L.N. 65 of 1992

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

Labelling and Presentation of Foodstuffs Regulations, 1992

IN exercise of the powers conferred by section 12 of the Food, Drugs and Drinking Water Act, the Minister for Home Affairs and Social Development, on the advice of the Food Standards Board, has made the following regulations:—

Citation and commencement.

1.1. These regulations may be cited as the Labelling and Presentation of Foodstuffs Regulations, 1992 and shall come into force on such day as the Minister may by notice prescribe, provided that different dates may be prescribed for different provisions of these regulations.

1.2. Save as provided under regulation 19 of these regulations, these regulations shall apply to food which is ready for delivery to the ultimate consumer or to caterers in Malta, but shall not apply to food intended for export from Malta.

1.3. These regulations shall also apply to products referred to in sub-paragraph (i) of the proviso to paragraph (c) of subsection (2) of section 14 of the Act.

Interpretation.

Cap. 231.

2.1. In these regulations, unless the context otherwise requires:

"Act" means the Food, Drugs and Drinking Water Act;

"claim" means any representation which states, suggests or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or any other quality;

"Codex Alimentarius Commission" means the organization established by the governing bodies of the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) to implement the joint FAO/WHO food standards programme;

"component" means any substance which forms part of an ingredient;

"ultimate consumer" means a person buying otherwise than for the purpose of resale or for the purposes of catering establishments or a manufacturing business;

"container" includes any form of packaging of food for sale as a single item, whether by completely or partially enclosing the food, and includes wrappers. A container may enclose several units or types of packages when such is offered to the ultimate consumer;

"E.E.C." means the European Economic Community;

"ingredient" means any substance, including a food additive, used in the manufacture or preparation of food and still present in the final product although possibly in a modified form;

"label" includes any tag, ring or collar, brand name, trade mark, pictorial or other descriptive matter in any case, which is written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food, or in any other way clearly visible through its packaging;

"labelling" includes any written, printed or graphic matter that is present on the label, accompanies the food, or is displayed near the food, including that for the purpose of promoting its sale or disposal;

"lot" means a batch or unit of a foodstuff produced, manufactured or packaged essentially under the same conditions;

"Minister" means the Minister responsible for public health and includes, to the extent of any authority given, any person authorised in that behalf for any purpose of these regulations;

"prepackaged" means packaged or made up in advance, in a container, ready for offer to the ultimate consumer, or for catering purposes, so long as this is done in such a way that the contents cannot be altered without opening or changing the package;

"processing aid" means a substance or material, not including apparatus or utensils, and not consumed as a food ingredient by itself, intentionally used in the processing of raw materials, foods or its ingredients, to fulfil a certain technological purpose during treatment or processing and which may result in the non-intentional but unavoidable presence of residues or derivatives in the final product;

"food for catering purposes" means food for use in restaurants, canteens, take aways, schools, hospitals and similar institutions where food is offered for immediate consumption;

"special dietary food" means a food which is specially processed or formulated to satisfy particular dietary requirements which exist because of a particular physical or physiological condition or a specific disease or disorder and which is presented as such (including food for infants and young children). The composition of such food must differ significantly from the composition of ordinary food of a comparable nature, if such ordinary food exists;

"prepacked for direct sale" means edible ices, flour confectionery or bread, which are prepacked by a retailer for sale by him on the premises where the food is packed or from a vehicle used by him, or which are prepacked for sale on premises where business is conducted by the producer of the food under the same name as the business conducted on the premises where the food is produced; and other foods which are prepacked by a retailer for sale by him on the premises where the food is packed or from a vehicle used by him.

Labelling not to be false or misleading.

3.1. No person shall in any way whatsoever describe, on any label of a prepackaged food or in any other labelling, or present prepackaged food, in a manner that is false, misleading, deceptive or is intended or is likely to create an erroneous impression regarding its nature, substance, weight, volume of contents or quality or prepare or sell any such food in any other way contrary to the provisions of these regulations.

3.2. No person shall describe, or present on any label or in any other labelling, a prepackaged food by words, pictures or other devices which refer to or are suggestive, either directly or indirectly, of any other product with which such food might be confused or in such manner as to lead the purchaser or consumer to suppose that the food is connected with such other product.

3.3. No person shall give any information on a label which attributes to any foodstuff the property of preventing, treating or curing a human disease, or refer to such properties.

3.4. For the purposes of this regulation, "present" includes the presentation in shape, appearance and packaging of food the way in which the food is arranged for sale, and the setting in which the food is displayed for sale.

Name of food to be used on label.

4.1. Saving any other provision of any other regulation made under the Act, prepackaged food shall bear a label, containing the name of the food. The name shall indicate the true nature of the food and, unless not practicable, must be specific and not generic.

4.1.1. Where any name is prescribed under any other law or regulation, this name must be used. This name may be qualified by other words to make it more precise:

Provided that,

(a) where a name or names have been established for a food in a Standard approved by the Codex Alimentarius Commission this name may be used;

(b) where no name is prescribed as aforesaid, a name which is customary to the food may be used; or

(c) where no such name is prescribed or is customarily used as aforesaid, a name which is sufficiently precise to inform the purchaser of the true nature of the food and to enable the food to be distinguished from products with which it could be confused, may be used. Where necessary because of the nature of the food or the name used, the name shall include a description of the use of the food.

4.2. A trade mark, brand name or fancy name may be used so long as it is not misleading and is accompanied by an appropriately descriptive term, but may not be used as a substitute for the name of the food as is referred to in this regulation.

