



FOOD INFORMATION REGULATIONS 2014

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Statutory Document No. 2014/0377

*European Communities (Isle of Man) Act 1973*

FOOD INFORMATION REGULATIONS 2014

Laid before Tynwald: 9 December 2014
Coming into Operation in accordance with regulation 2

The Council of Ministers makes the following Regulations under section 2B and 2C of the European Communities (Isle of Man) Act 1973.

1 Title

These Regulations are the Food Information Regulations 2014.

2 Commencement

- (1) Except as provided for in paragraphs (2) and (3), these Regulations come into operation on 1 January 2015.
- (2) For the purposes of the following provisions, these Regulations come into force on 13 December 2016—
 - (a) Part 3 of Schedule 5; and
 - (b) regulation 12 and Schedule 4 so far as (by applying, with some modifications, specified provisions of the Act) they enable an improvement notice to be served on a person requiring that person to comply with the provision of FIC specified in Part 3 of Schedule 5 and an appeal against such a notice to be made and dealt with, and make the failure to comply with such an improvement notice an offence.
- (3) For the purposes of Part 2 of Schedule 6, and regulation 13 so far as it relates to that Part of Schedule 6, these Regulations come into force on 13 December 2018.
- (4) The following provisions cease to have effect on 13 December 2021—
 - (a) regulations 6, 7 and 8; and
 - (b) regulation 12 and Schedule 4 so far as (by applying, with some modifications, specified provisions of the Act) they enable an improvement notice to be served on a person requiring that person to comply with a provision of regulations 6, 7 and 8 and an

appeal against such a notice to be made and dealt with, and make the failure to comply with such an improvement notice an offence.

3 Interpretation

(1) In these Regulations—

“**the Act**” means the Food Act 1996;

“**the Department**” means the Department of Environment, Food and Agriculture;

“**the Ionising Radiation Directive**” means Directive 1999/2/EC of the European Parliament and of the Council on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation¹;

“**FIC**” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004;

“**final consumer**” has the meaning given in point 18 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council 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;

“**food business operator**” has the meaning given in point 3 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council;

“**mass caterer**” has the meaning given in Article 2.2(d);

“**means of distance communication**” has the meaning given in Article 2.2(u);
and

“**offered for sale**” has the same meaning as in Article 44;

“**pre-packed food**” has the meaning given in Article 2.2(e).

“**pre-packed for direct sale**” has the same meaning as in Article 2.2(e);

“**ready for consumption**” has the same meaning as in Article 2.2(d).

(2) Except as otherwise provided for, and in particular subject to paragraph (3)—

¹ OJ No L 66, 13.3.1999, p 16, last amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council (OJ No L 311, 21.11.2008, p 1).

- (a) any reference in these Regulations to an Article is a reference to an Article of FIC; and
 - (b) any reference in these Regulations to an Annex is a reference to an Annex to FIC.
- (3) Any reference to FIC, or a provision of FIC (including a reference to an Article of, or Annex to, FIC to which paragraph (2) applies), in a provision of these Regulations listed in Schedule 1 is a reference to that provision as amended from time to time².

4 Derogation relating to milk and milk products

The requirements laid down in Articles 9.1 and 10.1 do not apply to milk or milk products presented in a glass bottle where the glass bottle is intended for reuse.

5 Derogation relating to minced meat

- (1) The requirements laid down in point 1 of Part B of Annex VI do not prevent minced meat that does not comply with those requirements being placed on the market using a minced meat designation if either of the national marks shown in Part 1 of Schedule 2 appears on the labelling.
- (2) Part 2 of Schedule 2 applies to the form of the national mark.
- (3) In paragraph (1)—

“**on the labelling**” has the same meaning as in point 2 of Part B of Annex VI as read with the definition of “**labelling**” in Article 2.2(j);

“**placed on the market**” is to be construed taking into account the meaning of “**placing on their national market**” as used in point 3 of Part B of Annex VI.

6 Foods that are not pre-packed etc. containing an allergenic substance or product etc.

- (1) A food business operator who offers for sale a relevant food to which this regulation applies may make available the particulars specified in Article 9.1(c) (labelling of certain substances or products causing allergies or intolerances) in relation to that food by any means the operator chooses, including, subject to paragraph (3), orally.
- (2) This regulation applies to a relevant food that is offered for sale to a final consumer or to a mass caterer otherwise than by means of distance communication and is—

² Provision for ambulatory references made in the European Union (Food Information) Order 2014 (SD 2014/0328)

- (a) not pre-packed;
 - (b) packed on the sales premises at the consumer's request; or
 - (c) pre-packed for direct sale.
- (3) Where a food business operator intends to make available the particulars specified in Article 9.1(c) relating to a relevant food orally, and a substance or product listed in Annex II or derived from a substance or product listed in Annex II is used as an ingredient or processing aid in the manufacture or preparation of the food, the operator must indicate that details of that substance or product can be obtained by asking a member of staff.
- (4) The indication mentioned in paragraph (3) must be given —
- (a) on a label attached to the food, or
 - (b) on a notice, menu, ticket or label that is readily discernible by an intending purchaser at the place where the intending purchaser chooses that food.
- (5) In relation to a relevant food to which this regulation applies, the particulars required by Article 9.1(c) made available by a food business operator must be made available with a clear reference to the name of the substance or product listed in Annex II where —
- (a) the relevant ingredient or processing aid is derived from a substance or product listed in Annex II, and
 - (b) the particulars are made available otherwise than by means provided for in FIC.
- (6) In this regulation “relevant food” means a food in which an ingredient or processing aid listed in Annex II, or derived from a substance or product listed in Annex II, has been used in its manufacture or preparation and that is still present in the finished product (even if in an altered form).

7 Foods that are not pre-packed etc. – general requirement to name them

- (1) A food business operator who offers for sale a food to which this regulation applies must provide the particulars required by Article 9.1(a) (the name of the food) as read with —
- (a) Article 17.1 to 17.4, and
 - (b) in the case of food offered for sale using a minced meat designation as a name —
 - (i) Article 17.5 and point 1 of Part B of Annex VI, and
 - (ii) point 3 of Part B of Annex VI as read with regulation 4 and Schedule 2.
- (2) This regulation applies to a food that is offered for sale to a final consumer or a mass caterer and is —
- (a) not pre-packed,

- (b) packed on the sales premises at the consumer's request, or
 - (c) pre-packed for direct sale.
- (3) This regulation does not apply to a food prepared to be ready for consumption by a final consumer that is offered for sale to a final consumer by a mass caterer (whether at a mass catering establishment where sales are made in person to a final consumer or by means of distance communication) as part of their business as a mass caterer.
- (4) The particulars must appear —
 - (a) on a label attached to the food, or
 - (b) on a notice, ticket or label that is readily discernible by an intending purchaser at the place where the intending purchaser chooses that food.
- (5) Paragraph (4) does not apply in the case of an offer for sale made by means of distance communication.

8 Foods that are not pre-packed etc. containing meat and other ingredients

- (1) A food business operator who offers for sale a food to which this regulation applies must provide the particulars required by Article 9.1(d) (quantity of certain ingredients), as read with Article 22 and Annex VIII, in respect of the ingredients in the food that are meat.
- (2) This regulation applies to a food (other than a food specified in Schedule 3) that is offered for sale to a final consumer or a mass caterer, contains meat and any other ingredient and is —
 - (a) not pre-packed,
 - (b) packed on the sales premises at the consumer's request, or
 - (c) pre-packed for direct sale.
- (3) This regulation does not apply to a food prepared to be ready for consumption by a final consumer that is offered for sale to a final consumer by a mass caterer (whether at a mass catering establishment where sales are made in person to a final consumer or by means of distance communication) as part of their business as a mass caterer.
- (4) The quantity of meat specified in the particulars mentioned in paragraph (1) is to be determined taking into account the provisions relating to total fat and connective tissue content in point 17 of Part B of Annex VII, including any downward adjustment needed in a case where the total fat and connective tissue content in the food exceeds the values indicated in the table in that point.
- (5) The particulars must appear —
 - (a) on a label attached to the food, or

- (b) on a notice, ticket or label that is readily discernible by an intending purchaser at the place where the intending purchaser chooses that food.
- (6) Paragraph (5) does not apply in the case of an offer for sale made by means of distance communication.
- (7) In this regulation—
 - “**meat**” means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue but does not include mechanically separated meat;
 - “**mechanically separated meat**” has the meaning given in point 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin³.

9 Irradiated foods

- (1) Any person who places on the market, in bulk, a product to which this paragraph applies must ensure that the relevant indication appears, together with the name of the product, on a display or notice above or beside the container in which the products are placed on the market.
- (2) Paragraph (1) applies to—
 - (a) a product intended for the ultimate consumer and mass caterers that has been treated with ionising radiation; and
 - (b) a product intended for the ultimate consumer or mass caterers that contains an ingredient that has been treated with ionising radiation.
- (3) Any person who places on the market a product to which this paragraph applies must ensure that the relevant indication appears in the list of ingredients of that product to indicate the irradiated ingredient.
- (4) Paragraph (3) applies to a product intended for the ultimate consumer or mass caterers —
 - (a) containing a compound ingredient in a case where an ingredient of that compound ingredient has been treated with ionising radiation; and
 - (b) to which, in relation to that compound ingredient, the provisions of point 2 of Part E of Annex VII (setting out cases where a list of ingredients for compound ingredients is not compulsory) would, but for the requirement in paragraph (3), apply.
- (5) The relevant indication is the word ‘irradiated’ or the words ‘treated with ionising radiation’.

³ OJ No L 139, 30.4.2004, p 55, last amended by Commission Regulation (EU) No 633/2014 (OJ No L 175, 16.6.2014, p 6)

- (6) This regulation does not apply to—
- (a) a product exposed to ionising radiation generated by measuring or inspection devices, provided the dose absorbed is not greater than 0.01 Gy for inspection devices which utilise neutrons and 0.5 Gy in other cases, at a maximum radiation energy level of 10 MeV in the case of X-rays, 14 MeV in the case of neutrons and 5 MeV in other cases, or
 - (b) a product which is prepared for patients requiring sterile diets under medical supervision.
- (7) In this regulation—
- “**in bulk**” has the same meaning as in the second subparagraph of Article 6.1 (a) of the Ionising Radiation Directive;
- “**ionising radiation**” and “**product**” have the same meanings as in the Ionising Radiation Directive.

10 Enforcement

- (1) These Regulations are to be enforced by the Department subject to paragraph (2).
- (2) So far as concerns Article 23 of the FIC Regulation (net quantity), that Article is to be enforced by the Isle of Man Office of Fair Trading.

