

## HEALTH (NUTRITION LABELLING FOR FOODSTUFFS) REGULATIONS 1993

In exercise of the powers conferred on the Minister for Health, by sections 5 of the Health Act, 1947 (No. 28 of 1947), and section 54 of that Act as amended by the European Communities (Health Act 1947, Amendment of Sections 54 and 61) Regulations, 1991 (S.I. 333 of 1991), and section 38 (3) of the Health Act, 1953 (No. 26 of 1953), which said powers are delegated to me by the Health (Delegation of Ministerial Functions) Order, 1993 (S.I. NO. 62 of 1993), I, WILLIAM O'DEA, Minister of State at the Department of Health and, after consultation with the Minister for Enterprise and Employment, the Minister for Tourism and Trade and the Minister for Agriculture, Food and Forestry hereby make the following Regulations:—

### REG 1

1. These Regulations may be cited as the Health (Nutrition Labelling for Foodstuffs) Regulations, 1993.

### REG 2

2. These Regulations shall come into force on the 31st day of December, 1993.

### REG 3

3. In these Regulations:

(1) Any reference to an article or Schedule shall, except where otherwise indicated be construed as a reference to an article contained in these Regulations or, as the case may be, to a Schedule thereto; any reference in an article to a sub-article shall be construed as a reference to a sub-article of that article.

"the Act" means the Health Act, 1947;

"authorised officer" means an authorised officer for the purposes of Part IX of the Act;

"food" has the meaning assigned to it in Part V of the Act;

"sell" includes supply, offer or expose for sale and have in possession for sale and cognate words shall be construed accordingly;

(3) For the purposes of these Regulations, the supply of food otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food.

(4) Any reference in these Regulations to an owner or to a person responsible for Food shall, in the case of food purchased from a vending machine, be construed as a reference—

( a ) where the name and address of the proprietor is stated on the machine and such address is in the state, to the proprietor of the machine;

( b ) in other cases to the occupier of the premises at or on which the machine stands or to which it is affixed.

(5) "nutrition labelling" means any information appearing on labelling of foodstuffs and relating to:

(i) energy value;

(ii) the following nutrients:

protein, carbohydrate, fat, fibre, sodium, and,

vitamins and minerals listed in the Schedule and present in significant amounts as defined in that Schedule.

(6) "nutrition claim" means any representation and advertising message which states, suggests or implies that a foodstuff has particular nutrition properties due to the energy (calorific value) it

— provides,

— provides at a reduced or increased rate, or

— does not provide,

and/or due to the nutrients it

— contains,

— contains in reduced or increased proportions, or

— does not contain.

A reference to qualities or quantities of a nutrient does not constitute a nutrition claim in so far as it is required by legislation.

( a ) "average value" means the value which best represents the amount of the nutrient which a given food contains, and reflects allowances for seasonal variability, patterns of consumption and other factors which may cause the actual value to vary.

( b ) "carbohydrate" means any carbohydrate which is metabolized in man, and includes polyols;

( c ) "fat" means total lipids, and includes phospholipids;

( d ) "mono-unsaturates" means fatty acids with one cis double bond;

( e ) "polyunsaturated" means fatty acids with cis, cismethylene interrupted double bonds;

( f ) "protein" means the protein content calculated using the formula: protein = total Kjeldahl nitrogen x 6,25;

( g ) "saturates" means fatty acids without double bond;

( h ) "sugars" means all monosaccharides and disaccharides present in food, but excludes polyols;

#### REG 4

4. (1) Subject to subarticle (2), these Regulations shall apply to the nutrition labelling of foodstuffs to be delivered as such to the ultimate consumer and to foodstuffs intended for supply to restaurants, hospitals, canteens and other similar mass caterers (hereinafter referred to as "mass caterers").

(2) These Regulations shall not apply to:

(i) natural mineral waters or other waters intended for human consumption,

(ii) diet integrators, or

(iii) food supplements.

(3) These Regulations apply where a nutrition claim appears on labelling, in presentation or in advertising, with the exclusion of generic advertising.

#### REG 5

5. No nutrition claim shall appear on labelling other than

( a ) those relating to energy, to the nutrients listed in Article 3 (5) (ii), and

( b ) to substances which belong to or which are components of a category of those nutrients.

## REG 6

6. (1) Where nutrition labelling is provided, the information to be given shall consist of the matters specified in either "Group 1" or "Group 2" in the following order:

Group 1

- (a) energy value;
- (b) the amounts of protein, carbohydrate and fat.

Group 2

- (a) energy value;
- (b) the amounts of protein, carbohydrates, sugars, fat, saturates, fibre and sodium.

(2) Where a nutrition claim is made for sugars, saturates, fibre or sodium, the information to be given shall consist of Group 2.

(3) Nutrition labelling may also include the amounts of one or more of the following:

- starch,
- polyols,
- mono-unsaturates,
- polyunsaturates,
- cholesterol,
- any of the minerals or vitamins listed in the Schedule to these regulations and present in significant amounts as defined in that Schedule.

(4) The declaration of substances which belong to or are components of one of the categories of nutrients referred to in subarticle (1) and subarticle (3) shall be compulsory where a nutrition claim is made.

In addition, where the amount of polyunsaturates and/or mono-unsaturates and/or the cholesterol rate is given, the amount of saturates shall also be given, the declaration of the latter not constituting — in this case — a nutrition claim within the meaning of subarticle (2).

