

**2014 No. 3087 (W. 308)**

**FOOD, WALES**

**The Products Containing Meat etc.  
(Wales) Regulations 2014**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations revoke and replace the Meat Products (Wales) Regulations 2004 (S.I. 2004/1396 (W. 141)). They apply in relation to Wales (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 Schedule 1).

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.(1)).

The Regulations impose an obligation on food authorities and port health authorities to enforce the Regulations (regulation 6).

Regulation 7 applies certain provisions of the Food Safety Act 1990 (1990 c. 16) with modifications. This includes the application (with modifications) of section 10(1) and (2), enabling an improvement notice to be served to require compliance with regulations 4.(1) or (2) or 5(1). The provisions, as applied, make the failure to comply with an improvement notice an offence. In addition, the Regulations apply sections 37(1) and (6) and 39 of the Food Safety Act 1990 with modifications, enabling a decision to serve an improvement notice to be appealed (regulation 7).

The Regulations also apply certain other provisions of the Food Safety Act 1990, with modifications (regulation 7 and Schedule 2).

As well as revoking the Meat Products (Wales) Regulations 2004, the Regulations revoke the Meat Products (Wales) (Amendment) Regulations 2008 (S.I. 2008/713 (W. 74)) (regulation 8).

Regulation 9 and Schedule 3 make consequential amendments to the Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Food Standards Agency at Food Standards Agency Wales, 11<sup>th</sup> Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.

**2014 No. 3087 (W. 308)**

**FOOD, WALES**

**The Products Containing Meat etc.  
(Wales) Regulations 2014**

*Made* 18 November 2014

*Laid before the National Assembly for Wales*  
20 November 2014

*Coming into force* 13 December 2014

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The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 4(1), (2), (3), and (8) and 10 of the Healthy Eating in Schools (Wales) Measure 2009(1) and sections 6(4)(2)

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(1) 2009 nawm 3.  
(2) Section 6(4) was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40),

, 16(1)(a) and (e)(1), 26(1)(a) and 48(1)(2) of the Food Safety Act 1990(3) and now vested in the Welsh Ministers(4).

The Welsh Ministers have had regard to relevant advice given by the Food Standards Agency in accordance with section 48(4A)(5) 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(6) during the preparation and evaluation of the following Regulations.

### **Title, application and commencement**

1.—(1) The title of these Regulations is the Products Containing Meat etc. (Wales) Regulations 2014.

(2) These Regulations apply in relation to Wales and come into force on 13 December 2014.

### **Interpretation**

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Food Safety Act 1990;

“FIC” (“*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

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- paragraphs 7, 10(1) and (3) of Schedule 5, and Schedule 6, to the Food Standards Act 1999 (c. 28), and S.I. 2002/794.
- (1) Section 16(1) was amended by paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999.
- (2) Section 48(1) was amended by paragraphs 7 and 8 of Schedule 5 to the Food Standards Act 1999.
- (3) 1990 c. 16.
- (4) Functions of “the Ministers”, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (as read with section 40(3) of the Food Standards Act 1999), and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32).
- (5) Section 48(4A) was inserted by paragraphs 7 and 21 of Schedule 5 to the Food Standards Act 1999.
- (6) OJ No L 31, 1.2.2002, p 1, last amended by Regulation (EU) No 652/2014 of the European Parliament and of the Council (OJ No L 189, 27.6.2014, p. 1).

the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004(1);

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

“meat” (“*cig*”) means the skeletal muscles of mammalian and bird species recognised as fit for human consumption with naturally included or adherent tissue but does not include mechanically separated meat as defined in point 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(2);

“regulated product” (“*cynnyrch rheoleiddiedig*”) means a food that contains one of the following as an ingredient (whether or not the food also contains any other ingredient)—

- (a) meat;
- (b) mechanically separated meat as defined in point 1.14 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council;
- (c) 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;

“sell” (“*gwerthu*”) includes offer or expose for sale and includes have in possession for sale;

“uncooked” (“*heb ei goginio*”), 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

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(1) OJ No L 304, 22.11.2011, p. 18, last amended by Commission Delegated Regulation (EU) No 78/2014 (OJ No L 27, 30.1.2014, p. 7).

(2) OJ No L 139, 30.4.2004, p. 55, last amended by Commission Regulation (EU) No 633/2014 (OJ No L 175, 14.6.2014, p. 6).