11 Offence

- (1) A person is guilty of an offence if the person fails to comply with —
 - (a) any provision of FIC specified in paragraph (2), as read with Articles 1.3 and 1.6 and the first subparagraph of Article 54.1; or
 - (b) regulation 5(5).
- (2) The provisions of FIC are —
 - (a) Article 9.1(c);
 - (b) Article 21.1(a);
 - (c) the second subparagraph of Article 21.1⁴; and
 - (d) Article 44.1(a).

12 Penalty

A person guilty of an offence under regulation 11 is liable on summary conviction to a fine not exceeding £5,000.

⁴ i.e the paragraph beginning “where several ingredients or processing aids...”

13 Application of provisions of the Act

- (1) Subsections (1) and (2) of section 8 of the Act (improvement notices) apply, with the modification (in the case of section 8(1)) specified in Part 1 of Schedule 4, for the purposes of—
 - (a) enabling an improvement notice to be served on a person requiring the person to comply with any of the following provisions—
 - (i) a provision of FIC specified in Schedule 5, to the extent provided for in section 8 as applied by paragraph (1) and modified by Part 1 of Schedule 4;
 - (ii) regulation 5(3), (4) or (5);
 - (iii) regulation 6(1) or (4);
 - (iv) regulation 7(1), (4) or (5); or
 - (v) regulation 8(1) or (3); and
 - (b) making the failure to comply with a notice referred to in subparagraph (a) an offence.
- (2) Subsections (1) to (8) of section 26 of the Act (powers of entry) apply, with the modifications (in the case of section 26(1)) specified in Part 2 of Schedule 4, for the purposes of enabling an authorised officer of the Department—
 - (a) to exercise a power of entry to ascertain whether there is, or has been, any contravention of a provision of FIC specified in Schedule 5, to the extent provided for in section 26(1)(a) as applied by this paragraph and modified by Part 2 of Schedule 4;
 - (b) to exercise a power of entry to ascertain whether there is any evidence of any contravention of such a provision; and
 - (c) when exercising a power of entry under the provisions of section 26 as applied by this paragraph, to exercise the powers in subsections (5) and (6) relating to electronic records.
- (3) Subsections (1) and (4) of section 34 of the Act (appeals) apply, with the modifications specified in Part 3 of Schedule 4, for the purpose of enabling a decision to serve a notice referred to in paragraph (1)(a) to be appealed.
- (4) Section 36 of the Act (appeals against improvement notices) applies, with the modifications (in the case of subsections (1) and (3) of section 36) specified in Part 4 of Schedule 4, for the purpose of dealing with appeals against a decision to serve a notice referred to in paragraph (1)(a).
- (5) The provisions of the Act specified in column 1 of the table in Part 5 of Schedule 4 apply, with the modifications specified in column 2 of that Part, for the purposes of these Regulations.

- (6) Paragraphs (1) to (4) are without prejudice to the application of sections 8, 26, 34 and 36 of the Act to these Regulations for purposes other than those specified in those paragraphs.

14 Application of provisions of the Weights and Measures Act 1989

The provisions of the Weights and Measures Act 1989 specified in column 1 of the table in Schedule 6 apply, with the modifications specified in column 2 of that table for the purposes of these Regulations.

15 Consequential and other amendments

Schedule 7 has effect.

16 Revocations

- (1) The regulations specified in Parts 1 and 2 of Schedule 8 (revocations) are revoked to the extent specified.
- (2) For the sake of clarity, the regulations specified in Part 3 of Schedule 8, to the extent they remain in force, are revoked.

MADE 24TH NOVEMBER 2014

SIGNED BY AUTHORITY OF THE CHIEF SECRETARY

DAN DAVIES
Director of Change & Reform

SCHEDULE 1

[Regulation 3(3)]

**PROVISIONS OF THESE REGULATIONS THAT CONTAIN AMBULATORY
REFERENCES TO FIC BY VIRTUE OF REGULATION 3(3)**

Regulation 3(1) except for the definition of “FIC”

Regulation 4

Regulation 5(1) and (3)

Regulation 6(1), (3), (5) and (6)

Regulation 7(1)

Regulation 8(1) and (4)

Regulation 9(4)(b)

Regulation 10

Paragraph 3 of Part 2 of Schedule 2

Schedule 5

SCHEDULE 2

[Regulation 5]

NATIONAL MARK FOR DEROGATION RELATING TO MINCED MEAT**PART 1**

THE NATIONAL MARK

- For the Isle of Man Market only
- For UK Market only

PART 2

SPECIFICATIONS FOR THE NATIONAL MARK

1. Any type of font may be used for a national mark so long as it is clearly legible.
2. Any colour font may be used for a national mark so long as it is easily visible.
3. In the case of pre-packed food, the font size used for a national mark must not be smaller than—
 - (a) in the case of a package or container of a size to which Article 13.3 applies, the font size required for mandatory particulars under Article 13.3, and
 - (b) in the case of any other package or container, the font size required for mandatory particulars under Article 13.2.

SCHEDULE 3

[Regulation 8]

FOODS TO WHICH REGULATION 8 DOES NOT APPLY

1. Raw meat to which no ingredient other than proteolytic enzymes has been added.
2. Frozen and quick-frozen chicken to which Article 15 of Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultry meat⁵ applies and the water content of which does not exceed the technically unavoidable values determined as provided for in that Article.
3. Fresh, frozen and quick-frozen poultry-cuts to which Article 20 of Commission Regulation (EC) No 543/2008 applies and the water content of which does not exceed the technically unavoidable values determined as provided for in that Article.

Sandwiches, filled rolls and filled products of a similar nature to sandwiches and filled rolls, which are ready for consumption without further processing, except for products containing meat which are sold under the name (whether or not qualified by other words) “burger”, “economy burger” or “hamburger”.
5. Pizzas and similar topped products.
6. Any food for which the name is “broth”, “gravy” or “soup”, whether or not qualified by other words.
7. A food consisting of an assemblage of two or more ingredients that has not been subjected to any processing or treatment once it has been assembled, and which is sold to the final consumer as an individual portion intended to be consumed without further processing or treatment.

⁵ OJ No L 157, 17.6.2008, p 46, last amended by Regulation (EU) No 1308/2013 of the European Parliament and of the Council (OJ No L 347, 20.12.2013, p 671).

SCHEDULE 4

[Regulation 13]

APPLICATION AND MODIFICATION OF PROVISIONS OF THE ACT**PART 1****MODIFICATION OF SECTION 8(1)**

1. For section 8(1) (improvement notices) substitute—
 - (1)** If an authorised officer of the Department has reasonable grounds for believing that a person is failing to comply with a provision specified in subsection (1A), the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—
 - (a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision;
 - (b) specify the matters which constitute the person’s failure so to comply;
 - (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and
 - (d) require the person to take those measures, or measures that are at least equivalent to them, within such period as may be specified in the notice.
 - (1A)** The provisions are—
 - (a) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers⁶ specified in entry 1, 3, 5 to 11, 23 to 27, 29, 31 or 66 of the table in Part 2 of Schedule 5 to the Food Information Regulations 2014 (as read with regulation 3(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to the mandatory particular relating to net quantity required by Article 9.1(e) of Regulation (EU) No 1169/2011, as read with Article 23 of, and Annex IX to, that Regulation;
 - (b) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in entry 2, 67 or 68 of the table in Part 2 of Schedule 5 to the Food Information Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to food information relating to quantity;
 - (c) any other provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in Schedule 5 to

⁶ OJ No L 304, 22.11.2011, p 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p 7).

- the Food Information Regulations 2014 (as read with regulation 2(3) of, and Schedule 1 to, those Regulations); or
- (d) any of the following provisions of the Food Information Regulations 2014—
- (i) regulation 6(3), (4) or (5);
 - (ii) regulation 7(1) or (4);
 - (iii) regulation 8(1), (4) or (5); or
 - (iv) regulation 9(1) or (3). **22**.

PART 2

MODIFICATION OF SECTION 26(1)

2. For paragraphs (a) to (c) of section 26(1) (powers of entry) substitute—
- 23** (a) to enter any premises for the purpose of ascertaining whether there is or has been on the premises any contravention of—
- (i) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers specified in entry 1, 3, 5 to 11, 23 to 27, 29, 31 or 66 of the table in Part 2 of Schedule 5 to the Food Information Regulations 2014 (as read with regulation 3(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to the mandatory particular relating to net quantity required by Article 9.1(e) of Regulation (EU) No 1169/2011, as read with Article 23 of, and Annex IX to, that Regulation;
 - (ii) a provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in entry 2, 67 or 68 of the table in Part 2 of Schedule 5 to the Food Information Regulations 2014 (as read with regulation 3(3) of, and Schedule 1 to, those Regulations), except to the extent that the provision applies to food information relating to quantity; and
 - (iii) any other provision of Regulation (EU) No 1169/2011 of the European Parliament and of the Council specified in Schedule 5 to the Food Information Regulations 2014 (as read with regulation 3(3) of, and Schedule 1 to, those Regulations); and
- (b) to enter any business premises, for the purpose of ascertaining whether there is on the premises any evidence of any contravention of any such provisions; **22**.

PART 3

MODIFICATION IN RESPECT OF APPEALS

3. Sections 34 to 36 apply to an appeal against an improvement notice under section 8 as that section applies by virtue of these Regulations as they apply to any other improvement notice.

PART 4

APPLICATION AND MODIFICATION OF PROVISIONS OF THE ACT

Column 1 Provision of the Act	Column 2 Modifications
Section 3 (presumptions that food intended for human consumption)	In subsection (1), for “this Act” substitute the Food Information Regulations 2014 .
Section 31 (offences due to fault of another person)	For “this Act” substitute section 8(2), as applied by regulation 12(1) of the Food Information Regulations 2014, or regulation 11 of those Regulations .
Section 32(1) ⁷ , and (5) (defence of due diligence)	In subsection (1), for “any provision of this Act” substitute section 8(2), as applied by regulation 12(1) of the Food Information Regulations 2014, or regulation 10 of those Regulations . In subsection (2), for “section 15 or 16” substitute regulation 10 of the Food Information Regulations 2014 .
Section 33 (defence of publication in the course of business)	For “any provisions of this Act” substitute regulation 10 of the Food Information Regulations 2014 .
Section 23 (procurement of samples)	In paragraph (b)(ii), after “under section 26”, insert , including under section 26 as applied and modified by regulation 12(2) of, and Part 2 of Schedule 4 to, the Food Information Regulations 2014.
Section 24(7) (which relates to evidence of certificates given by a food analyst or examiner)	For “this Act” substitute the Food Information Regulations 2014 .
Section 27 (obstruction etc. of officers)	In subsection (1), for “this Act” (in each place occurring) substitute the Food Information Regulations 2014 .

