

Statutory Rule 1996 No. 49

Colours in Food Regulations (Northern Ireland) 1996

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STATUTORY RULES OF NORTHERN IRELAND

1996 No. 49

FOOD

Colours in Food Regulations (Northern Ireland) 1996

Made

28th February 1996

Coming into operation

22nd April 1996

The Department of Health and Social Services, and the Department of Agriculture being the Departments concerned[1] in exercise of the powers conferred on them by Articles 15(1)(a), 16(1), 25(1) and (3), 26(3) and 47(2) of, and paragraph 1 of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991[2] and of all other powers enabling them in that behalf and after consultation in accordance with Article 47(3) of that Order with such organisations as appear to them to be representative of interests likely to be substantially affected by these Regulations, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Colours in Food Regulations (Northern Ireland) 1996, and shall come into operation on 22nd April 1996.

Interpretation

2. —(1) In these Regulations—
"colour" means a food additive which is used or intended to be used for the primary purpose of adding or restoring colouring in a food, and includes—
(a) any natural constituent of food and any natural source not normally consumed as food as such and not normally used as a characteristic ingredient of food, and
(b) any preparation obtained from food or from any other natural source material by, in either case—
(i) physical extraction,
(ii) chemical extraction, or
(iii) physical and chemical extraction
which results in the selective extraction of the pigment relative to the nutritive or aromatic constituent,
but does not include—
(aa) any food (including one in dried or concentrated form),
(bb) any flavouring,
used, in either case, in the manufacture of any compound food because of its aromatic, sapid or nutritive properties albeit that it may also be used secondarily to add or restore colouring to such compound food, and
(cc) any colour when it is used only for colouring any inedible external part of a food;

"Directive 94/36/EC" means European Parliament and Council Directive 94/36/EC[3] on colours for use in foodstuffs;

"Directive 95/45/EC" means Commission Directive 95/45/EC[4] laying down specific criteria of purity concerning colours for use in foodstuffs;

"food" means food sold, or intended for sale, for human consumption, and in regulation 8 and for the purposes of regulation

11 includes a colour;

"food additive" means any substance not normally consumed as a food in itself and not normally used as a characteristic

ingredient of food, whether or not it has nutritive value, the intentional addition of which to food for a technological purpose in

the manufacture, processing, preparation, treatment, packaging, transport, or storage of such food results, or may reasonably

be expected to result, in it or its by-products becoming directly or indirectly a component of such foods;

"infants" means children under the age of twelve months;

"member State" means a member State of the European Community;

"the Order" means the Food Safety (Northern Ireland) Order 1991;

"permitted colour" means any colour listed in Schedule 1 which satisfies the specific purity criteria for that colour set out in the annex to Directive 95/45/EC;

"processed" in relation to any food, means having undergone any treatment resulting in a substantial change in the original state

of the food, but does not include dividing, parting, severing, boning, mincing, skinning, paring, peeling, grinding, cutting,

cleaning, trimming, deep-freezing, freezing, chilling, milling, husking, packing or unpacking;

"sell" includes possess for sale, and offer, expose or advertise for sale;

"young children" means children aged between one and three years,

and other expressions used in these Regulations and in Directive 94/36/EC have the same meaning as they have in that

Directive. (2) Any reference in these Regulations to a Community instrument is a reference to it as amended, modified or otherwise adapted.

(3) Any reference in these Regulations to—

(a) a maximum level of permitted colour in or on a food is to the maximum amount, in milligrams, of colouring principle

contained in that permitted colour per kilogram or, as the case may be, per litre of food which is ready to eat having been prepared according to any instructions for use;

(b) quantum satis, means that no maximum level of permitted colour in or on a corresponding food is specified but that in or

on such food a permitted colour may be used in accordance with good manufacturing practice at a level not higher than is

necessary to achieve the intended purpose and provided that such use does not mislead the consumer.

Use of colours in or on food

3.—(1) No person shall use in or on any food any colour other than a permitted colour.

(2) No person shall use any permitted colour in or on any food listed in Schedule 2 except in accordance with paragraph (3)(a).

(3) Subject to paragraph (4) and to regulations 4, 5 and 6, no person shall use any permitted colour in or on any food unless—

(a) the food is one listed—

(i) in column 1 of Schedule 3, in which case there may be used in or on such food any permitted colour which is listed in relation to it in column 2 of Schedule 3 in an amount not exceeding the maximum level for such permitted colour in or on such food as listed in column 3 of Schedule 3;

(ii) in column 2 of Schedule 4, in which case there may be used in or on such food any permitted colour which is listed in relation to it in column 1 of Schedule 4 in an amount not exceeding the maximum level for such permitted colour in or on such food as listed in column 3 of Schedule 4; or

(iii) in Part III of Schedule 5, in which case there may be used in or on such food any of the permitted colours listed in Parts I and II of Schedule 5 in accordance with the conditions contained in that Schedule governing the use of such colours in or on such foods;

(b) the food is not listed in either Schedule 2 or in column 1 of Schedule 3, in which case there may be used in or on such food any one or more of the permitted colours listed in Part I of Schedule 5 up to an amount (in each case) of quantum satis.

(4) No person shall use any permitted colour listed in column 1 of Schedule 4 in or on any food other than the food or foods listed in relation to that permitted colour in column 2 of that Schedule.

