

Welsh Statutory Instrument 2004 No. 1396 (W.141)

The Meat Products (Wales) Regulations 2004

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STATUTORY INSTRUMENTS

2004 No. 1396 (W.141)

FOOD, WALES

COMPOSITION AND LABELLING

The Meat Products (Wales) Regulations 2004

<i>Made</i>	<i>19 May 2004</i>
<i>Coming into force</i>	<i>31 May 2004</i>

The National Assembly for Wales, in exercise of the powers conferred by section 16(1)(a) and (e), 26(1) and (3) and 48(1) of the Food Safety Act 1990^[1] and now vested in it^[2], and having had regard in accordance with

section 48(4A) of that Act to relevant advice given by the Food Standards Agency, and after consultation both as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council^[3] and in accordance with section 48(4) and (4B) of the said Act, hereby makes the following Regulations:

Title, application and commencement

- 1. These Regulations -
 - (a) may be cited as the Meat Products (Wales) Regulations 2004;
 - (b) apply to Wales only; and
 - (c) shall come into force on 31 May 2004.

Interpretation

- 2. In these Regulations -
 - "catering establishment" ("*sefydliad arlwyo*") has the meaning assigned to it by the Food Labelling Regulations 1996^[4];
 - "cooked" ("*wedi'i goginio*"), in relation to a food, means subjected to a process of cooking throughout the whole food so that the food is sold for consumption without further cooking, and "uncooked" ("*heb ei goginio*") shall be construed accordingly;
 - "cured meat" ("*cig wedi'i halltu*") means a food consisting of meat and curing salt, whether or not the food also contains any other ingredient;
 - "curing salt" ("*halen halltu*") means sodium chloride, potassium chloride, sodium nitrate, potassium nitrate, sodium nitrite or potassium nitrite, whether alone or in any combination, except that sodium chloride or potassium chloride alone or a mixture of sodium chloride and potassium chloride alone is to be regarded as a curing salt when used in a meat product only if used in sufficient quantity to have a significant preserving effect on the meat product;
 - "ingredient" ("*cynhwysyn*") has the meaning assigned to it by the Food Labelling Regulations 1996;
 - "meat" ("*cig*") has the meaning assigned to it by Directive 2000/13/EC of the European Parliament and the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs^[5], as amended by Commission Directive 2001/101/EC^[6];
 - "meat product" ("*cynnyrch cig*") means any food, other than one specified in Schedule 1, which consists of meat or which contains as an ingredient, or as ingredients, any of the following: meat; mechanically recovered meat; or, from any mammalian or bird species recognised as fit for human consumption, heart, tongue, the muscles of the head (other than the masseters), the carpus, the tarsus, or the tail;
 - "mechanically recovered meat" ("*cig wedi'i adfer yn fecanyddol*") has the same meaning as in Commission Directive 2001/101/EC;

"port health authority" ("*awdurdod iechyd porthladd*") means in relation to any port health district in Wales constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984^[7], a port health authority for that district constituted by order under section 2(4) of that Act;

"sell" ("*gwerthu*") includes offer or expose for sale or have in possession for sale, and "sale" ("*gwerthiant*") shall be construed accordingly; and

"ultimate consumer" ("*defnyddiwr olaf*") has the meaning assigned to it by the Food Labelling Regulations 1996.

Scope

3. - (1) Subject to paragraphs (2) and (3), these Regulations apply to food which is ready for delivery to the ultimate consumer or to a catering establishment.

(2) These Regulations shall not apply in respect of any food which is -

- (a) not intended for sale for human consumption; or
- (b) marked or labelled with a clear indication that the food is intended exclusively for consumption by babies or young children.