⁷ Section 32(1) was amended by S.D. 163/06

Section 29(1) and (2) (punishment of offences)	<p>In subsection (1), after “section 27(1)”, insert 27A, as applied and modified by regulation 12(5) of, and Part 5 of Schedule 4 to, the Food Information Regulations 2014, 27A;</p> <p>After subsection (1), insert—</p> <p>27A(1A) A person guilty of an offence under section 8(2), as applied by regulation 12(1) of the Food Information Regulations 2014, shall be liable, on summary conviction, to a fine not exceeding £5,000 27A;</p> <p>In subsection (2) for “any other offence under this Act” substitute 27A an offence under section 27(2), as applied by regulation 12(5) of, and Part 5 of Schedule 4 to, the Food Information Regulations 2014, 27A.</p>
Section 30 (offences by body corporate)	<p>In subsection (1), for “this Act” substitute 27A section 8(2), as applied by regulation 12(1) of the Food Information Regulations 2014, or regulation 10 of those Regulations, 27A.</p>

SCHEDULE 5

[Regulation 14]

IMPROVEMENT NOTICES - SPECIFIED FIC PROVISIONS**PART 1****FIC PROVISIONS IN RELATION TO WHICH AN IMPROVEMENT NOTICE
MAY BE SERVED ON AND FROM 13 DECEMBER 2014**

	Relevant provision of FIC	Provisions to be read with the provisions of FIR
1.	Article 6 (basic requirement for food information to accompany food)	Articles 1.3 and 30.2 and 30.3, the first subparagraph of Article 54.1, and, as appropriate, the other Articles of FIC listed in column 1 as appropriate)
2.	Article 7.1, (prohibition on misleading information)	Articles 1.3, 6 and 7.4 and the first subparagraph of Article 54.1
3.	Article 7.2 (requirement for accurate, clear and easy to understand information)	Articles 1(3), 6 and 7(4) and the first subparagraph of Article 54(1)
4.	Article 7.3 (prohibition on food information attributing health benefits to any food subject to certain derogations)	Articles 1.3, 6 and 7.4 and the first subparagraph of Article 54.1
5.	Article 8.2 (requirement for a food business operator to ensure the presence and accuracy of food information)	Articles 1.3 , and 8.1and the first subparagraph of Article 54.1
6.	Article 8.3 (requirement for a food business operator not to supply non-compliant food)	Articles 1.3 and 6 and the first subparagraph of Article 54.1
7.	Article 8.4 (restrictions on the modification of information accompanying a food)	Articles 1.3 and 6 and the first subparagraph of Article 54.1
8.	Article 8.5 (obligation to ensure and verify compliance with food information law etc.)	Articles 1(3) and 6 and the first subparagraph of Article 54(1)
9.	Article 8.6 (requirement to transmit information relating to non-pre-packed foods)	Articles 1.3 and 6 and the first subparagraph of Article 54.1
10.	Article 8.7 (requirement relating to the mandatory particulars required by Articles 9 and 10)	Articles 1.3 and 6 and the first subparagraph of Article

	Relevant provision of FIC	Provisions to be read with the provisions of FIR
		54.1
11.	Article 8.8 (requirement for a food business operator to provide sufficient information to other food business operators)	Articles 1.3 and 6 and the first subparagraph of Article 54.1
12.	Article 9.1(a) (mandatory indication relating to the name of the food)	Articles 1.1, 6, 9.2, 16.1 and 16.2, 17, 22.1(a) and 40 and the first subparagraph of Article 54.1, Annex VI and regulation 4
13.	Article 9.1(b) (mandatory indication relating to the list of ingredients)	Articles 1.3, 6, 9.2, 11 and 16.1 and 16.2 the first subparagraph of Article 16.4, Articles 18, 19.1, 20 and 40, and the first subparagraph of Article 54.1, Annexes VI and VII and regulation 4
14.	Article 9.1(c) (mandatory indication relating to ingredients and processing aids causing allergies or intolerances)	Articles 1.3, 6, 9.2, 11, 16.1 and (2), 18.1, 21.1 and 40 and the first subparagraph of Article 54.1, Annex II and regulation 4
15.	Article 9.1(d) (mandatory indication relating to the quantity of certain Ingredients or categories of ingredients)	Articles 1.3, 6, 9.2, 11, 16.1 and 16.2, 22 and 40 and the first subparagraph of Article 54.1, Annex VIII and regulation 4
16.	Article 9.1(f) (mandatory indication relating to date of minimum durability or the “use by” date)	Articles 1.3, 6, 9.2, 16.1 and 16.2, 24 and 40, the first subparagraph of Article 54.1, points 1 and 2 of Annex X and regulation 4
17.	Article 9.1(g) (mandatory indication relating to any special storage conditions, the conditions of use, or both)	Articles 1.3, 6, 9.2, 16.1 and 16.2, 25 and 40, and the first subparagraph of Article 54.1, and regulation 4
18.	Article 9.1(h) (mandatory indication relating to the name or business name and address of the food business operator)	Articles 1.3, 6, 8.1, 9.2, 16.1 and 16.2, and 40, and the first subparagraph of Article 54.1, and regulation 4
19.	Article 9.1(i) (mandatory indication relating to country of origin or place of provenance)	Articles 1.3, 6, 9.2, 16.1 and 16.2, 26.1 and 16.2 and 40, and the first subparagraph of Article 54.1, and

	Relevant provision of FIC	Provisions to be read with the provisions of FIR
		regulation 4
20.	Article 9.1(j) (mandatory indication relating to instructions for use)	Articles 1.3, 6, 9.2, 16.1 and 16.2, 27 and 40, and the first subparagraph of Article 54.1, and regulation 4
21.	Article 9.1(k) (mandatory indication relating to actual alcoholic strength of beverages containing more than 1.2% by volume of alcohol)	Articles 1.3, 6, 9.2, 11, 16.1 and 16.2 and 28, the first subparagraph of Article 54.1 and Annex XII
22.	Article 10.1 (additional mandatory particulars for specific types of food)	Articles 1.3 and 6 and the first subparagraph of Article 54.1 and Annex III
23.	Article 12.1 availability and placement of mandatory food information)	Articles 1.3 and 6 and the first subparagraph of Article 54.1, and Article 12.2 for pre-packed foods, Articles 12.5 and 44 for non-pre-packed foods and Articles 14 and 44 for foods offered for sale by means of distance communication
24.	Article 12.2 (general requirement for mandatory food information to appear directly on the package or on a label attached to pre-packed food)	Articles 1.3, 6 and 12.1 and the first subparagraph of Article 54.1
25.	Article 13.1 (general requirement for the presentation of mandatory particulars)	Articles 1.3 and 6, the first subparagraph of Article 54.1 and, in the case of foods that are not pre-packed etc. containing an allergenic substance or product etc., regulation 6
26.	Article 13.2 (general requirement for the presentation of mandatory particulars referred to in Article 9.1(a) to (l))	Articles 1.3 and 6, the first subparagraph of Article 54.1 and Annex IV, and, in relation to Article 13.2 as it applies to the presentation of a mandatory nutrition declaration, the second subparagraph of Article 55
27.	Article 13.3 font size of mandatory particulars on smaller packages)	Articles 1.3 and 6, the first subparagraph of Article 54.1
28.	Article 13.5 (field of vision requirements)	Articles 1.3, 6, 13.6 and 16.1 and 16.2 and the first

	Relevant provision of FIC	Provisions to be read with the provisions of FIR
		subparagraph of Article 54.1
29.	Article 14.1 (distance selling of pre-packed foods)	Articles 1.3, 6, 9 and 14.3 and the first subparagraph of Article 54.1
30.	Article 14.2 (distance selling of non-pre-packed foods)	Articles 1.3, 6, 14.1 and 42 and the first subparagraph of Article 54.1
31.	Article 15.1 (language requirements)	Articles 1.3 and 6 and the first subparagraph of Article 54.1
32.	Article 17.1 (name of food)	Articles 1.3, 6 and 9.1 and the first subparagraph of Article 54.1, regulation 5 and Schedule 2
33.	Article 17.2 (use of the name used for food in member State of production in another member State: need for other descriptive information in addition to the name of the food in certain cases)	Articles 1.3, 6 and 9.1 and 17.1 and the first subparagraph of Article 54.1
34.	Article 17.3 (prohibition in certain exceptional cases of the use of a name used for a food in a member State of production when marketing that food in another member State)	Articles 1.3, 6 and 9.1 and 17.1 and 17.2 and the first subparagraph of Article 54.1
35.	Article 17.4 (prohibition against replacing the name of a food with another name)	Articles 1.3 and 6 and the first subparagraph of Article 54.1
36.	Article 17.5 (requirements on the name of a food and particulars that must accompany it) except so far as it applies to the specific requirements in Part B of Annex VI concerning the designation “minced meat”	Articles 1.3 and 6 and the first subparagraph of Article 54.1 and Annex VI
37.	Article 18.1 (list of ingredient requirements)	Articles 1.3, 6, 18.4, 19.1 and 20, the first subparagraph of Article 54.1, Annex VII, regulation 9 and the first subparagraph of paragraph 5 of Article 3 of Council Directive 2001/112/EC ⁸ relating to fruit juices and certain similar products intended for human consumption

⁸ OJ No L 10, 12.1.2002, p 58, last amended by Directive 2012/12/EU of the European Parliament and of the Council (OJ No L 115, 27.4.2012, p 1).

	Relevant provision of FIC	Provisions to be read with the provisions of FIR
38.	Article 18.2 (requirement to designate ingredients by their specific name)	Articles 1.3, 6, 17, 18.4 and 19.1 and the first subparagraph of Article 54.1 and Annexes VI and VII
39.	Article 18.3 (requirement relating to nanomaterial ingredients)	Articles 1.3 and 6 and the first subparagraph of Article 54.1
40.	Article 21.1 (requirements relating to certain substances or products that cause an allergy or intolerance)	Articles 1.3, 6, 9.1(c) and 18.1 and the first subparagraph of Article 54.1, Annex II and, in the case of foods that are not pre-packed etc. containing an allergen substance or product etc., regulation 7
41.	Article 22.1 (requirements relating to the need to provide a quantitative indication of an ingredient)	Articles 1.3, 6 and 22.2, the first subparagraph of Article 54.1 and Annex VIII
42.	Article 22.2 (technical rules for quantitative indication of ingredients.)	Articles 1.3, 6 and 22.1, the first subparagraph of Article 54.1 and Annex VIII
43.	Article 24.1 (first sentence)(requirement relating to “use by” dates)	Articles 1.3 and 6, the first subparagraph of Article 54.1
44.	Article 24.2 (requirement to express minimum durability date, “use by” date and date of freezing in a particular way)	Articles 1.3 and 6, the first subparagraph of Article 54.1 and Annex X
45.	Article 25.1 (requirement for special storage conditions or conditions for use, or both, to be indicated on food)	Articles 1.3 and 6, the first subparagraph of Article 54.1
46.	Article 25.2 (requirement to indicate appropriate storage conditions or time within which food should be consumed after the packaging containing the food is opened or both)	Articles 1.3 and 6, the first subparagraph of Article 54.1
47.	Article 26.2(a) (requirement for a mandatory indication relating to country of origin or place of provenance in certain cases)	Articles 1.3 and 6, the first subparagraph of Article 54.1 and Annex XI
48.	Article 27.1 (instructions for use indication)	Articles 1.3 and 6, the first subparagraph of Article 54.1
49.	Article 28.2 (alcoholic strength by volume indication for beverages containing more than 1.2% volume of alcohol)	Articles 1.3 and 6, the first subparagraph of Article 54.1 and Annex XII
50.	Article 30.1 (content of mandatory nutrition declaration)	Articles 1.3, 6, 29, 31.1 (as read with Annex XIV) and 31.3 the first subparagraph