Health marking etc. of certain meat and meat products

4. No person shall use any colour for the purpose of any health marking or any other marking required on any meat or meat product, other than the permitted colours—

(a) E 155 Brown HT;

(b) E 133 Brilliant Blue FCF;

(c) E 129 Allura Red AC; or

(d) an appropriate mixture of (b) and (c).

Use of colours on eggshells

5. No person shall use any colour for—
- (a) the decorative colouring, or
 - (b) the stamping (as provided for in Regulation (EEC) No. 1274/91[5], introducing detailed rules for implementing Regulation (EEC) No. 1907/90 on certain marketing standards for eggs), of eggshells, other than a permitted colour.

Use of colours in or on compound foods

6.—(1) Subject to paragraph (3), any food in or on which a permitted colour is used without contravening any of the provisions of paragraphs (2), (3) and (4) of regulation 3 may itself be used as an ingredient in a compound food in or on which the use of such colour is not otherwise permitted, and the presence in or on that compound food of such colour as a result of its containing such an ingredient shall not constitute a contravention of any of the provisions of those paragraphs of regulation 3.

(2) There may be used in or on a food any permitted colour the use of which would otherwise constitute a contravention of any of the provisions of paragraphs (2), (3) and (4) of regulation 3, where such a food is destined to be used solely in the preparation of a compound food and the resulting presence in or on that compound food of such colour does not itself constitute a contravention of any of the provisions of those paragraphs of regulation 3.

(3) Paragraph (1) shall not apply in the case of any compound food listed in Schedule 2.

Sale of colours and food containing colours

7.—(1) No person shall sell any colour for use in or on food unless such colour is a permitted colour.

(2) No person shall sell directly to the consumer any colour other than a specified permitted colour.

(3) For the purposes of paragraph (2), a "specified permitted colour" shall be any permitted colour other than—

- (a) E 123 Amaranth;
- (b) E 127 Erythrosine;
- (c) E 128 Red 2G;
- (d) E 154 Brown FK;
- (e) E 160B Annatto, bixin, norbixin;
- (f) E 161g Canthaxanthin;
- (g) E 173 Aluminium; and

(h) E 180 Litholrubine BK.

(4) No person shall sell any food having in it or on it any added colour other than a permitted colour that has been used in or on that food without contravening any of the provisions of regulations 3, 4, 5 and 6.

Condemnation of food

8. Where any food is certified by a food analyst as being food which it is an offence against these Regulations to sell, that food may be treated for the purposes of Article 8 of the Order (under which food may be seized and destroyed on the order of a justice of the peace) as failing to comply with food safety requirements, and Article 7(2) of the Order shall apply for the purposes of these Regulations as it applies for the purposes of the Order.

Offences, penalties and enforcement

9.—(1) If any person contravenes any of the provisions of these Regulations he shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Subject to paragraph (3), these Regulations shall be enforced and executed by each district council within its district.

(3) The Department of Agriculture shall enforce and execute these Regulations in relation to milk in liquid milk plants.

Defence in relation to exports

10. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove—

(a) that the food or, as the case may be, the colour in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that such food or colour complies with that legislation; and

(b) in the case of export to another member State, that the legislation complies with Council Directive 89/107/EEC[6] on the approximation of the laws of the member States concerning food additives authorised for use in foodstuffs intended for human consumption, Directive 94/36/EC and Directive 95/45/EC.

Application of various provisions of the Order

11. The following provisions of the Order shall apply for the purposes of these Regulations as they apply for the purposes of Articles 7, 13 and 14 of the Order and any reference in them to the Order shall be construed as a reference to these Regulations:

(a) Articles 2(4) and 3 (extending meaning of "sale" etc.);

- (b) Article 4 (presumptions that food intended for human consumption);
- (c) Article 19 (offences due to fault of another person);
- (d) Article 20 (defence of due diligence);
- (e) Article 21 (defence of publication in the course of business);
- (f) Article 30(8) (which relates to documentary evidence);
- (g) Article 34 (obstruction, etc., of officers).

Revocations and amendments

12.—(1) The Regulations and order specified in columns 1 and 2 of Schedule 6 shall be revoked to the extent specified in column 3 of that Schedule.

(2) In the Specified Sugar Products Regulations (Northern Ireland) 1976[7]—

- (a) in paragraph (3)(d) of regulation 5 (labelling and description of specified sugar products), for "colouring matter", in both places where it occurs, there shall be substituted, in each case, "colour";
- (b) in sub-paragraph (b) of regulation 9 (permitted additional ingredients in specified sugar products), for "colouring matter", in both cases where it occurs, there shall be substituted, in each case, "colour".

(3) In the Jam and Similar Products Regulations (Northern Ireland) 1982[8]—

- (a) in paragraph (1) of regulation 2 (interpretation), for the definition of "permitted colouring matter" there shall be substituted—
 - ""permitted colour" means any colour in so far as its use is permitted by the Colours in Food Regulations (Northern Ireland) 1996;" , and
- (b) in Part III of Schedule 2 (permitted additional ingredients), for "permitted colouring matters" in column 1 there shall be substituted "permitted colours".

(4) In the Meat Products and Spreadable Fish Products Regulations (Northern Ireland) 1984[9], in paragraph (1) of regulation 2 (interpretation), in the definition of "additive", for "the Colouring Matter in Food Regulations (Northern Ireland) 1973" there shall be substituted "the Colours in Food Regulations (Northern Ireland) 1996".

