
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 289

FOOD

The Products Containing Meat etc. (Scotland) Regulations 2014

Made - - - - *3rd November 2014*
Laid before the Scottish
Parliament - - - - *5th November 2014*
Coming into force - - *13th December 2014*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 6(4), 16(1)(a), (e) and (f), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990⁽¹⁾ and all other powers enabling them to do so.

They have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A)(2) of the Food Safety Act 1990.

There has been consultation as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽³⁾.

Citation, extent and commencement

1. (1) These Regulations may be cited as the Products Containing Meat etc. (Scotland) Regulations 2014 and come into force on 13th December 2014.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations—

“the Act” means the Food Safety Act 1990;

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- (1) 1990 c.16. Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c.40), paragraphs 7, 10(1) and (3) of Schedule 5, and Schedule 6, to the Food Standards Act 1999 (c.28), (“the 1999 Act”) and S.I. 2002/794. Sections 16(1) and 48(1) were amended by paragraphs 7 and 8 of Schedule 5 to the 1999 Act. By virtue of section 40(2) of the 1999 Act, amendments made by Schedule 5 to that Act are to be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) (“the 1998 Act”). The functions of the Secretary of State, so far as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not transferred, and in so far as relating to food (including drink) including the primary production of food, relevant functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849).
- (2) Section 48(4A) was inserted by paragraphs 7 and 21 of Schedule 5 to the Food Standards Act 1999.
- (3) OJ L 31, 1.2.2002, p.1, as last amended by Commission Regulation (EC) No 596/2009 (OJ L 188, 18.7.2009, p.14).

“FIC” means Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004(4);

“ingredient” has the meaning given in Article 2(2)(f) of FIC;

“meat” means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue;

“regulated product” means—

- (a) any food that contains no other ingredient except for meat;
- (b) any food that contains at least one of the following as an ingredient—
 - (i) meat;
 - (ii) mechanically separated meat as defined in point 1.14 of Annex I to Regulation (EC) No 853/2004(5) of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin;
 - (iii) the heart, the tongue, the muscles of the head (other than the masseters), the carpus, the tarsus, or the tail of any mammalian or bird species recognised as fit for human consumption;

“uncooked”, in relation to a food, means a food that has not been subjected to a process of cooking throughout the whole food so that the food is sold on the basis that it will need further cooking before consumption.

Scope

3. (1) Subject to paragraphs (2) and (3), these Regulations apply to food that is ready for delivery to the final consumer or to a mass caterer.

(2) These Regulations do not apply in respect of any food—

- (a) that is not intended for sale for human consumption; or
- (b) to which the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004(6) apply.

(3) These Regulations do not apply to any lawfully marked product that is brought into Scotland from—

- (a) an EEA State (other than the United Kingdom);
- (b) a Member State (other than the United Kingdom);
- (c) another part of the United Kingdom; or
- (d) the Republic of Turkey.

(4) In this regulation—

“EEA State” means a Member State, Norway, Iceland or Lichtenstein;

“final consumer” has the meaning given in point 18 of Article 3 of Regulation (EC) No 178/2002(7) of the European Parliament and of the Council laying down the general principles

(4) OJ L 304, 22.11.2011, p.18.

(5) OJ L 139, 30.4.2004, p.55, as last amended by Council Regulation (EU) No 517/2013 (OJ L 158, 10.6.2013, p.1).

(6) S.S.I. 2004/8, as amended by S.S.I. 2005/479, 2005/616, 2007/424, S.I. 2011/2131.

(7) OJ L 31, 1.2.2002, p.1.

and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety; and

“mass caterer” has the meaning given in Article 2(2)(d) of FIC.

Restrictions on the use of certain names

4. (1) No person may sell or advertise a regulated product using a name that appears in column 1 of the table in the Schedule as the name of the food, whether or not qualified by other words, unless the food complies with the appropriate requirements in columns 2 and 3 of the table in the Schedule.

(2) No person may sell or advertise a food using a name that appears in column 1 of the table in the Schedule, whether or not qualified by other words, in such a way as to suggest, either expressly or by implication, that the product designated by that name is an ingredient of the food, unless that product—

(a) is an ingredient of the food; and

(b) it complied with the appropriate requirements in columns 2 and 3 of the table in the Schedule at the time of preparation of the food.

(3) In this regulation “sell” includes offering or exposing for sale and includes having in possession for sale and “sale” must be construed accordingly.

Parts of the carcass in uncooked regulated products

5. (1) No person may sell an uncooked regulated product if any part of a carcass specified in paragraph (2) from any mammalian species has been used as an ingredient in the preparation of that product.

(2) The specified parts of a carcass are brains, feet, large intestine, lungs, oesophagus, rectum, small intestine, spinal cord, spleen, stomach, testicles and udder.

(3) The prohibition in paragraph (1) does not apply to the use of a mammalian large or small intestine solely as a sausage skin.

