

No. S**SALE OF FOOD ACT 1973
(CHAPTER 283)****FOOD (AMENDMENT NO. X) REGULATIONS 2022**

In exercise of the powers conferred by section 56(1) of the Sale of Food Act 1973, the Minister for Sustainability and the Environment makes the following Regulations:

Citation and commencement

1.—(1) These Regulations are the Food (Amendment No. X) Regulations 2022 and, except for regulation 7, come into operation on 2022.

(2) Regulation 7 is deemed to have come into operation on 31 December 2021.

Amendment of regulation 2

2. Regulation 2 of the Food Regulations (Rg 1) is amended by inserting, immediately after the definition of “food additive”, the following definition:

““gluten” has the meaning given by regulation 250B(1);”.

Amendment of regulation 5

3. Regulation 5 of the Food Regulations is amended —

(a) by deleting sub-paragraph (b) of paragraph (4) and substituting the following sub-paragraph:

“(b) a list of ingredients containing the appropriate designation of each ingredient (other than any processing aid) in the case of food consisting of 2 or more ingredients and unless the quantity or proportion of each ingredient is specified, the ingredients are to be specified in descending order of the proportions by ingoing weight at the time of manufacture.

For the purpose of this sub-paragraph —

- (i) “appropriate designation” means a name or description (being a specific and not a generic name or description) that indicates the true nature of the ingredient, constituent or product to which it is applied except as provided in the First Schedule;
- (ii) “processing aid” means any substance or material used to perform a technological function in the treatment or processing of any food that may result in the non-intentional but unavoidable presence of residue or derivative of the substance or material in the final product, other than —
 - (A) an apparatus or utensil;
 - (B) an ingredient consumed on its own; and
 - (C) a food or an ingredient mentioned in sub-paragraph (ea);
- (iii) the list of ingredients must be preceded by a heading or title that indicates that the list is of the ingredients;
- (iv) it is not necessary to state that the food contains water where —
 - (A) the water forms part of a brine, syrup, broth or similar ingredient that is used in a food consisting of 2 or more ingredients and the brine, syrup, broth or similar ingredient is declared in the statement of ingredients;
 - (B) the water is evaporated in the course of manufacture;

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- (C) the water makes up less than 5% of the finished product by volume (for liquid food) or by weight (for viscous food); or
 - (D) the water is used to reconstitute a dehydrated ingredient, where the amount of water added in the process of reconstitution is equal to the amount of water removed in the making of the dehydrated ingredient;
- (v) where a food contains an ingredient that is made from 2 or more constituents —
- (A) the appropriate designations of those constituents must be specified; and
 - (B) it is not necessary to specify the appropriate designation of the ingredient; and
- (vi) where —
- (A) any food additive is carried over from an ingredient into a finished food product in an amount sufficient to perform a technological function in that product; or
 - (B) any food or ingredient mentioned in sub-paragraph (ea) is carried over from an ingredient into a finished food product,
- the food additive, food or ingredient (as the case may be) must be specified.”;
- (b) by inserting, immediately after sub-paragraph (d) of paragraph (4), the following sub-paragraph:
- “(da) an identification number or mark (like a lot number, batch number or serial number) that

identifies the producing factory and production lot of the food;”;

- (c) by inserting, immediately after the words “packer or local vendor” in paragraph (4)(e), the words “and the name of the country of origin of the food”;
- (d) by inserting the word “and” at the end of sub-paragraph (ii) of paragraph (4)(e), and by inserting immediately thereafter the following sub-paragraph:
 - “(iii) the name of the country of origin of the food must be accompanied by a statement that the country named is the country of origin of the food or a statement to the like effect;”;
- (e) by inserting, immediately after sub-paragraph (ea) of paragraph (4), the following sub-paragraph:
 - “(eb) the presence of any allergen obtained through the use of biotechnology involving a food or an ingredient mentioned in sub-paragraph (ea);”;
- (f) by deleting the word “and” at the end of sub-paragraph (f) of paragraph (4), and by inserting immediately thereafter the following sub-paragraph:
 - “(fa) directions on the use or handling of the food, if incorrect use or handling of the food would render the food unsafe or unsuitable; and”; and
- (g) by deleting paragraph (6).