	Relevant provision of FIC	Provisions to be read with the provisions of FIR
		of Article 31.4, Articles 32.1 (as read with Annex XV), 32.2, 33.1 and 35.1 and the first subparagraph of Article 54.1
51.	Article 31.1 (conversion factors to be used for calculation of energy value)	Articles 1.3 and 6, the first subparagraph of Article 54.1 and Annex XIV
52.	Article 31.3, first subparagraph (requirement for energy value and amounts of nutrients to be those of the foods as sold except as provided for in the second subparagraph of Article 31.3)	Articles 1.3, 6 and 30.1 to 30.5 and the first subparagraph of Article 54.1
53.	Article 31.4, first subparagraph (requirement for declared values to be average values based on a methodology set out in the first subparagraph of Article 31.4)	Articles 1.3 and 6, the first subparagraph of Article 54.1
54.	Article 32.1 (requirement to use the measurement units listed in Annex XV for energy value and amount of nutrients)	Articles 1.3 and 6, the first subparagraph of Article 54.1 and Annex XV
55.	Article 32.2 (energy value and amount of nutrients to be expressed per 100 grams or per 100 millilitres)	Articles 1.3, 6, 33.1, 33.2 and 33.3, the first subparagraph of Article 54.1 and Part B of Annex XIII
56.	Article 32.3 (declaration relating to vitamins and minerals also to be expressed as a percentage of reference intakes)	Articles 1.3, 6 and 30.2(f), the first subparagraph of Article 54.1 and Part A of Annex XIII
57.	Article 32.5 (requirement for additional statement relating to the reference intake of an average adult)	Articles 1.3, 6 and 32.4 as read with Part B of Annex XIII) and the first subparagraph of Article 54.1
58.	Article 33.1 (requirements in cases where energy value and amount of nutrients may be expressed per portion, per consumption unit, or both per portion and per consumption unit, in addition to, or instead of, per 100 grams or per 100 millilitres)	Articles 1.3, 6 and 32.2, 32.3 and 32.4 and the first subparagraph of Article 54.1
59.	Article 33.2, second subparagraph (requirement for energy value to be expressed both per 100 grams or per 100 millilitres and per portion or consumption unit where information on energy, fat, saturates, sugars and salt is repeated voluntarily in the principal field of vision, and the amounts of the nutrients are expressed on a per portion or per consumption unit basis only)	Articles 1.3, 6 and 30.3(b), 32.2 the first subparagraph of Article 33.2 and the first subparagraph of Article 54.1

	Relevant provision of FIC	Provisions to be read with the provisions of FIR
60.	Article 33.4 (requirement for the portion or unit used to be in close proximity to the nutrition declaration)	Articles 1.3, 6 and 33.1 and the first subparagraph of Article 54.1
61.	Article 34.1 (presentation of mandatory nutrition declaration and any supplementary information provided in accordance with Article 30.2 – field of vision, format and order of presentation)	Articles 1.3, 6 and 30.1 and 30.2 and the first subparagraph of Article 54.1 and Annex XV
62.	Article 34.2 (presentation of mandatory nutrition declaration and any supplementary information provided in accordance with Article 30.2 –format and alignment of numbers)	Articles 1.3, 6 and 30.1 and 30.2 the second subparagraph of Article 34.3, Article 34.4 and the first subparagraph of Article 54.1
63.	Article 34.3, first subparagraph (presentation of nutrition information in a case where certain mandatory nutrition information is repeated (on a voluntary basis) in accordance with Article 30.3)	Articles 1.3, 6 and 30.3 the second subparagraph of Article 34.3 and the first subparagraph of Article 54.1
64.	Article 34.5, first subparagraph (requirement for indication of negligible energy value or amount of nutrients, where used, to be in close proximity to the nutrition declaration, when present)	Articles 1.3, 6 and 30.1 to 30.5 and the first subparagraph of Article 54.1
65.	Article 35.1 (requirements where additional forms of expression and presentation relating to energy value and the amount of nutrients are used)	Articles 1.3, 6, 7, 30.1 to 30.5, 32.2 and 32.4,33 and 34.2, the first subparagraph of Article 54.1 and Annex VIII
66.	Article 36.1 (requirements that voluntary information must comply with)	Articles 1.3 and 6, sections 2 and 3 of Chapter IV and the first subparagraph of Article 54.1
67.	Article 36.2 (additional requirements that voluntary information must comply with)	Articles 1.3, 6 and 7 and the first subparagraph of Article 54.1
68.	Article 37 (presentation of voluntary food information – space availability)	Articles 1.3 and 6 and the first subparagraph of Article 54.1
69.	Article 44.1(a) (provision of allergen information for non-packaged food)	Articles 1.3, 6 and 9.1(c), the first subparagraph of Article 54.1 and regulation 6
70.	Article 54.2 (requirement to comply with provisions relating to content, calculation, expression and presentation when nutrition information is provided on a voluntary basis during the period on and from 13th December 2014 to and including 12th December 2016)	Articles 1.3,6 and 29 to 35

PART 2

FIC PROVISION IN RELATION TO WHICH AN IMPROVEMENT NOTICE MAY BE SERVED ON AND FROM 13 DECEMBER 2016

Relevant provision of FIC	Provisions to be read with the provision of FIC
Article 9.1(l) (mandatory nutrition declaration)	Articles 1.3, 6, 9.2, 11 and 16, section 3 of Chapter IV, Article 40 and the second subparagraph of Article 54.1, the second subparagraph of Article 55, Annex V and regulation 4

SCHEDULE 6

[Regulation 15]

APPLICATION AND MODIFICATION OF PROVISIONS OF THE WEIGHTS
AND MEASURES ACT 1989

Column 1 Provision of the 1989 Act	Column 2 Modifications
Section 20 (Exemption from requirements of section 19)	After subsection (2) insert — 22 (3) Nothing in section 19 above shall apply to goods that are subject to the FIC Regulation. 22 .
Section 23 (Quantity less than stated)	<p>(a) In subsection (1) for “good pre-packed” substitute 22 goods that are pre-packed within the meaning of this Act or are pre-packed food within the meaning of the FIC Regulation 22;</p> <p>(b) In subsection (1)(b) after “pre-packed” inserted 22 within the meaning of this Act or were pre-packed food within the meaning of the FIC Regulation and (in either case) were 22;</p> <p>(c) In subsection (2)(a) after “pre-packed” insert 22 within the meaning of this Act or pre-packed food within the meaning of the FIC Regulation 22;</p> <p>(d) In subsection (3)(b)(i), after “subsection (1)” insert 22 within the meaning of this Act or pre-packed food within the meaning of the FIC Regulation 22;</p> <p>(e) In subsection (3)(b)(ii), after “other than section 19” insert 22 or required by the FIC Regulation 22;</p>
	<p>After section 24 (incorrect statements) insert —</p> <p>22 24A. Non-compliance with certain requirements of the FIC Regulation</p> <p>(1) Subject to subsection (2), a food business operator to which Article 1(3) of the FIC Regulation applies is guilty of an offence if that food business operator fails to comply with —</p> <p>(a) any of the provisions of Article 8 of the FIC Regulation (responsibilities of food business operators) applicable to the food business operator, to the extent that the provisions relate to net quantity;</p>

	<p>(b) article 9(1)(e) of the FIC Regulation (mandatory indication of net quantity of food), except to the extent that it relates to a failure to comply with Article 13(5) of the FIC Regulation, or</p> <p>(c) chapter V of the FIC Regulation (voluntary food information), to the extent that it imposes requirements in respect of net quantity.</p> <p>(2) A food business operator is not guilty of an offence under subsection (1) if the food business operator acts in accordance with any of the following –</p> <p>(a) an exception contained in Chapter IV of the FIC Regulation;</p> <p>(b) national measures adopted under Article 40 of the FIC Regulation (milk and milk products);</p> <p>(c) national measures maintained under Article 42 of the FIC Regulation (measures adopted before 12 December 2011);</p> <p>(d) transitional measures under Article 54(1) of the FIC Regulation.</p> <p>(3) In this section “food business operator” and “net quantity” have the same meanings as in the FIC Regulation. 22.</p>
Section 25 (offences due to default of third person)	After “under this Part” insert 23 (other than section 24A) 22 .
Section 28 (subsequent deficiency)	In subsection (3), after “required by or under this Part” insert 23 or the FIC Regulation 22 .
Section 30 (provision as to testing)	In subsection (1)(b), after “required by or under this Part” insert 23 or the FIC Regulation 22 .
Section 31 (special powers of inspectors with respect to certain goods)	In subsections (1)(b), (c)(i) and (iii) and (3) after “this Part” each time it appears, insert 23 or the FIC Regulation 22 .
Section 35 (power to make test purchases)	After “under either of those Parts” insert 23 and the provisions of the FIC Regulation 22 .
Section 68 (general interpretation)	Before the definition of “gross weight” insert – 23 “the FIC Regulation” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers; 22 .

SCHEDULE 7

[Regulation 15]

CONSEQUENTIAL AND OTHER AMENDMENTS

PART I

AMENDMENTS TO FOOD REGULATIONS

1 The Food Labelling Regulations 2004

The Food Labelling Regulations 2004⁹ are amended as follows.

- (1) In regulation 2(1) (interpretation), for the definition of “ingredient” substitute—

“ingredient” has the meaning given in Article 2.2(e) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as amended from time to time;**”**.

