

Subsidiary Legislation made under ss. 6, 8 and 58.

## Food Labelling Regulations, 1987

### LN.1987/054

Amending enactments	Relevant current provisions	Commencement	<b>Not In Force</b>
		Commencement date	
LN. 1988/011 <sup>1</sup>	rr. 2(1), 3(3)-(4)	21.1.1988	
1988/033	rr. 1(2), 5(2)(h), 22(n), 35(3)	25.2.1988	
1988/088	rr. 1(2), 5(2)(h), 22(n)	31.8.1988	
1990/073	rr. 2(1), 5(2)(d), (f), (3), 15(6), 22(b), 31, 31A, 32(1)-(2), 33(1), (b)-(c), 35, 37(3)(c)-(d), (7), 39(1), (5), Schs. 3, 5A, 6.	14.6.1990	

<sup>1</sup> For applications of rr.36-38 see (LN.1988/011 (r.1(4)))

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**Title and commencement.**

1.(1) These regulations may be cited as the Food Labelling Regulations, 1987.

(2) These regulations shall come into operation on such date as may be appointed by the Governor by notice in the Gazette.

**Interpretation.**

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

“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) 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, 1980, the Antioxidants in Foods Regulations, 1987, the Preservatives in Food Regulations,

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1987, the Emulsifiers and Stabilisers in Food Regulations, 1990 and the Miscellaneous Additives in Food Regulations, 1987;

“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 volume” means the ratio of the volume of alcohol present in a mixture of water and ethanol at 20<sup>0</sup>C to the total volume of the mixture at the same temperature expressed as parts of alcohol per 100 parts of the mixture;

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

“biscuits” includes wafers, rusks, oatcakes and matzos;

“carbohydrate” means any carbohydrate which is metabolised in man and includes sugar alcohols;

“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, cocoa, or non-fat cocoa solids, 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 edible ice;

“chocolate product” has the meaning assigned to it by the Cocoa and Chocolate Products Regulations 1987;

“community controlled wine” means wine, grape must, sparkling wine, aerated sparkling wine, liqueur wine, semi-sparkling wine and aerated semi-sparkling wine;

“confectionery product” means any item of chocolate confectionery or sugar confectionery:

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

“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, macarons, ratafias, pastry and pastry cases, and also includes meringues, petits fours and uncooked pastry and pastry cases, but does not include bread, pizzas, biscuits, crispbread, extruded flat bread 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” includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include-

- (i) water (except natural mineral water within the meaning of the Natural Mineral Waters Regulations 1987), live animals or birds,
- (ii) fodder or feeding stuffs for animals, birds, or fish, or
- (iii) articles or substances used only as drugs;

“grape must” has the meaning assigned to it by Annex I to Council Regulation (LUC) No. 822/87 on the common organisation of the market in wine;

“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;

“intense sweetener” means acesulfame potassium, aspartame, saccharin, sodium saccharin, calcium saccharin or thaumatin;

“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 I to Council Regulation (EEC) No.822/87; and
- (b) in relation to a drink originating in a third country or countries, has the meaning assigned to it by article 2 of Council Regulation (EEC) No.339/79;

“the Act” means the Food and Drugs Act;

“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

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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;

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

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

“sparkling wine”, ‘aerated sparkling wine’, ‘semi-sparkling wine’ and ‘aerated semi-sparkling wine’ -

- (a) in relation to drinks produced in the European Economic Community, have the meanings respectively assigned to them by Annex I to Council Regulation (EEC) No.822/87; and
- (b) in relation to drinks produced elsewhere, have the meanings respectively assigned to them by article 2 of Council Regulation (EEC) No.33979;

“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, edible ice, 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 purpose of a catering establishment, or
- (c) for the purposes of a manufacturing business:



“wine’ has the meaning assigned to it by Annex I to Council Regulation (EEC) No.82287;

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

(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, or
- (b) intended at the time of sale for export to any place outside Gibraltar.

(3) Subject to paragraph (4) of this regulation, regulation 30 and Part IV of these regulations shall not apply to natural mineral water (other than such water which has been artificially carbonated).

(4) Regulations 36 and 37 shall apply to natural mineral water within the meaning of the Natural Mineral Waters Regulations 1987 in so far as they relate to items 3 and 4 of Schedule 6, and regulation 38 shall apply to such water in so far as it relates to the descriptions “dietary” and “dietetic” in Schedule 7.

**PART II-PRESENTATION.**

**Prohibition of misleading prohibition.**

4. The presentation of food shall not be such that a purchaser is likely to be misled to a material degree as to the nature, substance or quality of the food.

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PART III-FOOD TO BE DELIVERED AS SUCH TO THE ULTIMATE CONSUMER OR  
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SCOPE AND GENERAL LABELLING REQUIREMENT

**Scope of Part III.**

5.(1) Subject to the following paragraphs of this regulation, this Part of 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 1987;
- (b) any cocoa product or chocolate product as defined in the Cocoa and Chocolate Products Regulations 1987;
- (c) any honey as defined in the Honey Regulations 1987;
- (d) any condensed milk product or dried milk product as defined in the Condensed Milk and Dried Milk Regulations 1987 which is ready for delivery to a catering establishment, 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 good is intended for consumption by infants and no statement to the effect that such is intended for consumption by any other class of person;
- (e) hens' eggs, in so far as their labelling is regulated by Council Regulation (EEC) No. 2772/75 on marketing standards for eggs, as amended;
- (f) wines or grapes musts, in so far as their labelling is regulated by Council Regulation (EEC) No.355 79 laying down general rules for the description and presentation of wines and grape musts, and sparkling wines and aerated sparkling wines, in so far as their labelling is regulated by Council Regulation (EEC) No. 3309 85 laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines;
- (g) any additive sold as such which is required to be labelled in accordance with regulation 6 of the Solvents in Food Regulations 1985 or the appropriate provisions of any of the additives regulations;

- (h) any drink bottled before the date of the coming into operation of these regulations 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 otherwise than in the course of a trade carried on by the person preparing the food.

(3) This Part of these regulations does not apply to any coffee, coffee mixture, coffee extract product, chicory extract product or other designated product as defined in the Coffee and Coffee Products Regulations 1987 which is ready for delivery to a catering establishment.

**General labelling requirement.**

6. 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.**

7.(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.

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(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.**

8. 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.**

9. 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.**

10. The name of a food may consist of a name or description or of a name and description and it may contain more than in one word.

### **Trade marks, brand names and fancy names.**

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

### **Indication of physical condition or treatment.**

12.(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.**

13. 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.**

14.(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 17, 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 13, 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 13, 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.**

15.(1) Subject to the following paragraphs of this regulation, the name used for an ingredient in a list of ingredients shall be a name which, if the ingredient were itself being sold as a food, could be used as the name of the food.

(2) Where a purchaser could be misled by the omission from the name used for an ingredient of 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, the name used for the ingredient in a list of ingredients shall include or be accompanied by that indication, unless the provision requiring the indication provides to the contrary.

(3) A generic name which appears in column I 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.

(4) 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 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.

(5) 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.

(6) In this regulation “serial number” means the number specified for an additive in Schedule 1 to any of the additives regulations or the Sweeteners in Food Regulations 1987 or in Schedule 5 to these regulations.

**Compounds ingredients.**

16.(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 pre-packed 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 15(3), or
- (b) the compound ingredient constitutes less than 25% of the finished product,

except that, subject to regulation 18, 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.**

17.(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 laying down common standards for the water contents of frozen and deep-frozen chickens, hens and cocks, as amended, applies need not be declared in the list of ingredients of the food.