Amendment of regulation 6

4. Regulation 6 of the Food Regulations is amended by deleting paragraph (4) and substituting the following paragraph:

“(4) Regulation 5(4)(b), (c), (da), (ea), (eb), (f) and (fa) does not apply in respect of prepacked food —

- (a) contained in packaging where the side of the packaging with the largest surface area is less than 10 square centimetres; and

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- (b) where the particulars required under those provisions are made accessible to a prospective purchaser through —
- (i) a physical document; or
 - (ii) a website or other electronic record.”.

Amendment of regulation 9

5. Regulation 9(2) of the Food Regulations is amended —

- (a) by deleting the word “or” at the end of sub-paragraph (b); and
- (b) by deleting the full-stop at the end of sub-paragraph (c) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraphs:
 - “(d) that other food is unsafe for consumption;
 - (e) that an ingredient permitted by these Regulations in food is unsafe for consumption;
 - (f) the food does not contain a food additive that is not permitted by these Regulations; or
 - (g) the food does not contain any substance that is prohibited in food.”.

New regulation 12A

6. The Food Regulations are amended by inserting, immediately after regulation 12, the following regulation:

“Food advertised or sold online

12A. A person who advertises or sells any prepacked food online (including on any online sales platform or any social media or social networking platform or service) must ensure that the sales listing of the prepacked food contains the particulars mentioned in regulation 5(4), except those particulars in relation to an identification number or mark mentioned in regulation 5(4)(da).”.

Amendment of regulation 14

7. Regulation 14 of the Food Regulations is amended —

- (a) by deleting “Cap. 272A,” in paragraph (2); and
- (b) by deleting the words “Animals and Birds Act (Cap. 7), the Control of Plants Act (Cap. 57A) or the Wholesome Meat and Fish Act (Cap. 349A)” in paragraph (3) and substituting the words “Animals and Birds Act 1965, the Control of Plants Act 1993 or the Wholesome Meat and Fish Act 1999”.

New regulation 250B

8. The Food Regulations are amended by inserting, immediately after regulation 250A, the following regulation:

“Gluten-free and reduced gluten food

250B.—(1) In these Regulations —

“gluten” means a protein fraction from a cereal specified in paragraph (2), to which some persons are hypersensitive, and that is insoluble in water or 0.5M NaCl, that is, 0.5 molar sodium chloride solution;

“gluten-free food” means food —

- (a) that is not or does not contain a cereal specified in paragraph (2) and contains 20 mg/kg or less of gluten by weight of the food as sold to the purchaser; or
- (b) that is or contains a cereal specified in paragraph (2) but has been processed so that it contains 20 mg/kg or less of gluten by weight of the food as sold to the purchaser;

“naturally gluten-free food” means food that is not or does not contain a cereal specified in paragraph (2) and contains 20 mg/kg or less of gluten by weight of the food as sold to the purchaser;

“reduced gluten food” means food that is or contains a cereal specified in paragraph (2) but has been processed so that

it contains more than 20 mg/kg but less than or equal to 100 mg/kg by weight of the food as sold to the purchaser.

(2) For the purpose of paragraph (1), the cereals are —

- (a) barley;
- (b) oat;
- (c) rye;
- (d) wheat — that is, durum wheat, khorasan wheat, spelt or any other *Triticum* species;
- (e) a hybridised strain of a cereal mentioned in sub-paragraph (a), (b), (c) or (d); and
- (f) a product of a cereal mentioned in sub-paragraph (a), (b), (c) or (d).

(3) Gluten-free food or reduced gluten food that is intended to replace any food as a source of any key nutrient (like carbohydrates, protein, fats or essential vitamins and minerals) must contain approximately the same amounts of vitamins and minerals as the replaced food.

(4) Subject to paragraph (5), a package of food must not be labelled with the words “gluten-free”, “naturally gluten-free” or “reduced gluten” unless the package of food contains only gluten-free food, naturally gluten-free food or reduced gluten food, as the case may be.