- (2) In regulation 3 (exemptions), for paragraph (1) substitute—

(1) This regulation does not apply to a food that is brought into the Island from the United Kingdom, an EEA State (other than the United Kingdom), another member State (other than the United Kingdom) or from the Republic of Turkey in which it was lawfully produced or marketed.**”**

- (3) In regulation 4 (scope of Part II), in paragraph (2) —

(a) in subparagraph (c), for “Council Regulation (EEC) No 2392/89 laying down general rules for the description and presentation of wines and grape musts as amended”, substitute **“Commission Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products”**;

(b) in subparagraph (d), for “Council Regulation (EEC) No 2333/89 laying down general rules for the description and presentation sparkling wines and aerated sparkling wines”, substitute **“Commission Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and**

⁹ SD No. 453/04

- geographical indications, traditional terms, labelling and presentation of certain wine sector products²²; and
- (c) in subparagraph (e), for “Council Regulation (EEC) No 3895/91 laying down rules for the description and presentation of special wines, and Commission Regulation (EEC) No 3901/91 laying down certain detailed rules on the description and presentation of special wines”, substitute ²³Commission Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products²².
- (4) In regulation 42 (supplementary provisions relating to claims), for paragraph (4) substitute—
- ²⁴(4) Where nutrition labelling not being prescribed nutrition labelling is given, it must be given in the manner specified in paragraph (4A) or (4B).
- (4A) The nutrition labelling must be given in all respects as if it were prescribed nutrition labelling except that in applying the requirements for prescribed nutrition labelling described in Schedule 9, Part II of that Schedule is to be read as if—
- (a) in paragraph 1, the words “or that is labelled as provided for in regulation 42(4B)” were inserted after the words “paragraph 2 below applies”;
- (b) in paragraph 1(a)(ii), the words from “provided that” to the end of that paragraph were omitted; and
- (c) paragraph 1(d) were omitted.
- (4B) The nutrition labelling must be given in accordance with Articles 29 to 35 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No. 608/2004.²⁵
- (5) In Schedule 10 (misleading descriptions), Part I—
- (a) in the second column of entry relating to the description “alcohol-free”, for subparagraph (b) substitute—
- ²⁶(b) the drink is marked or labelled with—
- (i) an indication of its maximum alcoholic strength in a form comprising of the words “not more than” followed by a figure to not more than one decimal place indicating its maximum alcoholic strength and

- the symbol “% vol.” (required form 1), “alcohol % vol.” (required form 2), or “alc. % vol.” (required form 3), or
- (ii) in an appropriate case, an indication that it contains no alcohol. ~~22~~;
- (b) in the second column of entry relating to the description “dealcoholised”, for subparagraph (b) substitute—
- ~~23~~(b) the drink is marked or labelled with—
- (i) an indication of its maximum alcoholic strength in required form 1, 2 or 3, or
- (ii) in an appropriate case, an indication that it contains no alcohol.”; and
- (c) in the second column of entry relating to the description “low alcohol” (or any other word or description which implies that the drink being described is low in alcohol), for subparagraph (b) substitute—
- ~~23~~(b) an indication of its maximum alcoholic strength in required form 1, 2 or 3. ~~22~~.

2 The Food Supplements Regulations 2008

The Food Supplements Regulations 2008¹⁰ are amended as follows—

- (1) In regulation 3 (interpretation), in paragraph (1) after the definition of “preparation” insert—
- ~~23~~“**Regulation (EU) No 1169/2011**” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004; ~~22~~;
- (2) In regulation 7 (restrictions on sale relating to labelling etc. of food supplements)—
- (a) in paragraph (2), for “the Food Labelling Regulations 2004” substitute ~~23~~Regulation (EU) No 1169/2011 ~~22~~; and
- (b) in paragraph (3)(e)—
- (i) for “the Annex to Council Directive 90/496 EEC” substitute ~~23~~point 1 of Part A of Annex XIII to Regulation (EU) No 1169/2011 ~~22~~; and

¹⁰ SD No. 898/08

- (ii) for “relevant recommended daily allowance specified in that Annex” substitute **63** relevant reference value specified in that point **62**.
- (3) In regulation 8(1) (manner of marking or labelling), for “regulation 5(a), (d) and (f) of the Food Labelling Regulations 2004” substitute **63** points (a), (f), (g) and (h) of Article 9.1 Regulation (EU) No 1169/2011 **62**.

3 The Honey Regulations 2005

- (1) The Honey Regulations 2005¹¹ are amended as follows—
- (2) In regulation 2(1) (interpretation)—
- (a) in the definition of “ingredient”, for “the 2004 Regulations” substitute **63** “Article 2.2(f) of Regulation (EU) No 1169/2011 **62**”;
 - (b) in the definition of “labelling”, for “the 2004 Regulations” substitute **63** Article 2.2(j) of Regulation (EU) No 1169/2011 **62**;
 - (c) omit the definition of “the 2004 Regulations”; and
 - (d) for the definition of “preparation” substitute—
- 63** “preparation” includes manufacture and any form of processing or treatment;
- “Regulation (EU) No 1169/2011”** means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004; **62**.
- (3) In regulation 4(1) (labelling and description of specified honey products), for “Part II of the 2004 Regulations” substitute **63** Regulation (EU) No 1169/2011 **62**”.

4 The Nutrition and Health Claims Regulations 2008

- (1) The Nutrition and Health Claims Regulations 2008¹² are amended as follows.
- (2) In regulation 6(2)(d) (offences and penalties), after “(requirements for nutrition information)”, insert—
- 63**, as read with the first subparagraph of Article 54.3 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the

¹¹ SD No. 706/05

¹² SD No. 899/08

provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004¹³.

5 The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 2009

- (1) The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 2009¹³ are amended as follows.
- (2) In regulation 3(1) (interpretation), for the definition of “advertisement” and “advertise” substitute—

“advertisement” means a representation in any form in connection with a trade or business in order to promote the supply of goods;¹⁴

6 The Cocoa and Chocolate Products Regulations 2012

- (1) The Cocoa and Chocolate Products Regulations 2012¹⁴ are amended as follows.
- (2) In regulation 3(1) (interpretation)—
 - (a) omit the definition of “the 2004 Regulations”; and
 - (b) after the definition of “preparation”, insert—

“Regulation (EU) No 1169/2011” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004(a);¹⁴.

- (3) In regulation 6 (reserved descriptions), for subparagraphs (b) and (c) substitute—
 - (b) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food;

¹³ SD 405/09

¹⁴ SD 0655/2012

- (c) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not and does not contain a designated product; or
 - (d) the use of such description, derivative or word to designate the food is in accordance with the customs applicable in the United Kingdom and the food cannot be confused with a product listed in column 1 of Schedule 1. **22**.
- (4) In regulation 7 (labelling and description of designated products)—
- (a) in paragraph (1), for “Part II of the 2004 Regulations” substitute **23** Regulation (EU) No 1169/2011 **22**; and
 - (b) in paragraph (2)(b), for “the 2004 Regulations” substitute **23** Article 9.1(b) of Regulation (EU) No 1169/2011 **22**.

7 The Food Hygiene Regulations 2007

The definition of “shelf life” in paragraph 8 of Schedule 4 to the Food Hygiene Regulations 2007 is substituted as follows—

23 “shelf life” means —

- (a) in relation to food for which a date of minimum durability is required in accordance with Article 9.1(f) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, as read with Article 24.1 and 24.2 of that Regulation, the period up to and including the required date of minimum durability;
- (b) in relation to food for which a “use by” date is required in accordance with Article 9.1(f) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council, as read with Article 24.1 and 24.2 of that Regulation, the period up to and including the required “use by” date; and **22**.

PART 2

AMENDMENT TO WEIGHTS AND MEASURES REGULATIONS AND ORDERS

8 Weights and Measures (Packaged Goods) Regulations 1990

The Weights and Measures (Packaged Goods) Regulations 1990¹⁵ are amended as follows.

- (1) After regulation 2(1)(c) insert —

¹⁵ GC No. 224/90

☐(d) “**food**” has the meaning set out in Article 2 of Regulation (EC) No 178/2002;

“**mass caterer**” means any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals and catering enterprises in which, in the course of a business, food is prepared to be ready for consumption by the final consumer; and

“**quantity labelling requirements**” means the requirements of these Regulations which specify how and when statements of quantity shall be made.

(e) in relation to food “**pre-packed**” means any single item for presentation as such to the final consumer and to mass caterers, consisting of food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any event in such a way that its contents cannot be altered without opening or changing the packaging; “**pre-packed food**” does not cover food packed on the sales premises at the consumers request or pre-packed for direct sale. ☐.

(2) After regulation 2(3) insert —

☐(4) No quantity labelling requirements shall apply to pre-packed food that is not marked with the EEC mark. ☐.

9 Amendment to the Weights and Measures (Quantity Marking and Abbreviations of Units) Regulations 2000

(1) The Weights and Measures (Quantity Marking and Abbreviation of Units) Regulations 2000 shall be amended as follows.

(2) In regulation 2(1), after “under Part IV of the Act” each time it appears, insert ☐(other than section 24A) ☐.

10 Amendment to the Weights and Measures (Intoxicating Liquor) Order 2001

(1) The Weights and Measures (Intoxicating Liquor) Order 2001¹⁶ is amended as follows.

(2) In Article 8 (quantity marking) —

(a) for paragraph (1) substitute —

☐(1) In the case of intoxicating liquor and other liquids specified in column 1 of Schedule 1 to this Order, when either (i) pre-packed in a closed container, for direct sale (within the meaning of Article 2(2)(e) of the FIC Regulation), or (ii) in the case of those specified in Part III of that Schedule made up in such a container

¹⁶ SD No. 164/01

for relevant wholesale, the container must be marked with an indication of quantity by volume, subject to the exemptions specified in column 4 of that Schedule. **22**

- (b) in paragraph (2) after “pre-packed” insert **23** for direct sale **22**;
- (c) after paragraph (2) insert —

24(3) For the purposes of this Article —

“**the FIC Regulation**” means any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals and catering enterprises in which, in the course of a business, food is prepared to be ready for consumption by the final consumer;

“**relevant wholesale**”, in relation to food to which this Article applies, means a sale by way of wholesale, but does not include any of the following —

- (a) sale to a mass caterer;
- (b) supply of food that is prepacked food within the meaning of the FIC Regulation intended for sale to the final consumer or to a mass caterer, or any other supply of food that is made up in advance ready for retail sale in an open container; or
- (c) a supply to which Article 8(8) of the FIC Regulation applies. **22**.

11 Amendment to the Weights and Measures (Foods) Order 2005

- (1) The Weights and Measures (Foods) Order 2005 shall be amended as follows.
- (2) For Article 2 substitute —

252. In this Order, unless the context otherwise requires —

“**the Act**” means the Weights and Measures Act 1989 (1989 c.1);

“**the FIC Regulation**” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers;

“**mass caterer**” means any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals and catering enterprises in which, in the course of a business, food is prepared to be ready for consumption by the final consumer;

“**pre-packed**”, in relation to food to which this Order applies, means either or both of—

- (a) made up for direct sale (within the meaning of Article 2(2)(e) of the FIC Regulation) by way of retail;
- (b) made up in advance ready for retail sale in an open container;

“**relevant wholesale**”, in relation to food to which this Order applies, means a sale by way of wholesale, but does not include any of the following—

- (a) sale to a mass caterer;
- (b) supply of food that is pre-packed food within the meaning of the FIC Regulation intended for sale to the final consumer or to a mass caterer, or any other supply of food that is made up in advance ready for retail sale in an open container; or
- (c) a supply to which Article 8(8) of the FIC Regulation applies;

and references to “loose” include items packed at the request of the customer. **22**.

