



Jersey

# **FOOD SAFETY (LABELLING) (JERSEY) ORDER 2005**

## **Official Consolidated Version**

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 31 December 2020 to Current



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## FOOD SAFETY (LABELLING) (JERSEY) ORDER 2005

### Contents

#### Article

<b>PART 1</b>	<b>4</b>
INTRODUCTORY	4
1 Interpretation .....	4
2 Application .....	6
3 Clarity of labelling .....	7
<b>PART 2</b>	<b>7</b>
GENERAL LABELLING REQUIREMENTS	7
4 General labelling requirement .....	7
5 Name .....	7
6 List of ingredients .....	8
7 Additives .....	8
8 Compound ingredients .....	8
9 Foods exempted from ingredient listing requirements .....	8
10 Durability .....	9
11 Form of indication of “use by” date .....	9
12 Form of indication of “best before” date .....	9
13 Foods exempted from durability requirements .....	9
14 Instructions for storage or use .....	10
15 Address of manufacturer, etc. ....	10
<b>PART 3</b>	<b>10</b>
SPECIFIC LABELLING REQUIREMENTS	10
16 Irradiated food .....	10
17 Alcoholic drinks .....	11
18 Food containing artificial sweeteners .....	11
19 Packaging gases .....	11
20 Special emphasis .....	11
21 Jam .....	11
22 Meat Products .....	11
23 Pre-packed food .....	11

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24	Prohibition on claims relating to medicinal qualities.....	12
<b>PART 4</b>		<b>12</b>
FOOD EXEMPTED FROM MORE THAN ONE REQUIREMENT		12
25	Food sold at catering establishments.....	12
26	Food not pre-packed and similar food, and certain confectionery products .....	12
27	Small packages.....	13
<b>PART 5</b>		<b>13</b>
MISCELLANEOUS		13
28	Offences.....	13
29	Criminal liability .....	13
30	Citation .....	14
<b>ENDNOTES</b>		<b>15</b>
Table of Legislation History.....		15
Table of Renumbered Provisions .....		15
Table of Endnote References .....		15



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## FOOD SAFETY (LABELLING) (JERSEY) ORDER 2005

**THE HEALTH AND SOCIAL SERVICES COMMITTEE**, in pursuance of Articles 9(1), 26(1)(i) and 58 of the [Food Safety \(Jersey\) Law 1966](#), orders as follows –

Commencement [[see endnotes](#)]

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### PART 1

#### INTRODUCTORY

#### 1 Interpretation

(1) In this Order, unless the context otherwise requires –

“additive” means any substance not normally consumed as food in itself and not normally used as a characteristic ingredient of food, whether or not it has nutritive value, the intentional addition of which to food for a technological purpose in the manufacture, processing, preparation, treatment, packaging, transport or storage of such food results, or may be reasonably expected to result, in it or its by-products becoming directly or indirectly a component of such foods;

“appropriate durability indication” shall be construed in accordance with Article 10(1);

‘ “best before” date’ means an indication of the date up to and including which food can reasonably be expected to retain its specific properties if properly stored;

“catering establishment” means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the consumer and is ready for consumption without further preparation;

“confectionery product” means any item of chocolate confectionery or sugar confectionery;

“consumer” means a person who buys otherwise than for the purposes of resale, a catering establishment or a manufacturing business;

“edible ice” includes ice-cream, water ice and fruit ice, whether alone or in combination, and any similar food;

“flour confectionery” –

- (a) means any cooked food that is ready for consumption without further preparation (other than reheating), of which a characterizing ingredient is ground cereal (such as shortbread, sponges, crumpets, muffins, macarons, ratafias, pastry and pastry cases);
- (b) includes meringues, petit fours, and uncooked pastry and pastry cases; but
- (c) does not include bread, pizzas, biscuits, crispbread, extruded flat bread or any food containing a filling that has as an ingredient any cheese, meat, offal, fish, shellfish, vegetarian protein material or microbial protein material;

“ingredient” means any substance, including any additive and any constituent of a compound ingredient, that is used in the preparation of a food and which is still present in the finished product, even in an altered form, and “compound ingredient” means 2 or more such substances;

