

2004 No. 13

FOOD

Meat Products Regulations (Northern Ireland) 2004

Made - - - - - *16th January 2004*

Coming into operation *29th February 2004*

The Department of Health, Social Services and Public Safety^(a) in exercise of the powers conferred on it by Articles 15(1)(a) and (e), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991^(b) and of all other powers enabling it in that behalf, having had regard in accordance with Article 47(3A) of the said Order to relevant advice given by the Food Standards Agency and after consultation both as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council^(c) and in accordance with Article 47(3) and (3B) of the said Order, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Meat Products Regulations (Northern Ireland) 2004 and shall come into operation on 29th February 2004.

Interpretation

2. In these Regulations –

“catering establishment” has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1996^(d);

“cooked”, in relation to a food, means subjected to a process of cooking throughout the whole food so that the food is sold for consumption without further cooking;

“cured meat” means a food consisting of meat and curing salt, whether or not the food also contains any other ingredient;

“curing salt” means sodium chloride, potassium chloride, sodium nitrate, potassium nitrate, sodium nitrite or potassium nitrite, whether alone or in any combination, except that sodium chloride or potassium chloride alone or a mixture of sodium chloride and potassium chloride alone is to be regarded as a curing salt when used in a meat product only if used in sufficient quantity to have a significant preserving effect on the meat product;

“ingredient” has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1996;

(a) Formerly the Department of Health and Social Services; *see* S.I. 1999/283 (N.I. 1), Article 3
(b) S.I. 1991/762 (N.I.7) as amended by S.I. 1996 /1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28
(c) O.J. No. L31, 1.2.2002, p. 1; laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety
(d) S.R. 1996 No. 383; relevant amending Regulations are S.R. 1998 Nos. 253 and 359, S.R. 1999 Nos. 143, 244, 286 and 301, S.R. 2000 No. 189 and S.R. 2003 No. 159

“meat” has the meaning assigned to it by Directive 2000/13/EC of the European Parliament and the Council on the approximation of the laws of the member States relating to the labelling, presentation and advertising of foodstuffs^(a), as amended by Commission Directive 2001/101/EC^(b);

“meat product” means any food, other than one specified in Schedule 1, which consists of meat or which contains as an ingredient, or as ingredients, any of the following: meat; mechanically recovered meat; or, from any mammalian or bird species recognised as fit for human consumption, heart, tongue, the muscles of the head (other than the masseters), the carpus, the tarsus, or the tail;

“mechanically recovered meat” has the same meaning as in Commission Directive 2001/101/EC;

“the Order” means the Food Safety (Northern Ireland) Order 1991;

“sell” includes offer or expose for sale and includes have in possession for sale;

“ultimate consumer” has the meaning assigned to it by the Food Labelling Regulations (Northern Ireland) 1996.

Scope

3.—(1) Subject to paragraphs (2) and (3), these Regulations apply to food which is ready for delivery to the ultimate consumer or to a catering establishment.

(2) These Regulations shall not apply in respect of any food which is –

- (a) not intended for sale for human consumption; or
- (b) marked or labelled with a clear indication that the food is intended exclusively for consumption by babies or young children.

(3) Regulation 4 (restrictions on the use of certain names) shall not apply in respect of any food which is –

- (a) brought into Northern Ireland from –
 - (i) an EEA State (other than the United Kingdom), or
 - (ii) another part of the United Kingdom, in which it was lawfully sold, having been lawfully produced in an EEA State; or
- (b) brought into Northern Ireland from –
 - (i) a member State (other than the United Kingdom), or
 - (ii) another part of the United Kingdom, in which it was lawfully sold, having been lawfully produced in a member State, or in which it was in free circulation and lawfully sold.

(4) For the purposes of paragraph (3) –

“EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area^(c) signed at Oporto on 2nd May 1992 as adjusted by the Protocol^(d) signed at Brussels on 17th March 1993;

“free circulation” has the same meaning as in Article 24 of the Treaty establishing the European Community;

“member State” means a State which is a member of the European Community.

