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 STATUTORY INSTRUMENTS
 

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1980 No. 931

## FOOD AND DRUGS

## COMPOSITION AND LABELLING

**The Preservatives in Food (Amendment)  
Regulations 1980**

<i>Made</i> - - - - -	4th July 1980
<i>Laid before Parliament</i>	11th July 1980
<i>Coming into Operation</i>	1st August 1980

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Social Services and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 4, 7, 123 and 123A of the Food and Drugs Act 1955(a) and of all other powers enabling them in that behalf, hereby make the following regulations, after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations and after reference to the Food Hygiene Advisory Council under section 82 of the said Act (in so far as the regulations are made in exercise of the powers conferred by the said section 7):—

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the Preservatives in Food (Amendment) Regulations 1980, and shall come into operation on 1st August 1980.

(2) Any reference in these regulations to a numbered regulation or schedule shall, unless the context otherwise requires, be construed as a reference to the regulation or schedule so numbered in the Preservatives in Food Regulations 1979(b).

*Amendment of the Preservatives in Food Regulations 1979*

**2.** Regulation 2(1) shall be amended—

(a) by substituting for the definition of canned food the following definition:—

“canned food” means food which—

(a) is in a hermetically sealed container, and

(b)(i) has been sufficiently heat processed to destroy any *Clostridium botulinum* in the food or its container, or

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(a) 1955 c. 16 (4 & 5 Eliz. 2.); section 4 was amended by and section 123A inserted by section 4(1) of and paragraph 3(1) and (2)(a) of Schedule 4 to the European Communities Act 1972 (c. 68); sections 4, 7, 123 and 123A are to be read with the Secretary of State for Social Services Order 1968 (S.I. 1968/1699) and the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272).

(b) S.I. 1979/752.

(ii) has a pH of less than 4.5,  
and "canned", in relation to any food, shall be construed accordingly;";

(b) by inserting immediately after the definition of human consumption the following definition:—

“ice-cream” has the meaning assigned to it by the Ice-Cream Regulations 1967(a);.

3. The proviso to regulation 4(1) shall be amended by inserting immediately after the words “sambal oelek,” in subparagraph (i) of paragraph (b) thereof the following words:—

“soup concentrates with a moisture content of not less than 25% and not more than 60%.”.

4. The proviso to regulation 5 shall be amended by inserting after paragraph (iii) thereof the following paragraph:—

“(iv) if the compounded food is ice-cream or an edible ice made with fruit pieces in stabilised syrup which may under these regulations contain the permitted preservative sorbic acid, the compounded food may not contain that permitted preservative in a quantity exceeding three hundred milligrams per kilogram.”.

5. Schedule 2 shall be amended—

(a) by inserting immediately after the item relating to dried figs the following item:—

In column 1 (Specified Food)	In column 2 (Permitted Preservative)	In column 3 (Milligrams per kilo- gram not exceeding –)
“Fillings and toppings for flour confectionery which consist principally of a sweetened oil and water emulsion with a minimum sugar solids content of 50%	Sorbic acid	1,000”;

(b) by inserting immediately after the item relating to fresh fruit the following item:—

In column 1 (Specified Food)	In column 2 (Permitted Preservative)	In column 3 (Milligrams per kilo- gram not exceeding –)
“Fruit, fruit pulp or fruit purée (including tomatoes, tomato pulp, tomato paste and tomato purée) which, in each case, is not fresh or canned	Sulphur dioxide or	350
	benzoic acid or	800
	methyl 4-hydroxybenzoate or	800
	ethyl 4-hydroxybenzoate or	800
	propyl 4-hydroxybenzoate	800”;

(a) S.I. 1967/1866.

(c) by inserting immediately after the item relating to fruit juices the following item:—

In column 1 (Specified Food)	In column 2 (Permitted Preservative)	In column 3 (Milligrams per kilo- gram not exceeding —)
“Fruit pieces in stabilised syrup for use as ingredients of ice-cream or other edible ices	Sorbic acid	1,000”;

(d) by deleting the item relating to fruit (other than fresh fruit) or fruit pulp, including tomato pulp, paste or purée;

(e) by inserting immediately after the item relating to soft drinks for consumption without dilution not otherwise specified in Schedule 2 the following item:—

In column 1 (Specified Food)	In column 2 (Permitted Preservative)	In column 3 (Milligrams per kilo- gram not exceeding —)
“Soup concentrates with a moisture content of not less than 25% and not more than 60%	Sorbic acid and methyl 4-hydroxybenzoate	1,500 175”.

