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STATUTORY INSTRUMENTS

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**1996 No. 1499**

**The Food Labelling Regulations 1996**

**PART II**

**FOOD TO BE DELIVERED AS SUCH TO THE  
ULTIMATE CONSUMER OR TO CATERERS**

*Manner of marking or labelling*

**General requirement**

**35.** When any food other than food to which regulation 23, 27 or 31 applies is sold, 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,

save that where the sale is otherwise than to the ultimate consumer such particulars may, alternatively, appear only on the commercial documents relating to the food where it can be guaranteed that such documents, containing all such particulars, either accompany the food to which they relate or were sent before, or at the same time as, delivery of the food, and provided always that the particulars required by regulation 5(a), (c) and (e) shall also be marked or labelled on the outermost packaging in which that food is sold.

**Food to which regulation 23 or 27 applies**

**36.—(1)** When any food to which regulation 23 or 27 applies is sold to the ultimate consumer, the particulars with which it is required to be marked or labelled by these Regulations shall, except in a case to which paragraph (2) of this regulation applies, appear—

- (a) on a label attached to the food, or
- (b) on a menu, notice, ticket or label that is readily discernible by an intending purchaser at the place where he chooses that food.

(2) In any case where food to which paragraph (1)(b) of this regulation applies has been or contains an ingredient which has been irradiated and that food is sold and delivered to the ultimate consumer in a catering establishment, use of alternative labelling shall not alone be treated as a contravention of these Regulations and for this purpose alternative labelling is used where, instead of the particulars referred to in that paragraph appearing in the manner specified therein, alternative particulars are displayed in accordance with paragraph (3), with paragraph (4) or with paragraphs (3) and (4) of this regulation.

(3) Alternative particulars are displayed in accordance with this paragraph in relation to any ingredient which has been irradiated if there appears, in the manner specified in paragraph (1)(b) of this regulation, an indication that the food of which that irradiated ingredient forms part may contain

that irradiated ingredient and if the reference within that indication to that ingredient includes or is accompanied by the word “irradiated” or the words “treated with ionising radiation”.

(4) Alternative particulars are displayed in accordance with this paragraph if the irradiated ingredients to which they relate are dried substances normally used for seasoning, if there appears, in the manner specified in paragraph (1)(b) of this regulation, an indication to the effect that food sold in the catering establishment contains (or may contain) those irradiated ingredients and if the reference within that indication to those ingredients includes or is accompanied by the word “irradiated” or the words “treated with ionising radiation”.

(5) When any food to which regulation 23 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 that is readily discernible by the intending purchaser at the place where he chooses the food, or
- (c) in commercial documents relating to the food where it can be guaranteed that such documents either accompany the food to which they relate or were sent before, or at the same time as, delivery of the food.

### **Milk**

**37.**—(1) Subject to paragraph (2) of this regulation, in the case of milk that is contained in a bottle, any particulars which are required to be given under these Regulations may be given on the bottle cap.

(2) In the case of raw milk contained in a bottle, the particulars specified in regulation 31(1) shall be given elsewhere than on the bottle cap.

### **Intelligibility**

**38.**—(1) The particulars with which a food is required to be marked or labelled by these Regulations, or which appear on a menu, notice, ticket or label 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) Paragraph (1) of this regulation shall not be taken to preclude the giving of such particulars at a catering establishment, in respect of foods the variety and type of which are changed regularly, by means of temporary media (including the use of chalk on a blackboard).

### **Field of vision**

**39.**—(1) Where a food is required to be marked or labelled with more than one of the following indications, such indications shall appear in the labelling of the food in the same field of vision—

- (a) the name of the food,
- (b) an appropriate durability indication,
- (c) an indication of alcoholic strength by volume,
- (d) the cautionary words in respect of raw milk,
- (e) the warning required on certain products by regulation 32, and

(f) an indication of the net quantity as required by the Weights and Measures Act 1985(1) or by any Order or Regulations made thereunder.

(2) Paragraph (1)(b), (c) and (f) of this regulation shall not apply to any food sold in a bottle or packaging where such bottle or packaging is the subject of regulation 26.