L.N. 136 of 2008

FOOD SAFETY ACT
(CAP. 449)

Labelling, Presentation and Advertising of Foodstuffs (Amendment) Regulations, 2008

IN exercise of the powers conferred by article 10 of the Food Safety Act, the Minister for Social Policy has made the following regulations:–

Citation, scope and commencement.

1. (1) The title of these regulations is the Labelling, Presentation and Advertising of Foodstuffs (Amendment) Regulations, 2008, and they shall be read and construed as one with the Labelling, Presentation and Advertising of Foodstuffs Regulations, 2004, hereinafter referred to as "the principal regulations".

L.N. 483 of 2004.

(2) These regulations implement the provisions of Commission Directive 2007/68/EC of 27th November, 2007.

(3) These regulations shall come into force on the 31st May 2008, provided that foodstuffs placed on the market or labelled before 31st May 2009 which do not comply with the provisions of these regulations, but which comply with the provisions of the Labelling, Presentation and Advertising of Foodstuffs Regulations, 2004, may continue to be marketed until stocks are exhausted.

Amends the Third Schedule to the principal regulations.

2. The Third Schedule to the principal regulations, shall be substituted by the following:

"THIRD SCHEDULE

PART A

Designation Of Flavourings In The List Of Ingredients

1. Flavourings shall be designated either by the word "flavouring(s)" or by a more specific name or description of the flavouring.

2. The word "natural" or any other word having substantially the same meaning may be used only for flavourings in which the flavouring component contains exclusively flavouring substances as defined in Article 1(2)(b)(i) of Council Directive 88/388/EEC of the 22nd June, 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production([1]) and/or flavouring preparations as defined in Article 1(2)(c) of the said Directive.

3. If the name of the flavouring contains a reference to the vegetable or animal nature or origin of the incorporated substances, the word "natural" or any other word having substantially the same meaning may not be used unless the flavouring component has been isolated by appropriate physical processes, enzymatic or microbiological processes or traditional food-preparation processes solely or almost solely from the foodstuff or the flavouring source concerned.

PART B

Ingredients referred to in regulation 8

1. Cereals containing gluten (i.e. wheat, rye, barley, oats, spelt, kamut or their hybridized strains) and products thereof, except:

   (a) wheat-based glucose syrups including dextrose ([2]);

   (b) wheat-based maltodextrins ([2]);

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(1) OJ L 184, 15.7.1988, p. 61. Directive as amended by Commission Directive 91/71/EEC (OJ L 42, 15.2.1991, p. 25).

(c) glucose syrups based on barley;

(d) cereals used for making distillates or ethyl alcohol of agricultural origin for spirit drinks and other alcoholic beverages.

2. Crustaceans and products thereof.

3. Eggs and products thereof.

4. Fish and products thereof, except:

(a) fish gelatine used as carrier for vitamin or carotenoid preparations;

(b) fish gelatine or Isinglass used as fining agent in beer and wine.

5. Peanuts and products thereof.

6. Soybeans and products thereof, except:

(a) fully refined soybean oil and fat ([2]);

(b) natural mixed tocopherols (E306), natural D-alpha tocopherol, natural D-alpha tocopherol acetate, natural D-alpha tocopherol succinate from soybean sources;

(c) vegetable oils derived phytosterols and phytosterol esters from soybean sources;

(d) plant stanol ester produced from vegetable oil sterols from soybean sources.

7. Milk and products thereof (including lactose), except:

(a) whey used for making distillates or ethyl alcohol of agricultural origin for spirit drinks and other alcoholic beverages;

(b) lactitol.

8. Nuts, i.e. almonds (*Amygdalus communis L.*), hazelnuts (*Corylus avellana*), walnuts (*Juglans regia*), cashews (*Anacardium occidentale*), pecan nuts (*Carya illinoiesis (Wangenh.) K. Koch*), Brazil nuts (*Bertholletia excelsa*), pistachio nuts (*Pistacia vera*),

macadamia nuts and Queensland nuts (*Macadamia ternifolia*), and products thereof, except:

(a) nuts used for making distillates or ethyl alcohol of agricultural origin for spirit drinks and other alcoholic beverages.

9. Celery and products thereof.

10. Mustard and products thereof.

11. Sesame seeds and products thereof.

12. Sulphur dioxide and sulphites at concentrations of more than 10 mg/kg or 10 mg/litre expressed as SO_2.

13. Lupin and products thereof.

14. Molluscs and products thereof.

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(2) And products thereof, insofar as the process that they have undergone is not likely to increase the level of allergenicity assessed by the EFSA for the relevant product from which they originated .".

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