(3) Regulation 4 (restrictions on the use of certain names) shall not apply in respect of any food which is -

- (a) brought into Wales from -
 - (i) an EEA State (other than the United Kingdom), or
 - (ii) another part of the United Kingdom,

in which it was lawfully sold, having been lawfully produced in an EEA State; or

- (b) brought into Wales from -
 - (i) a Member State (other than the United Kingdom), or
 - (ii) another part of the United Kingdom,

in which it was lawfully sold, having been lawfully produced in a Member State, or in which it was in free circulation and lawfully sold.

(4) For the purposes of paragraph (3) -

"EEA State" ("*Gwladwriaeth EEA*") means a State which is a Contracting Party to the Agreement on the European Economic Area^[8] signed at Oporto on 2nd May 1992 as adjusted by the Protocol^[9] signed at Brussels on 17th March 1993;

"free circulation" ("*cylchrediad rhydd*") has the same meaning as in Article 24 of the Treaty establishing the European Community;

"Member State" ("*Aelod-wladwriaeth*") means a State which is a member of the European Community.

Restrictions on the use of certain names

4. - (1) For the purposes of the Food Labelling Regulations 1996, a name which appears in column 1 of Schedule 2 shall not be used in the labelling or advertising of a meat product as the name of the food, whether or not qualified by other words, unless either -

- (a) the product complies with the appropriate requirements in columns 2 and 3 of that Schedule; or
- (b) the name is used in accordance with paragraph (2).

(2) A name which appears in column 1 of Schedule 2 shall not be used in the labelling or advertising of a food, whether or not qualified by other words, in such a way as to suggest, either expressly or by implication, that the product designated by that name is an ingredient of the food unless -

- (a)
 - (i) that product is an ingredient of the food, and
 - (ii) that product complied, at the time of preparation of the food, with the appropriate requirements in columns 2 and 3 of that Schedule; or
- (b)
 - (i) the name used as the name of the food for that food is a name which appears in column 1 of that Schedule, and
 - (ii) the food complies with the appropriate requirements in columns 2 and 3 of that Schedule.

(3) No person shall sell a food in the labelling of which a name is used in contravention of paragraphs (1) or (2).

(4) No person shall use a name in contravention of paragraphs (1) or (2) in advertising a food for sale.

Name of the food for certain meat products

5. - (1) Subject to paragraphs (3) and (4), where any person sells any meat product which has the appearance of a cut, joint, slice, portion or carcase of meat or of cured meat (in each case, whether cooked or uncooked), this regulation shall apply.

(2) For the purposes of the Food Labelling Regulations 1996, the name used

as the name of the food in the labelling of any meat product to which this regulation applies shall include an indication of -

- (a) any added ingredient of animal origin, unless the meat product contains meat of the species from which that added ingredient is derived; and
- (b) any added ingredient to which sub-paragraph (a) does not apply other than an ingredient specified in Schedule 3.

(3) For the purposes of paragraph (1), no account shall be taken of the presence in or on the meat product of any seasoning, garnishing or gelatinous substance, nor of any packaging material enclosing the meat product.

(4) This regulation shall not apply where the name used as the name of the food is a name which appears in column 1 of Schedule 2 whether or not qualified by other words or to a food having the appearance of minced uncooked meat which has been shaped.

Parts of the carcase in uncooked meat products

6. - (1) Subject to paragraph (3), no person shall sell an uncooked meat product in the preparation of which any part specified in paragraph (2) of the carcase from any mammalian species has been used as an ingredient.

(2) The specified parts of the carcase are: brains, feet, large intestine, small intestine, lungs, oesophagus, rectum, spinal cord, spleen, stomach, testicles and udder.

(3) The prohibition contained in paragraph (1) shall not extend to use of a mammalian large or small intestine solely as a sausage skin.

(4) In this regulation the word "sausage" includes chipolata, frankfurter, link, salami and any similar product.

Penalties and enforcement

7. - (1) If any person contravenes or fails to comply with regulation 4, 5(2) or 6(1) of these Regulations, that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Subject to paragraph (3) each food authority shall enforce and execute these Regulations in its area.

