1990 No. 103

FOOD

Labelling

Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 1990

Made	*15th March 1990*
Coming into operation . .	*23rd April 1990*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 9, 72 and 73 of the Food (Northern Ireland) Order 1989(**a**) and being a designated Department(**b**) for the purposes of section 2(2) of the European Communities Act 1972(**c**) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf and after consultation in accordance with Article 72(2) of the said Order with such organisations as appear to it to be representative of interests substantially affected by these Regulations, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Milk and Milk Products (Protection of Designations) Regulations (Northern Ireland) 1990, and shall come into operation on 23rd April 1990.

Offences and penalties

2.—(1) Subject to paragraph (2), a person who contravenes Article 3 of Council Regulation (EEC) No. 1898/87(**d**) on the protection of designations used in marketing of milk and milk products shall be guilty of an offence under this regulation.

(2) A person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding £2,000.

Defence

3. In any proceedings for an offence under these Regulations in relation to the publication of an advertisement, it shall be a defence for the defendant to prove that, being a person whose business it is to publish or arrange for the publication of advertisements, he received the advertisement for publication in the ordinary course of business.

(a) S.I. 1989/846 (N.I. 6)
(b) Designated by S.I. 1972 1811
(c) 1972 c. 68
(d) O.J. No. L182, 3.7.87, p. 36

Amendment of the Food Labelling Regulations (Northern Ireland) 1984

4. Schedule 7 to the Food Labelling Regulations (Northern Ireland) 1984(**a**) shall be amended by substituting for the entry in column 1 relating to "the word 'milk' or any other word or description which implies that the food being described contains milk" and for the immediately following entry relating to "the word 'milk' " together with the corresponding conditions applying in column 2 the following entries—

In column 1 *(Words and descriptions)*	In column 2 *(Conditions)*
"The word "milk" or any other word or description which implies that the food being described contains milk.	Shall not be used as part of the name of a food which contains the milk of an animal other than a cow, unless— (*a*) (i) such milk has all the normal constituents in their natural proportions, and (ii) the word or description is accompanied by the name of that animal; or (*b*) (i) such milk has been subjected to a process or treatment, and (ii) the word or description is accompanied by the name of that animal and an indication of that process or treatment; or (*c*) the word or description is used in accordance with any regulations made, or having effect as if made, under the Food (Northern Ireland) Order 1989 or any order having effect as if contained in regulations so made.
The word "milk"	Shall not be used as the name of an ingredient of a food where the ingredient is the milk of an animal other than a cow, unless— (*a*) the word is accompanied by the name of the animal; and

(a) S.R. 1984 No. 407; to which there are amendments not relevant to these Regulations

In column 1 *(Words and descriptions)*	In column 2 *(Conditions)*
	(*b*) the use of the word as the name of the ingredient complies in all other respects with these regulations.''

Repeals and revocations

5. The statutory provisions specified in column 1 of the Schedule are hereby repealed or revoked to the extent specified in column 3 of the Schedule.

Sealed with the Official Seal of the Department of Health and Social Services on 15th March 1990.

(L.S.) *R. McMurray*
Assistant Secretary

SCHEDULE Regulation 5

REPEALS AND REVOCATIONS

Column 1	Column 2	Column 3
Title	*References*	*Extent of repeal or revocation*
Food (Northern Ireland) Order 1989	S.I. 1989/846 (N.I. 6)	Articles 29(2) and 30.
Skimmed Milk with Non-Milk Fat Regulations (Northern Ireland) 1961	S.R. & O. (N.I.) 1961 No. 190	Regulations 4, 5(2) and 6.
Margarine Regulations (Northern Ireland) 1968	S.R. & O. (N.I.) 1968 No. 3	Regulations 8(*a*) and 9(3)(*a*).
Ice-Cream and Other Frozen Confections Regulations (Northern Ireland) 1968	S.R. & O. (N.I.) 1968 No. 13	Regulation 7(1)(ii).

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which come into operation on 23rd April 1990, provide for the enforcement of Council Regulation (EEC) No. 1898/87 (''the Council Regulation'') on the protection of designations used in the marketing of milk and milk products (O.J. No. L182, 3.7.87, p. 36).

The Council Regulation provides, amongst other things, for—

(*a*) the definition of the terms ''milk'' and ''milk products'' and the reservation of certain designations (names such as cream, butter, etc.) to the milk products as defined (Article 2 of and the Annex to the Council Regulation);

(*b*) a prohibition on the use of those designations for any product other than those referred to in Article 2 of the Council Regulation, except in respect of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product (Article 3.1 of the Council Regulation); and

(*c*) a prohibition, in respect of any product other than those described in Article 2 of the Council Regulation, on the use of any label etc., advertising, or presentation which claims, implies or suggests that the product is a dairy product (Article 3.2 of the Council Regulation).

These Regulations—

(*a*) prescribe offences and penalties in respect of a contravention of Article 3 of the Council Regulation (regulation 2);

(*b*) provide a defence for advertisers acting in the ordinary course of business (regulation 3); and

(*c*) introduce consequential amendments (including repeals and revocations) to the Food (Northern Ireland) Order 1989 and certain other regulations (regulations 4 and 5, and the Schedule).