

## **EUROPEAN COMMUNITIES (LABELLING, PRESENTATION AND ADVERTISING OF FOODSTUFFS) (AMENDMENT) REGULATIONS 1997**

I, RICHARD BRUTON, Minister for Enterprise and Employment, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving further effect to Council Directive No. 79/112/EEC of 18 December 1978(1), as amended by Council Directive No. 86/197/EEC of 26 May 1986(2) Council Directive No. 89/395/EEC of 14 June 1989(3) Commission Directive No. 91/72/EEC of 16 January 1991(4), and Commission Directive No. 93/102/EC of 16 November 1993(5), as amended by Commission Directive No. 95/42/EC of 19 July 1995(6), and to give further effect to Commission Directive No. 94/54/EC of 18 November 1994(7), as amended by Council Directive No. 96/21/EC of 29 March 1996(8) hereby make the following Regulations:

10.J. No. L33, 8.2.79, p.1.

20.J. No. L144, 29.5.86, p.38.

30.J. No. L186, 30.6.89, p.17.

40.J. No. L42, 15.2.91, p.27.

50.J. No. L291, 25.11.95, p.14.

60.J. No. L182, 2.8.95, p.20.

70.J. No. L300, 23.11.94, p.14.

80.J. No. L88, 5.4.96, p.5.

### REG 1

1. (1) These Regulations may be cited as the European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations, 1997.

(2) The European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 1982 to 1995, and these Regulations may be cited together as the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 1982 to 1997.

### REG 2

2. In these Regulations "the Principal Regulations" means the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 1982 (S.I. No. 205 of 1982).

### REG 3

3. The Principal Regulations are hereby amended by the insertion after Regulation 9B (as inserted by S.I. No. 379 of 1995) of the following Regulation:

"9C. (1) Without prejudice to the provisions of Article 3 of the Council Directive, the labelling of the foodstuffs listed in Article I of Council Directive 96/21/EC of 29 March 1996 shall include additional particulars as set out in that Article.

80.J. No. L88, 5.4.96, p.5.

(2) A foodstuff shall not be placed on the market after 1 July, 1997, unless the labelling of the foodstuff complies with paragraph

(1) of this Regulation:

However, trade in a foodstuff placed on the market or labelled before that date which does not comply with that paragraph may continue until stocks of the foodstuffs run out.

(3) A person who contravenes paragraph (2) of this Regulation shall be guilty of an offence."

#### REG 4

4. The Principal Regulations are hereby amended in Regulation 15 (as inserted by S.I. No. 379 of 1995) by the insertion after "9B" of ", 9C".

#### REG 5

5. The Principal Regulations are hereby amended by the substitution for Regulation 17 of the following Regulation:  
"17. (1) Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he or she were a director or manager of the body corporate."

GIVEN under my Official Seal, this 29th day of March 1997.

RICHARD BRUTON,

Minister for Enterprise and Employment.

#### EXPLANATORY NOTE.

These Regulations amend the European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 1982 (the Principal Regulations) and give effect to Commission Directive 94/54/EC as amended by Council Directive 96/21/EC.

The effect of these Regulations, which will come into operation on 1 July, 1997, will be to require a specific indication, on the labelling of foodstuffs, the presence of sweeteners and/or added sugars. The presence of particular sweeteners, such as aspartame and polyols, which may cause adverse effects in some people, must also be indicated.

These Regulations should be read together with the Directive.