

Statutory Instrument 1997 No. 1413

The Miscellaneous Food Additives (Amendment) Regulations 1997

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STATUTORY INSTRUMENTS

1997 No. 1413

FOOD

The Miscellaneous Food Additives (Amendment) Regulations 1997

| | |
|-------------------------------|----------------------|
| <i>Made</i> | <i>4th June 1997</i> |
| <i>Laid before Parliament</i> | <i>5th June 1997</i> |
| <i>Coming into force</i> | <i>1st July 1997</i> |

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 6(4), 16(1)(a), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990[1] and of all other powers enabling them in that behalf, hereby make the following Regulations, after consultation in accordance with section 48(4) of the said Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations:

Title, commencement and interpretation

1. - (1) These Regulations may be cited as the Miscellaneous Food Additives (Amendment) Regulations 1997 and shall come into force on 1st July 1997.

(2) In these Regulations "the principal Regulations" means the Miscellaneous Food Additives Regulations 1995[2].

Amendment of the principal Regulations

2. The principal Regulations shall be amended in accordance with regulations 3 to 11 below.

3. In regulation 2(1) (interpretation) -

(a) in the definition of "Directive 95/2/EC" there shall be inserted at the end the words ", as amended by European Parliament and Council Directive 96/85/EC[3]";

(b) after that definition there shall be inserted the following definition -

" "Directive 96/77/EC" means Commission Directive 96/77/EC[4] laying down specific purity criteria on food additives other than colours and sweeteners;"

(c) there shall be substituted for the definition of "purity criteria" the following definition -

" "purity criteria", in relation to a miscellaneous additive, means -

(a) in the case of a miscellaneous additive for which purity criteria are set out in the Annex to Directive 96/77/EC, those purity criteria;

(b) in any other case, the purity criteria (if any) specified or referred to in Schedule 5;"

4. In regulation 4 (use of miscellaneous additives in or on compound foods) there shall be substituted for paragraph (1) the following paragraph -

" (1) Subject to paragraphs (3) and (4) below, where a permitted miscellaneous additive is present in or on a compound food and that compound food contains, as an ingredient, a food in or on which that miscellaneous additive was or could have been used without contravening any of the provisions of paragraphs (2) to (5) or (7) of regulation 3, that miscellaneous additive shall for the purposes of those paragraphs be deemed to have been used in or on that compound food without contravening any of the provisions of those paragraphs."

5. In regulation 8 (defence in relation to exports) there shall be substituted in paragraph (b) for the words "and Directive 95/2/EC" the words ", Directive 95/2/EC and Directive 96/77/EC".

6. In regulation 9 (application of various provisions of the Act) there shall be inserted after paragraph (g) the following paragraph -

" (gA) section 35(1) to (3) (punishment of offences) in so far as it relates to offences under section 33(1) and (2);"

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| | | | |
|---|---------------|---|-----------------------------------|
| " | Propane[5] | Garlic flavoured oil spray for producing garlic bread and pizza | <i>quantum satis</i> " |
| | Butane[6] | | |
| | Iso-Butane[7] | Vegetable oil pan spray for professional use only | |
| | | Water-based emulsion sprays | |

11. In Schedule 5 (purity criteria) the entries relating to the miscellaneous additives listed in the Schedule to these Regulations shall be omitted.

Amendment of the Fruit Juices and Fruit Nectars Regulations 1977 and the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977
12. In the Fruit Juices and Fruit Nectars Regulations 1977[8] and the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977[9] there shall be substituted in the proviso to regulation 11(1) (permitted additional ingredients in fruit juice, concentrated fruit juice, dried fruit juice and fruit nectar) for sub-paragraph (a) the following sub-paragraph -

" (a) any such food may contain any permitted miscellaneous additive, so however that no fruit juice shall contain both added sugar and added acid;".

Jeff Rooker
Minister of State, Ministry of Agriculture, Fisheries and Food

28th May 1997

Signed by authority of the Secretary of State for Health:

Tessa Jowell
Minister of State for Public Health, Department of Health

30th May 1997

Signed by authority of the Secretary of State for Wales:

Win Griffiths
Parliamentary Under - Secretary of State,
Welsh Office

4th June 1997

2nd June 1997

SCHEDULE

Regulation 11

**MISCELLANEOUS ADDITIVES FOR WHICH SPECIFIC PURITY CRITERIA
SPECIFIED OR REFERRED TO IN SCHEDULE 5 TO THE PRINCIPAL
REGULATIONS ARE OMITTED**

| | |
|-------|---|
| E 200 | Sorbic acid |
| E 202 | Potassium sorbate |
| E 203 | Calcium sorbate |
| E 210 | Benzoic acid |
| E 211 | Sodium benzoate |
| E 212 | Potassium benzoate |
| E 213 | Calcium benzoate |
| E 214 | Ethyl p-hydroxybenzoate |
| E 215 | Sodium ethyl p-hydroxybenzoate |
| E 216 | Propyl p-hydroxybenzoate |
| E 217 | Sodium propyl p-hydroxybenzoate |
| E 218 | Methyl p-hydroxybenzoate |
| E 219 | Sodium methyl p-hydroxybenzoate |
| E 220 | Sulphur dioxide |
| E 221 | Sodium sulphite (anhydrous or heptahydrate) |
| E 222 | Sodium hydrogen sulphite |
| E 223 | Sodium metabisulphite |

