L.N. 317 of 2001

PRODUCT SAFETY ACT
(ACT NO. V OF 2001)

The Cocoa and Chocolate Products Regulations 2001

IN exercise of the powers conferred by article 39 of the Product Safety Act, the Minister for Economic Services, on the advice of the Malta Standards Authority, has made the following regulations:

Citation and Commencement

1.1 The title of these Regulations is the Cocoa and Chocolate Products Regulations 2001.

1.2 These regulations shall come into force on the 3rd August 2003, provided that:

1.2.1 products which fail to comply with these regulations but labelled before 3rd August 2003 in accordance with Council Directive 73/241/EEC of the European Community may be marketed until stocks are exhausted.

Applicability

2.1 These regulations shall apply to cocoa and chocolate products intended for human consumption as defined in the First Schedule to these regulations.

Use of Vegetable Fats other than Cocoa Butter

2.1 The vegetable fats other than cocoa butter as defined in the Second Schedule to these Regulations and listed therein may be added to those chocolate products defined in:

(a) First Schedule, Point I(A)(3) (*chocolate*);

(b) First Schedule, Point I(A)(4) (milk chocolate);

(c) First Schedule, Point I(A)(5) (family milk chocolate);

(d) First Schedule, Point I(A)(6) (white chocolate);

(e) First Schedule, Point I(A)(8) (chocolate a la taza);

(f) First Schedule, Point I(A)(9) (chocolate familiar a la taza).

2.2 The addition permitted under paragraph 2.1 above may not exceed 5 % of the finished product, after deduction of the total weight of any other edible matter used in accordance with Part B of the First

Schedule, without reducing the minimum content of cocoa butter or total dry cocoa solids.

2.3 Chocolate products which, pursuant to paragraphs 2.1 and 2.2, contain vegetable fats other than cocoa butter may be marketed provided that their labelling is supplemented by a conspicuous and clearly legible statement: 'contains vegetable fats in addition to cocoa butter'. This statement shall be in the same field of vision as the list of ingredients, clearly separated from that list, in lettering at least as large and in bold with the sales name nearby. Notwithstanding this requirement, the sales name may also appear elsewhere.

Labelling of Chocolate Products

3.1 The Labelling and Presentation of Foodstuffs Regulations, 1992 (L.N. 65 of 1992) shall apply to the products defined in the First Schedule, subject to the following conditions:

3.1.1 The sales names listed in the First Schedule shall apply only to the products referred therein and must be used in trade to designate them. However, those sales names may also be used additionally to designate other products which cannot be confused with those defined in the First Schedule.

3.1.2 Where the products defined in Points 3, 4, 5, 6, 7 and 10 of Part A of the First Schedule are sold in assortments, the sales names may be replaced by 'assorted chocolates' or 'assorted filled chocolates' or similar names. In that case, there may be a single list of ingredients for all the products in the assortment.

3.1.3 The labelling of the cocoa and chocolate products defined in Points 2(c), 2(d), 3, 4, 5, 8 and 9 of Part A of the First Schedule must indicate the total dry cocoa solids content by including the words: 'cocoa solids: ..... % minimum'.

3.1.4 For the products referred to in Points 2(b) and 2(d) of Part A of the First Schedule (second part of the sentence), the labelling must indicate the cocoa butter content.

3.1.5 The sales name 'chocolate', 'milk chocolate' and 'couverture chocolate' specified in the First Schedule may be supplemented by information or descriptions relating to quality criteria provided that the products contain:

– in the case of chocolate, not less than 43 % total dry cocoa solids, including not less than 26 % cocoa butter,

– in the case of milk chocolate, not less than 30 % total dry milk solids and not less than 18 % dry milk solids obtained by partly or wholly dehydrating whole milk, semi- or full-skimmed milk, cream or from partly or wholly dehydrated cream, butter or milk fat, including not less than 4.5 % milk fat,

– in the case of couverture chocolate, not less than 16 % of dry non-fat cocoa solids.

Marketing of Chocolate and Chocolate Products

4.1 No person may place on the market any chocolate product which does not conform to the definitions and rules laid down in these regulations.

