

Statutory Document No. 2005/0706

*Food Act 1996*

## HONEY REGULATIONS 2005<sup>1</sup>

*Approved by Tynwald:* 20 October 2005  
*Coming into Operation:* 1 January 2006

In exercise of the powers conferred on the Department of Local Government and the Environment by sections 17(1)(e), 21 and 41 of the Food Act 1996<sup>1</sup> and of all other enabling powers, and after consulting such organisations as appear to it to be representative of interests likely to be substantially affected thereby, the following Regulations are hereby made:

### 1 Citation and commencement

These Regulations may be cited as the Honey Regulations 2005 and, subject to section 41(7) of the Act, shall come into operation on 1<sup>st</sup> January 2006.

### 2 Interpretation

(1) In these Regulations —

“**the Act**” means the Food Act 1996;

“**brood**” means any immature stage of the honeybee including the egg, larva and pupa and any honeybee which has not emerged from its cell in a honeycomb;

“**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 final consumer and is ready for consumption without further preparation;<sup>2</sup>

“**Department**” means the Department of the Environment, Food and Agriculture;<sup>3</sup>

“**Directive 2001/110**” means Council Directive 2001/110/EC relating to honey as amended from time to time<sup>2;4</sup>

<sup>1</sup> 1996 c.8.

<sup>2</sup> OJ No. L10, 12.1.2002, p.47, as adopted by EEA Joint Committee Decision 99/2002.

- “**final consumer**” 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<sup>3</sup>, as amended from time to time;<sup>5</sup>
- “**EEA Agreement**” means the Agreement on the European Economic Area<sup>4</sup> signed at Oporto on 2<sup>nd</sup> May 1992 as adjusted by the Protocol<sup>5</sup> signed at Brussels on 17<sup>th</sup> March 1993;
- “**EEA State**” means a State which is a Contracting Party to the EEA Agreement;
- “**honey**” means the natural sweet substance produced by *Apis mellifera* bees from the nectar of plants or from secretions of living parts of plants or excretions of plant-sucking insects on the living parts of plants which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store and leave in honeycombs to ripen and mature;
- “**ingredient**” has the meaning given in Article 2(2)(f) of Regulation (EU) No 1169/2011, as read with Article 2(5) of Directive 2001/110;<sup>6</sup>
- “**label**” has the meaning given in Article 2(2)(i) of Regulation (EU) No 1169/2011;<sup>7</sup>
- “**labelling**” has the meaning assigned to it by Article 2.2(j) of Regulation (EU) No 1169/2011;<sup>8</sup>
- “**preparation**” ” includes manufacture and any form of processing or treatment;<sup>9</sup>
- “**Regulation (EU) No 1169/2011**” 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, as amended from time to time;<sup>10</sup>
- “**the 2004 Regulations**” [Revoked]<sup>11</sup>
- “**reserved description**”, as regards any specified honey product means any description specified in relation to that product in column 1 of Schedule 1 (as read with the Notes relating to that Schedule);
- “**sell**” includes offer or expose for sale and includes have in possession for sale, and “sale” shall be construed accordingly;

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<sup>3</sup> OJ L 031, 1.2.2002, p. 1.

<sup>4</sup> OJ No. L1, 3.1.94, p.1.

<sup>5</sup> OJ No. L1, 3.1.94, p.571

“**specific quality criteria**” has the same meaning as in the third indented paragraph of paragraph (b) of the second subparagraph of point 2 of Article 2 of Directive 2001/110;<sup>12</sup>

“**specified honey product**”, subject to paragraph (2) means any food specified in column 2 of Schedule 1;

“**ultimate consumer**” [Revoked]<sup>13</sup>

(2) Notwithstanding the fact that a food is specified in Column 2 of Schedule 1, it will only be treated as a specified honey product for the purpose of these Regulations —

- (i) if it meets the relevant specifications contained in Schedule 2 as read with the notes relating to that Schedule, and
- (ii) there has not been added to it any other ingredient and it is as far as possible free from organic or inorganic matters foreign to its composition.