(3) Each port health authority shall enforce and execute these Regulations in its district in relation to food imported into Wales from outside the United Kingdom.

Application of various provisions of the Food Safety Act 1990

8. The following provisions of the Food Safety Act 1990 shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part thereof shall be construed for the purposes of these Regulations as a reference to these Regulations -

- (a) section 2 (extended meaning of "sale" etc.);

- (b) section 3 (presumption that food intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence as it applies for the purposes of sections 8, 14 or 15 of that Act);
- (e) section 22 (defence of publication in the course of business);
- (f) section 30(8) (which relates to documentary evidence);
- (g) section 33(1) (obstruction etc. of officers);
- (h) section 33(2), with the modification that the reference to "any such requirement as is mentioned in subsection 1(b) above" shall be deemed to be a reference to any such requirement as is mentioned in that subsection as applied by sub-paragraph (g);
- (i) section 35(1) (punishment of offences) insofar as it relates to offences under section 33(1) as applied by sub-paragraph (g);
- (j) section 35(2) and (3) insofar as it relates to offences under section 33(2) as applied by sub-paragraph (h);
- (k) section 36 (offences by bodies corporate); and
- (l) section 44 (protection of officers acting in good faith).

Amendment of the Food Labelling Regulations 1996

9. The Food Labelling Regulations 1996 shall (insofar as they apply to Wales) be amended as follows -

- (a) in regulation 2(1) (interpretation), after the definition of "liqueur wine" there shall be inserted the following definition -

" "meat product" has the meaning assigned to it by the Meat Products (Wales) Regulations 2004;"

- (b) in regulation 23 (food which is not prepacked and similar food, and fancy confectionery products), in paragraph (2) -

- (i) the word "and" at the end of sub-paragraph (a) shall be deleted, and

- (ii) after sub-paragraph (b) there shall be inserted the following -

" and

- (c) in the case of a meat product other than one listed in Schedule 4A the particulars required by regulation 5(bA) in respect of those of its ingredients being meat, within the meaning assigned to it by Directive 2000/13/EC of the European Parliament and the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, as

amended by Commission Directive 2001/101/EC,";

(c) after Schedule 4 there shall be inserted the Schedule contained in Schedule 4 to these Regulations.

Transitional provision and 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 that -

- (a)
 - (i) the act was committed before 1st August 2004 and
 - (ii) the matter constituting the offence would not have constituted an offence under the Meat Products and Spreadable Fish Products Regulations 1984^[10] as they stood immediately prior to the coming into force of these regulations; or
- (b) the food in respect of which the offence is alleged to have been committed -
 - (i) was intended for export and complied with the importing country's domestic legislation relevant to the alleged offence; or
 - (ii) in the case of proceedings for an offence under regulation 4 or 5, was intended for export and was marked or labelled before 1st August 2004.

Revocations

11. In so far as they apply to Wales, the Meat Products and Spreadable Fish Products Regulations 1984 are revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998^[11]

D. Elis-Thomas
The Presiding Officer of the National Assembly

19 May 2004

SCHEDULE 1

Regulation 2

FOODS WHICH ARE NOT MEAT PRODUCTS FOR THE PURPOSES OF
THESE REGULATIONS

1. Raw meat to which no ingredient, or no ingredient other than proteolytic enzymes has been added.
2. Poultrymeat falling within the scope of Council Regulation (EEC) No. 1906/90[12] on certain marketing standards for poultry, as amended (in so far as is relevant to these Regulations) by Council Regulation (EEC) No. 317/93[13] and Council Regulation (EC) No. 3204/93[14], and as read with Commission Regulation (EEC) No. 1538/91[15] introducing detailed rules for implementing Regulation (EEC) No. 1906/90, as amended (in so far as is relevant to these Regulations) by Commission Regulation (EEC) No. 2891/93[16], Commission Regulation (EC) No. 2390/95[17] and Commission Regulation (EC) No. 1000/96[18].
3. Any product containing the fat, but no other meat, of any bird or animal.