6. Schedule 5 shall be amended by substituting in paragraph 5 of Part III thereof for the words from “mantle”, where it appears in the tenth line of the first indented subparagraph, to “about”, where it appears in the eleventh line of the said subparagraph, the following words:—

“mantle until the mixture boils. Emulsion formation is minimised if the mixture is boiled gently for the first 10 to 20 minutes. The rate of heating is then gradually increased until the mixture boils steadily and one drop of water reaches the trapping solvent every 3 to 5 seconds. After distilling for”.

7. The Schedule set out in the Schedule to these regulations shall be substituted for Schedule 6.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th June 1980.

(L.S.)

*Peter Walker,*  
Minister of Agriculture, Fisheries and Food.

30th June 1980.

*Patrick Jenkin,*  
Secretary of State for Social Services.

4th July 1980.

*Nicholas Edwards,*  
Secretary of State for Wales.

SCHEDULE

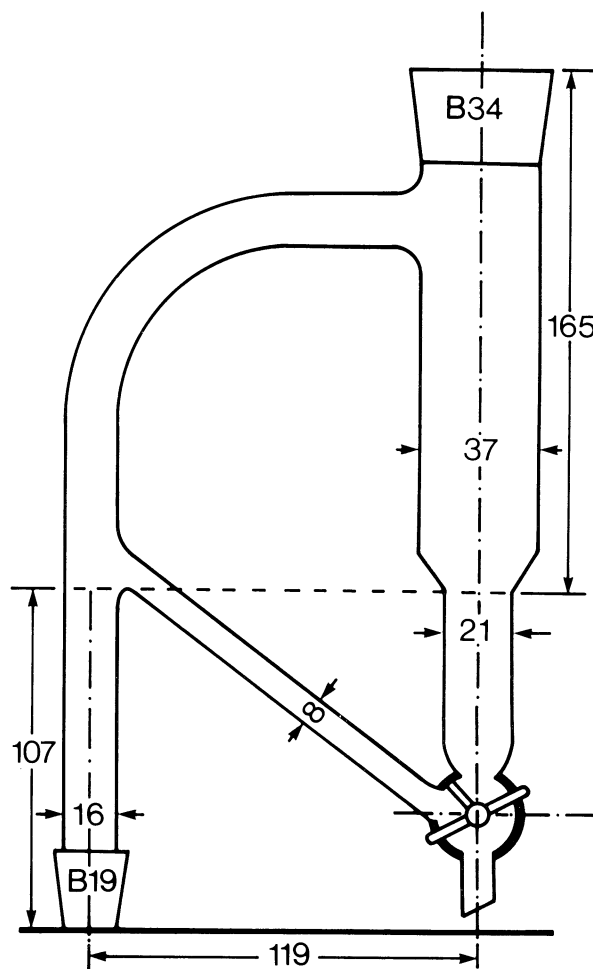
Regulation 7

NEW SCHEDULE 6 TO THE PRESERVATIVES IN  
FOOD REGULATIONS 1979

SCHEDULE 6

Regulation 7(3)

DIAGRAM OF A MODIFIED CLEVINGER-TYPE SEPARATOR



Note: The dimensions in this diagram are given in millimetres

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations, which come into operation on 1st August 1980, amend the Preservatives in Food Regulations 1979.

The regulations—

- (a) specify additional foods which are permitted to contain the permitted preservatives sorbic acid and methyl 4-hydroxybenzoate (regulation 5(a), (c) and (e)) and make consequential amendments (regulations 2(b), 3 and 4);
- (b) exclude canned fruit, canned fruit pulp and canned fruit purée from the list of specified foods (regulation 5(b) and (d)) and make a consequential amendment (regulation 2(a));
- (c) amend the method of analysis for establishing the quantity of 2-hydroxybiphenyl or sodium biphenyl-2-yl oxide in citrus fruit (regulation 6); and
- (d) insert a new diagram of a modified Clevenger-type separator (regulation 7).