AMENDMENTS CONSEQUENT UPON THE REVOCATION OF THE LABELLING OF FOOD REGULATIONS 1970

The Specified Sugar Products Regulations 1976

16. The Specified Sugar Products Regulations 1976(**b**) shall be further amended—

(*a*) by substituting for the definition of appropriate designation in regulation 2(1) thereof the following definition:—

" 'appropriate designation'—

(*a*) as respects any colouring matter, has the meaning assigned to it by the Colouring Matter in Food Regulations 1973(**c**),

(*b*) as respects any permitted emulsifier, has the meaning assigned to it by the Emulsifiers and Stabilisers in Food Regulations 1980(**d**), and

(*c*) as respects any permitted anti-caking agent or permitted anti-foaming agent, has the meaning assigned to it by the Miscellaneous Additives in Food Regulations 1980(**e**);"; and

(*b*) by substituting for the definition of sugar confectionery in regulation 2(1) thereof the following definition:—

" 'sugar confectionery' has the meaning assigned to it by the Food Labelling Regulations 1980;".

The Cocoa and Chocolate Products Regulations 1976

17. The Cocoa and Chocolate Products Regulations 1976(**f**) shall be amended—

(*a*) by substituting for the definition of appropriate designation in regulation 2(1) thereof the following definition:—

" 'appropriate designation', as respects any food, means a name or description or a name and description sufficiently specific, in each case, to indicate to an intending purchaser the true nature of the food to which it is applied;"; and

---

(**a**) S.I. 1970/752, to which there is an amendment not relevant to these regulations.
(**b**) S.I. 1976/509, to which there is an amendment not relevant to these regulations.
(**c**) S.I. 1973/1340, to which there are amendments not relevant to these regulations.
(**d**) S.I. 1980/1833. (**e**) S.I. 1980/1834. (**f**) 1976/541.

SCHEDULE 7, PART III—*continued*

(*b*) by substituting for the definition of slimming claim in regulation 2(1) thereof the following definition:—

" 'slimming claim', as respects any food, means any words, device or description calculated to indicate either directly or indirectly that the food is an aid to slimming or to weight control or to weight reduction or that the food is 'starch-reduced';".

The Honey Regulations 1976

18. The Honey Regulations 1976(a) shall be amended by substituting for the definition of container in regulation 2(1) thereof the following definition:—

" 'container' includes any form of packaging of honey for sale as a single item, whether wholly or only partly enclosing the honey;".

The Miscellaneous Additives in Food Regulations 1980

19. The Miscellaneous Additives in Food Regulations 1980 shall be amended—

(*a*) by substituting for the definition of chocolate confectionery in regulation 2(1) thereof the following definition:—

" 'chocolate confectionery' has the meaning assigned to it by the Food Labelling Regulations 1980;"; and

(*b*) by substituting for the definition of sugar confectionery in regulation 2(1) thereof the following definition:—

" 'sugar confectionery' has the meaning assigned to it by the Food Labelling Regulations 1980.".

(a) S.I. 1976/1832.