SCHEDULE 2

Regulation 4(1) and (2)

RESERVED DESCRIPTIONS

Column 1	Column 2			Column 3
<i>Name of Food</i>	<i>Meat or Cured Meat Content Requirements</i>			<i>Additional Requirements</i>
	The food shall contain not less than the indicated percentage of meat, where the meat ingredient consists of the following:			
	Meat or, as the case may be, cured meat from pigs only	Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only	Meat or, as the case may be, cured meat from other species or other mixtures of meat	
1. Burger - whether or not forming part of another word, but excluding any name falling within items 2 or 3 of this	67%	55%	62%	1. Where the name "hamburger" is used, the meat used in the preparation of the food must be beef, pork or a mixture of both.

Schedule.

2. Where either of the names "burger" or "economy burger" is qualified by the name of a type of cured meat, the food must contain a percentage of meat of the type from which the named type of cured meat is prepared at least equal to the minimum required meat content for that food.

3. Where any of the names "burger", "economy burger" or "hamburger" is qualified by the name of a type of meat, the food must contain a percentage of that named meat at least equal to the minimum required meat content for that food.

4. Where any of the names "burger", "economy burger" or "hamburger" are used to refer to a compound ingredient consisting of a meat mixture and other ingredients, such as a bread roll, these

				requirements shall apply only to the meat mixture, as if the meat mixture were the meat product in the labelling or advertising of which the name was used as the name of the food.
2. Economy Burger - whether or not "burger" forms part of another word.	50%	41%	47%	
3. Hamburger - whether or not forming part of another word.	67%	Not applicable	62%	
4. Chopped X , there being inserted in place of "X" the name "meat" or "cured meat" or the name of a type of meat or cured meat, whether or not there is also included the name of a type of meat.	75%	62%	70%	No additional requirement
5. Corned X , there being inserted in place of "X" the name "meat" or the name of a type of meat, unless qualified by words which include the	120%	120%	120%	1. The food shall consist wholly of meat that has been corned. 2. Where the name of the food includes the name of a type of meat, the

name of a food other than meat.				meat used in the preparation of the food shall be wholly of the named type. 3. The total fat content of the food shall not exceed 15%.
6. Luncheon meat Luncheon X, there being inserted in place of "X" the name of a type of meat or cured meat.	67%	55%	62%	No additional requirement
7. Meat pie Meat pudding The name "pie" or "pudding" qualified by the name of a type of meat or cured meat unless qualified also by the name of a food other than meat or cured meat				Where the name "Melton Mowbray pie" is used, the meat used in the preparation of the food must be meat from pigs only.
Melton Mowbray pie Game pie				
Based on the weight of the ingredients when the food is uncooked	12.5%	12.5%	12.5%	
But if the food weighs -				

not more than 200 g. and not less than 100 g.	11%	11%	11%	
less than 100 g.	10%	10%	10%	
8. Scottish pie or Scotch pie				
Based on the weight of the ingredients when the food is uncooked	10%	10%	10%	No additional requirement
9. The name "pie" or "pudding" qualified by the words "meat" or "cured meat" or by the name of a type of meat or cured meat and also qualified by the name of a food other than meat or cured meat -				No additional requirement
Where the former (meat-related) qualification precedes the latter	7%	7%	7%	
Where the latter (non-meat-related) qualification precedes the former	6%	6%	6%	
Based on the weight of the ingredients when the food is uncooked				
10. Pasty or Pastie				No additional requirement

Bridie				
Sausage roll				
Based on the weight of the ingredients when the food is uncooked	6%	6%	6%	
11. Sausage (excluding the name "sausage" when qualified by the words "liver" or "tongue" or both), link, chipolata or sausage meat.				No additional requirement
Where the name is qualified by the name "pork" but not by the name of any other type of meat	42%	Not applicable	Not applicable	
In all other cases	32%	26%	30%	

Note : The meat or cured meat content requirements specified in this Schedule are calculated by weight. In relation to items 1 to 6 and 11 they are based, subject to regulation 4(2)(a)(ii), on the weight of the food concerned as it is labelled or, as the case may be, advertised.