(5) In the Food Additives Labelling Regulations (Northern Ireland) 1992[10], in Schedule 1 (categories of food additives)—

- (a) in Part I (list of food additives), for item 1 there shall be substituted—
 - "1. Colour." ;
- (b) in Part II (supplementary), for subparagraph (a) there shall be substituted—

"(a) "colour" means any substance which is a colour for the purposes of the Colours in Food Regulations (Northern Ireland) 1996;" .

Transitional provision and exemption

13.—(1) In any proceedings for an offence against these Regulations it shall be a defence to prove that—

- (a) (i) the act was committed before 30th June 1996, or
- (ii) the act was that of selling a colour or a food which, in either case, was put on the market or labelled before 30th June 1996; and
- (b) the matters constituting the offence would not have constituted an offence under any Regulations now revoked or amended by these Regulations if those Regulations had been in operation (in the case of Regulations now being amended, as if such amendments had not been made) when the act was committed or the colour or, as the case may be, the food was put on the market or labelled.

(2) These Regulations shall not apply to any colour or, as the case may be, food which—

- (a) is brought into Northern Ireland before 30th June 1996 from a member State in which it was lawfully produced and sold or in which it was in free circulation and lawfully sold; and
- (b) is suitably labelled to give the nature of the colour or, as the case may be, the food.

(3) For the purpose of paragraph (2), "free circulation" shall be construed in accordance with Article 9.2 of the Treaty establishing the European Community.

Sealed with the Official Seal of the Department of Health and Social Services on

D. A. Baker

Assistant Secretary

28th February 1996.

Sealed with the Official Seal of the Department of Agriculture on

P. T. Toal

Assistant Secretary

28th February 1996.

SCHEDULE 1
Regulation 2(1)

Permitted Colours⁽¹⁾

<i>EC No.</i>	<i>Colour</i>	<i>Colour index No⁽²⁾ or description</i>
<p>Notes⁽¹⁾ Aluminium lakes prepared from colours listed in this Schedule are also permitted. <u>back</u>⁽²⁾ Colour index numbers are taken from the third edition 1982 of the Colour Index, volumes 1 to 7, 1315. Also amendments 37 to 40 (125), 41 to 44 (127-50), 45 to 48 (130), 49 to 52 (132-50), 53 to 56 (135). <u>back</u>⁽³⁾ The term caramel relates to products of a more or less intense brown colour which are intended for colouring. It does not correspond to the sugary aromatic product obtained from heating sugars and which is used for flavouring food (e.g. confectionery, pastry, alcoholic drinks). <u>back</u></p>		
E 100	Curcumin	75300
E 101	(i) Riboflavin	
	(ii) Riboflavin-5'-phosphate	
E 102	Tartrazine	19140
E 104	Quinoline Yellow	47005
E 110	Sunset Yellow FCF Orange Yellow S	15985
E 120	Cochineal, Carminic acid, Carmines	75470
E 122	Azorubine,	14720

<i>EC No.</i>	<i>Colour</i>	<i>Colour index No⁽²⁾ or description</i>
	Carmoisine	
E 123	Amaranth	16185
E 124	Ponceau 4R, Cochineal Red A	16255
E 127	Erythrosine	45430
E 128	Red 2G	18050
E 129	Allura Red AC	16035
E 131	Patent Blue V	42051
E 132	Indigotine, Indigo carmines	73015
E 133	Brilliant Blue FCF	42090
E 140	Chlorophylls and	75810
	Chlorophyllins:	75815
	(i) Chlorophylls	
	(ii) Chlorophyllins	
E 141	Copper complexes of chlorophylls and	75815
	chlorophyllins: (i) Copper complexes of chlorophylls (ii) Copper complexes of chlorophyllins	
E 142	Green S	44090
E 150a	Plain caramel ⁽³⁾	
E 150b	Caustic sulphite caramel	
E 150c	Ammonia caramel	
E 150d	Sulphite ammonia caramel	
E 151	Brilliant Black BN, Black PN	28440
E 153	Vegetable carbon	
E 154	Brown FK	
E 155	Brown HT	20285
E 160a	Carotenes: (i) Mixed	75130 40800

<i>EC No.</i>	<i>Colour</i>	<i>Colour index No⁽²⁾ or description</i>
	carotenes (ii) Beta-carotene	
E 160b	Annatto, bixin, norbixin	75120
E 160c	Paprika extract, capsanthin, capsorubin	
E 160d	Lycopene	
E 160e	Beta-apo-8'-carotenal (C 30)	40820
E 160f	Ethyl ester of beta-apo-8'-carotenic acid (C 30)	40825
E 161b	Lutein	
E 161g	Canthaxanthin	
E 162	Beetroot Red, betanin	
E 163	Anthocyanins	Prepared by physical means from fruits and vegetables
E 170	Calcium carbonate	77220
E 171	Titanium dioxide	77891
E 172	Iron oxides and hydroxides	77491 77492 77499
E 173	Aluminium	
E 174	Silver	
E 175	Gold	
E180	Litholrubine BK	

Notes⁽¹⁾ Aluminium lakes prepared from colours listed in this Schedule are also permitted. back⁽²⁾ Colour index numbers are taken from the third edition 1982 of the Colour Index, volumes 1 to 7, 1315. Also amendments 37 to 40 (125), 41 to 44 (127-50), 45 to 48 (130), 49 to 52 (132-50), 53 to 56 (135). back⁽³⁾ The term caramel relates to products of a more or less intense brown colour which are intended for colouring. It does not correspond to the sugary aromatic product obtained from heating sugars and which is used for flavouring food (e.g. confectionery, pastry, alcoholic drinks). back