4.3. The name of the food must include or be accompanied by an indication, as is applicable to such food, that:—

4.3.1. a food is powdered or is in any other physical condition;

4.3.2. a food has been dried, freeze dried, frozen, concentrated or smoked or has been subjected to any other treatment, if omission of such a statement could mislead or confuse the purchaser.

4.4. Where any food is contact frozen with dichlorodifluoromethane, there must be a declaration on the label to this effect.

4.5.1. A food which has been treated with ionizing radiation energy shall have on the label an indication of that treatment in close proximity to the name of the food. Irradiated foods.

4.5.2. When an irradiated product is used as an ingredient in another food, this shall be so declared in the list of ingredients.

4.5.3. When a single ingredient product is prepared from a raw material which has been irradiated, the label of the product shall contain a statement indicating the treatment.

4.5.4. For the purposes of paragraphs 4.5.1 to 4.5.3, the following words shall be used on the label: "Irradiated" or "treated with ionizing radiation".

5.1. Except for single ingredient foods, the label shall contain a complete list of ingredients in accordance with the following requirements:— List of ingredients.

5.1.1. the list of ingredients must be headed or preceded by an appropriate heading which includes the word "ingredients";

5.1.2. the ingredients must be listed in descending order of weight determined as at the time of their use in the preparation or manufacture of the food;

5.1.3. added water and volatile products must be declared in order of their weight in the finished product. In the case of water, the weight is calculated by deducting from the total weight of the finished product the total weight of the other ingredients used;

5.1.4. for an ingredient which is used in a food in concentrated or dehydrated form and which is reconstituted during preparation of the food, the weight of the ingredient before concentration or dehydration may determine the order of the ingredient in the list;

5.1.5. for concentrated or dehydrated food which is intended to be reconstituted by the addition of water, the ingredients may be listed in descending order of their weight in the food when reconstituted as directed, provided the heading of the list includes the words "ingredients of the reconstituted product" or "ingredients of the ready to use product" or any similar expression;

5.1.6. where a food consists of, or contains, mixed fruit, nuts, vegetables, spices or herbs and no particular fruit, nut, vegetable, spice or herb predominates significantly by weight, those ingredients may be listed otherwise than in descending order of weight, provided that:

(a) where the food consists entirely of such a mixture, the heading of the list of ingredients includes the words "ingredients in variable proportion" or other expression which indicates the nature of the order in which the ingredients are listed, and

(b) where a food contains such a mixture, that part of the list where the names of those ingredients appear, is preceded by the words "ingredients in variable proportion" or other expression which indicates the nature of the order in which those ingredients are listed.

Names of ingredients, generic names.

5.2.1. Except as provided by 5.2.2 and 5.3 below, the name used for an ingredient in the list of ingredients, shall be a name which, if the ingredient were itself being sold as a food, could be used as the name of the food. Where a purchaser could be misled by the omission of an indication which, if the ingredient were itself being sold as a food, would be required to accompany the name, such indication must accompany the name of the ingredient unless the provision requiring the indication provides to the contrary.

5.2.2. Generic names may be used for ingredients in accordance with the provisions laid down as follows:

Generic Name	*Ingredients*	*Conditions of use of Generic Name*
Caseinates	All types of caseinates	
Cheese	Any type of cheese	The labelling of the food of which the cheese is an ingredient does not refer to a specific type of cheese
Cocoa butter	Press, expeller or refined cocoa butter	
Crumbs or rusks, as is appropriate	Any type of crumbed, baked cereal product	
Dextrose	Anhydrous dextrose or dextrose monohydrate	

Generic Name	*Ingredients*	*Conditions of use of Generic Name*
Fat	Any refined fat or mixture of refined fats	The generic name must be accompanied by either: (i) the description 'animal' or 'vegetable', or both, as is appropriate; or (ii) an indication of the specific animal origin or the specific vegetable origin of the fat, or both, as is appropriate
Fish	Any species of fish or shell-fish	The labelling of the food of which the fish is an ingredient does not refer to a specific species of fish
Other fish	Any species of fish or shell-fish other than a species referred to in the labelling of the food of which the fish or shell-fish is an ingredient	
Flour, followed by a list of the cereals from which the flour is derived in descending order of weight	Any mixture of flour derived from two or more types of cereal	
Crystallised fruit	Any crystallised fruit	The proportion of crystallised fruit in the food of which it is an ingredient must not exceed 10%
Gum base	Any type of gum preparation used in the preparation of chewing gum	
Herbs or mixed herbs	Any combination of two or more herbs or parts of herbs	The proportion of herbs in the food of which they are ingredients must not exceed 2%

Generic Name	*Ingredients*	*Conditions of use of Generic Name*
Poultry meat	Any type of poultry meat	The labelling of the food of which the poultry meat is an ingredient does not refer to a specific type of poultry meat
Oil	Any refined oil, other than olive oil, or any mixture of refined oils not including olive oil	The generic name must be accompanied by either: (i) the description 'animal' or 'vegetable', or both, as is appropriate; or (ii) an indication of the specific animal origin or the specific vegetable origin of the oil, or both, as is appropriate In the case of hydrogenated oil, the generic name must, unless it is accompanied only by the description 'animal', be accompanied also by the description 'hydrogenated'
Spices or mixed spices	Any combination of two or more spices and/or spice extracts	The proportion of spices and/or spice extracts in the food of which they are ingredients must not exceed 2%
Starch	Any starch other than one which has been modified chemically	
Modified starch	Any starch which has been modified chemically	
Sugar	Any type of sucrose	

Declaration of additives in ingredients list.