Restrictions on the use of certain names

4.—(1) For the purposes of the Food Labelling Regulations (Northern Ireland) 1996, a name which appears in column 1 of Schedule 2 shall not be used in the labelling or advertising

(a) O.J. No. L109, 6.5.2000, p. 29
(b) O.J. No. L310, 28.11.2001, p. 19
(c) O.J. No. L1, 3.1.94, p. 1
(d) O.J. No. L1, 3.1.94, p. 571

of a meat product as the name of the food, whether or not qualified by other words, unless either –

- (a) the product complies with the appropriate requirements in columns 2 and 3 of that Schedule; or
- (b) the name is used in accordance with paragraph (2).

(2) A name which appears in column 1 of Schedule 2 shall not be used in the labelling or advertising of a food, whether or not qualified by other words, in such a way as to suggest, either expressly or by implication, that the product designated by that name is an ingredient of the food unless either –

- (a) (i) that product is an ingredient of the food, and
- (ii) that product complied, at the time of preparation of the food, with the appropriate requirements in columns 2 and 3 of that Schedule; or
- (b) (i) the name used as the name of the food for that food is a name which appears in column 1 of that Schedule, and
- (ii) the food complies with the appropriate requirements in columns 2 and 3 of that Schedule.

(3) No person shall sell a food in the labelling of which a name is used in contravention of paragraph (1) or (2).

(4) No person shall use a name in contravention of paragraph (1) or (2) in advertising a food for sale.

Name of the food for certain meat products

5.—(1) Subject to paragraphs (3) and (4), where any person sells any meat product which has the appearance of a cut, joint, slice, portion or carcass of meat or of cured meat (in each case, whether cooked or uncooked), this regulation shall apply.

(2) For the purposes of the Food Labelling Regulations (Northern Ireland) 1996, the name used as the name of the food in the labelling of any meat product to which this regulation applies shall include an indication of –

- (a) any added ingredient of animal origin, unless the meat product contains meat of the species from which that added ingredient is derived; and
- (b) any added ingredient to which sub-paragraph (a) does not apply other than one which is specified in Schedule 3.

(3) For the purposes of paragraph (1), no account shall be taken of the presence in or on the meat product of any seasoning, garnishing or gelatinous substance, nor of any packaging material enclosing the meat product.

(4) This regulation shall not apply where the name used as the name of the food is a name which appears in column 1 of Schedule 2, whether or not qualified by other words, or to a food having the appearance of minced uncooked meat which has been shaped.

Parts of the carcass in uncooked meat products

6.—(1) Subject to paragraph (3), no person shall sell an uncooked meat product in the preparation of which any part specified in paragraph (2) of the carcass from any mammalian species has been used as an ingredient.

(2) Subject to the Transmissible Spongiform Encephalopathy Regulations (Northern Ireland) 2002(a), the specified parts of the carcass are: brains, feet, large intestine, small intestine, lungs, oesophagus, rectum, spinal cord, spleen, stomach, testicles and udder.

(3) The prohibition contained in paragraph (1) shall not extend to use of either a mammalian large or small intestine solely as a sausage skin.

(4) In this regulation, “sausage” includes chipolata, frankfurter, link, salami and any similar product.

(a) S.R. 2002 No. 225, as amended by S.R. 2003 Nos. 495 and 509

Penalties and enforcement

7.—(1) If any person contravenes regulation 4, 5(2) or 6(1) he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Each district council shall enforce and execute these Regulations within its district.

Application of various provisions of the Order

8. The following provisions of the Order shall apply for the purposes of these Regulations and any reference in those provisions to the Order shall be construed as a reference to these Regulations –

- (a) Articles 2(4) and 3 (extended meaning of “sale” etc.);
- (b) Article 4 (presumptions that food intended for human consumption);
- (c) Article 19 (offences due to fault of another person);
- (d) Article 20 (defence of due diligence) as it applies for the purposes of Article 7, 13 or 14;
- (e) Article 21 (defence of publication in the course of business);
- (f) Article 30(8) (which relates to documentary evidence);
- (g) Article 34 (obstruction, etc., of officers);
- (h) Article 36 (punishment of offences) in so far as it relates to offences under Article 34(1) and (2) as applied by paragraph (g).