SCHEDULE 3

Regulation 5(2)(b)

ADDED INGREDIENTS WHICH ARE NOT REQUIRED TO BE INDICATED IN THE NAME OF THE FOOD IN THE CASE OF A MEAT PRODUCT TO WHICH REGULATION 5 APPLIES

- 1. Any additive.
- 2. Any curing salt.
- 3. Any ingredient used solely as a garnish or decorative coating.

- 4. Any ingredient (not being an additive) that is added only in order to impart odour or taste or both.
- 5. Any salt, herb or spice used as seasoning.
- 6. Any starch that is added only for a technological purpose.
- 7. Any protein (of either animal or vegetable origin) that is added only for a technological purpose.
- 8. Any sugar that is added only in order to impart a sweet taste.
- 9. In the case of meat (whether cooked or uncooked) or cooked cured meat, added water making up not more than 5% of the weight of the product.
- 10. In the case of uncooked cured meat, added water making up not more than 10% of the weight of the product.

Notes:

For the purposes of item 1 of this Schedule, "additive" means any substance permitted for use in food by the Colours in Food Regulations 1995[19], the Flavourings in Food Regulations 1992[20], the Miscellaneous Food Additives Regulations 1995[21] or the Sweeteners in Food Regulations 1995[22].

For the purposes of items 6 and 7 of this Schedule, "technological purpose" means any purpose within the meaning of "technological purposes" in point 4 of Chapter V of Annex B to Council Directive 77/99/EEC on health problems affecting intra-Community trade in meat products, as amended and updated by Council Directive 92/5/EEC[23] and as further amended by Council Directive 97/76/EC[24].

SCHEDULE 4

Regulation 9(c)

SCHEDULE TO BE INSERTED, INsofar AS THEY APPLY TO WALES,
INTO THE FOOD LABELLING REGULATIONS 1996

" SCHEDULE 4A

Regulation 23(2)(c)

MEAT PRODUCTS NOT REQUIRED TO BEAR AN INDICATION
OF THE QUANTITY OF AN INGREDIENT OR CATEGORY OF
INGREDIENTS WHEN SOLD NOT PREPACKED OR PREPACKED
FOR DIRECT SALE

- 1. Sandwiches, filled rolls and similar products, which are ready for consumption without further processing, other than products containing meat which are sold under a name, whether or not qualified by other words, included in the items "burger", "economy burger" or "hamburger"

in Schedule 2 (reserved descriptions) to the Meat Products (Wales) Regulations 2004.

- 2. Pizzas and similar topped products.
- 3. Any food for which the name is "broth", "gravy" or "soup", whether or not qualified by other words.
- 4. A food consisting of an assemblage of two or more ingredients, which has not been subjected to any processing or treatment once it has been assembled, and which is sold to the ultimate consumer as an individual portion intended to be consumed without further processing or treatment."

EXPLANATORY NOTE

(This note is not part of the Regulations)

In relation to Wales these Regulations revoke and replace in part, the Meat Products and Spreadable Fish Products Regulations 1984 (S.I. 1984/1566, as amended) which extend to England and Wales (*regulation 11*).