**Ingredients which need not be named.**

18. 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;

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- (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 functions 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.**

19.(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 ingredients other than carbon dioxide has been added, and whose name indicates that it has been carbonated;
- (c) vinger 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 4 of the Bread and Flour Regulations 1985;
- (g) any drink with an alcoholic strength by volume of more than 1.2%.

(2) Without prejudice to regulation 13, 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 13 to 18 as if it were required to be so marked or labelled.

#### INGREDIENTS GIVEN SPECIAL EMPHASIS.

##### **Indication of minimum or maximum percentage of ingredients.**

20.(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.

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**Form of indication of minimum durability.**

21(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 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, minimum durability of the food may be indicated by:-

- (a) the words 'sell by':-
  - (i) followed (subject to paragraph (5) of this regulation) by the latest recommended date of sale of the food, expressed in terms of a day and month, and
  - (ii) immediately preceded or immediately followed by 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.

(5) Where the minimum durability of a food is indicated in the manner permitted by paragraph (4) of this regulation, the latest recommended date of sale may appear on the labelling of the food separately from the words 'sell by', provided that those words are followed by a reference to the place where the date appears.

**Foods which need not bear an indication of minimum durability.**

22. 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, semi-sparkling wine, aerated semi-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 39;
- (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) any food with a maximum durability of more than twelve months.

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INSTRUCTIONS FOR USE.

**Requirements relating to instructions for use.**

23.(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 blancmanage powder, which is intended to be made into another food by addition of any other substance, the instructions for the use shall specify every substance, other than water, that must be added to concentrate, dry mix or similar good, 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 pre-packed and similar food.**

24.(1) This regulation applies to :-

- (a) food which is not pre-packed;
- (b) food which is pre-packed 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 if there is not attached to the flour confectionery or its packaging any document, notice, label, ring or collar (other than a label on which only the price of the food is marked),

but does not apply to any such food to which regulation 28 or 29 applies.

(2) Food to which this regulation applies need not be marked or labelled with any of the particulars specified in regulation 6, except that any such food, other than:-

- (a) food which is not exposed for sale,
- (b) white bread,

- (c) flour confectionery, and
- (d) carcasses and parts of carcasses 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 29 'pre-packed for direct sale' means:-
  - (a) in relation to any food other than edible ices, flour confectionery and bread, pre-packed 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 pre-packed 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.**

25.(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 6 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.**

26.(1) Subject to the following paragraphs of this regulation, any food which:-

- (a) by virtue of regulation 24 or 25 alone is not marked or labelled with a list of ingredients, and
- (b) contains any additive which:
  - (i) but for regulation 24 and 25, 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,

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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.**

27.(1) Subject to paragraph (2) of this regulation, any pre-packed 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 6 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 24, 25, 28 or 29 applies.

### **Food for immediate consumption where sold.**

28.(1) Any food which:-

- (a) is not pre-packed, and
- (b) is sold at a catering establishment for immediate consumption there, and
- (c) is not food to which regulation 29 applies,

need not be marked or labelled with any of the particulars specified in regulation 6.

(2) Any food which:-

- (a) is pre-packed, 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 6 except the name of the food.

(3) Any:-

- (a) pre-packed sandwich, filled roll or similar bread product, or
- (b) pre-packed 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 6 except the name of the food.

(4) In this regulation and in regulation 29 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.

(2) Food to which this regulation applies need not be marked or labelled with any of the particulars specified in regulation 6 if, subject to paragraph (5) of this regulation, the provisions of paragraphs (3) and (4) 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) Prepared meals provided for persons staying at a hotel or other establishment at which sleeping accommodation is provided by way of trade or business need not be marked or labelled with any of the particulars specified in regulation 6.

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(6) In this regulation:

‘pre-packed for direct sale’ has the meaning assigned to it by regulation 24(3), and

‘prepared meal’ has the meaning assigned to it by regulation 28(4).

**Other food for immediate consumption.**

29.(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 pre-packed, or which is pre-packed for direct sale, or which, in the case of flour confectionery, is packed in a crimp case only or in a wholly transparent packaging which is either unmarked or marked only with an indication of the price of the food if there is not attached to the flour confectionery or its packaging any document, notice, label, ring or collar (other than a label on which only the price of the food is marked), 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.

ADDITIONAL LABELLING REQUIREMENTS FOR CERTAIN CATEGORIES OF FOOD.



**Food sold for vending machines.**

30. 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.

**Prepacked alcoholic drinks other than Community controlled wine.**

31.(1) In the case of pre-packed alcoholic drinks other than Community controlled wine, every drink with an alcoholic strength by volume of more than 1.2 per cent shall be marked or labelled with an indication of its alcoholic strength by volume in the form of a figure (which may be preceded by the word 'alcohol' or by the abbreviation 'alc') to not more than one decimal place immediately before the symbol '% vol.'.

(2) Positive and negative tolerances shall be permitted in respect of the indication of alcoholic strength by volume and shall be those specified in Part I of Schedule 5A, which shall be read with the note thereto, expressed in absolute value'.

(3) For the purposes of this regulation, the alcoholic strength of any drink shall be determined at 20°C.

(4) Any whisky which has an alcoholic strength by volume of less than 40 per cent and any brandy, gin, rum or vodka which has an alcoholic strength by volume of less than 37.2 per cent shall 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 per cent only through maturing in cask.

**Alcoholic drinks sold otherwise than pre-packed.**

31A.(1) This regulation applies to alcoholic drinks when sold otherwise than pre-packed, including Community controlled wine.

(2) Subject to paragraph (4) of this regulation, in respect of drinks to which this regulation applies with an alcoholic strength by volume of more than 1.2 per cent there shall-

- (a) in respect of a representative sample (which need not exceed thirty) of such drinks other than Community controlled wine, and
- (b) in respect of a representative sample (which need not exceed six) of Community controlled wine, be displayed the alcoholic strength by volume in the form of a

figure (which may be preceded by the word 'alcohol' or by the abbreviation 'ale.')

to not more than one decimal place immediately before the symbol '% vol.', except that where two or more such figures appear in a single list the said word or abbreviation and the said symbol may be used once only at the head of the list of figures.

(3) Positive and negative tolerances shall be permitted in respect of the indication of alcoholic strength by volume and shall be those specified in Part I of Schedule 5A except that for Community controlled wine they shall be those specified in Part II of that Schedule, each of which shall be read with the respective note thereto, expressed in absolute values.

(4) Paragraph (2) of this regulation shall not apply -

- (a) to cocktails or other drinks made up of mixtures of more than one drink; or
- (b) to drinks which. it is customary to serve in such a way that information in respect of alcoholic strength by volume can readily be seen by the intending purchaser.

#### MANNER OF MARKING OR LABELLING.

#### **General requirements.**

32.(1) When any food other than food to which regulation 24, 25, 28 or 29 or 31A 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 regulations 24,25, 28 or 29 or 31A 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 regulations 24,25 28 or 29 apply.**

33.(1) When any food to which regulation 24, 25, 28 or 29 or 31A 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;
- (c) in the case of an alcoholic drink to which regulation 31A applies, on a menu, wine list or notice that is readily discernible by an intending purchaser at the place where he chooses such alcoholic drink.

(2) When any food to which regulation 24, 25 or 29 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.**

34.(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) 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 pre-packed and is marked or labelled:-

- (a) in the case of a confectionery product, in accordance with these regulations, and
- (b) in the case of chocolate product, in accordance with the Cocoa and Chocolate Products Regulations 1987.