(3) For article 4 substitute—

234. In this part of this Order, unless the context otherwise requires—

“**cheese**” means cheese, whether or not containing flavouring or colouring matter, and whether or not coated or mixed with other food for the purpose of giving the cheese a distinctive appearance or flavour, and includes processed cheese and cheese spread;

“**container**” includes any form of packaging of goods for sale as a single item, whether by way of wholly or partly enclosing the goods or by way of attaching the goods to, or winding the goods round, some other article, and in particular includes a wrapper or wire band, except that in the case of cocoa products, chocolate products and fancy chocolate products it shall not include any crimp case used to support the base or the base and sides of any chocolate product;

“**countable produce**” means fruits or vegetables specified in Part I of Schedule 1 to this Order;

“**meat**” means any part of an animal of any of the following descriptions, that is to say, cattle, sheep and swine; and

“**soft fruits**” means fruits of the following descriptions, that is to say, bilberries, blackberries, blackcurrants, boysenberries, brambles, cherries, cranberries, gooseberries, loganberries, mulberries, raspberries, redcurrants, strawberries, tayberries and whitecurrants. **24**.

(4) For article 5 substitute—

255. (1) This Article applies to food of any of the following descriptions that is to say:—

- (a) cheese;
- (b) fish, meat or poultry of any description, whether fresh, chilled, frozen, salted, cooked or processed;
- (c) sausage-meat in any form, whether cooked or uncooked; and
- (d) any article which, though it also contains other food, consists substantially of cheese, fish, meat, poultry or sausage-meat,

other than dripping, lard, fish paste, meat paste, poultry paste and shredded suet, and any reference in this Article to poultry includes a reference to any part of any poultry.

(2) Subject to paragraphs (7) to (9) below, any food to which this Article applies which is sold loose must, if sold by retail, be sold only—

- (a) by net weight; or
- (b) if it is sold in a container which does not exceed the appropriate permitted weight specified in Table A of Schedule 2 to this Order, either by net weight or by gross weight.

(3) Subject to paragraphs (7) and (8) below, any food (other than cheese and fish) to which this Article applies shall, if sold (i) pre-packed, otherwise than by retail (ii) to a mass caterer, when sold loose or (iii) by relevant wholesale, be sold only—

- (a) by net weight; or
- (b) if it is sold in a container which does not exceed the appropriate permitted weight specified in Table A of Schedule 2 to this Order, either by net weight or by gross weight.

(4) Subject to paragraph (7) below, any food (other than cheese) to which this Article applies shall be pre-packed only if the container is marked with an indication of quantity by net weight:

Provided that there shall be exempted from the requirements of this paragraph any food in a quantity of less than 5 g.

(5) Subject to paragraph (9) below—

- (a) processed cheese;
- (b) cheese spread; and
- (c) natural cheese of any of the following descriptions, that is to say, Caerphilly, Cheddar, Cheshire, Derby, Double Gloucester, Dunlop, Edam, Gouda, Lancashire, Leicestershire and Wensleydale,

shall be pre-packed only if the container is marked with an indication of quantity by net weight.

(6) Cheese of any description other than that specified in paragraph (5) above shall be pre-packed only if the container is marked with an indication of quantity by net weight:

Provided that there shall be exempted from the requirements of this paragraph—

- (a) whole Stilton cheese;
- (b) any cheese in a quantity of less than 25 g and more than 10 kg; and
- (c) any cheese sold by gross weight in a container which does not exceed the appropriate permitted weight specified in Table A of

Schedule 2 to this Order, if the quantity is made known to the buyer before he pays for or takes possession of the goods.

(7) There shall be exempted from the requirements of paragraphs (2) to (4) of this Article—

- (a) bath chaps, cheese, fish, meat or poultry pies, puddings and flans and sausage rolls, provided that in the case of more than one item of food pre-packed in a container not marked with an indication of quantity by net weight the number of items in the container is marked on the container or is clearly visible and capable of being easily counted through the container; and
- (b) any other goods (other than cheese) in a quantity of less than 5 g.

(8) There shall be exempted from the requirements of paragraphs (2) and (3) of this Article—

- (a) cooked poultry;
- (b) shellfish in shell, jellied fish, pickled fish and fried fish;
- (c) any sale of fish made otherwise than from a market, shop, stall or vehicle;
- (d) single cooked sausages in natural casings less than 500 g in weight; and
- (e) sausage-meat products other than in sausage form when offered or exposed for sale as a single item in a quantity of less than 500 g.

(9) There shall be exempted from the requirements of paragraphs (2) and (5) of this Article any cheese in a quantity of less than 25 g. ~~22~~.

(5) For article 6 substitute—

~~6~~6. (1) This Article applies to food consisting of fruits or vegetables of any description, other than potatoes, —

- (a) in the state in which they were harvested;
- (b) in the said state apart from cleaning or trimming;
- (c) in the case of beetroots, in the said state apart from having been cooked; or
- (d) in the case of peas, in the said state apart from having been shelled.

(2) Where fruits or vegetables of any description to which this Article applies have been divided into pieces or have had part thereof removed or both, then, subject to paragraph 7 below, paragraph 6 shall apply to any food consisting of, or including any part of, any of those fruits or vegetables which have not been subjected to any further process.

(3) Subject to paragraphs (7) to (9) below, fruits and vegetables of any description, other than soft fruits and mushrooms, shall be pre-packed only if the container is marked with an indication of quantity by net weight or, in the case of countable produce, either by net weight or by number.

(4) Subject to paragraphs (7) and (9) below, fruits and vegetables of any description, other than soft fruits and mushrooms, which are sold loose must, if sold by retail, be sold only—

- (a) by net weight;
- (b) in the case of countable produce either by net weight or by number; or
- (c) if the food is sold in a container which does not exceed the appropriate permitted weight specified in Table A of Schedule 2 to this Order, either by net weight or by gross weight.

(5) Subject to paragraph (7) below, any fruits or vegetables consisting of soft fruits or mushrooms which are sold pre-packed or loose shall, if sold by retail, be sold only—

- (a) by net weight; or
- (b) if the food is sold in a container which does not exceed the appropriate permitted weight specified in Table B of Schedule 2 to this Order, either by net weight or by gross weight,

and the quantity shall be made known to the buyer before he pays for or takes possession of the food.

(6) Any food to which this paragraph applies by virtue of paragraph (2) above, shall—


- (a) if sold loose and if sold by retail, be sold only by net weight or, in the case of countable produce, either by net weight or by number; or
- (b) be pre-packed only if the container is marked with an indication of quantity by net weight or, in the case of countable produce, either by net weight or by number.

(7) The following shall be exempted from any requirement of paragraph (3), (4) or (5) above which would otherwise apply thereto, that is to say—

- (a) food pre-packed in the same container with other goods (except potatoes) to which none of those requirements applies;
- (b) food pre-packed in the same container with goods of two or more other descriptions to which some requirement of this Article would otherwise apply or which include potatoes; and
- (c) any food in any quantity of more than 5 kg;

and there shall be exempted from all requirements of this Article any goods in a quantity of less than 5 g.

(8) There shall be exempted from the requirements of paragraph (3) above a pre-packed collection of not more than eight articles of countable produce, if the container is such that all the articles can be clearly seen by a prospective buyer.

(9) There shall be exempted from the requirements of paragraphs (3) and (4) above any vegetables specified in Part II of Schedule 1 to this Order, if sold in a bunch. .

(6) For article 8 substitute—

8. In this part of this Order, unless the context otherwise requires—

“**biscuits**” includes wafers, rusks, crispbreads, extruded flatbread, oatcakes and matzos;

“**bread**” means bread in any form other than breadcrumbs and includes the following, and any part of the following that is to say, fancy loaves and milk loaves, and “**loaf**” in relation to bread includes a roll and a bap; and for the purposes of this Order any pre-packed sliced bread shall be deemed to be a whole loaf of bread and the pre-packing of sliced bread in any quantity by net weight shall be deemed to be the making for sale of a whole loaf of bread of that net weight;

“**casein**” and “**caseinate**” have the same meanings as they have in the Caseins and Caseinates Regulations 1985 (S. I. 1985/2026);

“**chicory**”, “**chicory extract paste**”, “**coffee extract paste**”, “**instant chicory**”, “**instant coffee**”, “**liquid chicory extract**” and “**liquid coffee extract**” have the same meanings as they have in the Coffee Extracts and Chicory Extracts (England) Regulations 2000 (S. I. 2000/3323);

“**chocolate confectionery**” means any food which is ready for consumption without further preparation, of which a characterising ingredient is chocolate, cocoa or non-fat cocoa solids, and includes food of which a characterising ingredient is carbohydrate sweetening matter and which has a chocolate or chocolate-flavoured coating, but does not include any biscuits, chocolate products, flour confectionery or edible ice;

“**cocoa product**”, “**chocolate product**” and “**reserved description**” have the same meanings as they have in the Cocoa and Chocolate Products (England) Regulations 2003 (S. I. 2003/1659); except that “**cocoa product**” and “**chocolate product**” shall include a product specially prepared for diabetics or to which a slimming claim (as defined in the said Regulations) is lawfully applied and which has been specially prepared in connection with that claim by the addition of any ingredient other than an edible substance as so defined;

“**coffee**” means the dried seed of the coffee plant whether such seed has been roasted or ground or both roasted and ground;

“**coffee bag**” means a permeable sealed bag, which is intended to be immersed in water or to have water percolated through it, containing coffee, or a coffee mixture, or a combination of either coffee or a coffee mixture (or both) with a lesser quantity of instant coffee;

“**condensed milk**” and “**dried milk**” have the same meanings as they have in the Condensed Milk and Dried Milk (England) Regulations 2003 (S. I. 2003/1596);

“**fancy chocolate product**” includes any chocolate product in the form of figurines, cigarettes or eggs or enclosed in a seasonal selection pack;

“**flour confectionery**” means any cooked food which is ready for consumption without further preparation (other than reheating), of which a characterising ingredient is ground cereal, including shortbread, sponges, crumpets, muffins, macaroons, ratafias, pastry and pastry cases, and also includes meringues, petits fours and uncooked pastry and pastry cases, but does not include bread, pizzas, biscuits, crispbread, extruded flat bread or any food containing a filling which has as an ingredient any cheese, meat, offal, fish or shellfish;

“**liquid coffee and chicory products**” means liquid coffee extract and liquid chicory extract, and blends thereof;

“**milk**” means cows' milk in any liquid form other than that of condensed milk (including evaporated milk) or of cream;

“**potatoes**” means potatoes in the state in which they were harvested or in that state apart from cleaning;

“**preserved milk**” means condensed milk (including evaporated milk) or dried milk;

“**solid and paste coffee and chicory products**” means instant coffee, coffee extract paste, instant chicory, chicory extract paste, and blends thereof, and extracts of blends of roasted coffee and roasted chicory; and

“**sugar confectionery**” means any food which is ready for consumption without further preparation, of which a characterising ingredient is carbohydrate sweetening matter, and includes sweetened liquorice and chewing gum, but does not include any chocolate confectionery, chocolate products, cocoa products, flour confectionery, edible ice, table jellies, slab marzipan or sugar. ²²

(7) For article 9 substitute—

239. Scope of application

(1) Subject to the following provisions of this Order, the following must be made up in a container marked with an indication of quantity by net weight—

- (a) the foods specified in column 1 of Schedule 3 to this Order (other than milk), when pre-packed; and
- (b) cocoa products and chocolate products, solid and paste coffee and chicory products and sugar, when made up in a container for relevant wholesale,

subject to the exemptions specified in column 2 of Schedule 3 to this Order.