(4) In this regulation “sausage” includes chipolata, frankfurter, link, salami and any similar product.

Penalties and enforcement

6. (1) Any person who contravenes or fails to comply with regulations 4 or 5(1) shall be guilty of an offence.

(2) Any person found guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Each food authority⁽⁸⁾ shall enforce and execute these Regulations in its area.

Application and modification of other provisions of the Act

7. The following provisions of the Act apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part of the Act is to be construed as a reference to these Regulations—

(a) section 2 (extended meaning of “sale” etc.);

(b) section 3 (presumptions that food intended for human consumption);

⁽⁸⁾ By virtue of section 5(2) of the Act, a food authority is a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (1994 c.39).

- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence as it applies for the purposes of sections 8, 14 or 15 of the Act);
- (e) section 30(8) (which relates to documentary evidence);
- (f) section 33 (obstruction etc. of officers);
- (g) section 35(1) to (3) (punishment of offences) insofar as it relates to offences under section 33(1) and (2) as applied by sub-paragraph (f) above;
- (h) section 36 (offences by bodies corporate);
- (i) section 36A (offences by Scottish partnerships)(**9**); and
- (j) section 44 (protection of officers acting in good faith).

Revocations

8. The following Regulations are revoked—

- (a) the Meat Products (Scotland) Regulations 2004(**10**);
- (b) the Meat Products (Scotland) Amendment Regulations 2008(**11**); and
- (c) regulation 18(4) of the Food Additives (Scotland) Regulations 2009(**12**).

St. Andrew's House Edinburgh
3rd November 2014

MICHAEL MATHESON
Authorised to sign by the Scottish Ministers

(9) Section 36A was added by the Food Standards Act 1999 c.28 Schedule 5 paragraph 16.
(10) S.S.I. 2004/6, as amended by S.S.I. 2005/616, 2006/530, 2008/97, 2009/436, 2010/177, S.I. 2012/1809 and S.S.I. 2013/177.
(11) S.S.I. 2008/97.
(12) S.S.I. 2009/436, to which there are amendments not relevant to these Regulations.

SCHEDULE

Regulation 4(1) and (2)

Reserved Descriptions

1. In this Schedule—

“cured meat” means a food consisting of meat and curing salt, whether or not the food also contains any other ingredient;

“curing salt” means—

- (a) sodium chloride, if used in sufficient quantity to have a significant preserving effect on the food;
- (b) potassium chloride, if used in sufficient quantity to have a significant preserving effect on the food;
- (c) a combination of any of sodium chloride, potassium chloride, sodium nitrate, potassium nitrate and sodium nitrite as authorised for use in Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives⁽¹³⁾, except for a mixture of sodium chloride and potassium chloride; or
- (d) a mixture of sodium chloride and potassium chloride if used in sufficient quantity to have a significant preserving effect on the food.

<i>Column 1</i>	<i>Column 2</i>			<i>Column 3</i>			
<i>Name of food</i>	<i>Meat or cured meat content requirements</i>			<i>Additional requirements</i>			
	<p><i>The food must contain not less than the indicated percentage of meat, where the meat ingredient consists of the following:</i></p> <table border="1"> <tr> <td><i>Meat or, as the case may be, cured meat from pigs only</i></td> <td><i>Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only</i></td> <td><i>Meat or, as the case may be, cured meat from other species or other mixtures of meat</i></td> </tr> </table>			<i>Meat or, as the case may be, cured meat from pigs only</i>	<i>Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only</i>	<i>Meat or, as the case may be, cured meat from other species or other mixtures of meat</i>	
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1. Burger - whether or not forming part of another word, but excluding any name falling within items 2 or 3 of this Schedule.	67%	55%	62%	<p>1. Where the name “hamburger” is used, the meat used in the preparation of the food must be beef, pork or a mixture of both.</p> <p>2. Where either of the names “burger” or</p>			

(13) OJ No L 354, 31.12.2008, p.16, as amended by Commission Regulation (EU) No 969/2014 (OJ No L 272, 13.9.2014, p.8) and Commission Regulation (EU) No 1093/2014 (OJ No L 299, 17.10.2014, p.22).

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				<p>“economy burger” is qualified by the name of a type of cured meat, the food must contain a percentage of meat of the type from which the named type of cured meat is prepared at least equal to the minimum required meat content for that food.</p> <p>3. Where any of the names “burger”, “economy burger” or “hamburger” is qualified by the name of a type of meat, the food must contain a percentage of that named meat at least equal to the minimum required meat content for that food.</p>

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2. Economy Burger - whether or not “burger” forms part of another word.	50%	41%	47%	4. Where any of the names “burger”, “economy burger” or “hamburger” are used to refer to a compound ingredient consisting of a meat mixture and other ingredients, such as a bread roll, these requirements apply only to the meat mixture, as if the meat mixture were in the regulated product in the labelling or advertising of which the name was used as the name of the food.			
3. Hamburger - whether or not forming part of another word.	67%	Not applicable	62%				
4. Chopped X , there being inserted in place of “X” the name “meat” or “cured meat” or the name of a type of meat or cured meat, whether or not there	75%	62%	70%	No additional requirement.			