## REG 7

7. The energy value to be declared shall be calculated using the following conversion factors:

— carbohydrate (except polyols) 4 kcal/g — 17 kJ/g — polyols 2, 4 kcal/g — 10 kJ/g — protein 4 kcal/g — 17 kJ/g — fat 9 kcal/g — 37 kJ/g — alcohol (ethanol) 7 kcal/g — 29 kJ/g — organic acid 3 kcal/g — 13 kJ/g

## REG 8

8. (1) The declaration of the energy value and of the proportion of nutrients or their components shall be numerical. The units to be used are the following:

— energy — kJ and kcal — protein } — carbohydrate } — fat } grams (g) —  
fibre } — sodium } — cholesterol milligrams (mg) — vitamins and  
minerals the units specified in the Schedule

(2) Information shall be expressed per 100g or per 100ml. In addition, this information may be given per serving as quantified on

the label or per portion, provided that the number of portions contained in the package is stated.

(3) The amounts mentioned shall be those of the food as sold. Where appropriate, this information may relate to the foodstuff after preparation, provided that sufficiently detailed preparation instructions are given and the information relates to the food as prepared for consumption.

(4) ( a ) Information on vitamins and minerals must also be expressed as a percentage of the recommended daily allowance (RDA) given in Column I of the Schedule to these Regulations for the amounts as specified in Column II of the Schedule.

( b ) The percentage of the recommended daily allowance (RDA) for vitamins and minerals may be given in graphical form.

(5) Where sugars and/or polyols and/or starch are declared, this declaration shall immediately follow the declaration of the carbohydrate content in the following manner:

— carbohydrate of which:g— sugarsg— polyolsg— starchg

(7) Where the amount and/or type of fatty acid and/or the cholesterol rate is declared, this declaration shall immediately follow the declaration of total fats in the following manner:

— fat of which:g— saturatesg— mono-unsaturatesg— polyunsaturatesg— cholesterol mg

(8) The declared values shall, according to the individual case, be average values based on:

( a ) the manufacturer's analysis of the food;

( b ) a calculation from the known or actual average values of the ingredients used;

( c ) a calculation from generally established and accepted data.

#### REG 9

9. (1) The information covered by these Regulations must be presented together in one place in tabular form, with the numbers aligned if space permits. Where space does not permit, the information shall be presented in linear form.

It shall be printed in legible and indelible characters in a conspicuous place.

(2) A person shall ensure that the information covered by these Regulations appears in a language easily understood by purchasers, unless other measures have been taken to ensure that the purchaser is informed. This provision shall not prevent such information from being indicated in more than one language.

#### REG 10

10. Non-prepackaged foodstuffs put up for sale to the ultimate consumer or to mass caterers and foodstuffs packed at the point of sale at the request of the purchaser or prepackaged with a view to immediate sale, shall as far as practicable comply with the provisions of Article 6 of these Regulations.

REG 11

11. A person shall not import, manufacture, sell, distribute, or offer for sale or keep for sale, foodstuffs except in conformance with these Regulations.

REG 12

12. These Regulations shall be enforced in the functional area of a health board by the health board.

REG 13

13. An offence under these Regulations may be prosecuted by — a health board within the functional area of which the offence was committed.

REG 14

14. (1) In any proceedings for an offence under these Regulations it shall be a defence for the person charged to show that the food in respect of which the offence is alleged to have been committed was intended for export and complied with the domestic food legislation of the importing country relevant to the alleged offence.

(2) For the purpose of ensuring compliance with these Regulations the control system established under the provisions of the Health (Official Control of Food) Regulations, 1991, shall apply.

REG 15

15. An authorised officer may at all reasonable times enter—  
( a ) any premises in which he has reasonable grounds for believing that any foodstuffs to which these Regulations relate are kept, sold or being manufactured, or  
( b ) any railway wagon, vehicle, ship vessel or aircraft in which he has reasonable grounds for believing that any foodstuffs to which these Regulations relate are being transported for sale or kept for sale, and there or at any other place—  
(i) inspect and take copies or extracts from any books, documents or other records which he finds in the course of his inspection, and,  
(ii) make such examinations, test and inspections, and  
(iii) take such samples,  
as he may consider appropriate for the purposes of the Council Directive and these Regulations.

REG 16

16. A person shall give to any authorised officer all reasonable assistance that the officer may require in the performance of his duties under these Regulations and such assistance shall include the giving of information relating to the composition and use of any foodstuff and the identity of the person from whom or the place from which any such foodstuff has been obtained and the person to whom and the place to which it has been consigned or the manner in which it has otherwise been disposed of.

Dated this 16th day of December 1993.

WILLIAM O'DEA,  
Minister of State at the Department  
of Health.

### **SCHEDULE**

Vitamins and minerals which may be declared and their recommended daily allowances (RDAs).

Column I Column II Vitamin A ug 800 Vitamin B6 mg 2 Vitamin B12 ug 1  
Vitamin C mg 60 Vitamin D ug 5 Vitamin E mg 10 Pantothenic acid mg 6  
Calcium mg 800 Biotin mg 0, 15 Thiamin mg 1, 4 Phosphorus mg 800  
Riboflavin mg 1,6 Iron mg 14 Niacin mg 18 Magnesium mg 300 Zinc mg 15  
Folacin ug 200 Iodine ug 150

As a rule, 15% of the recommended allowance specified in this Schedule supplied by 100g or 100ml or per package if the package contains only a single portion should be taken into consideration in deciding what constitutes a significant amount.

### **EXPLANATORY NOTE.**

These Regulations give effect to Council Directive (90/496/EEC) of 24 September 1990 on nutrition labelling for foodstuffs.

The Regulations come into effect on 31st December, 1993.