FIRST SCHEDULE

Sales Names, Definitions and Characteristics of the Products

A. Sales Names and Definitions

1. Cocoa butter

designates the fat obtained from cocoa beans or parts of cocoa beans with the following characteristics:

free fatty acid content (expressed as oleic acid):	not more than 1.75 %
unsaponifiable matter (determined using petroleum ether):	not more than 0.5 % except in the case of press cocoa butter, where it shall not be more than 0.35 %

2. (a) Cocoa powder, cocoa

designate the product obtained by converting into powder cocoa beans which have been cleaned, shelled and roasted, and which contains not less than 20 % cocoa butter, calculated according to the weight of the dry matter, and not more than 9 % water;

(b) Fat-reduced cocoa, fat-reduced cocoa powder

designate cocoa powder containing less than 20 % cocoa butter, calculated according to the weight of the dry matter;

(c) Powdered chocolate, chocolate in powder

designate the product consisting of a mixture of cocoa powder and sugars, containing not less than 32 % cocoa powder;

(d) Drinking chocolate, sweetened cocoa, sweetened cocoa powder

designate the product consisting of a mixture of cocoa powder and sugars, containing not less than 25 % cocoa powder; these names shall be accompanied by the term 'fat-reduced' in the case where the product is fat-reduced as defined at (b).

2. Chocolate

(a) designates the product obtained from cocoa products and sugars which, subject to (b), contains not less than 35 % total dry cocoa solids, including not less than 18 % cocoa butter and not less than 14 % of dry non-fat cocoa solids;

(b) however, where this name is supplemented by the words:

– 'vermicelli' or 'flakes': the product presented in the form of granules or flakes must contain not less than 32 % total dry cocoa solids; including not less than 12 % cocoa butter and not less than 14 % of dry non-fat cocoa solids;

– "couverture': the product must contain not less than 35 % total dry cocoa solids, including not less than 31 % cocoa butter and not less than 2.5 % of dry non-fat cocoa solids;

– "Gianduja' (or one of the derivatives of the word 'gianduja') nut chocolate: the product must be obtained firstly from chocolate having a minimum total dry cocoa solids content of 32 % including a minimum dry non-fat cocoa solids content of 8 %, and secondly from finely ground hazelnuts in such quantities that 100 g of the product contain not less than 20 g and not more than 40 g of hazelnuts. The following may be added:

(a) milk and/or dry milk solids obtained by evaporation, in such proportion that the finished product does not contain more than 5 % dry milk solids;

(b) almonds, hazelnuts and other nut varieties, either whole or broken, in such quantities that, together with the ground hazelnuts, they do not exceed 60 % of the total weight of the product.

4. Milk chocolate

(a) designates the product obtained from cocoa products, sugars and milk or milk products, which, subject to (b), contains:

- not less than 25 % total dry cocoa solids,
- not less than 14 % dry milk solids obtained by partly or wholly dehydrating whole milk, semi- or full-skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat,
- not less than 2.5 % dry non-fat cocoa solids,
- not less than 3.5 % milk fat,
- not less than 25 % total fat (cocoa butter and milk fat).

(b) However, where this name is supplemented by the words:

- 'vermicelli' or 'flakes': the product presented in the form of granules or flakes must contain not less than 20 % total dry cocoa solids, not less than 12 % dry milk solids obtained by partly or wholly dehydrating whole milk, semi- or full-skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat, and not less than 12 % total fat (cocoa butter and milk fat);

- 'couverture': the product must have a minimum total fat (cocoa butter and milk fat) content of 31 %; 'Gianduja' (or one of the derivatives of the word 'gianduja') nut milk chocolate: the product must be obtained firstly from chocolate having a minimum content of 10 % of dry milk solids, obtained by partly or wholly dehydrating

whole milk, semi- or full-skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat and secondly from finely ground hazelnuts in such quantities that 100 g of the product contain not less than 15 g and not more than 40 g of hazelnuts. Almonds, hazelnuts and other nut varieties may also be added, either whole or broken, in such quantities that, together with the ground hazelnuts, they do not exceed 60 % of the total weight of the product.

(c) Where in this name the word 'milk' is replaced by:

- 'cream': the product must have a minimum milk fat content of 5.5 %,
- 'skimmed milk': the product must have a milk fat content not greater than 1 %.

(d) The name 'milk chocolate' may be used to designate the product referred to in point 5, on condition that the term is accompanied in both cases by an indication of the amount of dry milk solids laid down for each of the two products, in the form 'milk solids: ..... % minimum'.

5. Family milk chocolate

designates the product obtained from cocoa products, sugars and milk or milk products and which contains:

- not less than 20 % total dry cocoa solids,
- not less than 20 % dry milk solids obtained by partly or wholly dehydrating whole milk, semi- or full-skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat,
- not less than 2.5 % dry non-fat cocoa solids,
- not less than 5 % milk fat, not less than 25 % total fat (cocoa butter and milk fat).