SCHEDULE 2

Regulations 3(2) and (3)(b) and 6(3)

Foods which may not contain added colours, except where specifically provided for in Schedules 3, 4 or 5

(The designations used in this Schedule do not prejudice the “carry over” principle in cases where products contain ingredients with legitimate colouring in their own right)

1. Unprocessed foodstuffs
2. All bottled or packed waters
3. Milk, semi-skimmed and skimmed milk, pasteurised or sterilised (including UHT sterilisation) (unflavoured)
4. Chocolate milk
5. Fermented milk (unflavoured)
6. Preserved milks as mentioned in Directive 76/118/EEC^[11]
7. Butter-milk (unflavoured)
8. Cream and cream powder (unflavoured)
9. Oils and fats of animal or vegetable origin
10. Eggs and egg products as defined in Article 2(1) of Directive 89/437/EEC^[12]
11. Flour and other milled products and starches
12. Bread and similar products
13. Pasta and gnocchi
14. Sugar, including all mono- and disaccharides
15. Tomato paste and canned and bottled tomatoes
16. Tomato-based sauces
17. Fruit juice and fruit nectar as mentioned in Directive 93/77/EEC^[13] and vegetable juice
18. Fruit, vegetables (including potatoes) and mushrooms — canned, bottled or dried; processed fruit, vegetables (including potatoes) and mushrooms
19. Extra jam, extra jelly, and chestnut purée as mentioned in Directive 79/693/EEC^[14]; crème de pruneaux
20. Fish, molluscs and crustaceans, meat, poultry and game as well as their preparations, but not including prepared meals containing these ingredients
21. Cocoa products and chocolate components in chocolate products as mentioned in Directive 73/241/EEC^[15]
22. Roasted coffee, tea, chicory; tea and chicory extracts; tea, plant, fruit and cereal preparations for infusions, as well as mixes and instant mixes of these products
23. Salt, salt substitutes, spices and mixtures of spices
24. Wine and other products defined by Regulation (EEC) No. 822/87^[16]
25. Korn, Kornbrand, fruit spirit drinks, fruit spirits, Ouzo, Grappa, Tsikoudia from Crete, Tsipouro from Macedonia, Tsipouro from Thessaly, Tsipouro from Tyrnavos, Eau de vie de marc Marque nationale luxembourgeoise, Eau de vie de

seigle Marque nationale luxembourgeoise, London gin, as defined in Regulation (EEC) No. 1576/89^[17]

26. Sambuca, Maraschino and Mistra as defined in Regulation (EEC) No. 1180/91^[18]

27. Sangria, Clarea and Zurra as mentioned in Regulation (EEC) No. 1601/91^[19]

28. Wine vinegar

29. Foods for infants and young children as mentioned in Directive 89/398/EEC^[20] including foods for infants and young children not in good health

30. Honey

31. Malt and malt products

32. Ripened and unripened cheese (unflavoured)

33. Butter from sheep and goats' milk

SCHEDULE 3
Regulation 3(3)

Foods to which only certain permitted colours may be added

	Column 1 Food	Column 2 Permitted colour	Column 3 Maximum level
Malt bread	E 150a Plain caramel	<i>quan</i>	
	<i>tum satis</i>		
	E 150b Caustic sulphite caramel	<i>quan</i>	
	<i>tum satis</i>		
Beer Cidre bouché	E 150c Ammonia caramel	<i>quan</i>	
	<i>tum satis</i>		
	E 150d Sulphite ammonia caramel	<i>quan</i>	
	<i>tum satis</i>		

	Column 1 Food	Column 2 Permitted colour	Column 3 Maximum level
	<p><i>tum satis</i> E 150c Ammonia caramel</p> <p><i>quan</i></p> <p><i>tum satis</i> E 150d Sulphite ammonia caramel</p> <p><i>quan</i></p> <p><i>tum satis</i></p>		
Butter (including reduced-fat butter and concentrated butter)	E 160a Carotenes	<i>quantum satis</i>	
Margarine, minarine, other fat emulsions, and fats essentially free from water	<p>E 160a Carotenes</p> <p><i>quantu</i></p> <p><i>m satis</i> E 100 Curcumin</p> <p><i>quantu</i></p> <p><i>m satis</i> E 160b Annatto, Bixin, Norbixin 10 mg/kg</p>		
Sage Derby cheese	E 140 Chlorophylls Chlorophyllins E141 Copper complexes of chlorophylls and chlorophyllins		
Ripened Orange, Yellow and broken-white cheese; unflavoured processed cheese	<p>E 160a Carotenes</p> <p><i>quantum satis</i> E 160c Paprika extract, Capsanthin, Capsorubin</p> <p><i>quantum satis</i> E 160b Annatto, Bixin, Norbixin</p> <p>15 mg/kg</p>		
Red Leicester cheese	E 160b Annatto, Bixin, Norbixin	50 mg/kg	
Mimolette cheese	E 160b Annatto, Bixin, Norbixin	35 mg/kg	
Morbier cheese	E 153 Vegetable carbon	<i>quantun</i>	

