

# Statutory Instrument 1994 No. 1486

## The Flavourings in Food (Amendment) Regulations 1994

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### STATUTORY INSTRUMENTS

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**1994 No. 1486**

### FOOD

### The Flavourings in Food (Amendment) Regulations 1994

<i>Made</i>	<i>24th May 1994</i>
<i>Laid before Parliament</i>	<i>9th June 1994</i>
<i>Coming into force</i>	<i>30th June 1994</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 16(1)(a) and (e), 26(1) and (3) and 48(1) of the Food Safety Act 1990<sup>[1]</sup> and of all other powers enabling them in that behalf, and those Ministers, being Ministers designated<sup>[2]</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>[3]</sup> in relation to the presentation and packaging of food intended for human consumption, acting jointly, in exercise (so far as is required for the amendment of regulations made under the said section 2(2)) of the powers conferred on them by the said section 2(2), and of all other powers enabling them in that behalf, after consultation in accordance with section 48(4) of the Act of 1990

with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations (in so far as the Regulations are made in exercise of powers conferred by the said Act of 1990) hereby make the following Regulations:—

**Title and commencement**

1. These Regulations may be cited as the Flavourings in Food (Amendment) Regulations 1994 and shall come into force on 30th June 1994.

**Amendment of the Flavourings in Food Regulations 1992**

2. The Flavourings in Food Regulations 1992<sup>[4]</sup> shall be amended as follows—
- (a) in paragraphs (1) and (2) of regulation 5 (use of the word "natural" and similar expressions), for the words "a business sale", in both cases where they occur, there shall be substituted the following words—  
"either a business sale or a consumer sale" ;
  - (b) immediately following paragraph (3) of regulation 5, there shall be inserted the following paragraph—  
" (4) No person shall make a consumer sale of any relevant flavouring in contravention of the requirements of this regulation."

**Amendment of the Food Labelling Regulations 1984 and the Food Labelling (Scotland) Regulations 1984**

3. The Food Labelling Regulations 1984<sup>[5]</sup> and the Food Labelling (Scotland) Regulations 1984<sup>[6]</sup> shall be amended as follows—
- (a) in paragraph (1) of regulation 2 (interpretation), respectively, there shall be inserted immediately after the definition of edible ice the following definitions—  
—  
"the noun "flavouring" has the meaning assigned to "relevant flavouring" in the Flavourings in Food Regulations 1992;  
  
"flavouring preparation" has the meaning assigned to it by the Flavourings in Food Regulations 1992;  
  
"flavouring substance" has the meaning assigned to it by the Flavourings in Food Regulations 1992;"
  - (b) immediately after paragraph (4) in regulation 15 (names of ingredients), respectively, there shall be inserted the following paragraphs—  
" (4A) Where an ingredient is added to or used in a food as a flavouring it shall be identified by either—
    - (a) the word "flavouring" or, where more than one such ingredient is used, "flavourings", or
    - (b) a more specific name or description of the flavouring (or flavourings).  
(4B) The word "natural", or any other word having substantially the same meaning, may be used for an ingredient being a flavouring only where the flavouring component (or components) of such an ingredient consists (or consist) exclusively of—
    - (a) a flavouring substance (or flavouring substances) which is (or are) obtained, by physical, enzymatic or microbiological processes, from material of vegetable or animal origin which material is either raw or has been subjected to a process normally used in preparing food for human consumption and to no process other than one normally so used,
    - (b) a flavouring preparation (or flavouring preparations), or

(c) both of (a) and (b) above.

(4C) If the name of an ingredient being a flavouring refers to the vegetable or animal nature or origin of the substance (or substances) which it incorporates, the word "natural", or any other word having substantially the same meaning, may not be used for that ingredient unless the flavouring component (or components) of that ingredient has (or have) been isolated, by physical, enzymatic or microbiological processes or by a process normally used in preparing food for human consumption, wholly or mainly from that vegetable or animal source.

(4D) In paragraph (4B) and (4C) of this regulation—

- (a) distillation and solvent extraction shall be regarded as included among types of physical process, and
- (b) drying, torrefaction and fermentation shall be treated as included among the types of process normally used in preparing food for human consumption." ;
- (c) in Schedule 4, respectively, the word "Flavourings<sup>2</sup>" and note no. 2 to that Schedule shall be deleted.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

*Gillian Shephard*

Minister of Agriculture, Fisheries and Food

23rd May 1994.

Signed by authority of the Secretary of State for Health:

*Cumberlege*

Parliamentary Under Secretary of State, Department of Health

23rd May 1994

*John Redwood*

Secretary of State for Wales

24th May 1994

*Hector Monro*

Parliamentary Under Secretary of State, Scottish Office

24th May 1994

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**EXPLANATORY NOTE**

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

These Regulations, which apply to Great Britain, come into force on 30th June 1994.

The Regulations amend the Flavourings in Food Regulations 1992 in implementation of Article 9a, paragraph 2, of Council Directive 88/388/EEC (OJ No. L184, 15.7.88, p.61) as amended by Commission Directive 91/71/EEC (OJ No. L42, 15.2.91, p.25) on the approximation of the laws of Member States relating to flavourings for use in foodstuffs and to source materials for their production.

The Regulations extend to consumer sales of relevant flavourings (as these are defined in the 1992 Regulations) the provisions governing use of the word "natural", and similar expressions, which hitherto applied only to business sales of such flavourings (regulation 2).

The Regulations also amend the Food Labelling Regulations 1984 and the Food Labelling (Scotland) Regulations 1984, in implementation of the provisions of Council Directive 79/112/EEC (OJ No. L33, 8.2.79, p.1) as amended by Commission Directive 91/72/EEC (OJ No. L42, 15.2.91, p.27) in respect of the designation of flavourings in the list of ingredients on the labels of foodstuffs.

The food labelling amendments lay down in the respective sets of 1984 Regulations the requirements—

- (i) for the indication in food labelling of any ingredient functioning as a flavouring,
- (ii) for the use of the word "natural" (or of any other word having substantially the same meaning) in relation to such ingredients, including those where reference is also made to an animal or vegetable origin (regulation 3).

A compliance cost assessment has been prepared in relation to these Regulations and deposited in the libraries of both Houses of Parliament. Copies may be obtained from:  
Consumer Protection Division

Ministry of Agriculture, Fisheries and Food

Room 306a, Ergon House

c/o Nobel House

17 Smith Square

London SW1P 3JR

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*Notes:*

[1] 1990 c. 16; "the Ministers" is defined in section 4(1) of the Act. [back](#)

[2] S.I. 1981/833. [back](#)

[3] 1972 c. 68. [back](#)

[4] S.I. 1992/1971. [back](#)

[5] S.I. 1984/1305; relevant amending instruments are S.I. 1990/2486 and 2488, 1992/1971 and 1978. [back](#)

[6] S.I. 1984/1519; relevant amending instruments are S.I. 1990/2506 and 2625, 1992/1971 and 1978. [back](#)