### 3 Reserved descriptions

No person shall sell to the final consumer or to a catering establishment any food with a label, whether or not attached to or printed on the wrapper or container, which bears, comprises or includes any reserved description or any derivative thereof or any word or description substantially similar thereto unless —

- (a) such food is the specified honey product to which the reserved description relates;
- (b) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food;
- (c) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not and does not contain a specified honey product.<sup>14</sup>

### 4 Labelling and description of specified honey products

(1) Without prejudice to the generality of Regulation (EU) No 1169/2011, no person shall sell to the final consumer or to a catering establishment any specified honey product unless it is marked or labelled with the following particulars —

- (a) a reserved description of the product;
- (b) in the case of baker’s honey the words “intended for cooking only” which words shall appear on the label in close proximity to the product name;
- (c) the country or countries of origin where the honey has been harvested save that if the honey originates in more than one

country, the countries of origin may be replaced with the indication 'blend of honeys from more than one country' or similar wording;<sup>15</sup>

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- (2) No person shall sell to the final consumer or to a catering establishment any filtered honey or baker's honey which is marked or labelled with information relating to floral or vegetable origin, regional, territorial or topographical origin or specific quality criteria.<sup>17</sup>
- (3) Where pursuant to note 2 of Schedule 1, the reserved description "honey" has been used in the product name of a compound foodstuff containing baker's honey, no person shall sell such a compound foodstuff unless the list of ingredients includes the term "baker's honey".

## **5 Sale of filtered honey or baker's honey in bulk containers or packs**

- (1) No person shall sell any filtered honey or baker's honey in bulk containers or packs unless such bulk containers and packs are labelled with their respective reserved description of the product and any trade documents clearly indicate the reserved description of the product.
- (2) For the purpose of this paragraph trade documents includes all the documents relating to the sale, transportation, storage or delivery of the product.

## **6 [Revoked]<sup>18</sup>**

## **7 Offences and penalties**

Any person who contravenes or fails to comply with regulation 3, 4 or 5 of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000 or custody for a term not exceeding 6 months or to both.

## **8 Enforcement**

These Regulations shall be executed and enforced by the Department.

## **8A Methods of analysis**

In carrying out its obligations under regulation 8, the Department must, whenever possible, use a method of analysis approved by the Codex Alimentarius, or another internationally recognised validated method of analysis, to verify compliance with the provisions of these Regulations.<sup>19</sup>

## **9 Defence in relation to exports**

In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove —

- (a) that the food in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that the food complies with that legislation; and
- (b) in the case of export to an EEA State, that the legislation complies with the provisions of Directive 2001/110/EC.

## 10 Application of various provisions in the Act

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

- (a) section 2 (extended meaning of sale etc.);
- (b) section 3 (presumption that food is intended for human consumption);
- (ba) section 8 (improvement notices);<sup>20</sup>
- (c) section 24(7) (which relates to documentary evidence);
- (d) section 27(1) (obstruction etc of officers);
- (e) section 27(2), with the modification that the reference to “any such requirement as is mentioned in subsection (1)(b) above” shall be deemed to be a reference to any such requirement as is mentioned in section 27(1)(b) as applied by sub-paragraph (d) above;
- (f) section 29(1) (punishment of offences), insofar as it relates to offences under section 27(1) as applied by sub-paragraph (d) above;
- (g) section 29(2) and (3) insofar as it relates to offences under section 27(2) as applied by sub-paragraph (e) above;
- (h) section 30 (offences by bodies corporate);
- (i) section 31 (offences due to fault of another person);
- (j) section 32 (defence of due diligence), as it applies for the purposes of section 6, 15, or 16 of the Act; and
- (k) section 33 (defence of publication in the course of a business).

## 11 Transitional provisions

In any proceedings for an offence under these Regulations it shall be a defence for the person charged to provide that the food concerned was marked or labelled before 1<sup>st</sup> July 2006.