	Column 1 Food	Column 2 Permitted colour	Column 3 Maximum level
		<i>satis</i>	
Red marbled cheese	E 120 Cochineal, Carminic acid, Carmines	125 mg/kg	
	E 163 Anthocyanins	<i>quantum satis</i>	
Vinegar	E 150a Plain caramel <i>quantum satis</i> E 150b Caustic sulphite caramel <i>quantum satis</i> E 150c Ammonia caramel <i>quantum satis</i> E 150d Sulphite ammonia caramel <i>quantum satis</i>		
Whisky Whiskey, grain spirit, (other than Korn or Kornbrand or Eau de vie de seigle Marque nationale luxembourgeoise), wine spirit, rum, Brandy, Weinbrand, grape marc, grape marc spirit (other than Tsikoudia and Tsipouro and Eau de vie de marc Marque nationale luxembourgeoise), Grappa invecchiata, Bagaceira velha as mentioned in Regulation (EEC) No. 1576/89	E 150a Plain Caramel <i>quantum satis</i> E 150b Caustic sulphite caramel <i>quantum satis</i> E 150c Ammonia caramel <i>quantum satis</i> E 150d Sulphite ammonia caramel <i>quantum satis</i>		
Aromatized wine- based drinks (except bitter soda) and aromatized	E 150a Plain caramel <i>quantum satis</i>		

	Column 1 Food	Column 2 Permitted colour	Column 3 Maximum level
wines as mentioned in Regulation (EEC) No. 1601/91	E 150b Caustic sulphite caramel <i>quantum satis</i> E 150c Ammonia caramel <i>quantum satis</i> E 150d Sulphite ammonia caramel <i>quantum satis</i>	<i>quantum</i> <i>quantum</i> <i>quantum</i>	
Americano	E 150a Plain caramel <i>quantum satis</i> E 150b Caustic sulphite caramel <i>quantum satis</i> E 150c Ammonia caramel <i>quantum satis</i> E 150d Sulphite ammonia caramel <i>quantum satis</i> E 163 Anthocyanins <i>quantum satis</i> E 100 Curcumin E 101 (i) Riboflavin (ii) Riboflavin-5'-phosphate E 102 Tartrazine E 104 Quinoline Yellow E 120 Cochineal, Carminic acid, Carmine E 122 Azorubine, Carmoisine E 123 Amaranth E 124 Ponceau 4R 100 mg/l (individually or in combination)	<i>quantum</i> <i>quantum</i> <i>quantum</i> <i>quantum</i> <i>quantum</i> <i>quantum</i>	
Bitter soda, bitter vino as mentioned in Regulation (EEC) No. 1601/91	E 150a Plain caramel <i>quantum satis</i> E 150b Caustic sulphite caramel <i>quantum satis</i> E 150c Ammonia caramel <i>quantum</i>	<i>quantum</i> <i>quantum</i> <i>quantum</i>	

	Column 1 Food	Column 2 Permitted colour	Column 3 Maximum level
	<p><i>m satis</i> E 150d Sulphite ammonia caramel <i>quantu</i></p> <p><i>m satis</i> E 100 Curcumin E 101 (i) Riboflavin (ii) Riboflavin-5'-phosphate E 102 Tartrazine E 104 Quinoline Yellow E 110 Sunset Yellow FCF 100 mg/l Orange Yellow S E 120 Cochineal, Carminic acid Carmines (individually or in combination) E 122 Azorubine, Carmoisine E 123 Amaranth E 124 Ponceau 4R, Cochineal Red A E 129 Allura Red AC</p>		
Liqueur wines and quality liqueur wines produced in specified regions	<p>E 150a Plain caramel <i>quantu</i></p> <p><i>tum satis</i> E 150b Caustic sulphite caramel <i>quantu</i></p> <p><i>tum satis</i> E 150c Ammonia caramel <i>quantu</i></p> <p><i>tum satis</i> E 150d Sulphite ammonia caramel <i>quantu</i></p> <p><i>tum satis</i></p>		
Vegetables in vinegar, brine or oil (excluding olives)	<p>E 101 (i) Riboflavin (ii) Riboflavin-5'-phosphate E 140 Chlorophylls, Chlorophyllins E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonia caramel E 150d Sulphite ammonia caramel E 141 Copper complexes of</p>		

	Column 1 Food	Column 2 Permitted colour	Column 3 Maximum level
	chlorophylls and chlorophyllins E 160a Carotenes: (i) Mixed carotenes (ii) Beta-carotene E 162 Beetroot Red, betanin E 163 Anthocyanins		
Extruded, puffed and/or fruit-flavoured breakfast cereals	E 150c Ammonia caramel <i>ntum satis</i> E 160a Carotenes <i>ntum satis</i> E 160b Annatto, Bixin, Norbixin E 160c Paprika extract, Capsanthin, <i>ntum satis</i> Capsorubin	<i>qua</i> <i>qua</i> 25 mg/kg <i>qua</i>	
Fruit-flavoured breakfast cereals	E 120 Cochineal, Carminic acid Carmines E 162 Beetroot Red, betanin E 163 Anthocyanins	200 mg/kg (individually or in combination)	
Jam, jellies and marmalades as mentioned in Directive 79/693/EEC and other similar fruit preparations including low calorie products	E 100 Curcumin <i>ntum satis</i> E 140 Chlorophylls and chlorophyllins <i>ntum satis</i> E 141 Copper complexes of chlorophylls and chlorophyllins <i>ntum satis</i> E 150a Plain caramel	<i>qua</i> <i>qua</i> <i>qua</i> <i>qua</i>	