5.3. The declaration of each additive is related to the function, or, where an additive serves more than one function, the principal function of the additive in the food. The functional category may not necessarily be the same as the class in which the additive is listed in any regulation on additives.

5.3.1. An additive which is added to or used in a food to serve the function of one of the following categories must be declared by the category name followed by the specific name or E.E.C. number or serial number, or both name and number of the additive:

Acidity regulators
Acids (see also 5.3.2 below)
Anti-caking agents
Anti-foaming agents
Antioxidants
Artificial sweeteners
Colours
Emulsifiers
Flavour enhancers
Flour improvers
Gelling agents
Glazing agents
Preservatives
Raising agents
Stabilisers
Thickeners.

5.3.2. In the case of an additive used as an acid either the category name followed by the specific name or E.E.C. number (or serial number), or both, of the additive must be used, or if the specific name of the additive includes the word "acid" the category name need not be used.

5.3.3. Flavourings may be described by the category name "flavourings" alone (only the category name is necessary, though the name and/or number of the additive may also be stated).

5.3.4. The category name "emulsifying salts" may be used only for an emulsifying salt which is added to or used in processed cheese and processed cheese products. The category name may not be used for any other food.

5.3.5. An additive which must be named in the list of ingredients and which does not serve the function of any of the categories listed in 5.3.1 — 5.3.4 above must be declared by its specific name.

Compound ingredients.

5.4.1. Where a compound ingredient (that is, an ingredient which is itself composed of two or more ingredients) is used in the preparation of a food, the names of the ingredients of the compound ingredient must be given in the list of ingredients of the food either instead of the name of the compound ingredient or in addition to it.

5.4.2. If the name of the compound ingredient is given, the names of its ingredients must either immediately follow that name or be placed in close proximity to it so that it is clear that they are ingredients of the compound ingredient.

5.4.3. The names of ingredients of a compound ingredient need not be given where the compound ingredient would be exempt from ingredient listing under any law; or where the compound ingredient is identified by a generic term; and the compound ingredient constitutes less than 25% of the finished product:

Provided that additives must be listed as stated in 5.3 unless they are exempt under paragraph 5.7 of this regulation.

Added water.

5.5. Water added as an ingredient of a food must be declared in the list of ingredients unless:

5.5.1. it is used in the preparation of the food solely for the reconstitution or partial reconstitution of an ingredient used in concentrated or dehydrated form; or

5.5.2. it is used as, or as part of, a medium which is not normally consumed; or

5.5.3. added water does not exceed 5% of the finished product; or

5.5.4. added to frozen or deep-frozen poultry in accordance with E.E.C. requirements.

Emphasis on presence of an ingredient.

5.6.1. Where a food is characterised by the presence of a particular ingredient, the labelling of the food may only place special emphasis on the presence of the ingredient if it includes a declaration of the minimum percentage of the ingredient in the food, determined as at the time of its use in the preparation of the food.

Emphasis on low content of an ingredient.

5.6.2. Subject to the other provisions of these regulations, where a food is characterised by the low content of a particular ingredient, the labelling of the food may only place special emphasis on the low content of the ingredient if it includes a declaration of the maximum percentage of the ingredient in the food, determined as at the time of its use in the preparation of the food.

5.6.3. The declaration referred to under 5.6.1 or 5.6.2 above must appear either next to the name of the food, or in the list of ingredients in close proximity to the name of the ingredient in question.

5.6.4. A reference in the name of a food to a particular ingredient does not of itself constitute the placing of "special emphasis" on the presence or low content of that ingredient.

5.6.5. A reference in the labelling to an ingredient used in small quantity only as a flavouring does not of itself constitute the placing of "special emphasis" on the presence or low content of that ingredient.

Exemptions from ingredient listing.

5.7.1. The following ingredients need not be named in the list of ingredients:

5.7.1.1. constituents of an ingredient which have become temporarily separated during the manufacturing process and are later re-introduced in their original proportions;

5.7.1.2. any additive whose presence in the food is due only to the fact that it was contained in one or more of the ingredients of the food, provided it does not serve any technological function in the finished product;

5.7.1.3. any additive which is used solely as a processing aid;

5.7.1.4. any substance except water used as a solvent or carrier for an additive only in amounts necessary for this purpose.

5.7.2. The following foods need not be marked or labelled with a list of ingredients: Food which need not bear list of ingredients.

5.7.2.1. fresh fruit and vegetables (including potatoes) which have not been peeled or cut into pieces or similarly treated;

5.7.2.2. carbonated water with no added ingredient except carbon dioxide, whose name indicates it has been carbonated;

5.7.2.3. vinegar derived by fermentation exclusively from a single basic product and not containing any other added ingredient; however, if other ingredients are added only these need be mentioned if the list states "added ingredients" or a similar expression indicating that the list is not complete;

5.7.2.4. cheese, butter, fermented milk and fermented cream containing no added ingredient except lactic products, enzymes and micro-organisms essential to manufacture, or, for cheese (other than fresh curd cheese and processed cheese), salt needed for its manufacture; however, if other ingredients are added to these products, only these need be mentioned if the list states "added ingredients" or similar expression indicating that the list is not complete;

5.7.2.5. flavourings;

5.7.2.6. foods consisting of a single ingredient, including flour containing no added substances except those (ingredients) required to be present under any other regulations made under the Act;

5.7.2.7. any drink with an alcoholic strength by volume of more than 1.2%:

Provided that if any of the above exempted foods are marked with a list of ingredients, the list must be complete and meet the requirements of this regulation.