Amendment of the Food Labelling Regulations (Northern Ireland) 1996

9. The Food Labelling Regulations (Northern Ireland) 1996 shall be amended as follows –

- (a) in regulation 2(1) (interpretation), immediately after the definition of “liqueur wine” there shall be inserted the following definition –
 - “ “meat product” has the meaning assigned to it by the Meat Products Regulations (Northern Ireland) 2003;”;
- (b) in regulation 23 (food which is not prepacked and similar food, and fancy confectionery products), in paragraph (2) –
 - (i) at the end of sub-paragraph (a), “and” shall be deleted, and
 - (ii) after sub-paragraph (b) there shall be inserted the following –
 - “and
 - (c) in the case of a meat product other than one listed in Schedule 4A, the particulars required by regulation 5(bA) in respect of those of its ingredients being meat, within the meaning assigned to it by Directive 2000/13/EC of the European Parliament and the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, as amended by Commission Directive 2001/101/EC;”;
- (c) after Schedule 4 there shall be inserted the Schedule contained in Schedule 4 to these Regulations.

Transitional provision and defence in relation to exports

10. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that –

- (a) (i) the act was committed before 1st August 2004; and
- (ii) the matter constituting the offence would not have constituted an offence under the Meat Products and Spreadable Fish Products Regulations (Northern Ireland) 1984(a) as they stood immediately prior to the coming into force of these Regulations; or

(a) S.R. 1984 No. 408, as amended by S.R. 1986 No. 227, S.R. 1991 Nos. 203 and 344, S.R. 1992 No. 464, S.R. 1996 Nos. 48, 49, 50 and 383, and S.R. 1998 No. 253

- (b) the food in respect of which the offence is alleged to have been committed –
 - (i) was intended for export and complied with the importing country's domestic legislation relevant to the alleged offence; or
 - (ii) in the case of proceedings for an offence under regulation 4 or 5, was intended for export and was marked or labelled before 1st August 2004.

Revocations

11. The provisions specified in column 1 of Schedule 5 are revoked to the extent specified in column 2 of that Schedule.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 16th January 2004.

(L.S.)

Deirdre Kenny

A Senior Officer of the Department of Health, Social Services and Public Safety

SCHEDULE I

Regulation 2

FOODS WHICH ARE NOT MEAT PRODUCTS FOR THE PURPOSES OF THESE REGULATIONS

1. Raw meat to which no ingredient, or no ingredient other than proteolytic enzymes has been added.
2. Poultrymeat falling within the scope of Council Regulation (EEC) No. 1906/90(a) on certain marketing standards for poultry, as amended (in so far as is relevant to these Regulations) by Council Regulation (EEC) No. 317/93(b) and Council Regulation (EC) No. 3204/93(c), and as read with Commission Regulation (EEC) No. 1538/91(d) introducing detailed rules for implementing Regulation (EEC) No. 1906/90, as amended (in so far as is relevant to these Regulations) by Commission Regulation (EEC) No. 2891/93(e), Commission Regulation (EC) No. 2390/95(f) and Commission Regulation (EC) No. 1000/96(g).
3. Any product containing the fat, but no other meat, of any bird or animal.

