

1961. No. 160

[C]

FOOD AND DRUGS**Labelling**

REGULATIONS, DATED 6TH JULY, 1961, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS 7 AND 68 OF THE FOOD AND DRUGS ACT (NORTHERN IRELAND), 1958.

The Ministry of Health and Local Government, in exercise of the powers conferred upon it by Sections 7 and 68 of the Food and Drugs Act (Northern Ireland), 1958(a), having consulted with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations:—

PART I*Citation and commencement*

1. These regulations may be cited as the Labelling of Food Regulations (Northern Ireland), 1961, and shall come into operation on the 30th day of October, 1961.

Interpretation

2.—(1) In these regulations—

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

“biscuits” includes shortbread, wafers, rusks, crispbreads, oatcakes, matzos and biscuits wholly or partly covered with chocolate;

“flour confectionery” includes cake, pastry and ready-made puddings (other than canned puddings and Christmas puddings) but does not include biscuits or any product containing a filling that has as an ingredient any meat or fish;

“food” means any article used as food or drink for human consumption and includes any substance which is intended for use in the composition or preparation of food, any flavouring, sweetening matter or condiment, and any colouring matter intended for use in food, and an article shall not be deemed not to be food by reason only that it is also capable of being used as a medicine;

“intoxicating liquor” means spirits, wine, beer, cider, perry and sweets and any fermented, distilled or spiritous liquor which cannot be lawfully sold without an excise licence;

“margarine” means the food usually known as margarine being an emulsion of edible oils and fats with water or skimmed milk or other substances, with or without the addition of colouring matter, which is capable of being used for the same purposes as butter;

“margarine-cheese” means any substance prepared in imitation of cheese and containing fat not derived from milk;

“pre-packed” means packed or made up in advance ready for retail sale in a wrapper or container, and where any food packed or made up in a wrapper or container is found on any premises where such food is

(a) 1958. c. 27.

packed, kept or stored for sale, the food shall be deemed to be pre-packed unless the contrary is proved, and it shall not be sufficient proof of the contrary to show that the food had not been labelled in accordance with the provisions of these regulations;

“retail sale” means any sale to a person buying otherwise than for the purpose of re-sale, but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business.

(2) Any reference in these regulations to a label marked on a wrapper or container shall be construed as including a reference to any legible marking on the wrapper or container however effected

PART II

LABELLING OF PRE-PACKED FOOD FOR SALE BY RETAIL

3. No person shall sell by retail or display for sale by retail any pre-packed food, unless there appears on a label marked on or securely attached to the wrapper or container a true statement as to the matters hereinafter mentioned in this Part.

4.—(1) The said statement shall be clearly legible and shall appear conspicuously and in a prominent position on the label, and if the food is pre-packed in more than one wrapper or container, the label shall be marked on or attached to the innermost wrapper or container and, if it is not clearly legible through the outermost wrapper or container, a label bearing a like statement shall be marked on or securely attached to the outermost wrapper or container. For the purposes of this provision, a “liner” (that is to say, a plain immediate wrapping which under ordinary conditions of use would not be removed from the next outer wrapper or container) shall not be counted as a wrapper or container.

(2) The said statement shall specify the name of either the packer or the labeller of the food and an address at which such person carries on business:

Provided that—

- (a) where the food is packed or labelled on behalf of or on the instructions of another person and such other person carries on business at an address in the United Kingdom, the statement may specify the name and the said address of that other person instead of the name and address of the packer or labeller, as the case may be;
- (b) it shall be sufficient if instead of the particulars specified in this paragraph there appears prominently on the label a trade mark (other than a certification trade mark) of which there is in the Trade Marks Register kept under the authority of the Trade Marks Act, 1938(a), a subsisting entry in respect of such food, and if there is associated therewith on the label the words “Registered Trade Mark” or “Regd. Trade Mark”.

(3) Except as respects intoxicating liquor pre-packed for sale as such, the said statement shall also specify—

- (a) in the case of a food consisting of one ingredient the appropriate designation of the ingredient;

(a) 1 & 2 Geo. 6. c. 22.

- (b) in the case of a food made of two or more ingredients the common or usual name (if any) of the food and the appropriate designation of each ingredient, and, unless the quantity or proportion of each ingredient is specified, the ingredients shall be specified in the order of the proportion in which they were used, the ingredient used in the greatest proportion (by weight) being specified first:

Provided that—

- (i) it shall not be necessary to state that the food contains water;
- (ii) where a food contains an ingredient which is made from two or more constituents, the appropriate designations of those constituents shall be so specified and it shall not be necessary to specify the appropriate designation of that ingredient.

