1976 No. 212

FOOD AND DRUGS

Labelling of Food (Amendment) Regulations (Northern Ireland) 1976

Made . . . . . 19*th July* 1976

Coming into operation . . . 6*th September* 1976

The Department(a) of Health and Social Services in exercise of the powers conferred on it by sections 7 and 68 of the Food and Drugs Act (Northern Ireland) 1958(b), and of every other power enabling it in that behalf and after consultation with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations.

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Labelling of Food (Amendment) Regulations (Northern Ireland) 1976 and shall come into operation on 6th September 1976.

(2) In these regulations "the principal regulations" means the Labelling of Food Regulations (Northern Ireland) 1970(c) as amended(d).

Amendment of the principal regulations

2. Regulation 2(1) shall be amended —

(*a*) by inserting in the definition of container after the words "but does not include" the words "any open punnet, basket or similar container used for fresh fruit and vegetables, or";

(*b*) by inserting after the definition of mineral hydrocarbon the following definition:—

" 'nuts' includes peanuts, pieces of nut, chopped nuts and nuts in shell;";

(*c*) by substituting in the definition of pre-packed for the words "or to any bread or sandwiches" the words "or to any flour confectionery, bread or sandwiches".

3. Regulation 3 shall be amended by substituting for paragraph (2) the following paragraph:—

"(2) Where any regulation made under the Act—

(*a*) requires any specified food to be labelled with any name or description or name and description, whether or not as part of any declaration in respect of that food, or

(*b*) restricts for the purposes of labelling, any name or description or name and description to any specified food,

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8
(b) 1958 c. 27 (N.I.)
(c) S.R. & O. (N.I.) 1970 No. 80 (p. 339)
(d) S.R. & O. (N.I.) 1972 No. 318 (p. 1516), S.R. 1974 No. 196 (I, p. 831), S.R. 1975 No. 275 (II, p. 1285), S.R. 1976 No. 165 and S.R. 1976 No. 183

such name or description or name and description shall be deemed to be the appropriate designation of that food, so however that, in the case of a name or description or name and description to which sub-paragraph (*a*) does not apply but which is restricted as described in sub-paragraph (*b*), nothing in this paragraph shall prevent the use as an appropriate designation of a more specific name or description or name and description than that so restricted except where the relevant regulation prohibits such use.".

4. Regulation 9 shall be amended by adding at the end of paragraph (2) the following proviso:—

"Provided that this paragraph shall not apply where the permitted preservative, permitted antioxidant, permitted colouring matter or permitted artificial sweetener is contained in the food only by virtue of its presence in an ingredient of the food and the ingredient is a food of a description specified in column 1 of Part III of Schedule 2.".

5. The following regulation shall be substituted for regulation 25:—

"25. A person shall not

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

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

which bears or includes any words, device or description calculated to indicate either directly or indirectly —

(i) that such food has been specially prepared for diabetics unless the carbohydrate content of the food, calculated by weight, is substantially less than the carbohydrate content of similar food for the time being sold or advertised under the same or a substantially similar name but without any suggestion in any label, ticket, notice or advertisement relating thereto that the last mentioned food is suitable for diabetics or that it has been prepared specially for diabetics and unless there is specified on or in the label, ticket, notice or advertisement, as the case may be, as respects the first mentioned food, the carbohydrate content and the calorie content of each ounce, fluid ounce, hundred grammes or hundred millilitres of the food expressed in grammes and calories respectively and, in the case of the calorie content, in accordance with the provisions of regulation 21(2); so however that where the minimum quantity of the food in the container is stated by weight the carbohydrate and calorie content shall be specified per ounce, or, if the minimum quantity of the food in the container is stated in grammes or kilogrammes shall be specified per hundred grammes, and where the minimum quantity of the food in the container is stated by volume, the carbohydrate and calorie content shall be specified per fluid ounce or, if the minimum quantity of the food in the container is stated in millilitres or litres, shall be specified per hundred millilitres;

(ii) in the case of any food which contains any carbohydrate, whether added or present in an ingredient of the food, that such food is suitable, or has been specially prepared, for diabetics and that it contains no sugar.".

6. Schedule 1 (appropriate designations of fish) shall be amended—

(*a*) by inserting before the item specifying the appropriate designation anchovy for all species of *Engraulis* the following item:—

"*Column* 1	*Column* 2
Appropriate designation	*Species*
Alaska Pollock	*Theragra chalcogrammus.*";

(*b*) by inserting after the item specifying the appropriate designation beluga for the species *Huso huso* (L.) the following item:—

"*Column* 1	*Column* 2
Appropriate designation	*Species*
Blue Whiting	*Micromesistius poutassou.*";

(*c*) by substituting for the item specifying the appropriate designation redfish for all species of *Sebastes* and the species *Helicolenus dactylopterus* (De la Roche) the following item:—

"*Column* 1	*Column* 2
Appropriate designation	*Species*
Redfish or Ocean Perch or Rosefish	All species of *Sebastes* *Helicolenus maculatus* *Helicolenus dactylopterus* (De la Roche).";

(*d*) by inserting after the item specifying the appropriate designation Norway Lobster or Dublin Bay Prawn or Scampi for the species *Nephrops norvegicus* (L.) the following item:—

"**Column 1**	*Column* 2	*Column* 3
Appropriate designation	*Species*	*Appropriate designation*
Slipper Lobster	All species of Scyllaridae.	".

7. Schedule 2 (foods partly exempt from regulation 5) shall be amended—

(*a*) by adding to item 1 the following entries:—

"Column 1	*Column* 2
Description of food	*Extent of exemption from regulation* 5(2)
Any food of a description specified below in this item.	Exempt to the extent that it may be designated by the word or words specified in this column in relation to its description without further specification as to its appropriate designation or common or usual name or as to its composition
Any two or more kinds of fruit when forming as ingredients less than fifty per cent, by weight of the fruit content of a preserve containing three or more kinds of fruit.	Other fruit.
Nuts, when forming an ingredient — (*a*) of a mixture of nuts and vine fruit pre-packed in net amounts not exceeding fifty grammes; or (*b*) of some other food, but not exceeding one per cent, by weight of such food.	Nuts.".

(*b*) by deleting from column 1 of item 4 the words "Natural spa waters".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 19th July 1976.

(L.S.)

G. Buchanan
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations come into operation on 6th September 1976. The regulations further amend the Labelling of Food Regulations (Northern Ireland) 1970, as amended.

The regulations —

(*a*) amend the definitions of "container" and "pre-packed" and add a definition of the word "nuts" (regulation 2);

(*b*) amend the provisions under which a name or description is deemed to be the appropriate designation of a food (regulation 3);

(*c*) provide a further exemption from a requirement as to the labelling of food for sale by retail otherwise than pre-packed in respect of permitted additives (regulation 4);

(*d*) substitute a new regulation as to diabetic claims for regulation 25 of the Labelling of Food Regulations (Northern Ireland) 1970 (regulation 5);

(*e*) amend the provisions relating to the appropriate designations of fish (regulation 6);

(*f*) amend the provisions specifying foods partly exempt from the labelling requirements for pre-packed food for sale by retail (regulation 7).