(a) O.J. No. L173, 6.7.90, p. 1
(b) O.J. No. L37, 13.2.93, p. 8
(c) O.J. No. L289, 24.11.93, p. 3
(d) O.J. No. L143, 7.6.91, p. 11
(e) O.J. No. L263, 22.10.93, p. 12
(f) O.J. No. L244, 12.10.95, p. 60
(g) O.J. No. L134, 5.6.96, p. 9

SCHEDULE 2

Regulation 4(1) and (2)

RESERVED DESCRIPTIONS

<i>Column 1</i>	<i>Column 2</i>			<i>Column 3</i>			
Name of Food	Meat or Cured Meat Content Requirements			Additional Requirements			
	<p>The food shall contain not less than the indicated percentage of meat, where the meat ingredient consists of the following:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 5px;">Meat or, as the case may be, cured meat from pigs only</td> <td style="width: 33%; padding: 5px;">Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only</td> <td style="width: 33%; padding: 5px;">Meat or, as the case may be, cured meat from other species or other mixtures of meat</td> </tr> </table>			Meat or, as the case may be, cured meat from pigs only	Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only	Meat or, as the case may be, cured meat from other species or other mixtures of meat	
Meat or, as the case may be, cured meat from pigs only	Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only	Meat or, as the case may be, cured meat from other species or other mixtures of meat					
1. Burger – <i>whether or not forming part of another word, but excluding any name falling within items 2 or 3.</i>	67%	55%	62%	<p>1. Where the name “hamburger” is used, the meat used in the preparation of the food must be beef, pork or a mixture of both.</p> <p>2. Where either of the names “burger” or “economy burger” is qualified by the name of a type of cured meat, the food must contain a percentage of meat of the type from which the named type of cured meat is prepared at least equal to the minimum required meat content for that food.</p> <p>3. Where any of the names “burger”, “economy burger” or “hamburger” is qualified by the name of a type of meat, the food must contain a percentage of that named meat at least equal to the minimum required meat content for that food.</p> <p>4. Where any of the names “burger”, “economy burger” or “hamburger” are used to refer to a compound ingredient consisting of a meat mixture and other ingredients, such as a bread roll, these requirements shall apply only to the meat mixture, as if the meat mixture were the meat product in the labelling or advertising of which the name was used as the name of the food.</p>			
2. Economy Burger – <i>whether or not “burger” forms part of another word.</i>	50%	41%	47%				
3. Hamburger – <i>whether or not forming part of another word.</i>	67%	Not applicable	62%				

<i>Column 1</i>	<i>Column 2</i>			<i>Column 3</i>
Name of Food	Meat or Cured Meat Content Requirements			Additional Requirements
4. Chopped X , there being inserted in place of "X" the name "meat" or "cured meat" or the name of a type of meat or cured meat, whether or not there is also included the name of a type of meat	75%	62%	70%	No additional requirement
5. Corned X , there being inserted in place of "X" the name "meat" or the name of a type of meat, unless qualified by words which include the name of a food other than meat	120%	120%	120%	1. The food shall consist wholly of meat that has been corned. 2. Where the name of the food includes the name of a type of meat, the meat used in the preparation of the food shall be wholly of the named type. 3. The total fat content of the food shall not exceed 15%.
6. Luncheon meat Luncheon X , there being inserted in place of "X" the name of a type of meat or cured meat	67%	55%	62%	No additional requirement
7. Meat pie Meat pudding <i>The name "pie" or "pudding" qualified by the name of a type of meat or cured meat unless qualified also by the name of a food other than meat or cured meat</i> Melton Mowbray pie Game pie Based on the weight of the ingredients when the food is uncooked But if the food weighs – not more than 200 g. and not less than 100 g. less than 100 g.	12.5%	12.5%	12.5% 11% 10%	1. Where the name "Melton Mowbray pie" is used, the meat used in the preparation of the food must be meat from pigs only.