(b) to which the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004<sup>(1)</sup> apply.

(3) These Regulations do not apply to any product that is brought into Wales from another part of the United Kingdom, an EEA State (other than the United Kingdom), a member State (other than the United Kingdom) or from the Republic of Turkey in which it was lawfully marketed.

(4) In this regulation—

“final consumer” (“*defnyddiwr terfynol*”) has the meaning given in point 18 of Article 3 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; and

“mass caterer” (“*arlwywr mawr*”) 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 Schedule 1 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 that table.

(2) No person may sell or advertise a food using a name that appears in column 1 of the table in Schedule 1, 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 is an ingredient of the food and that product complied with the appropriate requirements in columns 2 and 3 of the table in Schedule 1 at the time it was used as an ingredient in the preparation of food.

#### **Parts of the carcass in uncooked regulated products**

5.—(1) Subject to paragraph (3), no person may sell an uncooked regulated product if any part of a carcass specified in paragraph (2) 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 of any mammalian species.

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(1) S.I. 2004/314 (W. 32), amended by S.I. 2005/3254 (W. 247), 3111 (W. 231), 2007/2753 (W. 232), 2011/2131.

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

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

## **Enforcement**

6. It is the duty of a food authority within its area and a port health authority within its district to enforce these Regulations.

## **Application of provisions of the Act**

7.—(1) Subsections (1) and (2) of section 10 of the Act (improvement notices) apply for the purposes of these Regulations with the following modification.

(2) For subsection (1), substitute—

□(1) If an authorised officer of an enforcement authority has reasonable grounds for believing that a person is failing to comply with regulations 4.(1) or (2) or 5.(1) of the Products Containing Meat etc. (Wales) Regulations 2014, the authorised officer may, by a notice served on that person (in this Act referred to as an “improvement notice”)—

- (a) state the officer’s grounds for believing that the person is failing to comply with the relevant provision;
- (b) specify the matters which constitute the person’s failure so to comply;
- (c) specify the measures which, in the officer’s opinion, the person must take in order to secure compliance; and
- (d) require the person to take those measures, or measures that are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.”

(3) Subsections (1) and (6) of section 37 of the Act (appeals) apply for the purposes of these Regulations with the following modifications—

(a) for subsection (1), substitute—

□(1) Any person who is aggrieved by a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation (1) of the Products Containing Meat etc. (Wales) Regulations 2014, may appeal to the magistrates’ court.□; and

(b) in subsection (6)—

- (i) for “(3) or (4)”, substitute “(1)”; and

(ii) in paragraph (a), omit “or to the sheriff”.

(4) Section 39 of the Act (appeals against improvement notices) applies for the purposes of these Regulations with the following modifications—

(a) for subsection (1), substitute—

□(1) On an appeal against a decision of an authorised officer of an enforcement authority to serve an improvement notice under section 10(1), as applied and modified by regulation (1) of the Products Containing Meat etc. (Wales) Regulations 2014, the magistrates’ court may either cancel or affirm the notice, and, if it affirms it, may do so either in its original form or with such modifications as the court may in the circumstances think fit.□; and

(b) in subsection (3), omit “for want of prosecution”.

(5) The provisions of the Act specified in column 1 of the table in Schedule 2 apply for the purposes of these Regulations with the modifications specified in column 2 of that table.

### **Revocations**

**8.**—(1) The following Regulations are revoked—

- (a) the Meat Products (Wales) Regulations 2004<sup>(1)</sup>; and
- (b) the Meat Products (Wales) (Amendment) Regulations 2008<sup>(2)</sup>.

(2) The entry relating to the Meat Products (Wales) Regulations 2004 in the table in Part 4 of the Schedule to the Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012<sup>(3)</sup> is revoked.

### **Consequential amendments**

**9.** Schedule 3 has effect.

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(1) S.I. 2004/1396 (W. 141), as amended by S.I. 2008/713 (W. 74), 2012/1809.

(2) S.I. 2008/713 (W. 74).

(3) S.I. 2012/1809, to which there are amendments not relevant to these Regulations.