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(4) 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.**

35.(1) Where a food is required to be marked or labelled with an indication of minimum durability or, in the case of an alcoholic drink, of alcoholic strength by volume, 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 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 or, in the case of an alcoholic drink, with an indication of alcoholic strength by volume, in the same field of vision as the indication of minimum durability or the indication of alcoholic strength by volume.

PART IV.

CLAIMS AND MISLEADING DESCRIPTIONS.

**Claims.**

36.(1) A claim of a type described in Part I of Schedule 6 shall not be made, either expressly or by implication, in the labelling or advertising of a food.

(2) A claim of a type described in Part II of Schedule 6 shall not be made, either expressly or by implication, in the labelling or advertising of a food, except in accordance with the appropriate conditions set out in that Part of that Schedule.

(3) Where a claim is a claim of two or more of the types described in Part II of Schedule 6, the conditions appropriate to each of the relevant types of claim shall be observed.

**Supplementary provisions relating to claims.**

37.(1) The notes in Schedule 6 shall have effect for the interpretation of the items and tables to which they relate

(2) Nothing in regulation 36 or Schedule 6 shall be taken to prevent the dissemination of useful information or recommendations intended exclusively for persons having qualifications in dentistry, medicine, nutrition, dietetics or pharmacy.,

(3) The following shall not of themselves constitute a claim of a type described in Schedule 6:-

- (a) a reference to a substance other than vitamins, minerals, polyunsaturated fatty acids or cholesterol in the name of a food;
- (b) a reference to a substance in a list of ingredients or in a statement of the total nutrient content of a food;
- (c) a statement of the energy value of a food;
- (d) a reference to protein, polyunsaturated fatty acid or sodium in a statement of the basic nutrient content of a food.

(4) In the calculation of the energy value of a food for the purpose of any statement required by regulation 36 and Schedule 6 the following conversion factors shall be employed:-

- (a) 1 gram of carbohydrate (expressed as monosaccharides) shall be deemed to contribute 16 kilojoules (3.75 kilocalories);
- (b) 1 gram of protein shall be deemed to contribute 17 kilojoules (4 kilocalories);
- (c) 1 gram of alcohol shall be deemed to contribute 29 kilojoules (7 kilocalories);
- (d) 1 gram of fat shall be deemed to contribute 37 kilojoules (9 kilocalories).

(5) Where a statement of energy value of a food is required by these regulations to be expressed in kilojoules and kilocalories, the expression in kilojoules shall predominate and the characters used in the expression in kilocalories shall not be larger than those used in the expression in kilojoules.

(6) In Schedule 6:-

“the prescribed energy-statement” means:-

- (a) in relation to a food with an energy value of 50 kilojoules (12 kilocalories) or more per hundred grams or hundred millilitres, as the case may be, a statement of:-
  - (i) the energy value, expressed in kilojoules and kilocalories, of each hundred grams or hundred millilitres of the food, as is appropriate, and, where appropriate, of a quantified serving of the food, and

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- (ii) the amount of carbohydrate, protein and fat contained in each hundred grams 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 grams or hundred millilitres, as the case may be, either:-
  - (i) a statement of the kind described in sub-paragraph (a) of this definition, or
  - (ii) a statement that the energy value of the food is less than 50 kilojoules (12 kilocalories) per hundred grams or hundred millilitres, as is appropriate;

“recommended daily amount”, in relation to a vitamin or mineral, means the recommended daily amount specified for that vitamin or mineral in column 3 of Table A or Table B in Schedule 6.

(7) In paragraph 3(d) of this regulation, ‘a statement of the basic nutrient content’ in relation to a food means a statement of the energy value and of the protein, carbohydrate and fat content to that food, whether or not supplemented by further details of that content or by a statement of the sodium or the fibre content of the food.

### **Misleading descriptions.**

38.(1) The words and descriptions specified in column I of Schedule 7 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 7 shall be read with the notes thereto.

### **The word “wine”.**

39.(1) Notwithstanding article 45(1) of Council Regulation (EEC) No.355/79 (which restricts the application ‘wine’ to wine as defined in Annex I to Council Regulation (EEC) No. 822/87), and in accordance with article 45(2) of Council Regulation (EEC) No.355/79 and article 20 of Commission Regulation (EEC) No.997/81 laying down detailed rules for the description and presentation of wines and grape musts, 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 I to Council Regulation (EEC) No. 822/87.

(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 I to Council Regulation (EEC) No.822/87.

(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 V.  
OFFENCES.

**Offences and penalties.**

40. If any person:-

- (a) sells any food the presentation of which contravenes regulation 4, or
- (b) sells any food which is not marked or labelled in accordance with the provisions of Part III of these regulations, or
- (c) sells or advertises for sale any food in respect of which a claim is made or a description is used in contravention of the provisions of Part IV of these regulations, or
- (d) advertises for sale any food in contravention of regulation 23(3), or
- (e) sells any food from a vending machine in contravention of regulation 30,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

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**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 111 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 IV 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 III 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 IV 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 12(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 III 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. Sections 46(2) and (3) (which relate to prosecutions), 47(1) and (2) (which relate to evidence of analysis), 49 (which relates to the power of a court to require analysis by the Government Chemist in the United Kingdom), 50 (which relates to a contravention due to some person other than the person charged), 51(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 52 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purpose of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution, as the case may be, taken or brought for an offence under these regulations and as if the reference in the said Section 49 to subsection (3) of Section 46 included a reference to that subsection as applied by these regulations.



**SCHEDULE 1.**

Regulation 7(2)

NAMES PRESCRIBED BY LAW

Fish

1.(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”.

Column 1 Name	Column 2 Species of Fish
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SEA FISH

Anchovy	All species of <i>Engraulis</i>
Bass	<i>Dicentrarchus labrax</i> (L.)
Brill	<i>Scophthalmus rhombus</i> (L.)
Brisling	<i>Sprattus sprattus</i> (L.), when canned
Catfish or Rockfish	All species of <i>Anarhichas</i>
Cod or Codling	<i>Gadus morhua</i> (L.) (including <i>Gadus morhua callarias</i> and <i>Gadus morhua</i> )
Pacific cod or cod	<i>Gadus macrocephalus</i>
Greenland cod or cod	<i>Gadus ogac</i>
Colely or Saithe or	<i>Pollachius virens</i> (L.)
Coalfish	
Conger	All species of Conger
Dab	<i>Limanda limanda</i> (L.)
	All species of <i>Galeorhinus</i>

