

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE
No. 2,556 of 14th JUNE, 1990.**

LEGAL NOTICE NO. 73 OF 1990.

FOOD AND DRUGS ACT.

FOOD LABELLING (AMENDMENT) REGULATIONS, 1990.

In exercise of the powers conferred upon him by sections 6, 8 and 58 of the Food and Drugs Act, and of all other enabling powers, the Governor has made the following regulations

Title.

1. These regulations may be cited as the Food Labelling (Amendment) Regulations, 1990.

Interpretation.

2. In these Regulations the expression "the principal regulations" means the Food Labelling Regulations 1987 and, unless the context otherwise requires, any reference herein to a numbered regulation or schedule shall be construed as a reference to the regulations or schedule so numbered in the principal regulations.

Amendments to Regulation 2.

3. Regulation 2 of the principal regulations is amended in subregulation (1) -

- (a) by omitting in the interpretation of "the additives regulations" the expression "the Emulsifiers and Stabilisers in Food Regulations, 1987" and substituting therefor the expression "the Emulsifiers and Stabilisers in Food Regulations, 1990";
- (b) by deleting the definition of "alcoholic strength by mass";
- (c) by inserting in the appropriate alphabetical position the following definitions—
 - (i) "community controlled wine" means wine, grape, must, sparkling wine, aerated sparkling wine, liqueur

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wine, semi-sparkling wine and aerated semi-sparkling wine;"

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

- (d) by omitting the definition of "liqueur wine" and substituting therefore the following new definition—

““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;"

- (e) by omitting the definition of "sparkling wine" and substituting therefor the following new definition—

““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 1 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. 339/79;"

- (f) by omitting the definition of "wine" and substituting therefor the following definition -

““wine’ has the meaning assigned to it by Annex I to Council Regulation (EEC) No. 822/87;"

Amendment to Regulation 5.

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4. Regulation 5 of the principal regulations is amended -

(a) by omitting subregulation (2)(d) and substituting therefor the following—

"(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;"

(b) by omitting subregulation (2)(f) and substituting therefor the following—

"(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;"

(c) by substituting for subregulation (3) the following—

"(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."

Amendment to Regulation 15.

5. Regulation 15 of the principal regulations is amended by omitting in subregulation (6) the figure " 1985" and substituting therefor the figure " 1987".

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Amendment to Regulation 22.

6. Paragraph (b) of Regulation 22 of the principal regulations is amended by omitting the words "sparkling wine" and substituting therefor the words "semi-sparkling wine, aerated semi-sparkling wine,".

Repeal and Replacement of Regulation 31.

7. Regulation 31 of the principal regulations is repealed and replaced by the following new regulations

"Prepacked alcoholic drinks other than Community controlled wine.

31 . (1) In the case of prepacked 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 values.

(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 prepacked.

31A. (1) This regulation applies to alcoholic drinks when sold otherwise than prepacked, 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

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- (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 'alc.') 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."

Amendment to Regulation 32.

8. Regulation 32 of the principal regulations is amended by inserting in subregulations (1) and (2) after the figure "29" the expression "or 31A".

Amendment to Regulation 33.

9. Regulation 33 of the principal regulations is amended—

- (a) by inserting in subregulation (1) after the figure "29" the expression "or 31A";
- (b) by omitting the full stop at the end of paragraph (b) of subregulation (1) and substituting therefor a semi-colon and the word "or"; and

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- (c) by inserting after paragraph (b) of subregulation (1) the following new paragraph

"(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."

Repeal and replacement of Regulation 35.

10. Regulation 35 of the principal regulations is repealed and replaced by the following new regulation

"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."

Amendment to Regulation 37.

11. Regulation 37 of the principal regulations is amended

- (a) by omitting the full stop at the end of paragraph (c) of subregulation (3) and substituting therefor a semi colon;
- (b) by inserting after paragraph (c) of subregulation (3) the following new paragraph

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"(d) a reference to protein, polyunsaturated fatty acid or sodium in a statement of the basic nutrient content of a food.";

- (c) by inserting at the end of the regulation the following new subregulation -

"(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."

Amendment to Regulation 39.

12. Regulation 39 of the principal regulations is amended by—

- (a) omitting subregulation (1) and substituting therefor the following new subregulation

"(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. "1

- (b) omitting subregulation (5) and substituting therefor the following new subregulation

"(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."

Amendment to Schedule 3.

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13. Schedule 3 to the principal regulations is amended by omitting in column 2 the figure " 1985" whenever it appears and substituting therefor the figure "1987".

New Schedule.

14. The following new Schedule to the principal regulations is inserted after Schedule 5--

"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.

Description of alcoholic drink	Positive or negative tolerance
1. (a) Beers having an alcoholic strength not exceeding 5.5% volume))) 0.5% vol
(b) alcoholic drinks made from grapes and falling within subheading No 2206-0093 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), perries, 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 at plants)) 1.5% vol

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- (b) draught ciders)
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 prepacked.

Description of alcoholic drink	Positive or negative tolerance
1. Wines regulated by Council Regulation (EEC) 35539 other than quality wines produced in a specified region and stored in bottles for more than 3 years	0.5% vol
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."

Amendment to Schedule 6.

15. Schedule 6 of the principal regulations is amended -

- (a) by inserting in paragraph 3 of Column 2 to item 5 (Diabetic claims) after the word "isomalt" the word "lactitol"; and
- (b) by adding in sub-paragraph (b) of paragraph 4 of column 2 to items 5 (Diabetic claims) after the word "isomalt" the word "lactitol".

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Dated this 14th day of June, 1990.

By Command,
W. E. QUANTRILL,
Deputy Governor.