
STATUTORY INSTRUMENTS

1996 No. 1499

The Food Labelling Regulations 1996

PART II

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

Omission of certain particulars

Food which is not prepacked and similar food, and fancy confectionery products

23.—(1) This regulation applies to—

- (a) food which is—
 - (i) not prepacked, or
 - (ii) prepacked for direct sale,other than any such food to which regulation 27 applies;
- (b) any flour confectionery which is packed 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 and any lot marking indication given in accordance with the Food (Lot Marking) Regulations 1992⁽¹⁾, if there is not attached to the flour confectionery or its packaging any document, notice, label, ring or collar (other than a label (or labels) on which only the price of the food and any lot marking indication are marked); and
- (c) individually wrapped fancy confectionery products which are not enclosed in any further packaging and which are intended for sale as single items.

(2) Subject to paragraph (3) of this regulation, food to which this regulation applies need not be marked or labelled with any of the particulars specified in regulation 5 except—

- (a) the name of the food; and
- (b) in the case of milk, the particulars required by regulation 5(f) (where the appropriate circumstances described in that regulation apply) and, if such milk is raw milk, the particulars required by regulation 5(e)(i),

nor, where but for this regulation they would otherwise be required, with any of the particulars specified in regulations 32, 33 and 34; and

(3) Food to which this regulation applies which has not been irradiated and which is—

- (a) not exposed for sale, or
- (b) white bread or flour confectionery, or
- (c) carcasses and parts of carcasses which are not intended for sale in one piece,

need not be marked or labelled with any of the particulars specified in regulation 5.

⁽¹⁾ S.I.1992/1357.

Indication of additives

- 24.—(1) Subject to the following paragraphs of this regulation, any food which—
- (a) by virtue of regulation 23 alone is not marked or labelled with a list of ingredients, and
 - (b) contains any additive which—
 - (i) but for regulation 23, 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, colour, flavouring, flavour enhancer, preservative, or sweetener,
- shall be marked or labelled with an indication of every such category of additive 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.

Indication of irradiated ingredients

- 25.—(1) Subject to paragraph (2) of this regulation, any food which—
- (a) by virtue of regulation 23 alone is exempted from the requirement to be marked or labelled with a list of ingredients, and
 - (b) contains any ingredient which has been irradiated (and which comprises a particular with which, had that food not been subject to that exemption, the food would have been required by these Regulations to be marked or labelled),

shall be marked or labelled with an indication that it contains that ingredient, and in such a case the reference within that indication to that ingredient shall include or be accompanied by the word “irradiated” or the words “treated with ionising radiation”.

- (2) This regulation does not apply to food which is not exposed for sale.

Small packages and certain indelibly marked bottles

26.—(1) Subject to the following paragraphs of this regulation, any prepacked food, either contained in an indelibly marked glass bottle intended for re-use and having no label, ring or collar, or the largest surface of whose packaging has an area of less than ten square centimetres, need not by virtue of these Regulations be marked or labelled with any of the particulars specified in regulation 5 except the name of the food and, unless the food is not required to be marked or labelled with such an indication, the appropriate durability indication.

(2) Any bottle referred to in paragraph (1) of this regulation which contains milk shall also be marked or labelled with the particulars required by regulation 5(f) (where the appropriate circumstances described in that regulation apply) and, if such milk is raw milk, with the particulars required by regulation 5(e)(i).

- (3) Subject to paragraphs (4) and (5) of this regulation, any prepacked food which—

- (a) is sold or supplied as an individual portion, and
- (b) is intended as a minor accompaniment to either—
 - (i) another food, or
 - (ii) another service,

need not be marked or labelled with any of the particulars specified in regulation 5 except the name of the food nor, where but for this regulation they would otherwise be required, with any of the particulars specified in regulations 32, 33 and 34. Such prepacked food shall include butter and other fat spreads, milk, cream and cheeses, jams and marmalades, mustards, sauces, tea, coffee and sugar, and such other service shall include the provision of sleeping accommodation at an hotel or other establishment at which such accommodation is provided by way of trade or business.

- (4) This regulation does not apply to any food to which regulation 23 or 27 applies.
- (5) Any bottle referred to in paragraph (1) of this regulation need not—
 - (a) where it contains milk, or
 - (b) where it contains any other food, in which case until 1st January 1997,

be marked or labelled with an appropriate durability indication.

Certain food sold at catering establishments

27.—(1) Subject to the following paragraphs of this regulation, any food which is sold at a catering establishment and is either—

- (a) not prepacked, or
- (b) prepacked for direct sale,

need not be marked or labelled with any of the particulars specified in regulation 5 nor, where but for this regulation they would otherwise be required, with any of the particulars specified in regulations 32, 33 and 34.

(2) In the case of any such food being milk which is prepacked for direct sale it shall be marked or labelled with the particulars required by regulations 5(f) (where the appropriate circumstances described in that regulation apply) and, if such milk is raw milk, the particulars required by regulation 5(e)(i).

(3) In the case of any such food which has been irradiated that food shall be marked or labelled with an indication of such treatment, which indication shall include or be accompanied by the word “irradiated” or the words “treated with ionising radiation”.

(4) In the case of any such food which contains an ingredient which has been irradiated (and which comprises a particular with which, had that food been prepacked, the food would have been required by these Regulations to be marked or labelled), that food shall (subject to regulation 36(3) and (4)) be marked or labelled with an indication that it contains that ingredient and the reference within that indication to that ingredient shall include or be accompanied by the word “irradiated” or the words “treated with ionising radiation”.

Seasonal selection packs

28. The outer packaging of a seasonal selection pack need not be marked or labelled with any of the particulars specified by these Regulations, provided that each item contained in the pack is individually prepacked and is marked or labelled in accordance with the provisions of these Regulations or any other Regulations applying to such item.

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