



**THE CONDENSED MILK AND DRIED  
MILK  
REGULATIONS 2003 (as amended)  
Version 2**

## **Important Note**

*These notes have been produced with the aim of providing informal, non-statutory guidance on the production and labelling requirements, for condensed and dried milk and should be read in conjunction with the relevant legislation and other Guidance Notes where appropriate (see "Scope of Legislation" section). The text should not be taken as an authoritative statement or interpretation of the law, as only the Courts have this power. This Guidance is to facilitate uniform application and enforcement of legislation relating to condensed and dried milk with specific reference to those provisions which ensure that consumers are presented with meaningful and accurately labelled products which meet the production requirements. However, it is the responsibility of individual businesses to ensure their compliance with the law. The reader with specific queries is advised to seek further advice from their local enforcement agency, which in most cases will usually be their Local Authority Trading Standards Department or home Food Authority as appropriate.(In Northern Ireland, the Environmental Health Department of the District Council).*

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## **Interpretation of the Legislation**

1. Following the process of devolution, food legislation is now commonly made on a separate basis in England, Scotland, Wales and Northern Ireland. This is the case with the four separate sets of Condensed and Dried Milk Regulations. Therefore the England Regulations only apply in England, the Scotland Regulations only apply in Scotland, and so on.
2. However, the four sets of Regulations differ only in the powers under which they are made, and the food authorities given responsibility for enforcement. The provisions relating to the specified condensed and dried milk products are identical in each of the four sets of Regulations. This guidance note has been prepared in consultation with the responsible Authorities in England, Scotland, Wales and Northern Ireland.

## **Version 2**

3. Council Directive 2001/114/EC<sup>1</sup> relating to certain partly or wholly dehydrated preserved milk for human consumption (“the main Directive”) has been amended by Council Directive 2007/61/EC<sup>2</sup>. Directive 2007/61/EC should therefore be read in conjunction with Directive 2001/114/EC.
4. The main feature of Directive 2007/61/EC is that it allows the protein content of preserved milks to be modified (standardised), to 34% by weight (expressed on fat free dry matter).
5. The 2007 England legislation implements the amendments to the main European Directive and therefore should be read in conjunction with the 2003 England legislation – all of which are detailed on page 5 of this Guidance Note.
6. These Guidance Notes amend and replace previous guidance on the 2003 Regulations.

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<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:015:0019:0023:EN:PDF>

<sup>2</sup> [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l\\_258/l\\_25820071004en00270028.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_258/l_25820071004en00270028.pdf)

## **Scope of Guidance**

This Guidance Note relates to the provisions of the following legislation:

- Directive 2007/61/EC amending Directive 2001/114/EC
- Directive 2001/114/EC
- The Condensed Milk and Dried Milk (England)(Amendment) Regulations 2008 (SI 2008 No. 85)
- The Condensed Milk and Dried Milk (Scotland) (Amendment) Regulations 2008 (SSI 2008 No. 12)
- The Condensed Milk and Dried Milk (Wales) (Amendment) Regulations 2008 (SI 2008 No. 137 (W.19) )
- The Condensed Milk and Dried Milk ( Amendment) Regulations (Northern Ireland) 2008 (SR 2008 No.42)
- The Condensed Milk and Dried Milk Regulations 2003 (S.I. 2003 No.1596)
- The Condensed Milk and Dried Milk (Scotland) Regulations 2003(SSI 2003 No. 311)
- The Condensed Milk and Dried Milk (Wales) Regulations 2003(S.I. 3053 (W.291));
- The Condensed Milk and Dried Milk Regulations (Northern Ireland) 2003(S.R.300).

The reader is strongly recommended to refer to all relevant legislation when using these Guidance Notes. References to Directive 2001/114/EC and SI 2003/1596 are still applicable.

