

POWERS TO REGULATE BABY FOOD

Reference

Copy please to the COTC (LFS)

DEFINITION OF BABY FOOD

+ 1 page (LFS 312 (LFS) BIA)

1. There is no definition of baby food (nor of baby) for legislation purposes. As a general rule a baby would be considered as such up to six months and an infant up to a year 18 months but neither in UK food law nor, as yet, in Community food law is there a specific definition of baby food. We would therefore need to define what we meant.

2. Regulation of baby food ^{may be} ~~is~~ "occupied territory" in that common position has been reached in the Council on the food for special nutritional uses directive (the PARNUTS Directive). Under this special provisions will be made for infants to follow up formula and baby food. Any general labelling specification would therefore come under Community not national legislation.

DEFINITION OF OFFAL

3. I understand from Mr Garnett that Professor Southwood prepared to exclude kidney and liver from the definition of offal on the grounds that these are classified as "meat" in the meat and meat products regulation. Although thymus is also classified as meat, he is specifically singling it out as being inappropriate to be so called. If Professor Southwood can hold to this line then the problem would be greatly eased as it would be unusual to include in baby food those other parts of the carcass which might be classified as "non-meat".

4. I have consulted Mr Atwood who has given me his preliminary view that if we needed to take action on health grounds to prohibit or regulate the addition of any specified substance any substance of any specified class to food intended for sale for human consumption or any class of such food then we can do so under the Food Act, Article 4 1A backed up by Article 4 1C which would prohibit the sale etc of such a product. These powers operate at the point of sale and would therefore cover imported products although this could be challenged if there was not a health risk in the imported product.

5. In relation to EC legislation, where the Community has already made a regulation we would need to consult the Commission for a special exemption. In this case since the regulation is not yet in force we could operate under the "emergency" procedure which, as I understand it, ~~we~~ means that we could take action immediately and not allow a waiting period of up to 12 months. We would however have to consult with the food manufacturer under the Food Act but this process could be greatly shortened if there is a health problem that requires emergency action.

6. I hope this is helpful.

Elizabeth A Attridge

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cc:(see over)

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