| | |
|-----------|-----------------------------|
| E 224 | Potassium metabisulphite |
| E 226 | Calcium sulphite |
| E 227 | Calcium hydrogen sulphite |
| E 228 | Potassium hydrogen sulphite |
| E 230 | Biphenyl, diphenyl |
| E 231 | Orthophenyl phenol |
| E 232 | Sodium orthophenyl phenol |
| E 233 | Thiabendazole |
| E 234 | Nisin |
| E 239 | Hexamethylene tetramine |
| E 249 | Potassium nitrite |
| E 250 | Sodium nitrite |
| E 251 | Sodium nitrate |
| E 252 | Potassium nitrate |
| E 260 | Acetic acid |
| E 261 | Potassium acetate |
| E 262(i) | Sodium acetate |
| E 262(ii) | Sodium diacetate |
| E 263 | Calcium acetate |
| E 270 | Lactic acid |
| E 280 | Propionic acid |
| E 281 | Sodium propionate |
| E 282 | Calcium propionate |
| E 283 | Potassium propionate |
| E 290 | Carbon dioxide |

| | |
|------------|------------------------------------|
| E 300 | Ascorbic acid |
| E 301 | Sodium ascorbate |
| E 302 | Calcium ascorbate |
| E 304 | Fatty acid esters of ascorbic acid |
| E 304(i) | Ascorbyl palmitate |
| E 306 | Tocopherol-rich extract |
| E 307 | Alpha-tocopherol |
| E 308 | Gamma-tocopherol |
| E 309 | Delta-tocopherol |
| E 310 | Propyl gallate |
| E 311 | Octyl gallate |
| E 312 | Dodecyl gallate |
| E 320 | Butylated hydroxyanisole (BHA) |
| E 321 | Butylated hydroxytoluene (BHT) |
| E 322 | Lecithins |
| E 325 | Sodium lactate |
| E 326 | Potassium lactate |
| E 327 | Calcium lactate |
| E 330 | Citric acid |
| E 331(i) | Monosodium citrate |
| E 331(ii) | Disodium citrate |
| E 331(iii) | Trisodium citrate |
| E 332(i) | Monopotassium citrate |
| E 332(ii) | Tripotassium citrate |
| | |

| | |
|------------|---|
| E 333(i) | Monocalcium citrate |
| E 333(ii) | Dicalcium citrate |
| E 333(iii) | Tricalcium citrate |
| E 334 | L-(+)-Tartaric acid |
| E 335(i) | Monosodium L-(+)-tartrate |
| E 335(ii) | Disodium L-(+)-tartrate |
| E 336(i) | Monopotassium L-(+)-tartrate |
| E 336(ii) | Dipotassium L-(+)-tartrate |
| E 337 | Sodium Potassium L-(+)-tartrate |
| E 338 | Phosphoric acid |
| E 339(i) | Monosodium phosphate |
| E 339(ii) | Disodium phosphate |
| E 339(iii) | Trisodium phosphate |
| E 340(i) | Monopotassium phosphate |
| E 340(ii) | Dipotassium phosphate |
| E 340(iii) | Tripotassium phosphate |
| E 341(i) | Monocalcium phosphate |
| E 341(ii) | Dicalcium phosphate |
| E 341(iii) | Tricalcium phosphate |
| E 385 | Calcium disodium ethylenediamine N N N'N' tetra-acetate |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Great Britain, amend the Miscellaneous Food Additives Regulations 1995 ("the principal Regulations").

These Regulations -

- (a) implement European Parliament and Council Directive 96/85/EC amending Directive 95/2/EC on food additives other than colours and sweeteners, by adding processed eucheuma seaweed to the list of miscellaneous additives generally permitted for use in foods not referred to in Schedule 6, 7 or 8 to the principal Regulations (regulations 3(a) and 8);**
- (b) implement Commission Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners (regulations 3(b) and (c), 7(a) and 11 and Schedule) and make a consequential amendment (regulation 5);**
- (c) clarify the provisions in the principal Regulations relating to the use of miscellaneous additives in or on compound foods (regulation 4);**
- (d) add to the list of permitted uses for propane, butane and iso-butane on a temporary basis in accordance with Article 5 of Directive 89/107/EEC on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption (regulation 10(c));**
- (e) make a few corrections to the principal Regulations to reflect provisions in Directive 95/2/EC, notably relating to using up old stocks of products from other Member States (regulations 7(b) to (d), 9 and 10(a) and (b));**
- (f) apply specified provisions of the Food Safety Act 1990 for the purposes of the principal Regulations (regulation 6);**
- (g) make a correction to the Fruit Juices and Fruit Nectars Regulations 1977 and the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977, as amended, to reflect Article 4(3) of Council Directive 93/77/EEC relating to fruit juices and certain similar products (OJ No. L244, 30.9.93, p. 23) (regulation 12).**

Notes:

[1] 1990 c. 16; "the Ministers" is defined in section 4(1) of the Act; section 6(4)(a) of the Act was amended by the Deregulation and Contracting Out Act 1994 (c. 40), Schedule 9, paragraph 6. [back](#)

[2] S.I. 1995/3187. [back](#)

[3] OJ No. L86, 28.3.97, p. 4. [back](#)

[4] OJ No. L339, 30.12.96, p. 1. [back](#)

[5] Authorised until 31st December 1997 in accordance with Article 5 of Directive 89/107/EEC (OJ No. L40, 11.2.89, p. 27) pending consideration for inclusion in Directive 95/2/EC. [back](#)

[6] Authorised until 31st December 1997 in accordance with Article 5 of Directive 89/107/EEC (OJ No. L40, 11.2.89, p. 27) pending consideration for inclusion in Directive 95/2/EC. [back](#)

[7] Authorised until 31st December 1997 in accordance with Article 5 of Directive 89/107/EEC (OJ No. L40, 11.2.89, p. 27) pending consideration for inclusion in Directive 95/2/EC. [back](#)

[8] S.I. 1977/927; the relevant amending instruments are S.I. 1982/1311, 1995/3187. [back](#)

[9] S.I. 1977/1026, amended by S.I. 1982/1619, 1995/3187. [back](#)

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