	Column 1 Food	Column 2 Permitted colour	Column 3 Maximum level
	<p><i>ntum satis</i> E 150b Caustic sulphite caramel</p> <p style="text-align: right;"><i>qua</i></p> <p><i>ntum satis</i> E 150c Ammonia caramel</p> <p style="text-align: right;"><i>qua</i></p> <p><i>ntum satis</i> E 150d Sulphite ammonia caramel</p> <p style="text-align: right;"><i>qua</i></p> <p><i>ntum satis</i> E 160a Carotenes: (i) Mixed carotenes (ii) Beta-carotene</p> <p style="text-align: right;"><i>qua</i></p> <p><i>ntum satis</i> E 160c Paprika extract, Capsanthin, Capsorubin</p> <p style="text-align: right;"><i>qua</i></p> <p><i>ntum satis</i> E 162 Beetroot Red, betanin</p> <p style="text-align: right;"><i>qua</i></p> <p><i>ntum satis</i> E 163 Anthocyanins</p> <p style="text-align: right;"><i>qua</i></p> <p><i>ntum satis</i> E 104 Quinoline Yellow E 110 Sunset Yellow E 120 Cochineal, Carminic acid, Carmines E 124 Ponceau 4R, Cochineal Red A E 142 Green S E 160d Lycopene E 161b Lutein 100 mg/kg (individually or in combination)</p>		
Sausages, pâtés and terrines	<p>E 100 Curcumin E 120 Cochineal, Carminic acid, Carmines E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonium caramel E 150d Sulphite ammonia caramel E 160a Carotenes E 160c Paprika extract, Capsanthin, Capsorubin E 162 Beetroot Red, betanin 20 mg/kg</p>		

	Column 1 Food	Column 2 Permitted colour	Column 3 Maximum level
	100 mg/kg <i>quantum satis</i> <i>quantum satis</i> <i>quantum satis</i> <i>quantum satis</i> 20 mg/kg 10 mg/kg <i>quantum satis</i>		
	Luncheon meat	E	
	129 Allura Red	25	
	mg/kg		
	Breakfast sausages	E	
	129 Allura Red AC	25	
	mg/kg		
	with a minimum	E	
	120 Cochineal, Carminic acid,	100	
	mg/kg		
	cereal content of 6%		
	Carmines		
	Burger meat with a	E	
	128 Red 2G 20 mg/kg		
	minimum vegetable	E	
	150a Plain caramel		
	<i>quantum satis</i>		
	and/or cereal	E	
	150b Caustic sulphite caramel		
	<i>quantum satis</i>		
	content of 4%	E	
	150c Ammonia caramel		
	<i>quantum satis</i>		
	E 150d Sulphite ammonia		
	caramel <i>quantum satis</i>		
	Chorizo sausage	E	
	120 Cochineal, Carminic Acid,	200	
	mg/kg		
	Salchichon Carmines		
	E 124 Ponceau 4R,		
	Cochineal Red A	250	
	mg/kg		
	Sobrasada E 110 Sunset Yellow FCF		
	135 mg/kg		

	Column 1 Food	Column 2 Permitted colour	Column 3 Maximum level
	<p>E 124 Ponceau 4R, Cochineal Red A 200 mg/kg Pasturmas (edible external coating) E 100 Curcumin <i>quantum satis</i> E 101 (i) Riboflavin <i>quantum satis</i> (ii) Riboflavin-5'-phosphate E 120 Cochineal, Carminic acid, <i>quantum satis</i> Carmines</p> <p>Dried potato E 100 Curcumin <i>quantum satis</i> granules and flakes Processed mushy and garden peas (canned) E 102 Tatzazine 100 mg/kg E 133 Brilliant Blue FCF 20 mg/kg E 142 Green S 10 mg/kg</p>		

SCHEDULE 4

Regulation 3(3) and (4)

Colours permitted for use in certain foods only

Column 1 Permitted colour	Column 2 Food	Column 3 Maximum level
E 123 Amaranth	<p>Americano 100 mg/l (but see the entry for Amaranth in Schedule 3) Aperitif wines, spirit drinks including products with less than 15% alcohol by volume 30 mg/l Bitter soda, bitter vino as mentioned in Regulation (EEC) No. 1601/91 100 mg/l (but see the entry for bitter soda, bitter vino in Schedule 3) Fish roe 30 mg/kg</p>	
E 127	Cocktail cherries and candied cherries	200 mg/kg

Column 1 Permitted colour	Column 2 Food	Column 3 Maximum level
Erythrosine	Bigarreaux cherries in syrup and in cocktails 150 mg/kg	
E 128 Red 2G	Breakfast sausages with a minimum cereal content of 6% Burger meat with a minimum vegetable and/or cereal content of 4%	
E 154 Brown FK	Kippers	20 mg/kg
E 161g Canthaxanthin	Saucisses de Strasbourg	15 mg/kg
E 173 Aluminium	External coating of sugar	<i>quantum satis</i>
	confectionery for the decoration of cakes and pastries	
E 174 Silver	External coating of confectionery <i>quantum satis</i> Decoration of chocolates <i>quantum satis</i> Liqueurs <i>quantum satis</i>	
E 175 Gold	External coating of confectionery <i>quantum satis</i> Decoration of chocolates <i>quantum satis</i> Liqueurs <i>quantum satis</i>	
E 180 Litholrubine BK	Edible cheese rind	<i>quantum satis</i>
E 160b Annatto, Bixin, Norbixin	Margarine, minarine, other fat emulsions, and fats essentially free from water	10 mg/kg
E 160b Annatto, Bixin,	Decorations and coatings	20 mg/kg
Norbixin (<i>cont'd</i>)	Fine bakery wares 10 mg/kg Edible ices 20 mg/kg Liqueurs, including fortified beverages with less than 15% alcohol by volume 10 mg/l Flavoured processed cheese 15 mg/kg Ripened Orange, Yellow and broken-white cheese, Unflavoured processed cheese 15 mg/kg Desserts 10 mg/kg "Snacks": dry, savoury potato, cereal or starch-based snack products: — Extruded or expanded savoury snack products 20 mg/kg — Other savoury snack products and savoury coated	