In addition all products covered by the Regulations must also comply with the general provisions of:

- The Food Safety Act 1990
- The Food Safety (Northern Ireland) Order 1991
- The Food Hygiene (England) Regulations 2006
- The Food Hygiene (Wales) Regulations 2006
- The Food Hygiene (Scotland) Regulations 2006
- The Food Hygiene Regulations (NI) 2006 (SR No.3)
- The Milk and Milk Products (Protection of Designations) Regulations 1990
- The Milk and Milk Products (Protection of Designations) Regulations (NI)1990 (SR No. 55),
- The Food Labelling Regulations 1996 (as amended);
- The Food Labelling Regulations (NI)1996 (SR No. 383) (as amended)

Further details on some of the aforementioned legislation may be found in the Food Labelling Regulations 1996 Guidance Notes. Please refer to this document for additional advice. Copies of these Guidance Notes may be obtained from Food Labelling and Marketing Terms Branch (020 7276 8148), or may be obtained from our website:  
<http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/foodlabelregsguid>

## **Interpretation and Scope**

### **Article 2 and Annex 1 of the main Directive and recital of 2007/61/EC Regulation 2, 3, 4 and 10 and Schedule 1 and 2 of The Condensed Milk and Dried Milk Regulations 2003.**

#### **Q1. What is the purpose of the Regulations?**

A1. The Regulations make rules governing the labelling of certain preserved milk, and the manufacturing specifications to be adhered to if products are to be described by certain reserved descriptions.

#### **Q.2 Which products are covered by these Regulations?**

A.2 As the name implies, these Regulations apply to preserved milks - condensed milk and dried milk, intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment.

A full list of these products with their specification is in Annex I of these Guidance Notes.

#### **Q.3 How are these preserved milk products classified?**

A.3 The products caught by these Regulations are grouped in two classes,  
i. partly dehydrated milk and  
ii. totally dehydrated milk.

Partly dehydrated milk can be sweetened (sweetened condensed milk) or unsweetened (unsweetened condensed milk).

The two classes are further sub-divided by their fat content. This is outlined in Annex I of these Guidance Notes.

## **Definitions**

#### **Q4. What are the definitions of preserved milks?**

A4. The definitions for partly dehydrated milk and totally dehydrated milk have been amended to read as follows:

"Partly dehydrated milk"

"This means the liquid product, whether or not sweetened, obtained by the partial removal of water from milk, from wholly or partly skimmed milk or from a mixture of those products, and includes such a product to which cream or totally dehydrated milk has been added provided the addition of totally dehydrated milk does not exceed, in the finished product, 25% of total milk solids."

"Totally dehydrated milk"

"This means the solid product, where the water content does not exceed 5 % by weight of the finished product, obtained by the removal of water from milk, from wholly or partly skimmed milk, from cream or from a mixture of those products."

These definitions differ from the previous definitions by means of removal of the word "*directly*" after the word "*obtained*".

## **Reserved Descriptions / Names**

### **Q.5 What is a reserved description?**

A.5 Reserved descriptions are terms that can only be used to describe a product if it meets a product criteria. The reserved descriptions listed in column 1 of Annex 1 are to be used for all products which comply with the product requirements which are laid out in column 2 of Annex 1 of these Guidance Notes.

### **Q.6 Can any other names be used to name products covered by these Regulations?**

A.6 Yes. Alternative descriptions, with their respective product requirements are listed in Annex 2 of these Guidance Notes.

## **Labelling**

### **Article 3 of the main Directive, Regulations 5, 6 and Schedule 1 of The Condensed Milk and Dried Milk Regulations 2003**

### **Q.7 How should these products be labelled?**

A.7 Condensed milk and dried milk products caught by these Regulations are subject to the general rules set by the Food Labelling Regulations 1996, with particular respect to regulations 35, 36 (1) and (5) and 38 (which relate to the manner of marking or labelling of food). A copy of these regulations can be viewed or obtained from the Office of Public Sector Information website at: [http://www.opsi.gov.uk/si/si1996/Uksi\\_19961499\\_en\\_1.htm#end](http://www.opsi.gov.uk/si/si1996/Uksi_19961499_en_1.htm#end)

In general, the products caught by these Regulations should be labelled with the percentage of milk fat expressed by weight in relation to the finished product and the percentage of fat-free dried milk extract. This information should appear on the label near the name of the product. However, there are exceptions as below and as detailed in question 8.