(2) Unless sold loose or packaged in a quantity of less than 5 g, honey must be made up in a container marked with an indication of quantity by net weight.

(3) Subject to the following provisions of this Order, the foods specified in column 1 of Schedule 3 to this Order must, when sold loose, if sold by retail be sold only by net weight.

(4) Paragraph (3) above shall not apply in relation to any of the following—

- (a) biscuits (except to wafer biscuits which are not cream filled) when sold in a quantity of eight or less;
- (b) bread;
- (c) chunk honey;
- (d) comb honey; or
- (e) milk. **22**.

(8) For article 10 substitute—

2310. (1) In the case of solid and paste coffee and chicory products, cocoa products and chocolate products, honey, caseins and caseinates or preserved milk for human consumption pre-packed or made up in a container for relevant wholesale, the information required by article 9(1) and 9(2) above or, as the case may be, 12A, 14(2) or 17 below to be marked on the container may, if:—

- (a) the foods are not sold by retail; and
- (b) the net weight of the foods is not less than the particular quantities specified in paragraph (2) below in relation to the foods,

be given at the time when they are sold in a document accompanying the container and containing an indication of quantity by net weight.

(2) The quantities referred to in paragraph (1) above are:

solid and paste coffee and chicory products	5 kg
cocoa products and chocolate products	10 kg
honey	10 kg
caseins and caseinates	10 kg
preserved milk for human consumption	10 kg 22 .

(9) For article 11 substitute—.

23Biscuits and shortbread

11. (1) Article 9(1) above shall not apply in relation to biscuits which have been pre-packed on the same premises as those on which they were produced, where either:—

- (a) the biscuits are in the possession of the producer for sale by him by retail on those premises; or
- (b) if the producer has agreed to sell or has sold the biscuits, he agreed to sell or sold them by retail on those premises.

(2) Biscuits to which paragraph (1) above applies (other than wafer biscuits which are not cream-filled) shall be pre-packed only if the container is marked with an indication of quantity by net weight:

Provided that there shall be exempted from the requirements of this paragraph biscuits pre-packed in a quantity not exceeding 100 g.

(3) Shortbread shall be pre-packed only if the container is marked with an indication of quantity by net weight:

Provided that there shall be exempted from the requirements of this paragraph shortbread—

- (a) where made up in a quantity not exceeding 50 g; or
 - (b) consisting of a piece or pieces each weighing 200 g or more if the number of pieces in the container, if more than one, is marked on the container or is clearly visible and capable of being easily counted through the container.
- (4) Wafer biscuits which are not cream-filled shall be pre-packed only if the container is marked with an indication of quantity by number.
- (5) Wafer biscuits which are not cream-filled and which are sold loose must if sold by retail be sold only by number.
- (6) Shortbread, when sold loose must, if sold by retail, be sold only by net weight, unless sold in a quantity of eight pieces or fewer. **22**.
- (10) For article 12 substitute—

23 Unwrapped Bread

12. (1) For the purposes of this article “unwrapped loaf of bread” means a loaf of bread which is not made up in advance ready for retail sale or wholesale in a securely closed container and includes bread offered for sale in a confining band.

(2) Subject to paragraph (3), an unwrapped loaf of bread may be made for sale only if—

- (a) an indication of the quantity of the bread is given on a ticket displayed in immediate proximity to that loaf; or
- (b) there is displayed, in such a position and manner as to be readily available without special request for inspection by a buyer before any sale is made, a notice—
 - (i) listing the forms in which unwrapped loaves of bread are made for sale; and
 - (ii) indicating the quantity or quantities in which each such form is made for sale.

(3) The following are exempt from the requirements of paragraph (2)—

- (a) any unwrapped loaf of bread in a quantity of 400 g or a multiple of 400 g;
- (b) any unwrapped loaf of bread weighing 300 g or less; and
- (c) any sale under a contract for the supply of bread for consumption on the premises of the buyer if the contract provides for each delivery of bread to be of a specified aggregate quantity of not less than 25 kg and for the weighing of the bread on delivery. **22**.

(11) After article 12 insert—

23 Caseins and caseinates

12A. In the case of caseins and caseinates for human consumption, when pre-packed or made up in a container for relevant wholesale, the container must be marked with an indication of quantity by net weight. **22**.

(12) For article 13 substitute—

2313. (1) Subject to paragraph (2) below, in the case of cocoa products and chocolate products, when pre-packed or made up in a container for relevant wholesale, the container must be marked with an indication of quantity by net weight, unless sold in a quantity by net weight of less than 50 g.

(2) Nothing in paragraph (1) above shall require a container to be marked with an indication of quantity by net weight if it is a container in which fancy chocolate products are pre-packed, except that when the products are on sale by retail the exemption provided by this paragraph shall apply only if an indication of quantity by net weight is given on a ticket or notice displayed on or in immediate proximity to the products.

(3) Except in the case of an article the net weight of which is less than 50 g, cocoa products and chocolate products which are sold loose must, when sold by retail, be sold only by net weight. **22**.

(13) For article 14 substitute—

2314. (1) In the case of liquid coffee and chicory products, when pre-packed or made up in a container for relevant wholesale, the container must be marked with an indication of quantity by capacity measurement, unless sold in a quantity of less than 5 ml.

(2) Where the contents of a container in which solid and paste coffee and chicory products or liquid coffee and chicory products are pre-packed or made up for relevant wholesale consists of packs of such products not intended for individual sale, the container shall, in addition to any marking required by article 9(1) and paragraph (1) above, be marked with the total number of such packs. **22**.

(14) For article 15 substitute—

2315. Liquid edible oil shall be pre-packed only if the container is marked with an indication of quantity by volume.

Provided that there shall be exempted from the requirements of this article liquid edible oil pre-packed in a quantity of less than 5 ml or more than 20 L. **22**.

(15) For article 16 substitute—

2316. Milk which is sold loose or made up in a container for relevant wholesale shall be sold only by capacity measurement or by net weight. **22**.

(16) For article 17 substitute—

2317. In the case of preserved milk for human consumption, when pre-packed or made up in a container for relevant wholesale, the container must be marked with an indication of quantity by net weight, unless sold in a quantity of less than 5 ml. **22**.

(17) For article 18 substitute—

18. Potatoes which are sold loose must, if sold by retail, be sold only—

- (a) by net weight; or
- (b) if the food is sold in a container which does not exceed the appropriate permitted weight specified in Table A in Schedule 2 to this Order, either by net weight or gross weight. **22.**

(18) For article 19 substitute—

19. (1) Subject to paragraph (2) below, foods of any of the following descriptions, that is to say—

- (a) cereal biscuit breakfast foods, other than foods in the case of which none of the biscuits weighs more than 10 g;
- (b) flour confectionery, except when consisting of uncooked pastry or uncooked pastry cases, not containing any filling, or shortbread;
- (c) fruit preservative tablets, rennet tablets, saccharin tablets, soft drink tablets and sweetening tablets;
- (d) shell eggs;
- (e) vanilla pods;
- (f) capsule and tablet foods,

shall be pre-packed only if the container is marked with an indication of quantity by number.

(2) There shall be exempted from the requirements of this article—

- (a) flour confectionery, if the number of items in the container is clearly visible and capable of being easily counted through the container; and
- (b) any foods in a quantity by number of one. **22.**

(19) For article 20 substitute—

20. (1) This article applies to foods of any description which are not goods—

- (a) required by any other provision of this Order or under or by virtue of any other provision of the Act to be pre-packed only if the container is marked with an indication of quantity; or
- (b) in the case of which when sold pre-packed (whether on any sale or on a sale of any particular description) the quantity of the goods sold expressed in a particular manner is required by or under any such provision to be made known to the buyer at or before a particular time; or
- (c) expressly exempted by any such provision from all such requirements which would otherwise apply thereto.

(2) Subject to paragraph (3) below, foods to which this article applies shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement.

(3) The following shall be exempted from the requirements of this article, that is to say—

- (a) bread and bun loaves, fruit loaves, malt loaves and fruited malt loaves;
 - (b) food to which articles 5 and 6 apply, other than dates;
 - (c) freeze drinks in a quantity of less than 50 ml;
 - (d) herbs, whole and sifted except saffron, in a quantity of less than 25 g;
 - (e) iced lollies and water ices;
 - (f) intoxicating liquor to which article 8 of the Weights and Measures (Intoxicating Liquor) Order 2001 (S. D. 164/01) applies;
 - (g) milk;
 - (h) potato crisps and other similar products commonly known as snack foods in a quantity of less than 25 g;
 - (i) single portion vending machine beverage packs in a quantity of less than 25 g or of less than 25 ml whether or not they contain other foods to which this article does not apply;
 - (j) single toffee apples;
 - (k) soft drinks of any description in a syphon;
 - (l) sugar confectionery consisting of rock or barley sugar in sticks or novelty shapes;
 - (m) sugar confectionery not included in paragraph (1) above, and chocolate confectionery, in a quantity of less than 50 g;
 - (n) goods of any other description, except saffron, in a quantity of less than 5 g or of less than 5 ml. **22**.
- (20) In subparagraph (a) of paragraph (1) of article 21—
- (a) omit “otherwise”; and
 - (b) for “sale” substitute **23** relevant wholesale **22**.
- (21) In paragraph (1) of article 22—
- (a) after the word “honey” insert **23**, caseins and caseinates **22**;
 - (b) omit “otherwise”; and
 - (c) for the word “sale” where it first appears, substitute **23** relevant wholesale **22**.
- (22) In paragraph (2) of article 22—
- (a) after the word “chocolate products” insert **23**, caseins and caseinates **22**;
 - (b) omit “otherwise”; and
 - (c) for the word “sale” in the final place it appears, substitute **23** relevant wholesale **22**.