“ionising radiation” means any gamma rays, x-rays or corpuscular radiations that are capable of producing ions either directly or indirectly other than those rays or radiations –

- (a) that are emitted by measuring or inspection devices;
- (b) that are emitted at an energy level no higher than the appropriate maximum level; and
- (c) the dose of energy imparted by which does not exceed 0.01 Gy in the case of inspection devices that utilise neutrons and 0.5 Gy otherwise,

and for the purposes of this definition the appropriate maximum level is 10 MeV in the case of x-rays and 14 MeV in the case of neutrons and 5 MeV otherwise;

“irradiated” means subjected to treatment by ionising radiation;

“jam” includes jelly and marmalade;

“label” means any written or printed material on the wrapper or container of pre-packed food or any tag attached to the container and “labelled” and “labelling” shall be construed accordingly;

“place of origin” means, in the case of manufactured food, the place of manufacture and in any other case the place of production;

“pre-packed”, in relation to food –

- (a) means food that is put into packaging before being offered for sale in such a way that the food, whether wholly or only partly enclosed, cannot be altered without opening or changing the packaging and that is ready for sale to the consumer or to a catering establishment;
- (b) includes food that is wholly enclosed in packaging before being offered for sale, that is intended to be cooked without opening the packaging and that ready for sale to the consumer or to a catering establishment; but
- (c) does not include individually wrapped sweets or chocolates that are not enclosed in any further packaging and are not intended for sale as individual items;

“pre-packed for direct sale” means pre-packed by a retailer, manufacturer or producer of food for sale by that person –

- (a) on the premises where the food is produced;

(b) on other premises from which the person conducts business under the same name as the business conducted on the premises where the food is pre-packed; or

(c) from a vehicle or stall used by the person;

“preparation”, in relation to food, includes manufacture and any form of assembly, processing or treatment;

“sell” includes offer or expose for sale and have in possession for the purposes of sale;

‘ “use by” date’ means the date up to and including which food should be used if properly stored;

“voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any body exercising the functions of the States or any administration of the States or any Parish.

(2) Where any provision of this Order requires the use of a particular word or phrase, that requirement shall be taken to include the use of that word or phrase in any language readily understood by the intended consumer.

## 2 Application

(1) This Order applies to –

(a) food (whether or not it is pre-packed) intended for sale or sold to the consumer at retail points of sale;

(b) pre-packed food supplied or sold in the form in which it will be offered for sale to the consumer; and

(c) pre-packed food supplied to catering establishments for supply or sale to the consumer.

(2) This Order does not apply to food prepared by a volunteer for the benefit of a voluntary organisation.

(3) This Order does not apply to food –

(a) to which the provisions of the EEA Agreement apply and brought into Jersey from the state, being a Contracting Party to that Agreement, in which it was lawfully produced and sold;

(aa) brought into Jersey from the United Kingdom, in which it was lawfully produced and sold;

(b) lawfully produced in any member State and brought into Jersey from a Member State in which it was lawfully sold; or

(c) lawfully produced outside the European Community and the United Kingdom, and brought into Jersey from a member State or from the United Kingdom, in either of which it was in free circulation and lawfully sold,

that complies with the requirements as to food marking and labelling applicable to the United Kingdom or to any member State, and which is marked or labelled in a language that is readily understood by the intended consumer.<sup>1</sup>

(4) Nothing in paragraph (3) prevents the enforcement of Article 28(a), (c) or (d).

(5) In this Article –

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (O.J. No. L1, 3.1.94, p1), as adjusted by the Protocol signed at Brussels on 17th March 1993 (O.J. No. L1, 3.1.94, p571);

“free circulation” has the same meaning as in Article 9.2 of the Treaty establishing the European Community;

“member State” means a member State of the European Community.

### **3 Clarity of labelling**

The particulars with which food is required by this Order to be marked or labelled –

- (a) must be legible, indelible, clearly visible and in a language that is readily understood by the intended consumer; and
- (b) must not be hidden, obscured or interrupted by any other information, pictures or graphics.