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Dogfish or Flake or Huss or Rigg	All species of <i>Mustelus</i> All species of <i>Scyliorhinus</i> <i>Galeus melastomus</i> Rafin <i>Squalus acanthias</i> (L)
Dory or John Dory	<i>Zeus faber</i> L.
Eel	All species of <i>Anguilla</i>
Flounder	<i>Platichthys fleus</i> (L) All species of <i>Phycis</i>
Forkbread	All species of <i>Urophycis</i> <i>Raniceps raninus</i> (L)
Garfish	All species of <i>Belone</i>
Grey mullet	All species of <i>Mugil</i> All species of <i>Liza</i> All species of <i>Chelon</i> All genera of <i>Triglidae</i>
Gurnard	<i>Peristedion cataphractum</i> L.
Haddock	<i>Melanogrammus aeglefinus</i> (L)
Hake or Silver hake	<i>Merluccius merluccius</i> (L) <i>Merluccius capensis</i> (Catelnau)
Cape hake or Hake	<i>Merluccius paradoxus</i> (Franca)
Atlantic hake or Hake	<i>Merluccius hubbsi</i> (Marini) <i>Merluccius bilinearis</i> (Mitchell) <i>Merluccius productus</i> (Ayres)
Pacific hake or Hake	<i>Merluccius gayi</i> (Guich)
Halibut	<i>Hippoglossus hippoglossus</i> (L) <i>Hippoglossus stenolepis</i> <i>Reinhardtius hippoglossoides</i>
Black halibut or Greenland Halibut	(Walbaum)
Herring	<i>Clupea harengus</i> L
Lascar	<i>Pegusa lascaris</i> (Risso)
Ling	All species of <i>Molva</i>
Mackerel	All species of <i>Scomber</i>
Megrim	All species of <i>Lepidorhombus</i>
Monkfish or Angler	<i>Lophius piscatorius</i> L.
Pilchard	<i>Sardina pilchardus</i> (Walbaum) <i>Sardinops sagax caerulea</i> (Girard)
Pacific pilchard	<i>Sardinops sagax sagax sagax</i> (Jenyns) <i>Sardinops sagax melanosticta</i> (Schlegel)
South Atlantic pilchard	<i>Sardinops sagax ocellata</i> (Pappe)
Plaice	<i>Pleuronectes platessa</i> 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) All species of Sebastes
Redfish or Ocean perch or Rose fish	Helicolenus maculatus Helicolenus dactylopterus (e 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 Small Clupea harengus L., when canned
Slid	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 veriegatus (Don) All species of Thunnus except
Tunna or Tunny	Thunnus alalunga (Bonnaterre) All species of Neothunnus
Albacore tuna	Thunnus alalunga (Bonnaterre)
Bonito tuna	All species of Sarda All species of Euthynnus
Skipjack tuna	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 FRESH WATER FISH

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Salmon	<i>Salmo salar</i> L.*
Cherry salmon	<i>Oncorhynchus masou</i> (Walbaum)*
Chum salmon or Keta salmon	<i>Oncorhynchus keta</i> (Walbaum)*
Medium red salmon or Coho salmon or Silver salmon	<i>Oncorhynchus kisutch</i> (Walbaum)*
Pink salmon	<i>Oncorhynchus gorbuscha</i> (Walbaum)*
Red salmon or Sockeye salmon	<i>Oncorhynchus nerka</i> (Walbaum)*
Spring Salmon or King salmon or Chinook salmon	<i>Oncorhynchus tshawytscha</i> (Walbaum)*
Brown trout	<i>Salmo trutta</i> L. which has spent all its life in fresh water
Sea trout or Salmon trout	<i>Salmo trutta</i> L. which has spent part of its life in sea water
Cut-throat trout	<i>Salmo clarkii</i> Richardson
Rainbow trout or Steelhead trout	<i>Salmo gairdneri</i> Richardson

**SHELLFISH**

Abalone or Ormer	All species of <i>Haliotis</i>
Clam or Hard shell clam	<i>Mercenaria mercenaria</i> L
	<i>Venus verrucosa</i> L
Clam or Razor clam	All species of <i>Ensis</i> and <i>Solen</i>
Cockle	All species of <i>Cerastoderma</i>
Crab	All species of the section <i>Brachyura</i>
	All species of the family <i>Lithodiidae</i>
Crawfish or Spiny lobster or Rock lobster	All species of the family <i>Palinuridae</i>
Crayfish	All species of the family <i>Astacidae</i>
	All species of the family <i>Parastacidae</i>
	All species of the family <i>Austroastacidae</i>
Lobster	All species of <i>Homarus</i>
Slipper lobster	All species of <i>Scyllaridae</i>
Squat lobster	All species of the family <i>Galatheidae</i>
Mussel	All species of <i>Mytilus</i>
	All species of <i>Crassostrea</i>
Oyster	All species of <i>Ostrea</i>
Oyster or Portuguese oyster	<i>Crassostrea angulata</i> (Lmk)

Oyster or Pacific oyster	Crassostrea gigas (Thumberg)
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)
Prawn or shrimp (cont)	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, all 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

Melons

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

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Potatoes

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

Vitamins

4.(1) The name used for a vitamin specified in Table A in Schedule 6 shall be the name specified for that vitamin in column I of that Table, with or without the words, if any, that appear in brackets in that column of that Table.

(2) The name for vitamin B<sub>6</sub>, pantothenic acid, biotin, vitamin E or vitamin K shall be “vitamin B<sub>6</sub>”, “pantothenic acid”, “biotin”, “vitamin E” or “vitamin K”, as is appropriate.

Melons

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

Potatoes

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

Vitamins

4.(1) The name used for a vitamin specified in Table A in Schedule 6 shall be the name specified for that vitamin in column 1 of that Table, with or without the words, if any, that appear in brackets in that column of that Table.

(2) The name for vitamin B<sub>6</sub>, pantothenic acid, biotin, vitamin E or vitamin K shall be “vitamin B<sub>6</sub>”, “pantothenic acid”, “biotin” “vitamin E” or “vitamin K”, as is appropriate.

**SCHEDULE 2.**

Regulation 12(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 pre-packed, 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 “tenderied”.

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”.

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**SCHEDULE 3**

Regulation 15(3)

GENERIC NAMES IN LIST OF INGREDIENTS

<i>Column 1</i> <i>Generic name</i>	<i>Column 2</i> <i>Ingredients</i>	<i>Column 3</i> <i>Conditions of use of generic name</i>
Caseinates. Cheese.	Any type of caseinate 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 1987.	
Half cream.	Either of the types of cream in sub-paragraphs (g) and (h) of regulation 4(1) of the Cream Regulations 1987.	
Crumbs or rusks, as is appropriate	Any type of crumbed, baked cereal product.	
Dextrose.	Anyhydrous 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.
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 shell fish 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 per cent
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 per cent.
Honey	Any type of honey as defined in the Honey Regulations 1987	
Meat	Any type of meat as defined in the Meat Products and Spreadable Fish Products Regulations, 1987	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 as defined in the Meat Products and Spreadable Fish Products Regulation, 1987 other than a type referred to in the labelling of the food of which it is an ingredient	
Offal	Any part of the carcass specified in Part I or Part II of Schedule 2 of the Meat Products and Spreadable Fish Products Regulations, 1987	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
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 per cent, or (b) the nuts are ingredients of a prepacked mixture of nuts with muscatels,

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Oil	Any refined oil, other than olive oil, or any mixture of refined oils not including olive oil	raisings, sultans and/or currants and the net weight of the mixture is not more than 50g 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 per cent
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 15(4)

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

Acids	Flavour enhancers
Acidity regulators	Flavourings
Anti-caking agents	Flour improvers
Anti-foaming agents	Gelling agents
Antioxidants	Glazing agents
Artificial sweeteners	Preservatives
Colours	Raising agents
Emulsifiers	Stabilisers
Emulsifying salts	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 1987 which is added to or used in processed cheese (including cheese spread).