For the purposes of this paragraph "appropriate designation" means a name or description, being a specific and not a generic name or description, which shall indicate to a prospective purchaser the true nature of the ingredient or constituent to which it is applied.

- (4) (a) In the case of intoxicating liquor pre-packed for sale as such the said statement shall also specify the appropriate designation of the product and (except in the case of beer, cider and perry and of wine obtained by the fermentation of the juice of grapes, but of no other fruit, which wine has not been subject to any process so as to alter its character) such one of the following declarations as may be applicable, that is to say:—

- (i) in the case of undistilled fermented liquor, not made from grapes, which in so far as it is derived from fruit, is derived exclusively from one variety of fruit:—

**FRUIT BASIS EXCLUSIVELY (X)
NOT LESS THAN (Y)**

- (ii) in the case of undistilled fermented liquor derived from more than one variety of fruit:—

**FRUIT BASIS (X) AND (X)
NOT LESS THAN (Y)**

- (iii) in the case of undistilled fermented liquor which is not derived wholly or in part from fruit:—

**NOT MADE FROM FRUIT
NOT LESS THAN (Y)**

- (iv) in the case of brandy, gin, rum and whisky, the alcohol content of which is less than 65 per cent. proof spirit:—

**DILUTED WITH WATER TO NOT LESS
THAN (Y)**

Provided that this requirement shall not apply to brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask;

- (v) in the case of any other intoxicating liquor to which the requirements of this paragraph (4) as to declaration apply:—

NOT LESS THAN (Y)

The declaration shall be completed by inserting at (X) in cases (i) and (ii) a word or words accurately specifying the description of fruit or fruit products as used by the manufacturer in the process of fermentation and at (Y) in cases (i), (ii), (iii) and (v), except as respects brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask, the minimum alcohol content expressed in figures either as a percentage by volume or as a percentage of proof spirit and followed by the words "PER CENT. ALCOHOL BY VOLUME" or "PER CENT. PROOF SPIRIT" as the case may be.

In case (iv) above and in case (v) as respects brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask the declaration shall be completed by inserting at (Y) the minimum alcohol content expressed in figures either as a percentage of proof spirit followed by the words "PER CENT. PROOF SPIRIT" or as degrees proof followed by " ° PROOF".

In case (ii) the fruit or fruit products used shall be specified in the order of the proportion in which they were used, that used in the greatest proportion (by weight) being specified first.

In the case of wine which has been obtained by the fermentation of the juice of grapes, but of no other fruit, and which has been subject to any process so as to alter its character, the declaration required by sub-paragraph (4)(a)(v) in so far as it applies to such wine may, until the 19th day of March, 1962, be in the form required by sub-paragraph (4)(a)(i).

In every case, the declaration shall be printed in dark block type upon a light coloured ground or in light block type upon a dark coloured ground and shall be enclosed by a surrounding line in the manner indicated above and no matter other than that hereinbefore described shall be printed within such surrounding line, provided that in the case of brandy, gin, rum and whisky, the alcohol content of which is not less than 65 per cent. proof spirit and of any other intoxicating liquor the alcohol content of which is not less than 40 per cent. proof spirit, it shall be sufficient for the declaration to be in the following form:—

(Z) ° PROOF

inserting at (Z) the figure which represents the percentage of proof spirit.

The declaration shall be printed in block type not less than one-eighth of an inch in height except in the case of liquor pre-packed in bottles less than the normal half bottle size when the declaration may be printed in block type not less than one-twelfth of an inch in height.

- (b) For the purposes of this paragraph—

(i) "appropriate designation" means a name or description, being a specific and not a generic name or description, which shall indicate to a prospective purchaser the true nature of the product to which it is applied; and in particular—

- (aa) such appropriate designation shall include or be accompanied in the said statement by the name of the country or countries of origin of the liquor;
 - (ab) geographical names which are not names for distinctive types of intoxicating liquor shall not be applied to liquor produced in any locality other than the particular locality indicated by the name; and
 - (ac) where any liquor is described in terms which might infer or suggest that it is a distinctive type of intoxicating liquor which has originated in a particular country or locality and the liquor is not the produce of that country or locality, the name or description shall be immediately preceded by an adjective indicating the true country or locality of origin printed in such a manner as to be substantially as conspicuous as such name or description.
- (ii) "fruit" includes rhubarb.
 - (iii) intoxicating liquor shall be deemed not to be derived from any fruit which is present therein only in insignificant quantities.