## **PART 2**

### **GENERAL LABELLING REQUIREMENTS**

#### **4 General labelling requirement**

Subject to the following provisions of this Part, food must be marked or labelled with –

- (a) the name of the food;
- (b) a list of ingredients;
- (c) the appropriate durability indication;
- (d) any special storage conditions or conditions of use;
- (e) any instructions for use if it would be difficult to make appropriate use of the food in the absence of such instructions;
- (f) the name and address of the manufacturer, supplier or other person who has taken responsibility for the production or packaging of the food or, if no such person is within any part of the British Islands or the European Community, the seller; and
- (g) the place of origin of the food if its omission would mislead as to the food’s true provenance.

#### **5 Name**

For the purposes of this Article the name given to food must be –

- (a) if a particular name is required by law, that name; or
- (b) in any other case a name in common usage or other descriptive term, being a name or term from which the nature of the food can reasonably be understood in terms of its main ingredients and any process to which it has been subjected, and which

makes it distinguishable from other products for which the consumer might otherwise mistake it.

## **6 List of ingredients**

- (1) The ingredients of food must appear under a heading “ingredients” and be listed in descending order of weight determined at the time the food was prepared, with the heaviest first.
- (2) If an ingredient is used in concentrated or dehydrated form and is reconstituted at the time the food was prepared it must appear on the list of ingredients on the basis of its weight before such reconstitution.
- (3) Water and volatile products used as ingredients must appear on the list of ingredients on the basis of their weight in the finished product as presented to the consumer.
- (4) If water amounts to less than 5% of the finished product it need not appear on the list of ingredients.
- (5) If food is presented for purchase in a concentrated or dehydrated form and has to be reconstituted with water or other liquid before use, its ingredients may be listed on the basis of the food in its reconstituted form if the list so indicates.

## **7 Additives**

- (1) An additive used in the manufacture of food must appear on the list of ingredients described by its function (such as a colourant, preservative, sweetener or emulsifier) followed by its name or European Community approval number (E number).
- (2) An additive used in the manufacture of an ingredient of food need not appear on the list of ingredients of that food unless it has a technological function in relation to that food.

## **8 Compound ingredients**

- (1) The list of ingredients may consist of a list of compound ingredients.
- (2) However, if a compound ingredient comprises 25% or more by weight of the total food it must be followed in the list of ingredients by a list of its constituent ingredients in brackets.

## **9 Foods exempted from ingredient listing requirements**

The following foods need not be marked or labelled with a list of ingredients –

- (a) carbonated water, to which no other ingredient has been added and which is marked or labelled as being carbonated;
- (b) vinegar that is derived by fermentation exclusively from a single basic product and to which no other ingredient has been added;
- (c) cheese, butter, fermented milk and fermented cream, to which no other ingredient has been added other than lactic products, enzymes and micro-organic cultures



essential to manufacture, or in the case of cheese other than fresh curd cheese and processed cheese, such amount of salt as is needed for its manufacture;

- (d) food consisting of a single ingredient where the name of the food enables the nature of the ingredient to be clearly identified by the consumer, and which contains no additives; and
- (e) drinks with an alcoholic strength by volume of more than 1.2%.

## **10 Durability**

- (1) Food must be marked or labelled –
  - (a) in the case of food which, from the microbiological point of view, is highly perishable and as a consequence likely after a short period to constitute an immediate danger to health, with a “use by” date; and
  - (b) in every other case, with a “best before” date.
- (2) The appropriate durability indication must be accompanied by the words “use by” or “best before”, as the case may be, which must be in the same field of vision as such indication unless such words are followed by a reference to where on the packaging the appropriate durability indication may be found.

## **11 Form of indication of “use by” date**

The “use by” date must be expressed in terms either of a day followed by a month or of a day, a month and a year (in that order).

## **12 Form of indication of “best before” date**

The “best before” date must be expressed in terms of a day, a month and a year (in that order), except that –

- (a) in the case of food that can reasonably be expected to retain its specific properties for 3 months or less, it may be expressed in terms of a day and month only;
- (b) in the case of food that can reasonably be expected to retain its specific properties for more than 3 months but not more than 18 months it may be expressed in terms of a month and year only, if the words “best before” are replaced by the words “best before end”; and
- (c) in the case of food that can reasonably be expected to retain its specific properties for more than 18 months it may be expressed either in terms of a month and year only, or in terms of a year only, if (in either case) the words “best before” are replaced by the words “best before end”.