*Mark Drakeford*  
Minister for Health and Social Services, one of the  
Welsh Ministers  
18 November 2014

Reserved descriptions

In this Schedule—

“cured meat” (“*cig wedi ei halltu*”) means a food consisting of meat and curing salt, whether or not the food also contains any other ingredient;

“curing salt” (“*halen halltu*”) means—

- (a) sodium chloride, if used in sufficient quantity to have a significant preserving effect on the product;
- (b) potassium chloride, if used in sufficient quantity to have a significant preserving effect on the product;
- (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<sup>(1)</sup>, except a combination of sodium chloride and potassium chloride; or
- (d) a combination of sodium chloride and potassium chloride, if used in sufficient quantity to have a significant preserving effect on the food.

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<sup>(1)</sup> OJ No L 354, 31.12.2008, p. 16, last amended by Commission Regulation (EU) No 1084/2014 (OJ No L 298, 16.10.2014, p. 8).

<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>
	The food must contain not less than the indicated percentage of meat, where the meat ingredient consists of the following:			
	Meat or, as the case may be, cured meat from pigs only	Meat or, as the case may be, cured meat from birds only, rabbits only, or a combination of birds and rabbits only	Meat or, as the case may be, cured meat from other species or other mixtures of meat	
1. <b>Burger</b> - whether or not forming part of another word, but excluding any name falling within items 2 or 3 of this table.	67%	55%	62%	<p>1. Where the name “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>2. Where the name “burger” 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> <p>3. Where the name “burger” is 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 the regulated product in the labelling or advertising of which the name was used as the name of the food.</p> <p>1. Where the name “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</p>

<i>Column 1</i>	<i>Column 2</i>			<i>Column 3</i>
2. <b>Economy Burger</b> - whether or not “burger” forms part of another word.	50%	41%	47%	<p>required meat content for that food.</p> <p>2. Where the name “economy burger” 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> <p>3. Where the name “economy burger” is 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 the regulated product in the labelling or advertising of which the name was used as the name of the food.</p>
3. <b>Hamburger</b> - whether or not forming part of another word.	67%	Not applicable	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 the name “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> <p>3. Where the name “hamburger” is 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 the regulated products in the labelling or advertising of which the name was used as the name of the food.</p>
4. <b>Chopped X</b> , there being inserted in place	75%	62%	70%	No additional requirement.

<i>Column 1</i>	<i>Column 2</i>			<i>Column 3</i>
of “X” the name “meat” or “cured meat” or the name of a type of meat or cured meat, whether or not there is also included the name of a type of meat.				
5. <b>Corned X</b> , 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%	1. The food must consist wholly of meat that has been corned. 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. 3. The total fat content of the food must not exceed 15%.
6. <b>Luncheon meat or luncheon X</b> , there being inserted in place of “X” the name of a type of meat or cured meat.	67%	55%	62%	No additional requirement.
7. <b>Meat pie or meat pudding</b> The name “ <b>pie</b> ” or “ <b>pudding</b> ” qualified by the name of a type of meat or cured meat unless qualified also by the name of a food other than meat or cured meat— (a) based on the weight of the ingredients when the food is uncooked, (b) but if the food weighs—  (i) not more than 200g and not less than 100g; or	12.5%	12.5%	12.5%	No additional requirement.
	11%	11%	11%	

<i>Column 1</i>	<i>Column 2</i>			<i>Column 3</i>
(ii) less than 100g.	10%	10%	10%	
<b>Game pie—</b> (a) based on the weight of the ingredients when the food is uncooked, (b) but if the food weighs—	12.5%	12.5%	12.5%	
(i) not more than 200g and not less than 100g; or	11%	11%	11%	
(ii) less than 100g.	10%	10%	10%	
<b>8. Scottish pie or Scotch pie</b> Based on the weight of the ingredients when the food is uncooked.	10%	10%	10%	No additional requirement.
<b>9. The name “pie” or “pudding”</b> 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— (a) where the former (meat-related) qualification precedes the latter (b) where the latter (non-meat-related) qualification precedes the former. Based, in both cases, on the weight of the	7%	7%	7%	No additional requirement.
	6%	6%	6%	