Totally dehydrated milk (*dried high-fat milk or high-fat milk powder, dried whole milk or whole milk powder, dried partly skimmed milk or partly skimmed-milk powder, dried skimmed milk or skimmed-milk powder*) in addition to the requirements above, must also have the following information on the label:

- details of the fat content of the product when diluted or reconstituted.
- recommendations as to the method of dilution or reconstitution
- a statement that the product is not intended or is not suitable for use as a food for infants under 12 months.

### **Q.8 Are there any exceptions?**

A.8 Yes:

- i. Skimmed products - *that is condensed skimmed milk, sweetened condensed skimmed milk (these are partly dehydrated milks which do not contain more than 1% fat), and dried skimmed milk or skimmed milk powder (these are totally dehydrated milks which do not contain more than 1.5% fat)* - do not need

to be labelled with the percentage of milk fat, expressed by weight in relation to the finished product.

ii. Totally dehydrated milks - *that is dried high-fat milk or high-fat milk powder, dried whole milk or whole milk powder, dried partly skimmed milk or partly skimmed-milk powder, dried skimmed milk or skimmed-milk powder* - do not need to state the percentage of fat-free dried milk extract.

Products caught by these regulations in pack sizes of less than 20 grams per unit must be labelled with the required name but all other labelling requirements need only appear on the outer packaging.

**Q.9 If condensed milk product or dried milk product with added vitamins or minerals is used in the production of a food product, e.g. instant hot chocolate, how should it be labelled in the ingredients list?**

A.9 Under the current Food Labelling Regulations 1996 (as amended) if the milk product or dried milk product which contains added vitamins or minerals constitutes 2% or more of the finished product then the vitamins or minerals would need to be included in the ingredients list of the final product.

**Additives**

**Q.10 Can vitamins or minerals be added to preserved milk products?**

A.10 Any condensed milk product or dried milk product may contain any added vitamin provided it is in accordance with Regulation (EC) No. 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to food. This legislation can be viewed or downloaded from the following website: [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l\\_404/l\\_40420061230en00260038.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_404/l_40420061230en00260038.pdf)

**Q.11 Can other additives be added to preserved milk products?**

A.11 Additives that are listed as permitted currently by the Miscellaneous Food Additives Regulations 1995 (as amended) for use in the designated products may continue be used for the foreseeable future.

(In Northern Ireland Miscellaneous Food Additives Regulations (NI) 1996 (SR No.50) as amended.

**Protein Standardisation**

**Q12. What is protein standardisation?**

A12. Protein standardisation is the modification of the protein content of milk to a standard level, which in this case is 34% by weight (expressed on fat free dry matter). The regulations allow the protein content of preserved milk to be changed to 34% by weight (expressed on fat free dry matter) and detail the permitted methods for protein standardisation.

**Q.13 Is protein standardisation mandatory?**

A.13 No. However, any products entered into the EC Intervention scheme<sup>3</sup> must have a minimum protein content of 34% by weight (expressed on fat free dry matter).

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<sup>3</sup> <http://www.rpa.gov.uk/rpa/index.nsf/UIMenu/916F2D78F31CEDE280256F72003DB233?Opendocument>  
Version 2, 29 April 2008

**Q.14 What are the permitted ingredients for the purpose of protein standardisation?**

A.14 The following raw materials can be used:

- (a) Milk retentate – the product obtained by concentrating milk protein by ultra filtration of milk, partly skimmed milk or skimmed milk;
- (b) Milk permeate – the product obtained by removing milk proteins and milk fat from milk, partly skimmed milk or skimmed milk by ultra filtration;
- (c) Lactose (natural constituent of milk normally obtained from whey with an anhydrous lactose content of not less than 99.0% m/m on a dry basis. It may be anhydrous or contain one molecule of water of crystallization or be a mixture of both forms)

**Penalties and Enforcement**

**Q.15 What are the offences and penalties under national legislation?**

A.15 It will be an offence to sell condensed milk and dried milk which is not in compliance with the criteria specified in Annex 1 and which is not in compliance with labelling requirements. Details on the level of fines set for such offences are given set in Regulation 7(1) of The Condensed Milk and Dried Milk Regulations 2003. At the time of publication of these Guidance Notes the maximum penalty was set at £ 5,000.

