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STATUTORY INSTRUMENTS

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**1996 No. 1499**

**The Food Labelling Regulations 1996**

**PART III**

**CLAIMS, NUTRITION LABELLING AND MISLEADING DESCRIPTIONS**

**Claims**

**40.**—(1) A claim of the type described in Part I of Schedule 6 shall not be made, either expressly or by implication, in the labelling or advertising of a food.

(2) A claim of a type described in Part II of Schedule 6 shall not be made, either expressly or by implication, in the labelling or advertising of a food, except in accordance with the appropriate conditions set out in that Part of that Schedule.

(3) Where a claim is a claim of two or more of the types described in Part II of Schedule 6, the conditions appropriate to each of the relevant types of claim shall be observed.

**Supplementary provisions relating to claims**

**41.**—(1) Nothing in regulation 40 or Schedule 6 shall be taken to prevent the dissemination of useful information or recommendations intended exclusively for persons having qualifications in dentistry, medicine, nutrition, dietetics or pharmacy.

(2) A reference to a substance in a list of ingredients or in any nutrition labelling shall not of itself constitute a claim of a type described in Schedule 6.

(3) In Schedule 6 any condition that a food in respect of which a claim is made shall be marked or labelled with the prescribed nutrition labelling shall not apply in the case of—

- (a) a food (other than a food sold from a vending machine) which is not prepacked and which is sold to the ultimate consumer at a catering establishment, or
- (b) a claim contained within generic advertising,

but in respect of a food described in sub-paragraph (a) there may be given such of the elements of the prescribed nutrition labelling which, but for this paragraph, would have been required or permitted to be given, as it is wished to include, and where all or any such elements are given this shall be in accordance with Part I of Schedule 7, except that in applying paragraph 4 of that Part, in place of paragraphs (a)(i) and (ii) to that paragraph there shall be read references to—

- (i) an unquantified serving of the food, and
- (ii) any one portion of the food.

(4) Where nutrition labelling not being prescribed nutrition labelling is given it shall be given in all respects as if it were prescribed nutrition labelling except that in applying in this context the requirements for prescribed nutrition labelling described in Schedule 7, Part II of that Schedule shall be read as if paragraph 1(d), and the proviso to paragraph 1(a), were omitted.

### **Misleading descriptions**

**42.**—(1) The words and descriptions specified in column 1 of Part I of Schedule 8 shall not be used in the labelling or advertising of a food, except in accordance with the appropriate conditions set out in column 2 of that Part of that Schedule.

(2) The name specified in column 1 of Part II of Schedule 8 shall not be used in the labelling or advertising of any cheese as the name of the cheese, whether or not qualified by other words, unless—

- (a) the amount of water in the cheese expressed as a percentage of the total weight of the cheese does not exceed the percentage stated in column 2 of Part II of Schedule 8 opposite that name, and
- (b) the amount of milk fat in the cheese expressed as a percentage of the dry matter of the cheese is not less than 48 per cent.

(3) The name specified in column 1 of Part III of Schedule 8 shall not be used in the labelling or advertising of any cream as the name of the cream, whether or not qualified by other words, unless the cream complies with the requirements specified in column 2 of that Part of that Schedule opposite that name; except that the relevant requirement as to milk fat content need not be complied with if the name contains qualifying words which indicate that the milk fat content of the cream is greater or less than that specified in column 2, as the case may be.

### **The word “wine”**

**43.**—(1) Subject to the following provisions of this regulation, the word “wine” may 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.

(2) 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.

(3) Each word that forms part of a composite name used pursuant to paragraph (1) of this regulation must appear in lettering of the same type and colour and of such a height that the composite name is clearly distinguishable from other particulars.

(4) The composite name “non-alcoholic wine” shall not be used pursuant to paragraph (1) of this regulation, except for a drink derived from unfermented grape juice which is intended exclusively for communion or sacramental use and which is described clearly in its labelling or advertising, as the case may be, as being exclusively for such use.

(5) When the word “wine” is used in a composite name for a drink which is derived from fruit other than grapes, that drink shall be obtained by an alcoholic fermentation of that fruit.