These Regulations -

- (a) define various expressions used in the Regulations (*regulation 2*);
- (b) specify the scope of the Regulations (*regulation 3*);
- (c) prohibit the use of specified names in the labelling or advertising of meat products if the products do not satisfy specific compositional requirements and the sale of food labelled in contravention of that prohibition (*regulation 4 and Schedule 2*);
- (d) prescribe that, save in specified cases, where meat products of a specified appearance are sold the name used as the name of the food in the labelling of the products must include an indication of any added ingredients of animal origin and of any other added ingredients not falling into specified categories (*regulation 5 and Schedule 3*);
- (e) subject to an exception, prohibit the sale of uncooked meat products which include amongst their ingredients specified parts of the carcase of any mammalian species of animal (*regulation 6*);
- (f) prescribe penalties for breach of the Regulations and allocate responsibility for their enforcement and execution (*regulation 7*);
- (g) subject to a modification, apply specified provisions of the Food Safety Act 1990 for the purposes of the Regulations (*regulation 8*);
- (h) amend the Food Labelling Regulations 1996 (S.I. 1996/1499 as amended) in relation to Wales by -
 - (i) adding to regulation 2(1) (interpretation) a definition of "meat

product", and

(ii) in regulation 23 (food which is not prepacked and similar food and fancy confectionery products) adding, as an exception to that regulation, a new paragraph 2(c) providing that, in the case of meat products other than specified ones, which are not prepacked or which are prepacked for direct sale, and subject to a transitional provision, a declaration is required in accordance with regulation 5(bA) of the 1996 Regulations as to the quantity of certain ingredients or categories of ingredients (*regulation 9*); and

(i) include a transitional provision relating to offences under the Regulations committed before 1st August 2004 and a defence in relation to food intended for export (*regulation 10*).

A Regulatory appraisal in relation to these Regulations has been prepared pursuant to section 65 of the Government of Wales Act 1998 and placed in the Library of the National Assembly for Wales. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Cardiff, CF10 1EW.

Notes:

[1] 1990 c.16.[back](#)

[2] Functions of "the Ministers" under the Food Safety Act 1990("the 1990 Act"), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as read with section 40(3) of the Food Standards Act 1999 ("the 1999 Act ") (c.28). Sections 16(1) and 48(1) of the 1990 Act were amended by the 1999 Act, Schedule 5, paragraph 8 and section 26(3) was amended by the 1999 Act , Schedule 6.[back](#)

[3] OJ No. L31, 1.2.2002, p.1. 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.[back](#)

[4] S.I. 1996/1499; relevant amending instruments are S.I. 1998/1398, 1999/747, 1136, 1483.[back](#)

[5] OJ No. L109, 6.5.2000, p.29.[back](#)

[6] OJ No. L310, 28.11.2001, p.19.[back](#)

[7] 1984 c.22.[back](#)

[8] OJ No. L1, 3.1.94, p.1.[back](#)

[9] OJ No. L1, 3.1.94, p.571.[back](#)

[10] S.I. 1984/1566, amended by S.I. 1986/987, 1990/2486, 1991/1476, 1992/2596, 1995/3123, 3124, 1996/1499, 1998/1398 and 2001/2294.[back](#)

[11] 1998 c.38.[back](#)

[12] OJ No. L173, 6.7.90, p.1.[back](#)

[13] OJ No. L37, 13.2.93, p.8.[back](#)

[14] OJ No. L289, 24.11.93, p.3.[back](#)

[15] OJ No. L143, 7.6.91, p.11.[back](#)

[16] OJ No. L263, 22.10.93, p.12.[back](#)

[17] OJ No. L244, 12.10.95, p.60.[back](#)

[18] OJ No. L134, 5.6.96, p.9.[back](#)

[19] S.I. 1995/3124, amended by S.I. 2000/1799(W.124),
2001/3909(W.321).[back](#)

[20] S.I. 1992/1971, amended by S.I. 1994/1486, 1996/1499.[back](#)

[21] S.I. 1995/3187, amended by S.I. 1997/1413, 1999/1136,
2001/1440(W.102), 1787(W.128), 2679(W.220), 3909(W.321),
2002/329(W.42).[back](#)

[22] S.I. 1995/3123; amended by S.I. 1996/1477, 1997/814, 1999/982 and
2001/2679(W.220).[back](#)

[23] OJ No. L57, 2.3.92, p.1.[back](#)

[24] OJ No. L10, 16.1.98, p.25.[back](#)

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