## **13 Foods exempted from durability requirements**

The following foods need not be marked or labelled with an appropriate durability indication –

- (a) pre-packed fresh fruit and vegetables (other than sprouting seeds and similar products) unless they have been peeled, cut or similarly treated;
- (b) wines and products similar to wine made from fruit;

- (c) drinks with an alcoholic strength by volume of 10% or more;
- (d) drinks, fruit juices and fruit nectars in individual containers each of more than 5 litres that are intended for supply to catering establishments;
- (e) vinegar;
- (f) cooking salt;
- (g) sugar;
- (h) bread and flour confectionery that, given the nature of its content, is normally consumed within 24 hours of its preparation;
- (i) chewing gum and similar products;
- (j) confectionery products consisting almost solely of flavoured or coloured sugars; and
- (k) individual portions of ice-cream.

#### **14 Instructions for storage or use**

- (1) If it is necessary in order to maintain the safety, quality or integrity of food for the consumer to follow specific storage instructions, the food must be marked or labelled with such instructions.
- (2) If food is intended to be consumed in a condition other than that in which it is sold it must be marked or labelled with sufficient instructions as to its preparation to enable the consumer to consume it as intended.

#### **15 Address of manufacturer, etc.**

The address required by Article 4(f) need not be the full postal address but must be sufficient to identify the place to which it relates.

### **PART 3**

#### **SPECIFIC LABELLING REQUIREMENTS**

#### **16 Irradiated food**

- (1) The name of any food that has been irradiated must include or be accompanied by the word “irradiated” or the words “treated with ionising radiation”.
- (2) If food has not been irradiated but contains an irradiated ingredient the word “irradiated” must appear in brackets next to that ingredient in the list of ingredients.
- (3) If food that has been irradiated or contains an irradiated ingredient is not required to be marked or labelled with a list of ingredients the word or words described in paragraph (1) must appear –
  - (a) on a label attached to the food; or
  - (b) on a menu, notice, ticket or label that is likely to be read by the consumer at the place where the consumer chooses the food.

**17 Alcoholic drinks**

Drinks with an alcoholic strength of 1.2% alcohol by volume or more must be marked or labelled with the alcoholic strength by volume in the form of a figure and the symbol “% vol”.

**18 Food containing artificial sweeteners**

- (1) If food has been sweetened with an artificial sweetener it must be marked or labelled with a statement, contained in the name of the food or in close proximity to it, to the effect that it contains artificial sweeteners.
- (2) If food has been sweetened by a mixture of artificial sweeteners and sugar it must be marked or labelled with a statement, contained in the name of the food or in close proximity to it, to the effect that it contains artificial sweeteners and sugar.

**19 Packaging gases**

If any gas other than air has been added to a food container at the time of packaging in order to extend its durability, the food must be marked or labelled with “packaged in a protective atmosphere”.

**20 Special emphasis**

If a manufacturer or retailer has, in connection with the marketing of a food, drawn particular attention to the presence of an individual ingredient or suggested that an extra amount of an ingredient has been included in the list of ingredients, the proportion of that ingredient, expressed as a percentage of the total food, must be listed in brackets next to the ingredient.

**21 Jam**

- (1) Jam must be marked or labelled with the proportion of fruit used to make the jam expressed as a percentage of the total jam calculated at the time of manufacture.
- (2) The fruit required to be marked or labelled by paragraph (1) is the fruit in the title of the jam or, if more than one fruit has been used to make the jam, the expression “mixed fruit” may be used.

**22 Meat Products**

Meat, or food of which the major ingredient is meat, that contains more than 10% water by weight must be marked or labelled with the words “with not more than x% added water”, there being inserted in place of “x” a figure consisting of the amount by which the maximum added water content of the meat or meat product exceeds 10%.

**23 Pre-packed food**

- (1) Pre-packed food must bear on its label a distinctive mark that will enable the manufacturer or supplier to identify the manufacturing batch or lot from which the food is derived.

- (2) The distinctive mark must have a form that can also be identified by the consumer or an authorized officer in the event of a recall of food by the manufacturer or supplier.