Column 1 <i>Permitted colour</i>	Column 2 <i>Food</i>	Column 3 <i>Maximum level</i>
	nuts	10 mg/kg
	Smoked fish	10 mg/kg
	Edible cheese rind and edible casings	20 mg/kg
	Red Leicester cheese	50 mg/kg
	Mimolette cheese	35 mg/kg
	Extruded, puffed and/or fruit-flavoured breakfast cereals	25 mg/kg

SCHEDULE 5
Regulation 3(3)

Further permitted colours in certain foods

Part I

The following colours may be used, in each case at *quantum satis*, in foods listed in Part III of this Schedule and in any food other than one listed in Schedules 2 and 3.

- E 101 (i) Riboflavin
- (ii) Riboflavin-5'-phosphate
- E 140 Chlorophylls and chlorophyllins
- E 141 Copper complexes of chlorophylls and chlorophyllins
- E 150a Plain caramel
- E 150b Caustic sulphite caramel
- E 150c Ammonia caramel
- E 150d Sulphite ammonia caramel
- E 153 Vegetable carbon
- E 160a Carotenes
- E 160c Paprika extract, capsanthin, capsorubin
- E 162 Beetroot Red, betanin
- E 163 Anthocyanins
- E 170 Calcium carbonate
- E 171 Titanium dioxide
- E 172 Iron oxides and hydroxides

Part II

The following colours may be used singly or in combination in the foods listed in Part III of this Schedule, in each case up to the maximum level specified for such

food. However, for non-alcoholic flavoured drinks, edible ices, desserts, fine bakery wares and confectionery, the colours may be used up to the limit indicated in Part III but the quantities of each of the colours E 110, E 122, E 124 and E 155 may not exceed 50 mg/kg or mg/l:

E 100 Curcumin

E 102 Tartrazine

E 104 Quinoline Yellow

E 110 Sunset Yellow FCF

Orange Yellow S

E 120 Cochineal, Carminic acid, Carmines

E 122 Azorubine, Carmoisine

E 124 Ponceau 4R, Cochineal Red A

E 129 Allura Red AC

E 131 Patent Blue V

E 132 Indigotine, Indigo carmine

E 133 Brilliant Blue FCF

E 142 Green S

E 151 Brilliant Black BN, Black PN

E 155 Brown HT

E 160d Lycopene

E 160e Beta-apo-8'-carotenal (C 30)

E 160f Ethyl ester of Beta-apo-8'-carotenic acid (C 30)

E 161b Lutein

Part III

<i>Food</i>	<i>Maximum level</i>
Non-alcoholic flavoured drinks	100 mg/l
Candied fruits and vegetables, Mostarda di frutta	200 mg/kg
Preserves of red fruits	200 mg/kg
Confectionery	300 mg/kg
Decorations and coatings	500 mg/kg
Fine bakery wares (e.g. viennoiserie, biscuits, cakes and wafers)	200 mg/kg
Edible ices	150 mg/kg
Flavoured processed cheese	100 mg/kg
Desserts including flavoured milk products	150 mg/kg
Sauces, seasoning (for example, curry powder, tandoori), pickles, relishes, chutney and piccalilli	500 mg/kg
Mustard	300 mg/kg
Fish paste and crustacean paste	100 mg/kg
Pre-cooked crustaceans	250 mg/kg

<i>Food</i>	<i>Maximum level</i>
Salmon substitutes	500 mg/kg
Surimi	500 mg/kg
Fish roe	300 mg/kg
Smoked fish	100 mg/kg
“Snacks” dry, savoury potato, cereal or starch-based snack products: — Extruded or expanded savoury snack products	200 mg/kg
— Other savoury snack products and savoury coated nuts	100 mg/kg
Edible cheese rind and edible casings	<i>quantum satis</i>
Complete formulae for weight control intended to replace total daily food intake or an individual meal	50 mg/kg
Complete formulae and nutritional supplements for use under medical supervision	50 mg/kg
Liquid food supplements/dietary integrators	100 mg/l
Solid food supplements/dietary integrators	300 mg/kg
Soups	50 mg/kg
Meat and fish analogues based on vegetable proteins	100 mg/kg
Spirituos beverages (including products less than 15% alcohol by volume) except any mentioned in Schedule 2 or 3	200 mg/l
Aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails as mentioned in Regulation (EEC) No. 1601/91, except any mentioned in Schedule 2 or 3	200 mg/l
Fruit wines (still or sparkling) Cider (except cidre bouché) and perry Aromatized fruit wines, cider and perry	200 mg/l

SCHEDULE 6
Regulation 12(1)

Revocations

<i>Column 1 Regulations and order revoked</i>	<i>Column 2 References</i>	<i>Column 3 Extent of revocation</i>
The Colouring Matter in Food Regulations (Northern Ireland)	S.R. 1973 No. 466	The whole Regulations