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is also included the name of a type of meat.							
5. Corned X , there being inserted in place of “X” the name “meat” or the name of a type of meat, unless qualified by words which include the name of a food other than meat.	120%	120%	120%	<p>1. The food must consist wholly of meat that has been corned.</p> <p>2. Where the name of the food includes the name of a type of meat, the meat used in the preparation of the food must be wholly of the named type.</p> <p>3. The total fat content of the food must not exceed 15%.</p>			
6. Luncheon meat or luncheon X , there being inserted in place of “X” the name of a type of meat or cured meat.	67%	55%	62%	No additional requirement.			
7. Meat pie or meat pudding — The name “ pie ” or “ pudding ” qualified by the				No additional requirement.			

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<p>name of a type of meat or cured meat unless qualified also by the name of a food other than meat or cured meat.</p> <p>Based on the weight of the ingredients when the food is uncooked.</p> <p>But if the food weighs—</p> <p>(a) not more than 200 g and not less than 100 g</p> <p>(b) less than 100 g</p> <p>Game pie</p> <p>Based on the weight of the ingredients when the food is uncooked.</p> <p>But if the food weighs—</p> <p>(a) not more than 200 g and not less than 100 g.</p> <p>(b) less than 100 g.</p>	<p>12.5%</p> <p>11%</p> <p>10%</p> <p>12.5%</p> <p>11%</p> <p>10%</p>	<p>12.5%</p> <p>11%</p> <p>10%</p> <p>12.5%</p> <p>11%</p> <p>10%</p>	<p>12.5%</p> <p>11%</p> <p>10%</p> <p>12.5%</p> <p>11%</p> <p>10%</p>				

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<p>8. Scottish pie or Scotch pie—</p> <p>Based on the weight of the ingredients when the food is uncooked.</p>	10%	10%	10%	No additional requirement.			
<p>9. The name “pie” or “pudding” qualified by the words “meat” or “cured meat” or by the name of a type of meat or cured meat and also qualified by the name of a food other than meat or cured meat—</p> <p>(a) where the former (meat-related) qualification precedes the latter</p> <p>(b) where the latter (non-meat-related) qualification precedes the former</p> <p>Based, in both cases, on the weight of the ingredients</p>	7%	7%	7%	No additional requirement.			
	6%	6%	6%				

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when the food is uncooked.							
<p>10. Pasty, pastie Bridie or sausage roll— Based on the weight of the ingredients when the food is uncooked.</p>	6%	6%	6%	No additional requirement.			
<p>11. Sausage— (excluding the name “sausage” when qualified by the words “liver” or “tongue” or both), link, chipolata or sausage meat. Where the name is qualified by the name “pork” but not by the name of any other type of meat. In all other cases</p>	42% 32%	Not applicable 26%	Not applicable 30%	No additional requirement.			
Notes:							
<p>1. In relation to items 4, 5 and 6, the percentages in column 2 are based on the weight of the raw meat used to make the food as a percentage of the weight of the cooked finished product. In relation to the other items, the percentages are based on the weight of the raw meat used to make the food (‘the meat ingredient’) as a percentage of the total weight of all the ingredients used to make the food (including the meat ingredient) at the time of their use as ingredient.</p>							

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<p>2. The quantity of meat specified in the table must be determined taking into account the provisions relating to total fat and connective tissue content in point 17 of Part B of Annex VII to FIC, including any downward adjustment needed in a case where the total fat and connective tissue content in the regulated product exceeds the values indicated in the table in point 17 of Part B of Annex VII to FIC.</p>								

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Meat Products (Scotland) Regulations 2004 (S.S.I. 2004/6). They apply to Scotland (regulation 1).

The Regulations prohibit the use of specified names in the sale and advertising of regulated products if the products do not satisfy specific compositional requirements (regulation 4 and the Schedule).

The Regulations prohibit, subject to an exception, the sale of uncooked regulated products which include among their ingredients specified parts of the carcass of any mammalian species of animal (regulation 5).

The Regulations impose an obligation on food authorities (as defined for Scotland by section 5(2) of the Food Safety Act 1990 (1990 c.16)) to enforce the Regulations (regulation 6).

The Regulations apply certain provisions of the Food Safety Act 1990 (1990 c.16) with modifications (regulation 7).

As well as revoking the Meat Products (Scotland) Regulations 2004, the Regulations also revoke the Meat Products (Scotland) Amendment Regulations 2008 (S.S.I. 2008/97) and regulation 18(4) of the Food Additives (Scotland) Regulations 2009 (S.S.I. 2009/436) (regulation 8).

These Regulations retain existing national provisions on the reserved descriptions for meat products which are both produced and sold in Scotland and therefore a Business and Regulatory Impact Assessment has not been completed.

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