5.8. Notwithstanding the requirements of paragraph 5.7.2.7 beverages containing more than 1.2% by volume of alcohol, must bear an indication on the label of the actual alcoholic strength by volume. Declaration of alcoholic strength.

6.1. The net contents shall be declared in metric units. This declaration shall be made on the label in the following manner:— Net contents.

6.1.1. for liquid foods, by volume;

6.1.2. for solid food, by weight, except that when such food is usually sold by number, a declaration by count may be made;

6.1.3. for semi-solid or viscous food, either by weight or volume.

6.2. Food packed in a liquid medium normally discarded before consumption shall carry a declaration of the drained weight of the food.

For the purposes of this paragraph, liquid medium refers to the liquid which is merely an adjunct to the essential elements of that preparation and is not a decisive factor for the purchase or sale of such preparation and includes the following products, either singly or in combination and also where frozen or quick frozen: water aqueous solutions of sugar and/or salt, brine, aqueous solutions of food acids, vinegar, aqueous solutions of other sweetening substances, fruit and vegetable juices in the case of fruits and vegetables.

Details of manufacturer, etc.

7.1. Unless otherwise provided under any other law or regulation, all food to which these regulations apply must be marked or labelled with the name or business name and address of the manufacturer or packer, or seller. The country of origin of imported food shall also be declared.

7.2. When a food undergoes processing, in a second country, which changes its nature, the country in which this processing is performed shall be considered to be the country of origin for the purpose of labelling.

7.3. A post office box shall not be considered an address for the purpose of these regulations.

7.4. Each container shall be embossed or otherwise permanently marked or labelled to identify the producing factory and the lot.

The provisions of this paragraph shall not apply to —

7.4.1. agricultural products sold or delivered by the producer to a place of temporary storage, preparation or packing station or transported from the holdings to producers' organisations; or

7.4.2. foodstuffs which at point of final sale are not prepacked or which are packaged at the request of the purchaser or prepackaged for immediate sale.

Date of minimum durability.

8.1. Save as provided under paragraph 8.2 of this regulation, the date of minimum durability of a food must be declared on the label. Such declaration shall be made by either:

(a) the words "best before" followed by the date as day, month and year (in that order) up to, and including which, the food can reasonably be expected to retain its specific properties if properly stored; or

(b) (i) for a food which can be expected to retain its specific properties for three months or less, it may be expressed as "best before" followed by the day and month only;

(ii) for a food which can reasonably be expected to retain its specific properties for more than three months but not more than eighteen months, it may be expressed as "best before end" followed by the month and year only;

(iii) for a food which can reasonably be expected to retain its specific properties for more than eighteen months, it may be expressed in terms of a year only if the words "best before" are replaced by the words "best before end".

8.2. For a food which is highly perishable from the microbiological point of view, and which is therefore likely, after a short period, to constitute an immediate danger to human health there shall be used the words "use by" followed by the date up to and including which the food, if properly stored, is recommended for use. Such date shall be expressed in terms of either a day and a month in that order, or a day, a month and a year in that order. These particulars shall be followed by a description of the storage conditions which must be observed.

8.3. In all cases referred to under paragraph 8.1 the indication shall, where applicable, also include any special storage conditions or conditions of use which must be observed if the food is to retain its specific properties for the period specified.

8.4. The day, month and year shall not be expressed in code.

8.5. The "best before" or "use by" date must appear in the same field of vision as the name of the food and the net quantity, if required. However, the actual date up to and including which the food can reasonably be expected to retain its specific properties if properly stored, may appear on the labelling separately from the words "best before" or "best before end", or "use by" provided that such words are followed by a reference to the place where the date appears.

8.6. No food which bears on the label thereof a "use by" date shall be sold or exposed for sale after the date indicated on the label.

Exemptions from indication of minimum durability.

8.7. Notwithstanding the provisions of this regulation, the following foods need not be marked with an indication of minimum durability or a "use by" date:—

8.7.1. fresh fruit and vegetables (including potatoes but not including sprouting seeds, legume sprouts and similar products) which have not been peeled, or cut into pieces;

8.7.2. wine, liqueur wine, sparkling wine, aromatized wine and any similar drink obtained from fruit other than grapes, and any drink made from grapes or grape musts, coming within codes 2206.00.91, 2206.00.93, and 2206.00.99, of the European Community Combined Nomenclature;

8.7.3. any drink or beverage with an alcoholic strength by volume of 10% or more;

8.7.4. any soft drink, fruit juice, fruit nectar or alcoholic beverage in individual containers of more than 5 litres and intended for supply to catering establishments;

8.7.5. flour confectionery and bread which are normally consumed within 24 hours of their preparation;

8.7.6. vinegar;

8.7.7. cooking and table salt;

8.7.8. solid sugar, and products consisting principally of flavoured or coloured sugars;

8.7.9. chewing gums and similar products;

8.7.10. individual portions of edible ices (including ice cream, water ice, fruit ice, and similar foods).

8.8. Subject to the provisions of paragraph 20.2, no person shall delete, conceal, or otherwise tamper with any such date, or with any other detail on the label as is required to be inserted on such label in accordance with these regulations and no person may import or sell any food on which any such date has been deleted, concealed or otherwise tampered with.

Instructions for use.

9.1. The label on the food must contain instructions for use to enable appropriate use to be made of the food if absence of such instructions would make it difficult for the consumer to make appropriate use of such food.