## **24 Prohibition on claims relating to medicinal qualities**

- (1) Food must not be marked or labelled with a claim, whether directly or by inference, that it may prevent, treat or cure any medical condition.
- (2) Paragraph (1) is without prejudice to the right to make claims about the nutritional qualities of any food.

## **PART 4**

### **FOOD EXEMPTED FROM MORE THAN ONE REQUIREMENT**

## **25 Food sold at catering establishments**

- (1) Food sold at a catering establishment that is –
  - (a) not pre-packed; or
  - (b) pre-packed for direct sale,is exempt from the requirements of Articles 4, 18 and 19.
- (2) However, such food must comply with Article 16 as if it were not exempt from the requirements of Article 4(a).

## **26 Food not pre-packed and similar food, and certain confectionery products**

- (1) This Article applies to –
  - (a) food other than food sold at a catering establishment that is –
    - (i) not pre-packed, or
    - (ii) pre-packed for direct sale;
  - (b) flour confectionery packed in a crimp case only or in wholly transparent packaging with no labelling other than a label on which the price or lot mark is indicated; and
  - (c) individually wrapped confectionery products not enclosed in further packaging and intended for sale as single items.
- (2) Food to which this Article applies is exempt from the requirements of Articles 4(b) to (g), 18 and 19.
- (3) Food to which this Article applies that has not been irradiated and is –
  - (a) not exposed for sale;
  - (b) white bread or flour confectionery; or
  - (c) carcasses and parts of carcasses not intended for sale in one piece,is also exempt from the requirements of Article 4(a).

- (4) However, where food to which this Article applies is exposed for sale –
- (a) it must comply with Article 7 as if it were not exempt from the requirements of Article 4(b) save that in the case of edible ice or flour confectionary it shall be sufficient compliance with Article 7 if there is displayed nearby a notice indicating that the food may contain additives; and
  - (b) it must comply with Article 16 as if it were not exempt from the requirements of Article 4(a).

## **27 Small packages**

- (1) Food sold or supplied in catering establishments in packages the largest surface area of which is less than 10 square centimetres in area is exempt from the requirements of Article 4(b) and (d) to (g).
- (2) However, no such exemption applies in respect of the outer container in which such packages are sold or supplied to catering establishments, other traders or the consumer.

## **PART 5**

### **MISCELLANEOUS**

## **28 Offences**

A person who –

- (a) intentionally or recklessly marks or labels any food with information that is incorrect;
- (b) sells for human consumption any food that is not marked or labelled in accordance with this Order;
- (c) sells for human consumption any food later than its “use by” date; or
- (d) makes any alteration to any information required to be marked or labelled on any food without being authorized to do so by the person responsible for marking or labelling such food,

is guilty of an offence and liable to a fine of level 3 on the standard scale.<sup>2</sup>

## **29 Criminal liability**

- (1) A person who aids, abets, counsels or procures the commission of an offence under this Order is also guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.
- (2) Where an offence under this Order committed by a limited liability partnership or body corporate is proved to have been committed with the consent or connivance of, or to be attributable to, any neglect on the part of –
  - (a) a person who is a partner of the partnership or a director, manager, secretary or other similar officer of the body corporate; or
  - (b) any person purporting to act in any such capacity,

that person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for the offence.

- (3) Where the affairs of a body corporate are managed by its members, paragraph (2) shall apply in relation to acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

### **30 Citation**

This Order may be cited as the Food Safety (Labelling) (Jersey) Order 2005.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Food Safety (Labelling) (Jersey) Order 2005	<a href="#">R&amp;O.172/2005</a>	1 January 2006
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 ( <a href="#">R&amp;O.98/2016</a> )
Food Safety (Labelling) (Amendment) (Jersey) Order 2019	<a href="#">R&amp;O.121/2019</a>	11 p.m. on 31 December 2020 ( <a href="#">R&amp;O.189/2020</a> )

### Table of Renumbered Provisions

Original	Current
30	Spent, omitted
31	30

### Table of Endnote References

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- <sup>1</sup> Article 2(3)                      amended by R&O.121/2019  
<sup>2</sup> Article 28                        amended by L.1/2016