
STATUTORY INSTRUMENTS

1995 No. 3124

The Colours in Food Regulations 1995

Interpretation

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

“the Act” means the Food Safety Act 1990;

the noun “colour” means a food additive which is used or intended to be used for the primary purpose of adding or restoring colouring in a food, and includes—

- (a) any natural constituent of food and any natural source not normally consumed as food as such and not normally used as a characteristic ingredient of food, and
- (b) any preparation obtained from food or from any other natural source material, by, in either case—
 - (i) physical extraction,
 - (ii) chemical extraction, or
 - (iii) physical and chemical extraction

which results in the selective extraction of the pigment relative to the nutritive or aromatic constituent,

but does not include—

(aa) any food (including one in dried or concentrated form),

(bb) any flavouring,

used, in either case, in the manufacture of any compound food because of its aromatic, sapid or nutritive properties albeit that it may also be used secondarily to add or restore colouring to such compound food, and

(cc) any colour when it is used only for colouring any inedible external part of a food;

“Directive 94/36/EC” means European Parliament and Council Directive 94/36/ EC(1) on colours for use in foodstuffs;

“Directive 95/45/EC” means Commission Directive 95/45/EC(2) laying down specific criteria of purity concerning colours for use in foodstuffs;

“food” means food sold, or intended for sale, for human consumption, and in regulation 8 and for the purposes of regulation 11 includes a colour;

“food additive” means any substance not normally consumed as a food in itself and not normally used as a characteristic ingredient of food, whether or not it has nutritive value, the intentional addition of which to food for a technological purpose in the manufacture, processing, preparation, treatment, packaging, transport or storage of such food results, or may reasonably be expected to result, in it or its by-products becoming directly or indirectly a component of such foods;

“infants” means children under the age of twelve months;

(1) OJNo. L237, 10.9.94, p. 13.

(2) OJ No. L226, 22.9.95, p. 1.

“member State” means a member State of the European Community;

“permitted colour” means any colour listed in Schedule 1 which satisfies the specific purity criteria for that colour set out in the annex to Directive 95/45/EC;

“processed” in relation to any food, means having undergone any treatment resulting in a substantial change in the original state of the food, but does not include dividing, parting, severing, boning, mincing, skinning, paring, peeling, grinding, cutting, cleaning, trimming, deep-freezing, freezing, chilling, milling, husking, packing or unpacking, and “unprocessed” shall be construed accordingly;

“sell” includes possess for sell, and offer, expose or advertise for sale, and “sale” and “sold” shall be construed accordingly;

“young children” means children aged between one and three years,

and other expressions used in these Regulations and in Directive 94/36/EC have, in so far as the context admits, the same meaning as they bear in that Directive.

(2) Any reference in these Regulations to a Community instrument is a reference to it as amended, modified or otherwise adapted.

(3) Any reference in these Regulations to a numbered regulation or Schedule shall, unless the context otherwise requires, be construed as a reference to the regulation or Schedule bearing that number in these Regulations, and including in the case of a Schedule any note thereto.

(4) Any reference in these Regulations or in a Schedule thereto to—

(a) a maximum level of permitted colour in or on a food is to the maximum amount, in milligrams, of colouring principle contained in that permitted colour per kilogram or, as the case may be, per litre of food which is ready to eat having been prepared according to any instructions for use;

(b) *quantum satis*, means that no maximum level of permitted colour in or on a corresponding food is specified but that in or on such food a permitted colour may be used in accordance with good manufacturing practice at a level not higher than is necessary to achieve the intended purpose and provided that such use does not mislead the consumer.