9.2.1. For concentrates, dry mixes and similar food intended to be made into another food by the addition of any other substance, the instructions for use must specify every substance, except water, which must be added. This part of the instructions must appear in immediate proximity to the name of the food, whether or not it appears elsewhere in the labelling of the food.

9.2.2. Any advertisement, written or oral, for the sale of concentrates, dry mixes, etc., must include an indication of every substance, other than water, that must be added to the food.

9.3. The requirements of paragraph 9.2 of this regulation do not apply to custard powder and blancmange powder.

10.1. Statements required to appear on the label by virtue of these regulations shall at least be written in one of the official languages of Malta, be clear, prominent, indelible and readily legible by the consumer under normal conditions of purchase and use. Such information shall not be obscured by designs or by other written, printed or graphic matter and shall be in contrasting colour to that of the background. Where the container is covered by a wrapper, the wrapper shall carry the necessary information, or the label on the container shall be readily legible through the outer wrapper and not obscured by it. Details on label to be readily legible.

10.1.1. In certain cases the Food Standards Board may consider application for exemption to the regulation in paragraph 10.1.

10.2. Labels on prepackaged food shall be applied in such a manner that they will not become separated from the container.

10.3. The name and net contents of the food and any declaration as to durability of the food shall appear on that portion of the label normally intended to be presented to the consumer at the time of sale and in the same field of vision. This requirement shall, in respect of food or drink sold in a glass bottle which is intended for re-use and which is indelibly marked with one or more of the particulars which would otherwise be required to appear in the same field of vision, apply after the lapse of 5 years from the coming into force of these regulations.

11.1. No food may be labelled as "diet", "dietary" or "dietetic" or as "suitable for", or has been specially made, for fulfilling the particular nutritional requirements of (i) a class of persons whose digestive process or metabolism is disturbed, or (ii) a class of persons who, because of their special physiological condition or health status obtain special benefit from a controlled consumption of certain substances, unless the following requirements are complied with: Dietary foods.

11.1.1. the food must be capable of fulfilling the claim;

11.1.2. the food must be marked or labelled with an indication of the particular aspects of its composition or manufacturing process that give the food its particular nutritional characteristics;

11.1.3. if the food has been specially made for the class of persons to which the claim refers:

11.1.3.1. the name of the food must include or be accompanied by an indication of the food's particular nutritional characteristics;

11.1.3.2. where so prescribed by these regulations the energy statement must be stated according to paragraph 14.2; and

11.1.3.3. when the food is sold to the ultimate consumer, it must be prepackaged and completely enclosed by its packaging.

12.1. No food shall be labelled as :— Low sodium foods.

12.1.1. special dietary food with "low sodium" content unless such food has been processed without the addition of sodium salts and the sodium content of such food is not more than half of that of the comparable normal product as consumed and in any case is not more than 120 milligrams per 100 grams of the final product as normally consumed.

12.1.2. special dietary food with "very low sodium" content unless such food has been processed without the addition of sodium salts and the sodium content of which is not more than half of that of the comparable normal product as consumed and in any case the sodium content of which is not more than 40 milligrams per 100 grams of the final product as normally consumed.

12.2. A food labelled as being a special dietary food with low or very low sodium content may contain salt substitutes, provided these are in accordance with accepted good food manufacturing practice and subject to complying with the composition laid down in paragraph 12.5.

12.3. In addition to any labelling provisions applying to the particular food concerned, the following specific provisions for the labelling of special dietary foods with low sodium or very low sodium content shall apply:

12.3.1. the label shall bear the description "low sodium" or "very low sodium" as may be applicable in accordance with this regulation;

12.3.2. the sodium content shall be declared on the label to the nearest multiple of 5 milligrams per 100 grams and, in addition, per a specified serving of the food as normally consumed;

12.3.3. the average carbohydrate, protein and fat content in 100 grams of the product as normally consumed, as well as the kilocalorie or kilojoule value shall be declared on the label;

12.3.4. the addition of the salt substitutes listed in paragraph 12.5 hereunder to these regulations shall be in accordance with the provisions of such schedule, and shall be declared on the label;

12.3.5. when a salt substitute, composed entirely or partially of a potassium salt, has been added, the total amount of potassium, expressed as milligrams of cation per 100 grams of the food as normally consumed shall be declared on the label.

12.4. The following additional requirements shall apply to salt substitutes:

12.4.1. the name of the product shall be "low sodium salt substitute" or "low sodium dietetic salt";

12.4.2. a complete list of ingredients shall be declared on the label. The amount of the cations (i.e. sodium, potassium, calcium, magnesium, ammonium and choline) per one hundred grams m/m in the salt substitute mixture shall also be declared on the label.

12.5. The composition of salt substitutes shall be as follows:

12.5.1. Potassium sulphate; potassium, calcium or ammonium salts of adipic glutamic, carbonic, succinic, lactic, tartaric, citric, acetic, hydrochloric or orthophosphoric acids, and/or	Not limited, except that P not to exceed 4% m/m and NH_4^+ 3% m/m of the salt substitute mixture
12.5.2. Magnesium salts of adipic, glutamic, carbonic, citric, succinic, acetic, tartaric, lactic, hydrochloric or orthophosphoric acids, mixed with other Mg-free salt substitutes as listed in 12.5.1, 12.5.3 and 12.5.4 and/or	Mg^{++} to be not more than 20% m/m of the total of the cations K^+, Ca^{++} and NH_4^+ present in the salt substitute mixture and P not to exceed 4% m/m of the salt substitute mixture
12.5.3. Choline salts of acetic, carbonic, lactic, tartaric, citric or hydrochloric acids, mixed with other choline-free salt substitutes as listed in 12.5.1, 12.5.2, 12.5.4 and/or	The choline content not to exceed 3% m/m of the salt substitute mixture
12.5.4. Free adipic, glutamic, citric, lactic or malic acids	Not limited

12.6. Salt substitutes may contain:

12.6.1. Colloidal silica or calcium silicate	Not more than 1% m/m of the salt substitute mixture, individually or in combination

12.6.2. Diluents: safe and suitable nutritive foods as normally consumed (e.g. sugars, cereal flour).

The addition of iodine-containing compounds to salt substitutes shall be in conformity with the national legislation of the country where the product is sold.