Column 1 Name of additive	Column 2 Serial number
Riboflavin-5'-phosphate	101a
Yellow 2G	107
Red 2G	128
Brilliant Blue FCF	133
Brown FK	154
Chocolate Brown HT	155
Sodium acetate, anhydrous	234
Sodium acetate	262
DL-Malic acid	
L-Malic acid	296
Fumaric acid	297
Sodium malate	350

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Sodium hydrogen malate	351
Potassium malate	352
Calcium malate	353
Calcium hydrogen malate	355
Metatartaric acid	363
Adipic acid	370
Succinic acid	375
1, 4-Heptonolactone	380
Nicotinic acid	381
triAmmonium citrate	385
Ammonium ferric citrate	416
Ammonium ferric citrate, green	430
Calcium disodium ethylenediamine-NNN'N' tetra-acetate (Synonym: Calcium disodium ethylenediamine-NNN'N' tetra-acetate (Synonym: Calcium disodium EDTA)	431
Karaya gum	432
Polyoxyethylene (8) stearate	433
Polyoxyethylene (40) stearate	434
Polyoxyethylene (20) sorbitan monolaurate	435
Polyoxyethylene (20) sorbitan mono-oleate	436
Polyoxyethylene (20) sorbitan monopalmitate	437
Polyoxyethylene (20) sorbitan tristearate	438
Polyoxyethylene (20) sorbitan monostearate	442
Ammonium phosphatides	476
Polyglycefol esters of polycondensed fatty acids of castor oil (Synonym: Polyglycerol polyricinoleate)	468
Lactylated fatty acid esters of glycerol and propane-i, 2-diol	491
Sorbitan monostearate	492
Sorbitan tristearate	493
Sorbitan monolaurate	494
Sorbitan mono-oleate	495
Sorbitan monopalmitate	500
Sodium carbonate	501
Sodium hydrogen carbonate	503
Sodium sesquicarbonate	504
Potassium carbonate	504
Potassium hydrogen carbonate	504
Ammonium carbonate	504
Ammonium hydrogen carbonate	504
Magnesium carbonate, heavy	504
Magnesium carbonate, light	504

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Hydrochloric acid	507
Potassium chloride	508
Calcium chloride, anhydrous	509
Calcium chloride	
Ammonium chloride	510
Sulphuric acid	513
Sodium sulphate	514
Potassium sulphate	515
Calcium sulphate	516
Magnesium sulphate	518
Sodium hydroxide	524
Potassium hydroxide	525
Calcium hydroxide	526
Ammonium hydroxide	527
Magnesium hydroxide	528
Calcium oxide	529
Magnesium oxide, heavy	530
Magnesium oxide, light	
Sodium ferrocyanide	535
Potassium ferrocyanide	536
diCalcium diphosphate	540
Sodium aluminium phosphate, acidic	541
Sodium aluminium phosphate, basic	
Edible bone phosphate	542
Calcium polyphosphates	544
Ammonium polyphosphates	545
Silicon dioxide	551
Calcium polyphosphates	552
Magnesium silicate, synthetic	553a
Magnesium trisilicate	
Talc	553b
Aluminium sodium silicate	554
Aluminium calcium silicate	556
Bentonite	558
Kaolin, heavy	559
Kaolin, light	
Stearic acid	570
Magnesium stearate	572
D-Glucono-1,5--lactone (Synonym: Glucono delta-lactone)	575
Sodium gluconate	576
Potassium gluconate	577
Calcium gluconate	578

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L-glutamic acid	620
Sodium hydrogen L-glutamate (Synonym: mono Sodium glutamate)	621
Potassium hydrogen L-glutamate (Synonym: mono Potassium glutamate)	622
Calcium dihydrogen di-L-glutamate (Synonym: Calcium glutamate)	623
Guanosine 5'-(disodium phosphate) (Synonym: Sodium guanylate)	627
Inosine 5'-(disodium phosphate) (Synonym: Sodium inosinate)	631
Sodium 5'-ribonucleotide	635
Maltol	636
Ethyl maltol	637
Dimethylpolysiloxane	900
Beeswax, white	901
Beeswax, yellow	
Carnauba wax	903
Shellac	904
Mineral hydrocarbons	905
Refined microcrystalline wax	907
L-cysteine hydrochloride	920
L-cysteine hydrochloride monohydrate	
Potassium bromate	924
Chlorine	925
Chlorine dioxide	926
Axodicarbonamide (Synonym: Axoformamide)	927

## SCHEDULE 5.

Regulation 15(6)

## SERIAL NUMBERS FOR ADDITIVES.

Column 1	Column 2
Name of additive	Serial number
Ribloflavin-5'-phosphate	101a
Yellow 2G	107
Red 2G	128
Brilliant Blue FCF	133
Brown FK	154
Chocolate Brown HT	155
Nisin	234
Sodium acetate, anhydrous	296
Sodium acetate	
DL-Malic acid	296
L-Malic acid	
Fumaric acid	297
Sodium malate	350
Sodium hydrogen malate	
Potassium malate	351
Calcium malate	352
Calcium hydrogen malate	
Metatataric acid	353
Adipic acid	355
Succinic acid	363
1, 4-Heptonolactone	370
Nicotinic acid	375
TriAmmonium citrate	380
Ammonium ferric citrate	381
Ammonium ferric citrate, green	
Calcium disodium ethylenediamine-NNN'N' tetra-acetate (Synonym: Calcium disodium EDTA)	385
Karaya gum	416
Poloxyethylene (8) stearate	430
Polyoxyethylene (40) stearate	431
Polyoxyethylene (20) sorbitan monolaurate	432
Polyoxyethylene (20) sorbitan nono-oleate	433
Polyoxyethylene (20) sorbitan monopalmitate	434
Polyoxyethylene (20) sorbitan monostearate	435
Polyoxyethylene (20) sorbitan tristearate	436
Ammonium phosphatides	442

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Polyglycerol esters of polycondensed fatty acids of castor oil (Synonym: Polyglycerol polyricinoleate)	476
Lactylated fatty acid esters of glycerol and propane-1, 2-diol	478
Sorbitan monostearate	478
Sorbitan tristearate	491
Sorbitan monolaurate	492
Sorbitan mono-oleate	493
Sorbitan monopalmitate	494
Sodium carbonate	495
Sodium hydrogen carbonate	} 500
Sodium sesquicarbonate	}
Potassium carbonate	} 501
Potassium hydrogen carbonate	}
Ammonium carbonate	} 503
Ammonium hydrogen carbonate	}
Magnesium carbonate, heavy	} 504
Magnesium carbonate, light	}
Hydrochloric acid	507
Potassium chloride	508
Calcium chloride, anhydrous	} 509
Calcium chloride	}
Ammonium chloride	510
Sulphuric acid	513
Sodium sulphate	514
Potassium sulphate	515
Calcium sulphate	516
Magnesium sulphate	518
Sodium hydroxide	524
Potassium hydroxide	525
Calcium hydroxide	526
Ammonium hydroxide	527
Magnesium hydroxide	528
Calcium oxide	529
Magnesium oxide, heavy	} 530
Magnesium oxide, light	}
Sodium ferrocyanide	535
Potassium ferrocyanide	536
DiCalcium diphosphate	540
Sodium aluminium phosphate, acidic	} 541
Sodium aluminium phosphate, basic	} \}
Edible bone phosphate	542
Calcium polyphosphates	544
Ammonium polyphosphates	545



Silicon dioxide		551
Calcium silicate		552
Magnesium silicate, synthetic	}	553a
Magnesium trisilicate	}	
Talc		553b
Aluminium sodium silicate		554
Aluminium calcium silicate		556
Bentonite		558
Kaolin, heavy	}	559
Kaolin, light	}	
Stearic acid		570
Magnesium stearate <sup>0</sup>		572
D-Glucono-1,5-lactone (Synonym: Glucono delta-lactone)		575
Sodium gluconate		576
Potassium gluconate		577
Calcium gluconate		578
L-glutamic acid		620
Sodium hydrogen L-glutamate (Synonym: monoSodium glutamate)		621
Potassium hydhydrogen L-glutamate (Synonym: monoPotassium glutamate)		622
Calcium dihydrogen di-L-glutamate (Synonym: Calcium glutamate)		623
Guanosine 5'-(disodium phosphate) (Synonym: Sodium guanylate)		627
Inosine 5'-(disodium phosphate) (Synonym: Sodium inosinate)		631
Sodium 5'-ribonucleotide		635
Maltol		636
Ethyl maltol		637
Dimethylpolysiloxane		900
Beeswax, white	}	901
Beeswax, yellow	}	
Carnaubas wax		903
Shellac		904
Mineral hydrocarbons		905
Refined microcrystalline wax		907
L-cysteine hydrochloride	}	920
L-cysteine hydrochloride monohydrate	}	
Potassium bromate		924
Chlorine		925
Chlorine dioxide		926
Azodicarbonamide (Synonym: Azoformamide)		927

