

1977 No. 135

FOOD AND DRUGS

Composition

Erucic Acid in Food Regulations (Northern Ireland) 1977

Made 13th May 1977

Coming into operation 1st July 1977

The Department of Health and Social Services(a) in exercise of the powers conferred on it by sections 4, 68 and 68A(b) of the Food and Drugs Act (Northern Ireland) 1958(c) and of every other power enabling it in that behalf and after consultation with such organisations as appear to it to be representative of interests substantially affected by these regulations; hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Erucic Acid in Food Regulations (Northern Ireland) 1977 and shall come into operation on 1st July 1977.

Interpretation

2.—(1) In these regulations:

“the Act” means the Food and Drugs Act (Northern Ireland) 1958;

“district council” means a council established under the Local Government Act (Northern Ireland) 1972(d);

“erucic acid” means the fatty acid *cis*-docos-13-enoic acid;

“fatty acid” means any carboxylic acid obtained by the hydrolysis of oil or fat, and includes any such acid existing in a free state in oil or fat;

“food” means food intended for sale for human consumption and includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—

(a) water, live animals or birds,

(b) fodder or feeding stuffs for animals, birds or fish, or

(c) articles or substances used only as drugs;

“oil or fat” means oil or fat derived from any animal, bird, fish or plant and intended for sale for human consumption, but does not include any essential oil;

“sell” includes offer or expose for sale or have in possession for sale and “sale” and “sold” shall be construed accordingly;

and other expressions have the same meaning as in the Act.

(a) See S.R. & O. (N.I.) 1964 No. 205 (p. 937) art. 5 and Sch. 2 Part I and 1973 c. 36 s. 40 and Sch. 5 para. 8

(b) Added by S.R. & O. (N.I.) 1972 No. 363 (p. 1767)

(c) 1958 c. 27 (N.I.)

(d) 1972 c. 9 (N.I.)

(2) All proportions mentioned in these regulations are proportions calculated by weight and, unless the context otherwise requires, are calculated on the total weight of the product, such weight being ascertained, in the case of a food sold in dried or concentrated form, after reconstitution in accordance with any instructions which accompany it.

(3) For the purpose of these regulations, the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business, shall be deemed to be a sale of that food.

Exemptions

3. The provisions of these regulations shall not apply—

- (a) to any oil, fat or food which is intended at the time of sale, consignment or delivery, as the case may be, for exportation to any place outside the United Kingdom;
- (b) to any food which contains not more than five per centum oil or fat unless it is described directly or by implication as specially prepared for infants or young children;
- (c) to any oil, fat or food sold, consigned or delivered to a manufacturer for the purposes of his manufacturing business or to a caterer for the purposes of his catering business; or
- (d) to any oil, fat or food manufactured before 1st July 1977.

Sale, etc., of oil or fat and of food to which oil or fat has been added

4.—(1) Subject to paragraph (2) a person shall not sell, consign or deliver—

- (a) any oil or fat or any mixture thereof, if erucic acid constitutes more than five per centum of its fatty acid content; or
- (b) any food to which oil or fat or a mixture thereof has been added, if erucic acid constitutes more than five per centum of the fatty acid content of all the oil and fat in the food.

(2) In relation to any oil, fat or food manufactured before 1st July 1979, these regulations shall have effect as if the percentages specified in paragraph (1)(a) and (b) were in each case ten instead of five.

Penalties and enforcement

5.—(1) If any person contravenes or fails to comply with the provisions of regulation 4 he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

(2) Each district council shall enforce and execute such provisions in its area.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 13th May 1977.

(L.S.)

G. Buchanan

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations come into operation on 1st July 1977. The regulations implement Council Directive 76/621/EEC (OJ No. L202, 28.7.76, p. 35) relating to the fixing of the maximum level of erucic acid in oils and fats intended as such for human consumption and in foodstuffs containing added oil or fat.

The regulations restrict the erucic acid content of oil or fat and of food to which oil or fat has been added. In relation to any oil, fat or food manufactured before 1st July 1979 the limit is 10%, calculated on the fatty acid content of the oil or fat component, and, in relation to any oil, fat or food manufactured after that date, the limit is 5%, similarly calculated.

The regulations do not apply to oil, fat or food intended for export, to food which contains not more than 5% oil or fat unless it is described as specially prepared for infants or young children, to food intended for manufacturing or catering purposes or to food manufactured before 1st July 1977.