6. White chocolate

designates the product obtained from cocoa butter, milk or milk products and sugars which contains not less than 20 % cocoa butter and not less than 14 % dry milk solids obtained by partly or wholly dehydrating whole milk, semi- or full-skimmed milk, cream, or from partly or wholly dehydrated cream, butter or milk fat, of which not less than 3.5 % is milk fat.

7. Filled chocolate, chocolate with ..... filling, chocolate with ..... centre

designate the filled product, the outer part of which consists of one of the products defined in 3, 4, 5 and 6. The designations do not apply to products, the inside of which consists of bakery products, pastry, biscuit or edible ice.

The outer chocolate portion of products bearing one of these names shall constitute not less than 25 % of the total weight of the product.

8. Chocolate a la taza

designates the product obtained from cocoa products, sugars, and flour or starch from wheat, rice or maize, which contains not less than 35 % total dry cocoa solids, including not less than 18 % cocoa butter and not less than 14 % dry non-fat cocoa solids, and not more than 8 % flour or starch.

9. Chocolate familiar a la taza

designates the product obtained from cocoa products, sugars, and flour or starch from wheat, rice or maize, which contains not less than 30 % total dry cocoa solids, including not less than 18 % cocoa butter and not less than 12 % dry non-fat cocoa solids, and not more than 18 % flour or starch.

10. A chocolate or a praline

designates the product in single-mouthful size, consisting of:

- filled chocolate, or
- a single chocolate or a combination or a mixture of chocolate within the meaning of the definitions given in 3, 4, 5 and 6 and other edible substances, provided that chocolate constitutes not less than 25 % of the total weight of the product.

B. Optional Authorised Ingredients

Additions of edible substances

1. Without prejudice to paragraphs 2.1 to 2.3 and Section B(2), other edible substances may also be added to the chocolate products defined in Section A(3), (4), (5), (6), (8) and (9).

However, the addition:
- of animal fats and their preparations not deriving solely from milk is prohibited,
- of flours, granular or powdered starch is only authorised where the addition is in accordance with the definitions laid down in Section A(8) and (9).

The quantity of those edible substances added may not exceed 40 % of the total weight of the finished product.

2. Only those flavourings which do not mimic the taste of chocolate or milk fat may be added to the products defined in Section A(2), (3), (4), (5), (6), (8) and (9).

C. Calculation of Percentages

The minimum contents of the products set in Section A(3), (4), (5), (6), (8) and (9) shall be calculated after deduction of the weight of the ingredients provided for in Section B. In the case of the products in Section A(7) and (10), the minimum contents shall be calculated after deducting the weight of the ingredients provided for in Section B, as well as the weight of the filling.

The chocolate content of the products defined in Section A(7) and (10) shall be calculated in relation to the total weight of the finished product, including its filling.

D. Sugars

Sugars as referred to in these Regulations are not limited only to those sugars covered by the Sugars for Human Consumption Order, 1999 (L.N. 77 of 1999).

SECOND SCHEDULE

Vegetable fats referred to in Paragraphs 2.1 to 2.3

The vegetable fats referred to in paragraphs 2.1 to 2.3 are, singly or in blends, cocoa butter equivalents and shall comply with the following criteria:

(a) they are non-lauric vegetable fats, which are rich in symmetrical monounsaturated triglycerides of the type POP, POSt and StOSt (1);

(b) they are miscible in any proportion with cocoa butter, and are compatible with its physical properties (melting point and crystallisation temperature, melting rate, need for tempering phase);

(c) they are obtained only by the processes of refining and/or fractionation, which excludes enzymatic modification of the triglyceride structure.

In conformity with the above criteria, the following vegetable fats, obtained from the plants listed below, may be used:

Usual Name of vegetable fat	**Scientific name of the plants from which the fats listed can be obtained**
1. Illipe, Borneo tallow or Tengkawang	*Shorea spp.*
2. Palm oil Elaeis guineensis	*Elaeis olifera*
3. Sal	*Shorea robusta*
4. Shea	*Butyrospermum parkii*
5. Kokum gurgi	*Garcinia indica*
6. Mango kernel	*Mangifera indica*

As an exception to the above, the use of coconut oil is permitted in chocolate used for the manufacture of ice cream and similar frozen products.

1 P (palmitic acid), O (oleic acid), St (stearic acid).