**Enquiries**

Enquiries about, and further copies of, these Guidance Notes may be obtained from:

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**Previous Version Tracker**

Version 1: 11 July 2003, Initial Guidance Note for SI 2003 No.1596

**PARTLY OR WHOLLY DEHYDRATED PRESERVED MILK PRODUCTS AND  
THEIR RESERVED DESCRIPTIONS**

<b>Column 1</b>	<b>Column 2</b>
<b><i>Reserved Descriptions</i></b>	<b><i>Designated Products</i></b>
<p>1. Partly dehydrated milk</p> <p>- Types of unsweetened condensed milk</p> <p>(a) Condensed high-fat milk</p> <p>(b) Condensed milk</p> <p>(c) Condensed, partly skimmed milk</p> <p>(d) Condensed skimmed milk</p>	<p>Partly dehydrated milk containing, by weight, not less than 15% fat, and not less than 26.5% total milk solids.</p> <p>Partly dehydrated milk containing, by weight, not less than 7.5% fat, and not less than 25% total milk solids</p> <p>Partly dehydrated milk containing, by weight, not less than 1% and less than 7.5% fat, and not less than 20% total milk solids.</p> <p>Partly dehydrated milk containing, by weight, not more than 1% fat, and not less than 20% total milk solids.</p>
<p>- Types of sweetened condensed milk</p> <p>(e) Sweetened condensed</p> <p>(f) Sweetened condensed, partly skimmed milk</p> <p>(g) Sweetened condensed skimmed milk</p>	<p>Partly dehydrated milk with an admixture of sucrose* (semi-white sugar, white sugar or extra-white sugar) and containing, by weight, not less than 8% fat and not less than 28% total milk solids.</p> <p>Partly dehydrated milk with an admixture of sucrose* (semi-white sugar, white sugar or extra-white sugar) and containing, by weight, not less than 1% and less than 8% fat, and not less than 24% total milk solids.</p> <p>Partly dehydrated milk with an admixture of sucrose* (semi-white sugar, white sugar or extra-white sugar) and containing, by weight, not more than 1% fat and not less than 24% total milk solids.</p>

\*as defined by the Specified Sugar Products Regulations 2003<sup>4</sup>

<sup>4</sup> The Specified Sugar Products (England )Regulations 2003.(SI 1563), The Specified Sugar Products (Wales)Regulations 2003 (SI.3047 (W.290),The Specified Sugar Products Regulations (NI) 2003 (SR No.301), The Specified Sugar Products (Scotland) Regulations 2003 (SSI 527)  
Version 2, 29 April 2008

Column 1	Column 2
Reserved Descriptions	Designated Products
<p>2. Totally dehydrated milk</p> <p>(a) Dried high-fat milk or high-fat milk powder</p> <p>(b) Dried whole milk or whole milk powder</p> <p>(c) Dried partly skimmed milk or partly skimmed-milk powder</p> <p>(d) Dried skimmed milk or skimmed-milk powder</p>	<p>Totally dehydrated milk containing, by weight, not less than 42% fat.</p> <p>Totally dehydrated milk containing, by weight, not less than 26% and less than 42% fat.</p> <p>Totally dehydrated milk with a fat content of more than 1.5% and less than 26% by weight.</p> <p>Totally dehydrated milk containing, by weight, not more than 1.5% fat.</p>

## **ALTERNATIVES TO THE RESERVED DESCRIPTIONS SPECIFIED**

1. The term “evaporated milk” may be used instead of the term “condensed milk” in the case of partly dehydrated milk containing, by weight, at least 9% fat and 31% total milk solids.
  
2. The term “evaporated semi-skimmed milk” may be used instead of the term “condensed partly skimmed milk” in the case of partly dehydrated milk containing, by weight, between 4% and 4.5% fat and not less than 24% total milk solids.
  
3. The term “semi-skimmed milk powder” or “dried semi-skimmed milk” may be used instead of the term “dried partly skimmed milk” or “partly skimmed-milk powder” in the case of totally dehydrated milk with a fat content of between 14% and 16%.