The sodium content of salt substitutes shall be not more than 120mg/100g of the salt substitute mixture.

13.1. No claim may be made that a food is suitable, or has been specially made, for diabetics, unless the following requirements are complied with —

Food labelled as suitable for diabetics.

13.1.1. A given quantity of the food must not have a higher energy content than the same quantity of a similar food for which no diabetic claim is made. However, this does not apply if the food is an intense sweetener, or if it is a mixture of an intense sweetener with other substances, which is significantly sweeter than sucrose (on a weight for weight basis). Where the food is in concentrated or dehydrated form and is intended to be reconstituted by the addition of water or other substances, the above requirement applies to the food when reconstituted as directed.

13.1.2. A given quantity of the food must not have a higher fat content than the same quantity of a similar food for which no diabetic claim is made.

13.1.3. Where a claim is made that the food has been specially made for diabetics a given quantity of the food must not have a readily absorbable carbohydrate content greater than 50% of the readily absorbable carbohydrate content of the same quantity of a similar food for which no diabetic claim is made. For the purposes of this regulation, "readily absorbable carbohydrate" includes mono- and di-saccharides and isolated or purified starches but does not include fructose or sugar alcohols.

13.1.4. If such claim is made in the labelling of the food, there must be a statement that the food is not suitable for an overweight diabetic. However, this is not required if the energy value of a given weight of the food is not more than one half of that of the equivalent weight of a similar food for which no diabetic claim is made.

13.1.5. If the claim is made in the advertising of the food (except in television or other oral advertisement), the advertisement must comply with the requirement of paragraph 13.1.4 above.

13.1.6. If the claim is made in television or other oral advertisement either (a) the advertisement must comply with the requirements of paragraph 13.1.4 above, or (b) the food for which the claim is made must be intended to be sold prepacked and if necessary be marked or labelled with the statement required by paragraph 13.1.4 above when sold.

13.1.7. In relation to labelling and advertising claims where the food contains fructose, sorbitol, mannitol, xylitol, lactitol, isomalt or hydrogenated glucose syrup, the food must be marked either with the words:

"best eat less than 25g of X a day" (where X = name of substance), where one such substance is present; or

"best eat less than 25g of a combination of X a day" (where X = name of every substance present), where more than one of the above substances is present.

13.1.8. The food must be capable of fulfilling the claim and must be marked or labelled with an indication of the particular aspects of its composition or manufacturing process that give the food its particular nutritional characteristics.

13.1.9. The prescribed energy statement must be stated on the label according to paragraph 14.4, whether or not the food is specially made for diabetics. If the food contains fructose, sorbitol, mannitol, xylitol, lactitol, isomalt or hydrogenated glucose syrup the prescribed energy statement must include a statement of the total amount of —

13.1.9.1. the above-mentioned substances that are present in the food, and

13.1.9.2. other carbohydrate, and

13.1.9.3. the total amount of carbohydrate contained in each 100g or 100ml of the food, as appropriate, and, where appropriate, in a quantified serving of the food.

13.1.10. If the food has been specially made for diabetics the name of the food must include or be accompanied by an indication of the food's particular nutritional characteristics, and when the food is sold to the ultimate consumer it must be prepacked and completely enclosed by its packaging.

Foods as an aid to slimming, etc.

14.1. No claim may be made that a food is an aid to slimming or weight control or weight reduction or has a reduced or low energy value unless the following requirements are complied with:

14.1.1. the food must be capable of contributing to weight control or weight reduction;

14.1.2. the food must not consist wholly or mainly of vitamins or minerals or of a mixture of vitamins and minerals;

14.1.3. the food must be capable of fulfilling the claim and must be marked or labelled with an indication of the particular aspects of its composition or manufacturing process that give the food its particular nutritional characteristics;

14.1.4. if the food is specially made as an aid to slimming or weight control or with a reduced or low energy value it must be marked or labelled with the prescribed energy statement according to paragraph 14.4. The prescribed energy statement must also be made on all prepacked food bearing a slimming claim whether or not it is specially made for the class of people for whom it is aimed;

14.1.5. if the food is specially made as an aid to slimming or weight control or with a reduced or low energy value the name of the food must include or be accompanied by an indication of the food's particular nutritional characteristics, and when the food is sold to the ultimate consumer it must be prepackaged and completely enclosed by its packaging;

14.1.6. if such claim is made on the labelling of a food, the food must be marked or labelled with the statement:

"can help slimming or weight control only as part of a controlled diet"; and

the word "calorie", "joule" or "energy" may be inserted immediately before the word "controlled". If the claim is made in advertising of the food, the advertisement must include the above statement;

14.1.7. Reduced Energy Foods: If a claim is made that the food has a reduced energy value or is a reduced energy food, the energy value of a given weight of the food, or volume of liquid food, must not be more than three-quarters that of the equivalent weight or volume of a similar food for which no such claim is made. This does not apply to a food which is an intense sweetener, or if it is a mixture of an intense sweetener with other substances, which is significantly sweeter than sucrose (on a weight for weight basis);