## 12 Transitional provisions: withdrawal from the EU

- (1) An authorised officer of the Department must not serve on a person an improvement notice relating to a contravention of regulation 4(1) if —

- (a) the improvement notice would relate to a product that was placed on the market before IP completion day; and
  - (b) the matter would not have constituted a contravention of regulation 4(1) as that provision had effect immediately before IP completion day.
- (2) An authorised officer of the Department must not serve on a person an improvement notice relating to a contravention of regulation 4(1) if –
- (a) the improvement notice would relate to a product that was placed on the market before 1 January 2024;
  - (b) the product bears one of the indications provided for in regulation 4(1) as that provision had effect immediately before IP completion day;
  - (c) had the product been placed on the market immediately before IP completion day, the use of the indication would not have constituted a contravention of regulation 4(1) as that provision had effect immediately before IP completion day; and
  - (d) the indication is accurate in identifying the “EU”, “non-EU” or “EU and non-EU” origins, as the case may be, of the honeys in the product.
- (3) In this regulation, “improvement notice” means an improvement notice pursuant to regulation 10(ba).<sup>21</sup>

**MADE**

**19 SEPTEMBER 2005**





## SCHEDULE 1

## Regulation 2(1)

## SPECIFIED HONEY PRODUCTS AND THEIR RESERVED DESCRIPTIONS

	Column 1	Column 2
	<i>Reserved descriptions</i>	<i>Specified honey product</i>
1a. 1b.	blossom honey or nectar honey	honey obtained from the nectar of plants
2.	honeydew honey	honey obtained mainly from excretions of plant sucking insects ( <i>Hemiptera</i> ) on the living part of plants or secretions of living parts of plants
3.	comb honey	honey stored by bees in the cells of freshly built broodless combs or thin comb foundation sheets made solely of beeswax and sold in sealed whole combs or sections of such combs
4a. 4b.	chunk honey or cub comb in honey	honey which contains one or more pieces of comb honey
5.	drained honey	honey obtained by draining de-capped broodless combs
6.	extracted honey	honey obtained by centrifuging de-capped broodless combs
7.	pressed honey	honey obtained by pressing broodless combs with or without the application of moderate heat not exceeding 45°C
8.	filtered honey	honey obtained by removing foreign inorganic or organic matters in such a way as to result in the significant removal of pollen
9.	baker's honey	honey which is — (a) suitable for industrial uses or as an ingredient in other foodstuffs which are then processed; and (b) may — (i) have a foreign taste or odour; (ii) have begun to ferment; (iii) have an artificially changed acidity; (iv) have been heated in such a way that the natural enzymes have been either destroyed or significantly inactivated <sup>22</sup>

Note 1: The description “honey” may be used for specified honey products specified in column 2 of items 1a, 1b, 2, 5, 6 and 7 of Schedule 1.

Note 2: Where the specified honey product specified in column 2 of item 9 is used as an ingredient in a compound foodstuff, the reserved description “honey” may be used in the product name of that compound foodstuff.

Note 3: Except in the case of products specified in column 2 of items 8 and 9 a specified honey product may additionally be described by —

- (i) its floral or vegetable origin, if the product comes wholly or mainly from the indicated source and possesses the organoleptic, physico-chemical and microscopic characteristics of the source;
- (ii) its regional, territorial or topographical origin, if the product comes entirely from the indicated source; and
- (iii) its specific quality criteria.