- (23) For Schedule 1, Schedule 2 and Schedule 3 substitute Schedule 1, Schedule 2 and Schedule 3 below—

❏ SCHEDULE 1

PART I

COUNTABLE PRODUCE

Apples	Apricots	Artichokes (globe)	Aubergines
Avocados	Bananas	Beetroots (including cooked)	Cabbage
Capsicum	Cauliflower	Celery	Coconuts
Corn on the cob	Cucumber	Fennel	Figs (fresh)
Garlic	Grapefruit	Guavas	Kiwi fruit
Kohlrabi	Lemons	Lettuce	Limes
Mangoes	Marrows	Melons	Nectarines
Onions (other than spring)	Oranges	Passion fruit	Pawpaw
Peaches	Pears	Pineapple	Plums
Pomegranates	Pomelo	Pumpkins	Radishes
Shaddock	Soft citrus fruits	Tomatoes	Ugli

PART II

VEGETABLES WHICH MAY BE SOLD BY THE BUNCH

Asparagus	Beetroots	Carrots	Chives
Endives	Garlic	Mint	Mustard and cress
Onions (including spring)	Parsley	Radishes	Salad cress
Turnips	Watercress		

SCHEDULE 2

TABLES OF PERMITTED WEIGHTS FOR CONTAINERS

TABLE A

Gross weight	Permitted weight of container
Not exceeding 500 g	5 g
Exceeding 500 g	a weight at the rate of 10 g per kg of the gross weight

TABLE B

Gross weight	Permitted weight of container
Not exceeding 250 g	a weight at the rate of 120 g per kg of the gross weight
Exceeding 250 g but not exceeding 1 kg	a weight at the rate of 100 g per kg of the gross weight
Exceeding 1 kg but not exceeding 3 kg	a weight at the rate of 90 g per kg of the gross weight
Exceeding 3 kg	a weight at the rate of 60 g per kg of the gross weight

SCHEDULE 3

FOODS

(1) Foods	(2) Exemptions from quantity marking
Barley kernels, pearl barley, rice (including ground rice and rice flakes), sago, semolina and tapioca	Less than 5g
Biscuits, other than wafer biscuits which are not cream-filled	50 g or less
Bread in the form of a whole loaf	Where the net weight of each loaf is less than 300 g and the number of items (if more than one in the container) is marked on the container or is clearly visible and capable of being easily counted through the container
Cereal breakfast foods in flake form, other than cereal biscuit breakfast foods	Less than 5g
Coffee, coffee mixtures and coffee bags	Less than 5g
Coffee extracts and chicory extracts consisting of solid and paste coffee and chicory products	Less than 5g

(1) Foods	(2) Exemptions from quantity marking
Dried fruits of any one or more of the following descriptions, that is to say, apples (including dried apple rings), apricots, currants, dates, figs, muscatels, nectarines, peaches, pears (including dried pear rings), prunes, raisins, sultanas and dried fruit salad	Less than 5g
Dried vegetables of any of the following descriptions, that is to say, beans, lentils and peas (including split peas)	Less than 5g
Edible fats of any of the following descriptions— (a) butter, margarine, any mixture of butter and margarine, and low fat spreads (butter or margarine substitutes); (b) dripping and shredded suet; (c) lard and compound cooking fat and substitutes therefor; (d) solidified edible oil (except in gel form)	Less than 5g
Flour, namely flour of bean, maize, pea, rice, rye, soya bean or wheat and flour products of any of the following descriptions— (a) cake flour, other than cake mixtures and sponge mixtures; (b) cornflour, other than blancmange powders and custard powders; (c) self-raising flour	Less than 5g
Honey	Less than 5g
Jam and marmalade, other than diabetic jam or marmalade, Jelly preserves	Less than 5g
Molasses, syrup and treacle	Less than 5g
Oat products of any of the following descriptions— (a) flour of oats; (b) oatflakes and oatmeal	Less than 5g

(1) Foods	(2) Exemptions from quantity marking
Pasta	Less than 5g
Potatoes	<p>(1) Where the net weight of each potato is not less than 175 g and the container is marked with an indication of quantity by number and with a statement to the effect that each potato in the container is of a net weight not less than a weight specified in grams, whether the weight so specified is 175 g or a greater weight.</p> <p>(2) Less than 5 g</p>
Salt	Less than 5g
Sugar	Less than 5g
Tea in a tea bag, namely a permeable sealed bag, containing tea, which is intended to be immersed in water in the course of preparation to drink	Less than 5g
Tea, other than instant tea or tea in a tea bag	Less than 5g ²² .

SCHEDULE 8

[Regulation 16]

REVOCATIONS

PART 1

REVOCATIONS COMING INTO FORCE ON 13 DECEMBER 2014

Reference	Extent of revocation
The Food Labelling Regulations 2004 ¹⁷	<p>The whole Regulations except for—</p> <p>(a) regulation 44;</p> <p>(b) in Schedule 8—</p> <p>(i) the entries in Part I relating to the descriptions “alcohol-free”, “dealcoholised”, “low alcohol” (and any other word or description which implies that the drink being described is low in alcohol) and “non-alcoholic”;</p> <p>(ii) Part II; and</p> <p>(iii) Part III; and</p> <p>(c) the remainder of the Regulations for the purposes of the provisions specified in subparagraphs (a) and (b), including—</p> <p>(i) in regulation 2(1), the definitions of “the Act”, “advertisement”, “cheese”, “clotted cream”, “cream”, “ingredient”, “labelling”, “milk”, “sell”, “semi-skimmed milk”, “skimmed milk” and “wine”;</p> <p>(ii) regulation 3(1) and (4);</p> <p>(iii) regulation 43;</p> <p>(iv) regulation 45(1)(b);</p> <p>(v) regulation 46;</p> <p>(vi) regulation 49; and</p> <p>(vii) regulation 51(1)</p>
The Honey Regulations 2005 ¹⁸	Regulation 6
The Nutrition and Health Claims Regulations 2008 ¹⁹	Regulation 9

¹⁷ S.D. No. 453/04¹⁸ S.D. No. 706/05¹⁹ S.D. No. 899/08

The Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 2009 ²⁰	Regulation 23(2) and (3)
The Cocoa and Chocolate Products Regulations 2012 ²¹	Regulation 8(1)

PART 2

REVOCATIONS COMING INTO FORCE ON 13TH DECEMBER 2018

Statutory Document revoked	Revocations
The Food Labelling Regulations 2004 ²²	The whole Regulations

PART 3

REVOCATIONS OF WEIGHTS AND MEASURES LEGISLATION

Statutory Document revoked	Revocations
The Weights and Measures (Pasta) Order 1974 ²³	The whole Regulations
The Weights and Measures (Biscuits and Shortbread) Order 1977 ²⁴	The whole Regulations
The Weights and Measures Act 1963 (Grain and Farinaceous Products) Order 1982 ²⁵	The whole Regulations
The Weights and Measures (Coffee and Coffee Mixtures) Order 1982 ²⁶	The whole Regulations

²⁰ S.D. No. 405/09

²¹ S.D. No. 0655/2012

²² S.D. No. 453/04

²³ GC No. 12/74

²⁴ GC No. 84/77

²⁵ GC No. 93/92

²⁶ GC No 94/92

*EXPLANATORY NOTE**(This note is not part of the Regulations)*

These Regulations make provision to enforce, in the Isle of Man, certain provisions of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ No L 304, 22.11.2011, p 18) (“FIC”).

They also implement, in the Isle of Man, certain provisions of Article 6 of Directive 1999/2/EC of the European Parliament and of the Council on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation (OJ No L 66, 13.3.1999, p 16) and the second paragraph of subparagraph 1 of Article 3 of Directive 2000/36/EC of the European Parliament and of the Council relating to cocoa and chocolate products intended for human consumption (OJ No L 197, 3.8.2000, p 19).

Regulation 4 contains a derogation relating to milk or milk products presented in a glass bottle intended for reuse. Regulation 5 and Schedule 2 provide a derogation relating to the use of a minced meat designation for minced meat that does not comply with the requirements laid down in point 1 of Part B of Annex VI to FIC.

Regulation 6 enables particulars relating to an allergenic substance or product in a non-pre-packed food to be made available (subject to the provisions of the regulation) using any means that a food business operator chooses. The required particulars must be made available under FIC but can be made available using the means provided for in FIC or in accordance with the provisions of regulation 6.

Regulation 7 requires the name of the food to be provided in the case of certain non-pre-packed foods and foods pre-packed for direct sale. Regulation 8 requires a quantitative indication of the meat content to be given in the case of certain products. Those particulars must be given in one of the ways specified in regulations 7(4) (in the case of the name of the food) and 8(5) (in the case of the meat content indication). The provisions of regulations 7(4) and 8(5) do not apply to an offer for sale made by means of distance communication. Article 14.2 of FIC (as read with other relevant provisions of FIC) applies in the case of such an offer.

Regulation 2(4) provides for regulations 6, 7 and 8 to cease to have effect on 13th December 2021.

Regulation 9 requires certain information to be provided when irradiated food products or food products containing an irradiated ingredient are sold in bulk and when irradiated ingredients are used in certain pre-packed food products.

Regulation 11 makes it an offence to fail to comply with specified provisions of FIC and the allergen-related requirement in regulation 6(5). Regulation 12 provides for the punishment of that offence.

Regulation 13 and Schedule 4 apply certain provisions of the Food Act 1996 (1996 c. 8), with modifications. This includes the application (with modifications) of section 8(1), enabling an improvement notice to be served requiring compliance with specified provisions of FIC (except to the extent that some of the provisions apply to the mandatory particular relating to net quantity or quantity in general) or with specified provisions of regulations 6 to 9. The provisions, as applied, make the failure to comply with an improvement notice an offence.

Regulation 13 and Schedule 5 concern improvement notices and cite the relevant provisions of FIC where an improvement notice may be served.

Regulation 14 and Schedule 6 apply certain provisions of the Weights and Measures Act 1989 (with modifications). This brings into line legislation which falls under the remit of the Isle of Man Office of Fair Trading with that introduced by FIC.

Regulation 15 and Schedule 7 amend the Food Labelling Regulations 2004, during the period before those Regulations are revoked (as described below). They make amendments to other statutory documents to take account of the repeal and replacement of the relevant EU legislation and the revocation of the Food Labelling Regulations 2004. They also make consequential amendments to weights and measures provisions which fall under the remit of the Office of Fair Trading.

Schedule 7 also contains the provision implementing the second paragraph of subparagraph 1 of Article 3 of Directive 2000/36/EC of the European Parliament and of the Council (mentioned above).

Regulation 16 and entry 1 of the table in Part 1 of Schedule 7 revoke most of the Food Labelling Regulations 2004 on 13th December 2014. Regulation 14 and entry 1 of the table in Part 2 of Schedule 7 revoke the remainder of the provisions in the Food Labelling Regulations 2004 (relating to alcohol-related terms, cream and cheese) on 13th December 2018. Regulation 14 and Schedule 7 also revoke other relevant statutory documents.