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**SCHEDULE 5A.**

*Part I: Positive and negative tolerances in the indication of the alcoholic strength by volume of alcoholic drinks other than Community controlled wine.*

<b>Description of alcoholic drink</b>	<b>Positive or negative tolerance</b>
I. (a) Beers having an alcoholic strength not exceeding 5.5% volume (b) alcoholic drinks made from grapes and falling within subheading No 22064)093 and No 22064)099 of the combined nomenclature (1988)	0.5% vol
(b) alcoholic drinks made from grains and falling within subheading No 2206-00093 and No 2206-0099 of the combined nomenclature (1988)	
2. (a) Beers having an alcoholic strength exceeding 5.5% volume (b) alcoholic drinks made from grapes and falling within subheading No 2206-0091 of the combined nomenclature (1988)	1%vol
(c) ciders (other than draught ciders), cherries, fruit wines and other wines obtained from fruits other than grapes whether or not semi-sparkling or sparkling (d) alcoholic drinks based on fermented honey	
3.(a) Alcoholic drinks containing macerated fruit or parts of plants (b) draught ciders	1.5% vol
4.Any other alcoholic drink	0.3% vol

NOTE: The above tolerances shall apply without prejudice to the tolerances deriving from the method of analysis used for determining the alcoholic strength.

Part II: Positive and negative tolerances permitted in the indication of the alcoholic strength by volume of Community controlled wine when sold otherwise than pre packed.

<b>Description of alcoholic drink</b>	<b>Positive or negative tolerance</b>
1. Wines regulated by Council Regulation (EEC) 355 79 other than quality wines produced in a specified region and stored in bottles for more than 3 years	0.5% vol.

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| 2. Quality wines produced in a specified region and stored in bottles for more than 3 years                      | 0.8% vol. |
| 3. Sparkling wines, aerated sparkling wines, liqueur wines semi-sparkling wines and aerated semi-sparkling wines | 0.8% vol. |

### NOTE:

The above tolerances shall apply without prejudice to the tolerances deriving from the method of analysis used for determining the alcoholic strength.

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**SCHEDULE 6**

Regulation 36.

**CLAIMS**

**PART I**

**PROHIBITED CLAIMS**

1. A claim that a food has tonic properties.

Note.

The use of the word “tonic” to denote a soft drink which complies with the requirements as to composition specified in Part I of Schedule 2 to the Soft Drinks Regulations 1971 shall not of itself constitute a claim of a type described in this item.

2. A claim that a food which is intended for babies is equivalent or superior to the milk of a healthy mother.

**PART II**

**RESTRICTED CLAIMS**

<b>Column 1 Types of Claim</b>	<b>Column 2 Conditions</b>
Claims relating to foods for particular nutritional uses	1.The food must be capable of fulfilling the claim
3.A claim that a food is suitable, or has been specially made, for fulfilling the particular nutritional requirements of-	2.The food must be marked or labelled with an indication of the aspects of its composition or manufacturing process that give the food its particular nutritional characteristics.
(a) a class of persons whose digestive process or metabolism is disturbed, or	3.If the food has been specially made for the class of persons to which the claim refers–
(a) a class of persons who, by reason of their special physiological condition, obtain special benefit from a controlled consumption of certain substances.	(a) the name of the food must include or be accompanied by an indication of the food’s particular nutritional characteristics,
	(b) the food must be marked or labelled with the prescribed energy statement, and

<p>Claims relating to babies or young children</p> <p>4.A claim that a food is suitable, or has been specially made, for fulfilling the particular nutritional requirements of babies or young children.</p>	<p>(c) when sold to the ultimate consumer, the food must be pre-packed and completely enclosed by its packaging.</p> <p>1.The food must be capable of fulfilling the claim.</p> <p>2.If the food has been specially made for babies or young children-</p> <p>(a) the food must be marked or labelled with an indication that it is intended for babies or young children,</p> <p>(b) the food must be marked or labelled with the prescribed energy statement, and</p> <p>(c) when sold to the ultimate consumer, the food must be prepacked and completely enclosed by its packaging.</p>
<p>Column 1 Types of Claim</p> <p>Diabetic claims</p> <p>5.A claim that a food is suitable, or has been specially made, for diabetics</p>	<p>1.(1) A given quantity of the food must not have a higher energy content than the same quantity of a similar food in relation to which no diabetic claim is made, unless the food is-</p> <p>(a) an intense sweetener, or</p> <p>(b) a product which consists of a mixture of an intense sweetener with other substances and which, when compared on a weight for weight basis, is significantly sweeter than sucrose.</p> <p>(2) A given quantity of the food must not have a higher fat content than the same quantity of a similar food in relation to which no diabetic claim is made.</p> <p>(3) In the case of a claim that a food has been specially made for diabetics, a given quantity of the food must not have a readily absorbable carbohydrate content greater than 50 per cent of the readily absorbable carbohydrate content of the same quantity of a similar food in relation to which no diabetic claim is made.</p>
<p>Notes</p> <p>(a) Where a food is in concentrated or dehydrated form and is intended to be reconstituted by the addition of water or other substances, condition 1 shall apply to the food when reconstituted as directed</p> <p>(b) In this item “readily absorbable carbohydrate” does not include sugar alcohols or fructose, but includes other mono- and disaccharides and isolated or purified starches.</p>	

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(4) The food must not contain a greater quantity of mono- or disaccharides, other than fructose, than the quantity that is technically necessary to retain the essential characteristics of the food while having regard to its claimed suitability for diabetics.

2.(1) If the claim is made in the labelling of a food, the food must be marked or labelled with a statement to the effect that the food is not suitable for an overweight diabetic, unless the energy value of a given weight of the food is not more than one half of that of the equivalent weight of a similar food in relation to which no diabetic claim is made.

(2) if the claim is made in the advertising of a food, otherwise than in an oral advertisement (including a television advertisement), the advertisement must, subject to the same qualification, include the said statement.

(3) If the claim is made in an oral advertisement (including a television advertisement), either—

(a) the advertisement must, subject to the same qualification, include the said statement, or

(b) subject to the same qualification, the food in relation to which the claim is made must be intended to be sold prepacked and, when sold, must be marked or labelled with the said statement.

3. If the claim is made in the labelling or advertising of a food that contains fructose, sorbitol, mannitol, xylitol, isomalt lactitol or hydrogenated glucose syrup, the food must be marked or labelled with the words

(a) “best eat less than 25g of X a day”, where only one such substance is contained in the food, there being inserted in place of “X” the name of that substance,

(b) “best eat less than 25g of a combination of X a day”, where more than one such substance is contained in the food, there being inserted in place of “X” the name of every such substance that the food contains.