## SCHEDULE 2

## Regulation 2(2)

## SPECIFICATIONS FOR SPECIFIED HONEY PRODUCTS

1.	<b>Sugar content</b>	
1.1	Fructose and glucose content (sum of both) - blossom honey - honeydew honey, blends of honeydew honey with blossom honey	- not less than 60g/100g - not less than 45g/100g
1.2	Sucrose content - in general - false acacia ( <i>Robina pseudoacacia</i> ), alfalfa ( <i>Medicago sativa</i> ), Menzies Banksia ( <i>Banksia menziesii</i> ), French honeysuckle ( <i>Hedysarum</i> ), red gum ( <i>Eucalyptus camaldulensis</i> ), leatherwood ( <i>Eucryphia lucida</i> , <i>Eucryphia milliganii</i> ), <i>Citrus</i> spp. - lavender ( <i>Lavandula</i> spp.), borage ( <i>Borago officinalis</i> )	not more than 5g/100g not more than 10g/100g  not more than 15g/100g
2.	Moisture content - in general - heather ( <i>Calluna</i> ) and baker's honey in general - baker's honey from heather ( <i>Calluna</i> )	not more than 20% not more than 23% not more than 25%
3.	Water-insoluble content - in general - pressed honey	not more than 0.1g/100g not more than 0.5g/100g
4.	Electrical conductivity - honey not listed below and blends of these honeys - honeydew and chestnut honey and blends of these except with those listed below - exceptions: strawberry tree ( <i>Arbutus unedo</i> ), bell heather ( <i>Erica</i> ), eucalypts, lime ( <i>Tilia</i> spp.), ling heather ( <i>Calluna vulgaris</i> ), manuka or jelly bush ( <i>Leptospermum</i> ), tea tree ( <i>Melaleuca</i> spp.)	not more than 0.8 mS/cm  not less than 0.8 mS/cm

5.	Free acid - in general  - baker's honey	not more than 50 milli-equivalents acid per 1,000 grammes not more than 80 milli-equivalents per 1,000 grammes
6.	Diastase activity and hydroxymethylfurfural (HMF) content determined after processing and blending  (a) Diastase activity (Schade scale) - in general, except baker's honey - honeys with low natural enzyme content (e.g. citrus honeys) and an HMF content of not more than 15 mg/kg  (b) HMF - in general, except baker's honey  - honeys of declared origin from regions with tropical climate and blends of these honeys	not less than 8  not less than 3  not more than 40 mg/kg (subject to the provisions of (a), second indent) not more than 80 mg/kg

Note 1: When placed on the market as honey or used in any product intended for human consumption, honey must not:

- (a) except in the case of baker's honey, have any foreign tastes or odours, have begun to ferment or have fermented, or have been heated in such a way that the natural enzymes have been either destroyed or significantly inactivated;
- (b) have an artificially changed acidity.

Note 2: No pollen or constituent particular to honey may be removed except where this is unavoidable in the removal of foreign inorganic or organic matter.

## ENDNOTES

### Table of Endnote References

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- <sup>1</sup> The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.
- <sup>2</sup> Definition of “catering establishment” amended by SD2019/0363.
- <sup>3</sup> Definition of “Department” amended by SD2019/0363.
- <sup>4</sup> Definition of “Directive 2001/110” amended by SD2019/0363.
- <sup>5</sup> Definition of “final consumer” inserted by SD2019/0363.
- <sup>6</sup> Definition of “ingredient” substituted by SD2019/0363.
- <sup>7</sup> Definition of “label” inserted by SD2019/0363.
- <sup>8</sup> Definition of “labelling” amended by SD2014/0377.
- <sup>9</sup> Definition of “preparation” substituted by SD2014/0377.
- <sup>10</sup> Definition of “Regulation (EU) No 1169/2011” inserted by SD2014/0377 and amended by SD2019/0363.
- <sup>11</sup> Definition of “the 2004 Regulations” revoked by SD2014/0377.
- <sup>12</sup> Definition of “specific quality criteria” inserted by SD2019/0363.
- <sup>13</sup> Definition of “ultimate consumer” revoked by SD2019/0363.
- <sup>14</sup> Reg 3 amended by SD2023/0284.
- <sup>15</sup> Subpara (c) amended by SD2019/0374 with effect from 31/12/2020 at23:00 and by SD2023/0284.
- <sup>16</sup> Para (1) amended by SD2014/0377 and by SD2023/0284.
- <sup>17</sup> Para (2) amended by SD2023/0284.
- <sup>18</sup> Reg 6 revoked by SD2023/0284.
- <sup>19</sup> Reg 8A inserted by SD2019/0374 with effect from 31/12/2020 at23:00.
- <sup>20</sup> Subpara (ba) inserted by SD2023/0284.
- <sup>21</sup> Reg 12 inserted by SD2023/0284.
- <sup>22</sup> Entry substituted by SD2019/0363.