(5) Where a package of food contains —

- (a) any gluten-free food, naturally gluten-free food or reduced gluten food; and
- (b) any other food,

the package of food must not be labelled with the words “gluten-free”, “naturally gluten-free” or “reduced gluten” unless those words appear immediately before or after the name of the food mentioned in paragraph (a) on the label.

(6) A package of naturally gluten-free food must not be labelled with the words “special dietary”, “special dietetic” or any words of similar meaning.”.

Deletion and substitution of First Schedule

9. The First Schedule to the Food Regulations is deleted and the following Schedule substituted therefor:

“FIRST SCHEDULE

Regulation 5(4)(b)

PERMITTED USE OF GENERAL TERMS IN THE DECLARATION OF INGREDIENTS

The following substances may be designated by generic terms in the list of ingredients:

<i>First column</i>	<i>Second column</i>
<i>Substance</i>	<i>Generic Terms</i>
1. Any type of caseinate	Caseinate
2. Any type of cheese or mixture of cheese when forming an ingredient of another food, where the labelling and presentation of the food does not refer to a specific type of cheese	Cheese
3. Pressed, expeller or refined cocoa butter	Cocoa butter
4. Colouring, when forming an ingredient of some other food	Colouring or colouring matter
5. Any crystallised fruit or mixture of crystallised fruits not exceeding 10% of the weight of the food	Crystallised fruit
6. Anhydrous dextrose and dextrose monohydrate	Dextrose or glucose
7. Any of the following gums:	Edible gum

Acacia, karaya, tragacanth, carob, gellan, ghatti, guar and xanthan gums	
8. Any emulsifier or stabiliser, when forming an ingredient of some other food	Emulsifier/stabiliser or emulsifying/stabilising agent
9. Any refined fat, other than pork fat, lard and beef fat	Fat, qualified by the word “vegetable” or “animal” if appropriate
10. Any species of fish when forming an ingredient of another food, where the labelling and presentation of the food does not refer to a specific species of fish	Fish
11. Flavouring, when forming an ingredient of some other food	Flavour or flavouring, qualified by the words “natural”, “nature identical” or “artificial”, or a combination of any of these words, if appropriate
12. Any herb, part of a herb or mixture of herbs not exceeding 2% by weight either singly or in combination in the food	Herbs or mixed herbs as appropriate
13. Imitation cream when forming an ingredient of some other food	Imitation cream
14. Any milk product containing a minimum of 50% milk protein (mass/mass) in dry matter	Milk protein
15. Any of the following modified starches: Dextrin roasted starch, acid-treated starch, alkaline-treated starch, bleached starch, oxidised starch, enzyme-treated starch, monostarch phosphate, distarch phosphate,	Modified starch

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- phosphated distarch
phosphate, acetylated distarch
phosphate, starch acetate,
acetylated distarch adipate,
hydroxypropyl starch,
hydroxypropyl distarch
phosphate, starch sodium
octenyl succinate and
acetylated oxidised starch
16. Any type of poultry meat when forming an ingredient of another food, where the labelling and presentation of the food does not refer to a specific type of poultry meat Poultry meat
17. Any spice, spice extract or mixture of spices or spice extracts not exceeding 2% by weight either singly or in combination in the food Spice, spices or mixed spices as appropriate
18. Starch, other than any chemically modified starch Starch
19. Any type of sucrose Sugar
20. Any deodorised edible vegetable oil that is fully hydrogenated or not hydrogenated, when forming an ingredient of any food other than edible fats and oils Vegetable oil or vegetable fat, qualified by the words “fully hydrogenated” if appropriate”.

[G.N. Nos. S 515/2006; S 195/2011; S 175/2012; S 444/2012; S 493/2013; S 816/2014; S 49/2016; S 152/2017; S 302/2017; S 146/2018; S 59/2019; S 580/2019; S 237/2020; S 424/2020; S 704/2020; S 813/2020; S 695/2021; S 993/2021]

Made on 2022.