Column 1 Regulations and order revoked	Column 2 References	Column 3 Extent of revocation
1973		
The Colouring Matter in Food (Amendment) Regulations (Northern Ireland) 1975	S.R. 1975 No. 283	The whole Regulations
The Colouring Matter in Food (Amendment) Regulations (Northern Ireland) 1976	S.R. 1976 No. 382	The whole Regulations
The Colouring Matter in Food (Amendment) Regulations (Northern Ireland) 1979	S.R. 1979 No. 49	The whole Regulations
The Lead in Food Regulations (Northern Ireland) 1979	S.R. 1979 No. 407	In Schedule 2, the reference to the Colouring Matter in Food Regulations (Northern Ireland) 1973
The Food (Revision of Penalties and Mode of Trial) Regulations (Northern Ireland) 1987	S.R. 1987 No. 38	In Schedule 1, the reference to the Colouring Matter in Food Regulations (Northern Ireland) 1973
The Colouring Matter in Food (Amendment) Regulations (Northern Ireland) 1987	S.R. 1987 No. 471	The whole Regulations
The Food Safety (Northern Ireland) Order 1991 (Consequential Modifications) Order (Northern Ireland) 1991	S.R. 1991 No. 203	In Part I of Schedule 1 and in Schedules 2, 3, 5 and 6, the references to the Colouring Matter in Food Regulations (Northern Ireland) 1973
The Food Safety (Exports) Regulations (Northern Ireland) 1991	S.R. 1991 No. 344	In the Schedule, the reference to the Colouring Matter in Food Regulations (Northern Ireland) 1973
The Food Additives Labelling Regulations (Northern Ireland) 1992	S.R. 1992 No. 417	Regulation 7(1)

Notes:

Notes:

[1] See S.I. 1991/762 (N.I. 7) Article 2(2) for the definitions of "the Department concerned" and "regulations" and with respect to the powers conferred on each Department jointly and severally by virtue of those definitions [back](#)

[2] S.I. 1991/762 (N.I. 7) [back](#)

[3] O.J. No. L237, 10.9.94, p. 13 [back](#)

[4] O.J. No. L226, 22.9.95, p. 1 [back](#)

[5] O.J. No. L121, 16.5.91, p. 11 [back](#)

[6] O.J. No. L40, 11.2.89, p. 27 [back](#)

[7] S.R. 1976 No. 165, to which there are amendments not relevant to these Regulations [back](#)

[8] S.R. 1982 No. 105, to which there are amendments not relevant to these Regulations [back](#)

[9] S.R. 1984 No. 408, to which there are amendments not relevant to these Regulations [back](#)

[10] S.R. 1992 No. 417 [back](#)

[11] O.J. No. L24, 30.1.76, p. 49

[12] O.J. No. L212, 27.7.89, p. 87

[13] O.J. No. L224, 30.9.93, p. 23

[14] O.J. No. L205, 13.8.79, p. 5

[15] O.J. No. L228, 16.8.73, p. 23

[16] O.J. No. L84, 27.3.87, p. 1

[17] O.J. No. L160, 12.6.89, p. 1

[18] O.J. No. L115, 8.5.91, p. 5 [back](#)

[19] O.J. No. L149, 14.6.91, p. 1 [back](#)

[20] O.J. No. L186, 30.6.89, p. 27 [back](#)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement European Parliament and Council Directive 94/36/EC (O.J. No. L237, 10.9.94, p. 13) on colours for use in foodstuffs (which has to be read with Council Directive 89/107/EEC (O.J. No. L40, 11.2.89, p. 27) on the approximation of the laws of the member States concerning food additives authorised for use in foodstuffs intended for human consumption) and Commission Directive 95/45/EC (O.J. No. L226, 22.9.95, p. 1) laying down specific criteria of purity concerning the colours for use in foodstuffs.

The principal provisions of the Regulations—

(1) prohibit the use of any colour in or on any food other than a permitted colour (regulation 3(1));

(2) prohibit the use of any permitted colour in or on any food, otherwise than in accordance with the Regulations (regulation 3(2), (3) and (4));

(3) prohibit the use of any colour other than certain permitted colours for the health marking etc. of certain meat and meat products (regulation 4);

(4) prohibit the use of any colour on eggshells other than a permitted colour (regulation 5);

(5) prohibit the sale for use in or on any food of any colour other than a permitted colour (regulation 7(1)); only certain permitted colours may be sold directly to consumers (regulation 7(2) and (3));

(6) prohibit the sale of any food containing any added colour other than a permitted colour used in or on it in accordance with the Regulations (regulation 7(4)).

The Regulations also—

(a) make provision in relation to compound foods (regulation 6);

(b) make provision in relation to the condemnation of food (regulation 8);

(c) create offences, prescribe a penalty and provide for the enforcement of the Regulations (regulation 9);

(d) provide a defence in relation to exports, in implementation of Articles 2 and 3 of Council Directive 89/397/EEC (O.J. No. L186, 30.6.89, p. 23) on the official control of foodstuffs, as read with the ninth recital to that Directive (regulation 10);

(e) incorporate specified provisions of the Food Safety (Northern Ireland) Order 1991 (regulation 11);

(f) revoke the Regulations and order specified in Schedule 6 to the extent specified in that Schedule, and make consequential amendments (regulation 12);

(g) contain a transitional provision and exemption (regulation 13).