

L.N. 247 of 1998

**FOOD, DRUGS AND DRINKING WATER ACT
(CAP. 231)**

Nutrition Labelling for Foodstuffs Regulations, 1998

IN exercise of the powers conferred by section 12 of the Food, Drugs and Drinking Water Act, the Minister of Health, on the advice of the Malta Standardisation Authority, has made the following regulations:—

Citation and
commencement.

1. (1) These regulations may be cited as the Nutrition Labelling for Foodstuffs Regulations, 1998.

(2) These regulations shall come into force on the 1st January, 1999.

Applicability of
these regulations.

2. (1) These regulations concern nutrition labelling of foodstuffs to be delivered as such to the ultimate consumer. They shall also apply 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:

(a) natural mineral waters or other waters intended for human consumption;

(b) diet integrators and, or food supplements.

(3) These regulations shall apply without prejudice to labelling provisions of other regulations relating to foodstuffs intended for particular nutritional uses.

(4) Subject to paragraph (5) of regulation 2 of these regulations, nutrition labelling shall be optional.

(5) Where a nutrition claim appears on labelling, in presentation or in advertising, with the exclusion of generic advertising, nutrition labelling shall be compulsory.

(6) These regulations shall not apply in the case of non-pre-packaged foodstuffs put up for sale to the ultimate consumer or to mass caterers, and of foodstuffs packed at the point of sale at the request of the purchaser or pre-packaged with a view to immediate sale.

3. In these regulations, unless the context otherwise requires:— Interpretation.

“average value” means such value as 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;

“carbohydrates” means any carbohydrate which is metabolised in man, and includes polyols;

“fat” means total lipids, and includes phospholipids;

“mono-unsaturates” means fatty acids with one *cis* double bond;

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

- provides,
 - provides at a reduced or increased rate,
 - or does not provide,
- and/or due to the nutrients which it
- contains,
 - contains in reduced or increased proportions,
 - or does not contain:

Provided that a reference to qualities or quantities of a nutrient shall not constitute a nutrition claim in so far as it is required by other legislation;

“nutrition labelling” means any information appearing on labelling and relating to:

- (i) energy value;
- (ii) the following nutrients:
 - protein,
 - carbohydrate,
 - fat,
 - fibre,
 - sodium,
 - vitamins and minerals listed in the Schedule and present in significant amounts as defined in that Schedule;

“polyunsaturates” means fatty acids with *cis, cis*-methylene interrupted double bonds;

“protein” means the protein content calculated using the formula: protein = total Kjeldahl nitrogen x 6.25;

“saturates” means fatty acids without double bond;

“sugars” means all monosaccharides and disaccharides present in food, but excludes polyols.

Permitted nutrition claims.

4. The only nutrition claims permitted shall be those relating to energy, to the nutrients listed in paragraph (ii) of the definition “nutrition labelling” in regulation 3 of these regulations, and to substances which belong to or which are components of a category of those nutrients.

Information to be given.

5. (1) Where nutrition labelling is provided, the information to be given shall consist of 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, carbohydrate, 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 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 paragraphs (1) and (3) of this regulation shall be compulsory where a nutrition claim is made.

(5) Whenever the amount of polyunsaturates and, or mono-unsaturates and, or the cholesterol rate is given, the amount of saturates shall also be given, so however that the declaration of saturates shall not constitute in this case a nutrition claim within the meaning of paragraph (2) of this regulation.

6. The energy value to be declared shall be calculated using Energy values. the following conversion factors:

- carbohydrate (except polyols)	4.0 kcal/g	17 kJ/g
- polyols	2.4 kcal/g	10 kJ/g
- protein	4.0 kcal/g	17 kJ/g
- fat	9.0 kcal/g	37 kJ/g
- alcohol (ethanol)	7.0 kcal/g	29 kJ/g
- organic acid	3.0 kcal/g	13 kJ/g.

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

- energy	kJ and kcal
- protein	grams (g)
- carbohydrate	grams (g)
- fat	grams (g)
- fibre	grams (g)
- sodium	grams (g)
- 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 available, 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) Information on vitamins and minerals shall also be expressed as a percentage of the recommended daily allowance (RDA) given in the Schedule for the amounts as specified in paragraph (2) of regulation 7. 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, such declaration shall immediately follow the declaration of the carbohydrate content in the following manner:

- carbohydrate g
- of which:
- sugars g
- polyols g
- starch g.

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

- fat g
- of which:
- saturates g
- mono-unsaturates g
- polyunsaturates g
- cholesterol mg.

(7) 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.

(8) 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.

(9) The information covered by these regulations shall appear in at least one or more of the following languages:

- Maltese
- English
- Italian.

This provision shall not prevent such information from being additionally indicated in other languages.

SCHEDULE

(Regulation 3)

Vitamins and Minerals which may be declared and their Recommended Daily Allowances (RDAs)

Vitamin A, µg	800
Vitamin D, µg	5
Vitamin E, mg	10
Vitamin C, mg	60
Thiamine, mg	1.4
Riboflavin, mg	1.6
Niacin, mg	18
Vitamin B6, mg	2
Folacin, µg	200
Vitamin B12, µg	1
Biotin, mg	0.15
Pantothenic acid, mg	6
Calcium, mg	800
Phosphorus, mg	800
Iron, mg	14
Magnesium, mg	300
Zinc, mg	15
Iodine, µg	150

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