4. The conditions set out in item 3 of this Schedule must be satisfied, except that—  
(a) condition 3(b) of item 3 must be satisfied whether or not the food has been specially made for diabetics, and

(b) if the food contains fructose, sorbitol, mannitol, xylitol, isomalt lactitol or hydrogenated glucose syrup, the prescribed energy statement must include a statement of the total amount of—

(i) the aforementioned substances that are present in the food, and

(ii) other carbohydrate, and that is contained in each hundred grams or hundred millilitres of the food, as is appropriate, and, where appropriate, in a quantified serving of the food.

(iii) the total amount of carbohydrate

1. The food must be capable of contributing to weight control or weight reduction.

#### Slimming claims

6. A claim that a food is an aid to slimming or weight control or weight reduction or has a reduced or low energy value.

#### Notes

(a) The appearance on the container of a soft drink, as defined in the Soft Drinks Regulations 1971 of the words “low calorie” in accordance with regulation 10 of those regulations shall not of itself constitute a claim of a type described in this item.

(b) Where a food is in concentrated or dehydrated form and is intended to be reconstituted by the addition of water or other substances conditions 6 and 7 shall apply to the food to when reconstituted as directed.

2. The food must not consist wholly or mainly of vitamins or minerals or of a mixture of vitamins and minerals.

3. The conditions set out in item 3 of this Schedule must be satisfied, except that in the case of prepacked food condition 3(b) of item 3 must be satisfied whether or not the food has been specially made for such a class of persons as is specified in item 3.

4.(1) If the claim is made in the labelling of a food, the food must be marked or labelled with the words “can help slimming or weight

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control only as part of a controlled diet”, except that the word “calorie”, -’joule” or “energy” may be inserted immediately before the word “controlled”.

(2) If the claim is made in the advertising of a food, the advertisement must include the said words, subject to the same qualification.

5.If the claim is that the food has a reduced energy value. the energy value of a given weight of the food, or of a given volume in the case of a liquid food, must not be more than three quarters of that of the equivalent weight, or volume, of a similar food in relation to which no such claim is made, unless the food is—

- (a) an intense sweetener, or
- (b) a product which consists of a mixture of an intense sweetener with other substances and which, when compared on a weight for weight basis, is significantly sweeter than sucrose.

6.If the claim is that the food has a low energy value-

- (a) the energy value of the food must not be more than 167 kJ (40 kcal) per hundred grams or hundred millilitres, as is appropriate, unless the food is

- (i) an intense sweetener, or
- (ii) a product which consists of a mixture of an intense sweetener with other substances and which, when, compared on a weight for weight basis, is significantly sweeter than sucrose,

- (b) the energy value of a normal serving of the food must not be more than 167 kJ (40 kcal), and

- (c) in the case of an uncooked food which naturally has a low energy value, the claim must be in the form “a low energy food” or “a low calorie food” or “a low joule food”.

### Medicinal claims

7.A claim that a food is capable of preventing, treating or curing human disease. 7.If the claim is combined with a claim that the food is suitable to replace part of a daily



Note

A claim of a type described in item 3 or 4 of this Schedule shall not be regarded as a claim of a type described in this item.

Protein claims

8.A claim that a food, other than a food intended for babies or young children which satisfies the conditions of item 4 of this Schedule, is a source of protein.

diet, the food must be marked or labelled with a statement to the effect that the food—

- (a) should not be used as a replacement for a person’s whole diet, and
- (b) should be supplemented by at least one daily meal having a high nutritive quality

1.The food must have a product licence issued under the provisions of the Medicines Act 1968 (England and Wales).

1.The quantity of the food that can reasonably be expected to be consumed in one day must contribute at least 12g of protein.

2.(1) If the claim is that the food is a rich or excellent source of protein, at least 20 per cent of the energy value of the food must be provided by protein.

(2) In any other case, at least 12 per cent of the energy value of the food must be provided by protein.

Vitamin claims

9.A claim that a food, other than a food intended for babies or young children which satisfies the conditions of item 4 of this Schedule, is a source of vitamins

3.(1) If the claim is made in the labelling of a food, the food must be marked or labelled with a statement of the protein content of each hundred grams or hundred millilitres of the food, as is appropriate, and, where appropriate, of a quantified serving of the food.

(2) If the claim is made in the advertising of a food, the food when sold prepacked must be marked or labelled with the said statement.

Note

A reference to a vitamin in the name of a food shall not of itself constitute a claim of a type to which this item applies if the food consists solely of-

- (i) vitamins, or
- (ii) a mixture of vitamins and minerals, or

1.(1) If the claim is not confined to named vitamins, every vitamin named in the claim must be a vitamin specified in column 1 of Table A below, and-

- (a) where the claim is that the food is a rich or excellent source of vitamins, the quantity of the food that can reasonably be expected to be consumed in one day must

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(iii) a mixture of vitamins, or of vitamins and minerals, and a carrying agent, or

(iv) a mixture of vitamins, or of vitamins and minerals, and other substances sold in tablet, capsule or elixir form

contain at least one half of the recommended daily amount of two or more of the vitamins specified in column 1 of Table A below, and  
(b) in any other case, the quantity of the food that can reasonably be expected to be consumed in one day must contain at least one sixth of the recommended daily amount of two or more of the vitamins specified in column 1 of Table A below.

(2) If the claim is confined to named vitamins, every vitamin named in the claim must be a vitamin specified in column 1 of Table A below, and—

(a) where the claim is that the food is a rich or excellent source of vitamins, the quantity of the food that can reasonable by expected to be consumed in one day must contain at least one half of the recommended daily amount of every vitamin named in the claim, and

(b) in any other case, the quantity of the food that can reasonably be expected to be consumed in one day must contain at least one sixth of the recommended daily amount of every vitamin named in the claim.

2(1) If the claim is made in the labelling of a food, the food must be marked or labelled with a statement—

(a)(i) where the claim is not confined to named vitamins, of the vitamins enabling the claim to be made that is contained in a quantified serving of the food; and

(ii) where the claim is confined to named vitamins, of the percentage of the recommended daily amount of every vitamin named in the claim that is contained in a quantified serving of the food; and

(b) where the food is pre-packed, of the number of such servings contained in the package,

and the name used in the statement for any such vitamin shall be the name specified for that vitamin in column 1 of Table A below,

## Mineral claims

10. A claim that a food, other than a food intended for babies or young children which satisfies the conditions of item 4 of this Schedule, is a source of minerals.

## Notes

(a) A claim that a food has low or reduced levels of minerals shall not be regarded as a claim of a type described in this item

(b) The note that applies to item 9 of this Schedule applies equally to this item with the substitution of—

(i) the word “mineral” for “vitamin”,

(ii) the word “minerals” for “vitamins” wherever it occurs, and

(iii) the word “vitamins” for “minerals” wherever it occurs

## Polyunsaturated fatty acid claims

11. A claim relating to polyunsaturated fatty acids in a food

with or without the words, if any, that appear in brackets in that column of that Table

(2) If the claim is made in the advertising of a food, the food when sold pre-packed must be marked or labelled with the said statement.

The conditions are the same as those set out in item 9 of this Schedule with the substitution of—

(a) the word “mineral” for “vitamin” wherever it occurs,

(b) the word “minerals” for “vitamins” wherever it occurs, and

(c) the expression “Table B” for “Table A” wherever it occurs.