SCHEDULE 2 Regulation 7

Application and modification of other provisions of the Act

<i>Column 1</i>	<i>Column 2</i>
<i>Provision of the Act</i>	<i>Modifications</i>
Section 2(1) (extended meaning of “sale” etc.)	For “this Act” (in both places occurring) substitute “the Products Containing Meat etc. (Wales) Regulations 2014”.
Section 3 (presumptions that food intended for human consumption)	In subsection (1), for “this Act” substitute “the Products Containing Meat etc. (Wales) Regulations 2014”.
Section 20 (offences due to fault of another person)	For “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 7.(1) of the Products Containing Meat etc. (Wales) Regulations 2014.”.
Section 21(1) and (5) (defence of due diligence)	In subsection (1), for “any of the preceding provisions of this Part” substitute “section 10(2), as applied by regulation 7.(1) of the Products Containing Meat etc. (Wales) Regulations 2014.”.
Section 30(8) (which relates to evidence of certificates given by a food analyst or examiner)	For “this Act” substitute “the Products Containing Meat etc. (Wales) Regulations 2014”.
Section 33 (obstruction etc. of officers)	In subsection (1), for “this Act” (in each place occurring) substitute “the Products Containing Meat etc. (Wales) Regulations 2014”.
Section 35(1)(2) and (2) (punishment of offences)	In subsection (1), after “section 33(1) above”, insert “, as applied and modified by regulation 7.(5) of, and Schedule 2 to, the Products Containing Meat etc. (Wales) Regulations 2014.”. After subsection (1), insert the following subsection—

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- (1) Section 2 was amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999.
- (2) Section 35(1) is amended by paragraph 42 of Schedule 26 to the Criminal Justice Act 2003 (c. 44) from a date to be appointed.



“(1A) A person guilty of an offence under section 10(2), as applied by regulation 7.(1) of the Products Containing Meat etc. (Wales) Regulations 2014, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”.

In subsection (2)—

(a) for “any other offence under this Act”, substitute “an offence under section 33(2), as applied by regulation 7.(5) of, and Schedule 2 to, the Products Containing Meat etc. (Wales) Regulations 2014,”; and,

(b) in paragraph (b), for “the relevant amount” substitute “the statutory maximum”.

Section 36 (offences by bodies corporate)

In subsection (1), for “this Act” substitute “section 10(2), as applied by regulation 7.(1) of the Products Containing Meat etc. (Wales) Regulations 2014,”.

Section 36A(1) (offences by Scottish partnerships)

For “this Act” substitute “section 10(2), as applied by regulation 7.(1) of the Products Containing Meat etc. (Wales) Regulations 2014,”.

Section 44 (protection of officers acting in good faith)

For “this Act” (in each place occurring) substitute “the Products Containing Meat etc. (Wales) Regulations 2014”.

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(1) Section 36A was inserted by paragraph 16 of Schedule 5 to the Food Standards Act 1999.

Consequential amendments

**Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013**

1. The Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013<sup>(1)</sup> are amended as follows.

2. In regulation 2(1) (interpretation)—

- (a) omit the definition of “meat product” (“*cynnyrch cig*”);
- (b) for the definition of the “Meat Products Regulations” (“*Rheoliadau Cynhyrchion Cig*”) substitute—  
““Meat Products Regulations” (“*Rheoliadau Cynhyrchion Cig*”) means the Products Containing Meat etc. (Wales) Regulations 2014;”;
- (c) after the definition of “primary school” (“*ysgol gynradd*”), insert—  
““product containing meat” (“*cynnyrch sy’n cynnwys cig*”) has the same meaning as “regulated product” (“*cynnyrch rheoleiddiedig*”) in regulation 2 of the Products Containing Meat etc. (Wales) Regulations 2014;”.

3. In Schedule 3, in paragraph 8—

- (a) in sub-paragraph (1) for “meat products” substitute, “products containing meat”;
- (b) in sub-paragraph (2) for “meat product” substitute, “product containing meat”;
- (c) in sub-paragraph (3) for “meat product” substitute, “product containing meat”;
- (d) in sub-paragraph (4)—
  - (i) for “meat products” substitute, “products containing meat”; and
  - (ii) for “Schedule 2” substitute, “Schedule 1”.
- (e) in sub-paragraph (5)—
  - (i) for “meat product” substitute, “product containing meat”;
  - (ii) for “regulation 6(2)” substitute, “regulation 5(2)”; and

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(1) Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013 (S.I. 2013/1984 (W. 194)).

- (iii) for “regulation 6(3)” substitute, “regulation 5(3)”.
- (f) in sub-paragraph (6) for “Schedule 2” substitute, “Schedule 1”; and
- (g) in sub-paragraph (7) for “Schedule 2” substitute, “Schedule 1”.