<p>8. Scottish pie or Scotch pie Based on the weight of the ingredients when the food is uncooked</p>	10%	10%	10%	No additional requirement
<p>9. <i>The name “pie” or “pudding” qualified by the words “meat” or “cured meat” or by the name of a type of meat or cured meat and also qualified by the name of a food other than meat or cured meat –</i> <i>Where the former (meat-related) qualification precedes the latter</i> <i>Where the latter (non-meat-related) qualification precedes the former</i> Based on the weight of the ingredients when the food is uncooked</p>	7% 6%	7% 6%	7% 6%	No additional requirement
<p>10. Pasty or Pastie Bridie Sausage roll Based on the weight of the ingredients when the food is uncooked</p>	6%	6%	6%	No additional requirement
<p>11. Sausage (excluding the name “sausage” when qualified by the words “liver” or “tongue” or both), link, chipolata or sausage meat. <i>Where the name is qualified by the name “pork” but not by the name of any other type of meat</i> <i>In all other cases</i></p>	42% 32%	Not applicable 26%	Not applicable 30%	No additional requirement

Note: The meat or cured meat content requirements specified in this Schedule are calculated by weight. In relation to items 1 to 6 and 11 they are based, subject to regulation 4(2)(a)(ii), on the weight of the food concerned as it is labelled or, as the case may be, advertised.

SCHEDULE 3

Regulation 5(2)(b)

ADDED INGREDIENTS WHICH ARE NOT REQUIRED TO BE INDICATED IN THE NAME OF THE FOOD IN THE CASE OF A MEAT PRODUCT TO WHICH REGULATION 5 APPLIES

1. Any additive.
2. Any curing salt.
3. Any ingredient used solely as a garnish or decorative coating.
4. Any ingredient (not being an additive) that is added only in order to impart odour or taste or both.
5. Any salt, herb or spice used as seasoning.
6. Any starch that is added only for a technological purpose.
7. Any protein (of either animal or vegetable origin) that is added only for a technological purpose.
8. Any sugar that is added only in order to impart a sweet taste.
9. In the case of meat (whether cooked or uncooked) or cooked cured meat, added water making up not more than 5% of the weight of the product.
10. In the case of uncooked cured meat, added water making up not more than 10% of the weight of the product.

Notes:

For the purposes of item 1, “additive” means any substance permitted for use in food by the Colours in Food Regulations (Northern Ireland) 1996(a), the Flavourings in Food Regulations (Northern Ireland) 1992(c), the Miscellaneous Food Additives Regulations (Northern Ireland) 1996(b) or the Sweeteners in Food Regulations (Northern Ireland) 1996(d).

For the purposes of items 6 and 7, “technological purpose” means any purpose within the meaning of “technological purposes” in point 4 of Chapter V of Annex B to Council Directive 77/99/EEC on health problems affecting intra-Community trade in meat products, as amended and updated by Council Directive 92/5/EEC(e) and as further amended by Council Directive 97/76/EC(f).

SCHEDULE 4

Regulation 9(c)

SCHEDULE TO BE INSERTED INTO THE FOOD LABELLING REGULATIONS (NORTHERN IRELAND) 1996

“SCHEDULE 4A

Regulation 23(2)(c)

MEAT PRODUCTS NOT REQUIRED TO BEAR AN INDICATION OF THE QUANTITY OF AN INGREDIENT OR CATEGORY OF INGREDIENTS WHEN SOLD NOT PREPACKED OR PREPACKED FOR DIRECT SALE

1. Sandwiches, filled rolls and similar products, which are ready for consumption without further processing, other than products containing meat which are sold under a name, whether or not qualified by other words, included in the items “burger”, “economy burger” or “hamburger” in Schedule 2 (reserved descriptions) to the Meat Products Regulations (Northern Ireland) 2004.
2. Pizzas and similar topped products.

(a) S.R. 1996 No. 49, as amended by S.R. 2000 No. 188 and S.R. 2001 No. 408
(b) S.R. 1992 No. 416, as amended by S.R. 1994 No. 270 and S.R. 1996 No. 383
(c) S.R. 1996 No. 50, as amended by S.R. 1997 No. 340, S.R. 1999 No. 244, S.R. 2001 Nos. 46 and 419 and S.R. 2003 Nos. 300, 301 and 313
(d) S.R. 1996 No. 48, as amended by S.R. 1997 No. 257, S.R. 1999 No. 216, S.R. 2002 No. 39 and S.R. 2003 No. 257
(e) O.J. No. L57, 2.3.92, p. 1
(f) O.J. No. L10, 16.1.98, p. 25

3. Any food for which the name is “broth”, “gravy” or “soup”, whether or not qualified by other words.
4. A food consisting of an assemblage of two or more ingredients, which has not been subjected to any processing or treatment once it has been assembled, and which is sold to the ultimate consumer as an individual portion intended to be consumed without further processing or treatment.”.