1.(a) The food must contain at least 35 per cent fat by weight; and

(b) at least 45 per cent of the fatty acids must be polyunsaturated and not more than 25 per cent of the fatty acids may be saturated; and

(c) the claim must be accompanied by the words “low in saturates” or “low in saturated fatty acids”; and

(d) the food must be marked or labelled with a declaration, expressed in grams per hundred grams or millilitres per hundred millilitres of the food, as is appropriate, stating—

(i) the amount of fat or oil;

(ii) the amount of polyunsaturated fatty acids which are cis, cis-methylene interrupted polyunsaturated fatty acids; and

(iii) the amount of saturated fatty acids;

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		and each part of the declaration must be given equal prominence.
		2. The claim must not be accompanied by a suggestion, whether express or implied, that the food is beneficial to human health because it contains polyunsaturated fatty acids.
Cholesterol claims		1. The food must contain no more than 0.005 per cent of cholesterol.
12. A claim relating to the presence or absence of cholesterol in a food.		2. A polyunsaturated fatty acid claim must be made and the conditions set out in item 11 of this Schedule satisfied.
		3. The claim relating to cholesterol must not be in larger letters than, nor precede, the polyunsaturated fatty acid claim
		4. The claim must not be accompanied by a suggestion, whether express or implied, that the food is beneficial to human health because of its level of cholesterol.
Energy claims		1. The food must be capable of fulfilling the claim
13. A claim that a food provides more energy than another food or is a good source of energy		2. If the claim is made in the labelling of any food, the food must be marked or labelled with the prescribed energy statement in accordance with the provisions of regulation 37(6)
		3. If the claim is made in the advertising of any food, the food, when sold pre-packed, must be marked or labelled with the prescribed energy statement.
Claims which depend on another food		The value or benefit must not be derived wholly or partly from another food that is intended to be consumed with the food in relation to which the claim is made.
14. A claim that a food has a particular value or confers a particular benefit		

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Vitamin	To be calculated as	Recommended daily amount
Vitamin A	Micrograms of retinol or	750ug
Thiamin (vitamin B1)	micrograms of retinol equivalent on the basis that 6 ug of beta-carotene or 12 ug of other biologically active carotenoids equal 1 ug of retinol equivalent.	1.2mg

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Riboflavin (vitamin B2)	Milligrams of riboflavin	1.6mg
Niacin	Milligrams of riboflavin. Milligrams of nicotinic acid or milligrams of nicotinamide or milligrams of niacin equivalent on the basis that 60mg of tryptophan equal 1mg of niacin equivalent.	18mg
Folic acid	Micrograms of total folic acid.	300ug
Vitamin B12	Micrograms of cobalamines.	2ug
Vitamin C (ascorbic acid)	Milligrams of ascorbic acid or milligrams of dehydroascorbic acid	30mg
Vitamin D	Micrograms of ergocalciferol (vitamin D2) or micrograms of cholecalciferol (vitamin D3).	2.5ug

TABLE B

MINERALS IN RESPECT OF WHICH CLAIMS MAY BE MADE

<b>Column 1 Mineral</b>	<b>Column 2 To be calculated as</b>	<b>Column 3 Recommended daily amount</b>
Calcium	Milligrams of calcium	500mg
Iodine	Micrograms of iodine	140ug
Iron	Milligrams of iron	12mg

Notes

1. Each vitamin and mineral specified in Tables A and B above includes its biologically active derivative.
2. The quantity of any vitamin or mineral specified in Table A or B above (as extended by note 1 above) shall be calculated in accordance with column 2 of the appropriate Table.

<b>Column 1 Words and description</b>	<b>Column 2 Conditions</b>
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 per cent of the confectionery or part to which the word or description is applied consists of milk fat. Shall not be applied to any food, unless- (a) at least half the fat used in the preparation of the biscuits is milk fat, and

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	(b) at least 7 per cent 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 per cent 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
A name which appears in column I of the Table of fish names following paragraph I 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 I
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 non fat cocoa solids. 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
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— <ul style="list-style-type: none"> <li>(a) the food has as an ingredient cow’s milk with all its normal constituents in their natural proportions; or</li> <li>(b) (I) the food has as an ingredient cow’s milk which has been subjected to a process of treatment, and           <ul style="list-style-type: none"> <li>(ii) the word or description is accompanied by an indication of that process or treatment; or</li> </ul> </li> <li>(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           <ul style="list-style-type: none"> <li>(ii) the word or description is accompanied by the name of that animal; or</li> </ul> </li> <li>(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           <ul style="list-style-type: none"> <li>(ii) the word or description is accompanied by the name of that animal and an indication of that process or treatment; or</li> </ul> </li> <li>(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</li> <li>(f) the word or description is used in accordance with any regulations made, or having effect as if made, under the Act.</li> </ul>
The word “milk”	Shall not be used as the name of an ingredient of a food, unless— <ul style="list-style-type: none"> <li>(a) (I) the ingredient is cow’s milk, or</li> <li>(ii) the word is accompanied by the name of the animal from which the milk has been obtained; and</li> <li>(b) the use of the word as the name of the ingredient complies in all other respects with these regulations</li> </ul>
The description “starch-reduced”	Shall not be applied to any food, unless— <ul style="list-style-type: none"> <li>(a) less than 50 per cent of the food consists of anhydrous carbohydrate calculated by weight on the dry matter of the food, and</li> <li>(b) the starch content of a given quantity of the food is substantially less than that of the same quantity of similar foods to which the description is not applied</li> </ul>
The word “vitamin” or any other word or description which implies that the food to which the word or description relates is a vitamin	Shall not be used in the labelling or advertising of any food, unless the food to which the word or description relates is— <ul style="list-style-type: none"> <li>(a) one of the vitamins specified in column 1 of Table A in Schedule 6; or</li> <li>(b) vitamin B6, pantothenic acid, biotin, vitamin E or vitamin K.</li> </ul>

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 per cent, and (b) the drink is marked or labelled with an indication of its maximum alcoholic strength (in one of the forms specified in regulation 31(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 0.5 per cent, (b) the drink is marked or labelled with an indication of its maximum alcoholic strength (in one of the forms specified in regulation 31(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 39.
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 per cent.
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 per cent.
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 per cent.
The words “cider shandygaff” of “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 per cent.
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 name tonic wine	Shall not be applied to any drink unless there appears in immediate proximity to the words “tonic wine” the clear



The description “vintage”.	statement: “the name ‘tonic wine’ does not imply health giving or medicinal properties”. No recommendation as to consumption or dosage shall appear in the labelling or advertising of the drink. Shall not be applied to any drink, except (a) brandy, or
The words “Scotch whisky”. “Irish whiskey”, blended Scotch whisky”, or “blended Irish whiskey”	(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. 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 in Note 2 to this Schedule.

## Note 1

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 which 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 1971 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 7 of those regulations.

## Note 2

In this Schedule-

- (a) the expression “whisky” or “whiskey” shall mean spirits which have been distilled from a mash of cereals which has been-
  - (i) saccharified by the diastase of malt contained therein with or without other natural diastases approved for the purpose; and
  - (ii) fermented by the action of yeast; and
  - (iii) distilled at less than 166.4 degrees proof in such a way that the distillate has an aroma and flavour derived from the materials used,

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and which has been matured in wooden casks in warehouse for a period of at least three years;

- (b) the expression “Scotch whisky” shall mean whisky which has been distilled and matured in Scotland; and the expression “Irish whiskey” shall mean whiskey which has been distilled and matured in the Republic of Ireland or in Northern Ireland or partly in one and partly in the other;
- (c) the expression “blended Scotch Whisky” or “blended Irish whiskey” shall mean a blend of a number of distillates each of which separately is entitled to the description Scotch Whisky or Irish Whiskey as the case may be;
- (d) the period for which any blended Scotch whisky or blended Irish Whiskey shall be treated as having been matured as mentioned in sub-paragraph (a) of this Note shall be taken to be applicable in the case of the most recently distilled of the spirits contained in the blend.