14.1.8. Low Energy Foods: If a claim is made that a food has a low energy value or is a low energy food the following condition must also be met:

14.1.8.1. the energy value must be not more than 167kj (40 kcal) per 100g or 100ml, as appropriate. However, this does not apply to a food which is an intense sweetener, or if it is a mixture of an intense sweetener with other substances, which is significantly sweeter than sucrose (on a weight for weight basis);

14.1.8.2. the energy value of a normal serving of the food must be not more than 167kj (40 kcal); and

14.1.8.3. for an uncooked food which naturally has a low energy value the claim must be in the form of "a low energy food" or "a low joule food", or a "low calorie food";

14.1.9. where a food is concentrated or dehydrated and is intended to be reconstituted by the addition of water or other substances, the above requirements at paragraph 14.1.8 shall apply to the food when reconstituted as directed;

14.1.10. if a claim for slimming is combined with a claim that the food can replace part of a daily diet, the food must be marked or labelled with a statement that:

14.1.10.1. the food should not be used as a replacement for a person's whole diet; and

14.1.10.2. the food should be supplemented by at least one daily meal having a high nutritive quality, and the energy value requirements listed in paragraph 14.1.8. shall apply;

14.1.11. the provisions of this regulation do not apply to low calorie soft drinks to which the Soft Drinks Regulations, 1978 apply. L.N. 13 of 1978.

14.2. The following factors must be used when calculating the energy value of the food for the purpose of the prescribed energy statement as aforesaid:

1 gram of carbohydrate (expressed as monosaccharides) contributes 17 kilojoules (4 kilocalories);

1 gram of protein contributes 17 kilojoules (4 kilocalories);

1 gram of alcohol (Ethanol) contributes 29 kilojoules (7 kilocalories);

1 gram of fat contributes 37 kilojoules (9 kilocalories).

14.3. Where the statement of energy value is required to be expressed in kilojoules and kilocalories, the expression in kilojoules must predominate and the characters used in the expression in kilocalories must not be larger than those in the expression in kilojoules.

14.4. Prescribed energy statement means:

(i) for a food with an energy value of 50 kilojoules (12 kilocalories) or more per 100 grams or 100 millilitres a statement of the energy value in kilojoules and kilocalories of each 100g or 100ml of the food, as appropriate and, where appropriate, of a quantified serving of the food, and the amount of carbohydrate, protein and fat contained in each 100g or 100ml of the food, as appropriate and, where appropriate, in a quantified serving of the food;

(ii) for a food with an energy value of less than 50 kilojoules (12 kilocalories) per 100g or 100ml a statement as prescribed in (i) above, or a statement that the energy value of the food is less than 50 kilojoules (12 kilocalories) per 100g or 100ml, as appropriate.

Food labelled as "starch reduced".

15. No claim must be made on a label or otherwise that a food is "starch-reduced" unless such food contains substantially less starch than the normal equivalent of such food which is not claimed to be starch-reduced and unless such starch-reduced food contains less than 50% anhydrous carbohydrate (calculated by weight, on the dry matter of the food).

Poly-unsaturated fatty acids.

16.1. No claim relating to polyunsaturated fatty acids in a food can be made on any label or otherwise, unless the following requirements are complied with:

16.1.1. The food must contain at least 35 per cent fat by weight.

16.1.2. At least 45 per cent of the fatty acids must be polyunsaturated and not more than 25 per cent of the fatty acids may be saturated.

16.1.3. The claim must be accompanied by the words "low in saturates" or "low in saturated fatty acids".

16.1.4. The food must be marked or labelled in grams per 100 grams or millilitres per 100 millilitres, as appropriate, with:

16.1.4.1. the amount of fat or oil;

16.1.4.2. the amount of polyunsaturated fatty acids which are cis, cis-methylene interrupted polyunsaturated fatty acids;

16.1.4.3. the amount of saturated fatty acids.

Each part of the declaration from paragraph 16.1.4.1 to 16.1.4.3 must be given equal prominence.

16.1.5. No suggestion or implied suggestion that the food is beneficial to health because it contains polyunsaturated fatty acids may be made.

Cholesterol in food.

17. No claim relating to the presence or absence of cholesterol in a food may be made on a label or otherwise unless it complies with the following requirements:

17.1.1. the food must contain not more than 0.005 per cent of cholesterol;

17.1.2. a polyunsaturated fatty acid claim must be made and all the requirements listed under paragraph 16.1 of this regulation must be satisfied;

17.1.3. the claim relating to cholesterol must not be in larger letters than, or precede, the polyunsaturated fatty acid claim;

17.1.4. no suggestion or implied suggestion that the food is beneficial to health because of its level of cholesterol may be made.

Other provisions.

18.1. Nothing in these regulations shall preclude the adoption of additional or different provisions in other regulations made under the Act in respect of labelling, where the circumstances of a particular food would justify their incorporation in these regulations.

18.2. Any information or pictorial device may be displayed in labelling provided that it is not in conflict with the mandatory requirement nor would mislead or deceive the consumer in any way whatsoever in respect of the food.

18.3. If grade designations are used, they should be readily understandable, and not be misleading or deceptive in any way.

Exemptions to regulations.

19.1. The provisions of these regulations shall not apply in respect of any of the following —

19.1.1. Hens' eggs.

19.1.2. Wines or grape musts regulated by the Wine Act. Cap. 211.

19.1.3. Any food prepared otherwise than in the course of a trade carried on by the person preparing it.

19.2. The following foods are exempt from certain requirements of these regulations as follows — Exemptions from certain requirements.