SCHEDULE 5

Regulation 10

REVOCATIONS

Column 1 <i>Provision</i>	Column 2 <i>Extent of revocation</i>
Meat Products and Spreadable Fish Products Regulations (Northern Ireland) 1984 (S.R. 1984 No. 408)	The whole Regulations
Meat Products and Spreadable Fish Products (Amendment) Regulations (Northern Ireland) 1986 (S.R. 1986 No. 227)	The whole Regulations
Food Safety (Northern Ireland) Order 1991 (Consequential Modifications) Order (Northern Ireland) 1991 (S.R. 1991 No. 203)	In Schedule 1 and in Schedule 5 the references to the Meat Products and Spreadable Fish Products Regulations (Northern Ireland) 1984
Food Safety (Exports) Regulations (Northern Ireland) 1991 (S.R. 1991 No. 344)	In the Schedule, the reference to the Meat Products and Spreadable Fish Products Regulations (Northern Ireland) 1984
Food (Forces Exemptions) (Revocations) Regulations (Northern Ireland) 1992 (S.R. 1992 No. 464)	In the Schedule, the reference to the Meat Products and Spreadable Fish Products Regulations (Northern Ireland) 1984
Sweeteners in Food Regulations (Northern Ireland) 1996 (S.R. 1996 No. 48)	Regulation 10(3)
Colours in Food Regulations (Northern Ireland) 1996 (S.R. 1996 No. 49)	Regulation 12(4)
Miscellaneous Food Additives Regulations (Northern Ireland) 1996 (S.R. 1996 No. 50)	Regulation 10(9)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which revoke, and replace in part, the Meat Products and Spreadable Fish Products Regulations (Northern Ireland) 1984, as amended –

- (a) define various expressions used in the Regulations (*regulation 2*);
- (b) specify the scope of the Regulations (*regulation 3*);
- (c) prohibit the use of specified names in the labelling or advertising of meat products if the products do not satisfy specific compositional requirements and the sale of food labelled in contravention of that prohibition (*regulation 4 and Schedule 2*);
- (d) prescribe that, save in specified cases, where meat products of a specified appearance are sold the name used as the name of the food in the labelling of the products must include an indication of any added ingredients of animal origin and of any other added ingredients not falling into specified categories (*regulation 5 and Schedule 3*);
- (e) subject to an exception, prohibit the sale of uncooked meat products which include amongst their ingredients specified parts of the carcass of any mammalian species of animal (*regulation 6*);
- (f) prescribe penalties for breach of the Regulations and allocate responsibility for their enforcement and execution (*regulation 7*);
- (g) apply specified provisions of the Food Safety (Northern Ireland) Order 1991 for the purposes of the Regulations (*regulation 8*);
- (h) amend the Food Labelling Regulations (Northern Ireland) 1996, as amended, by –
 - (i) adding to regulation 2(1) (interpretation) a definition of “meat product”, and
 - (ii) in regulation 23 (food which is not prepacked and similar food, and fancy confectionery products) adding, as an exception to that regulation, a new paragraph (2)(c) providing that, in the case of meat products other than specified ones, which are not prepacked or which are prepacked for direct sale, a declaration is required in accordance with regulation 5(bA) of the 1996 Regulations as to the quantity of certain ingredients or categories of ingredients (*regulation 9*); and
- (i) include a transitional provision relating to offences under the Regulations committed before 1st August 2004 and a defence in relation to food intended for export (*regulation 10*).

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