SCHEDULE 8 *Regulation 44*

REVOCATIONS

Column 1	Column 2	Column 3
S.I. No.	**Title**	**Extent of revocation**
1964/760.	The Soft Drinks Regulations 1964.	Schedule 4.
1967/1866.	The Ice-Cream Regulations 1967.	Schedule 1.
1969/1817.	The Artificial Sweeteners in Food Regulations 1969.	Regulation 6(2).
1970/94.	The Cheese Regulations 1970.	Schedule 2.
1970/400.	The Labelling of Food Regulations 1970.	The whole instrument.
1970/752.	The Cream Regulations 1970.	Regulations 4(4) and 10.
1972/1510.	The Labelling of Food (Amendment) Regulations 1972.	Regulations 2 and 3 and Schedules 1 to 3.
1976/509.	The Specified Sugar Products Regulations 1976.	Regulation 13.
1976/541.	The Cocoa and Chocolate Products Regulations 1976.	Regulation 19.
1976/859.	The Labelling of Food (Amendment) Regulations 1976.	The whole instrument.
1976/1832.	The Honey Regulations 1976.	Regulation 13.
1977/927.	The Fruit Juices and Fruit Nectars Regulations 1977.	Regulation 18.
1977/928.	The Condensed Milk and Dried Milk Regulations 1977.	Regulation 13.
1978/646.	The Labelling of Food (Amendment) Regulations 1978.	The whole instrument.
1978/1420.	The Coffee and Coffee Products Regulations 1978.	Regulation 13.
1979/1570.	The Labelling of Food (Amendment) Regulations 1979.	The whole instrument.
1980/1834.	The Miscellaneous Additives in Food Regulations 1980.	Regulation 10.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which apply to England and Wales only, 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 presentation and net quantity), except in relation to milk and certain additives, and Council Directive No. 77/94/EEC (O.J. No. L26, 31.1.77, p.55) on the approximation of the laws of the Member States relating to foodstuffs for particular nutritional uses. They also make certain changes in the labelling requirements for alcoholic drinks pursuant to Council Directive (EEC) No. 76/766/EEC on the approximation of the laws of the Member States relating to alcohol tables (O.J. No. L262, 27.9.76, p. 149). The regulations supersede the Labelling of Food Regulations 1970, as amended, apart from the provisions of those regulations relating to claims, re-enacting with amendments the provisions of regulations 10, 11 and 15 to 20 of those regulations, as amended. The regulations come into operation on 1st January 1983, except for regulations 1, 2 and 45, which come into operation on 1st January 1981. During 1981 and 1982 food labelled in accordance with these regulations will not be subject to the Labelling of Food Regulations 1970, as amended, apart from the provisions of those regulations relating to claims.

The regulations—

(*a*) require all food, subject to certain exceptions, to be marked or labelled with—

the name of the food (regulations 5 to 11 and Schedules 1 and 2),

a list of ingredients (regulations 5 and 12 to 18 and Schedules 3 and 4),

an indication of minimum durability (regulation 5, 20 and 21),

any special storage conditions or conditions of use (regulation 5), and

the name and an address of the manufacturer or packer or of a seller (regulation 5),

and in certain cases—

the particulars of the place of origin of the food (regulation 5), and

instructions for use (regulations 5 and 22);

(*b*) 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 19);

(*c*) make special provisions 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 23 to 28);

(*d*) specify additional labelling requirements for food sold from vending machines and for alcoholic drinks (regulations 29 and 30) and make the use of the form "% vol" or "% mas" for the indication of the strength of an alcoholic drink compulsory instead of optional when an indication of alcoholic strength is required (regulation 30);

(*e*) specify requirements as to the manner of marking or labelling of food (regulations 31 to 34);

(*f*) impose restrictions on the making of certain claims relating to foods for particular nutritional uses in the labelling and advertising of food (regulation 35 and Schedule 5);

(*g*) prohibit the making of medicinal claims in the labelling and advertising of food (regulation 36);

(*h*) impose restrictions on the use of certain words and descriptions in the labelling and advertising of food (regulation 37 and Schedule 6);

(*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 38);

(*j*) amend or further amend the Skimmed Milk with Non-Milk Fat Regulations 1960, the Salad Cream Regulations 1966, the Butter Regulations 1966, the Canned Meat Product Regulations 1967, the Sausage and Other Meat Product Regulations 1967, the Ice-Cream Regulations 1967, the Margarine Regulations 1967 and the Fish and Meat Spreadable Products Regulations 1968 so as to remove the exemptions from the labelling provisions of those regulations for sales of food to caterers (regulation 43 and Schedule 7, Part I);

(*k*) amend or further amend those provisions of the Skimmed Milk with Non-Milk Fat Regulations 1960, the Bread and Flour Regulations 1963, the Soft Drinks Regulations 1964, the Ice-Cream Regulations 1967, the Margarine Regulations 1967, the Cheese Regulations 1970 and the Cream Regulations 1970 which relate to the manner of marking or labelling of food (regulation 43 and Schedule 7, Part II); and

(*l*) revoke the Labelling of Food Regulations 1970, as amended, and make certain consequential amendments and revocations in other regulations (regulations 43 and 44, Schedule 7, Part III and Schedule 8).

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 Regulations 1976, the Cocoa and Chocolate Products Regulations 1976, the Honey Regulations 1976, the Condensed Milk and Dried Milk Regulations 1977, 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, or certain food prepared on domestic premises;

(*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 Fruit Juices and Fruit Nectars Regulations 1977 or the Coffee and Coffee Products Regulations 1978.

SI 1980/1849
ISBN 0-11-007849-7