19.2.1. Food which is not prepacked, food which is prepacked for direct sale, and flour confectionery which is packed either in a crimp case only or in wholly transparent packaging which is either unmarked or marked only with the price and no document, notice, label, ring or collar (except a label stating the price) is attached, need not be marked or labelled with any particulars except the name of the food and an indication of certain additives, if necessary under this regulation. However, food whch is not exposed for sale, white bread, flour confectionery and carcases and parts of carcases which are not intended for sale in one piece need not be marked or labelled at all, except for an indication of certain additives, if necessary under this regulation.

19.2.2. Fancy Confectionery Products: Individually wrapped fancy confectionery products (that is, confectionery figures), etc. which are not enclosed in further packaging and which are intended for sale as single items need not be marked or labelled with any particulars except the name of the food, the name of manufacturer and an indication of certain additives.

19.2.3.1. Indication of Additives: any food exempt from ingredients listing only by paragraphs 19.2.1 and 19.2.2 above and which contains any additive which, but for these exemptions, would be required to be named in a list of ingredients, and which serves the function or principal function of one of the following categories, must be marked or labelled with an indication of every such category of additives contained in the food:

Antioxidant	Flavour enhancer
Artificial sweetener	Flavouring
Colour	Preservative;

19.2.3.2. edible ices and flour confectionery which would be required to comply with paragraph 19.2.3.1 above need not be so marked if a notice is displayed prominently near the edible ices or flour confectionery stating that the edible ices or flour confectionery, as the case may be, sold at the establishment where the notice is displayed, may contain such categories of additives;

19.2.3.3. the requirements of 19.2.3.1 and 19.2.3.2 above do not apply to food which is not exposed for sale.

19.2.4.1. Food sold at catering establishments for immediate consumption: any food which is not prepacked and is sold at a catering establishment for immediate consumption there and is not food covered by 19.2.5.1 below need not be marked or labelled with any particulars;

19.2.4.2. any food which is prepacked and is sold at a catering establishment for immediate consumption there, and is sold as an individual portion intended as an accompaniment to another food, need not be marked or labelled with any particulars except the name of the food;

19.2.4.3. any prepacked sandwich, filled roll or similar bread product, or any prepacked prepared meal which is sold at a catering establishment for immediate consumption there need not be marked or labelled with any particulars except the name of the food;

19.2.4.4. for the purpose of this regulation "prepared meal" means any collection of two or more different foods which is suitable for consumption as a complete meal and which is ready for consumption without any further preparation.

19.2.5.1. Other food for immediate consumption: the provisions of paragraph 19.2.5.2 below apply to: sandwiches, filled rolls and similar bread products; food which is sold hot and which is ready for consumption without any further cooking, heating or other preparation; prepared meals (see definition under paragraph 19.2.4.4 above); food sold from a vending machine for heating by the purchaser at the establishment where it is sold (including a catering establishment) and which is intended for immediate consumption; any food (i) which is not prepacked or which is prepacked for direct sale or which in the case of flour confectionery, is packed either in a crimp case only or in wholly transparent packaging which is either unmarked or marked only with the price and no document, notice, label, ring or collar (except a label stating the price) is attached, and (ii) which is sold either at a catering establishment (including a vehicle or fixed or mobile stall) whose business consists mainly of selling food or foods as described above.

19.2.5.2. Foods listed in paragraph 19.2.5.1 above need not be marked or labelled with any particulars except:

(i) for such food exposed for sale it must either be marked or labelled with the name of the food, or the name of the food must appear on a notice displayed in a prominent position near the point of sale;

(ii) for such food not exposed for sale, when sold to the ultimate consumer the name of the food shall appear on a notice displayed in a prominent position near the point of sale; when sold otherwise than to the ultimate consumer it must be marked or labelled with the name of the food.

Offence to sell food not complying with regulations.

20.1. No person shall import, manufacture, prepare or sell any food which does not comply with the provisions of these regulations.

20.2. No person other than the manufacturer, packer or seller who was originally responsible for so marking the food, shall alter the indication of minimum durability "best before" date, or, as the case may be, the "use by" date relating to that food.

Dates of coming into force of the various provisions.

21.1. The dates of coming into force of the various provisions of these regulations shall be as follows:

21.1.1. the first day of October, 1992, in respect of regulations 1, 2, 3, paragraphs 6.1, 6.1.1, 6.1.2, 6.1.3, 10.3, 11.1, 11.1.1, 13.1, 13.1.1,13.1.2, 13.1.3, 13.1.5, 13.1.6, 13.1.8, 14.1, 4.1.1, 14.1.2, 14.1.3, 14.1.7, 14.1.11, 14.2, 14.4, regulation 15, paragraphs 16.1, 16.1.1, 16.1.2, and regulations 18, 19 and 20 hereof;

21.1.2. the first day of January, 1993, in respect of paragraphs 4.1, 4.1.1, 4.2, 12.1, 12.1.1, 12.1.2, 13.1.4, 13.1.10, 14.1.8., 14.1.8.1, 14.1.8.2, 14.1.9, 16.1.5, and regulation 17 hereof; and

21.1.3. the first day of October, 1993, in respect of the remaining provisions hereof.

21.2. Notwithstanding the provisions of the previous paragraph of this regulation, all the provisions of the said regulations shall in respect of any foodstuffs imported on or after the first day of January, 1993 apply as if the said regulations were already in force.

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