Savings

5.—(1) This Part shall not apply as respects—

- (a) any food described in the First Schedule to the extent therein mentioned;
- (b) any assortment of foods packed for sale as a meal and ready for consumption without cooking, heating or other preparation.

(2) Paragraph (2) and sub-paragraph (3)(a) of Regulation 4 shall not apply to any food consisting of one ingredient packed in advance by a retailer in a wrapper or container on the premises where it is to be sold by him, provided that this exemption shall not apply if the wrapper or container or any label given with the food bears any words referring in any way to the food other than such as are necessary to identify the food or to indicate the price and quantity thereof.

(3) Paragraph (2) of Regulation 4 shall not apply to any food consisting of two or more ingredients which is packed in advance by a retailer in a wrapper or container on the premises where it is sold by him.

(4) Where any food is pre-packed in a wrapper or container containing less than one-half of an ounce or less than one-half of a fluid ounce, as the case may be, and owing to insufficient space on the wrapper or container it is not reasonably practicable for all the particulars specified in paragraphs (2) and (3) of Regulation 4 to appear on the label, it shall only be necessary to specify such of those particulars as it is reasonably practicable to specify, and the particulars required by paragraph (3) shall be specified first.

PART III

LABELLING OF PRE-PACKED FOOD SOLD OTHERWISE THAN BY RETAIL

6.—(1) Every seller who delivers any pre-packed food pursuant to a sale otherwise than by retail shall either—

- (a) deliver the food labelled in the manner prescribed in Part II in relation to a retail sale of such food; or
- (b) deliver the food unlabelled and furnish to the purchaser not later than 14 days after the delivery an invoice or other document containing

a statement of such particulars as may be necessary to enable a retail trader to comply with the provisions of paragraphs (3) and (4) of Regulation 4.

For the purposes of this paragraph pre-packed food shall be regarded as unlabelled only if no words or marking referring in any way to the food appear on the wrapper or container or on any label printed thereon or attached thereto, save that the food shall not be regarded as labelled merely by reason that the wrapper or container has been marked at the time of packing with such words or other marking as are reasonably necessary to identify the goods.

(2) The preceding paragraph shall not apply in the case of any food specified in paragraph (1)(b) of Regulation 5 or in Table B in the First Schedule.

PART IV

SPECIAL REQUIREMENTS AS TO LABELLING OF CERTAIN FOODS

Peas

7. No person shall sell or have in his possession for sale any canned or frozen peas which have been dried, soaked or otherwise processed prior to canning or freezing which are described in a label attached to or printed on the wrapper or container—

- (a) as "peas", unless the word "peas" wherever it appears on the label is immediately preceded by the word "processed" printed in such a manner as to be substantially as conspicuous as the word "peas";
- (b) as being "fresh", "garden" or "green", or by the use of any word which may indicate either directly or by ambiguity, omission or inference, that the peas are other than peas which have been dried, soaked or otherwise processed prior to canning or freezing.

Acetic acid

8. No person other than a pharmacist or an authorised seller of poisons shall sell or have in his possession for sale any pre-packed concentrated acetic acid or solution of acetic acid, whether coloured or not, containing more than 15 per cent. weight in volume of acetic acid unless—

- (a) it is described as "Concentrated solution of acetic acid (X) per cent." the description to be completed by inserting at (X) the appropriate figure, and
- (b) there appears on the main label in red type not less than one-eighth of an inch in height upon a light coloured ground the words "Dangerous—not to be used unless diluted".

French and viennese coffee

9. No person shall sell or have in his possession for sale any pre-packed coffee mixture which is described in a label attached to or printed on the wrapper or container—

- (a) as "french coffee" unless the words "french coffee" wherever they appear are immediately followed by the words "coffee and chicory mixture" printed in such a manner as to be substantially as conspicuous as the words "french coffee";
- (b) as "viennese coffee" unless the words "viennese coffee" wherever they appear are immediately followed by the words "coffee with fig seasoning" or "coffee with fig flavouring" printed in such a manner as to be substantially as conspicuous as the words "viennese coffee".

Margarine

10. No person dealing in margarine shall deliver to the purchaser any margarine, whether pre-packed or otherwise, unless—

- (a) it is so delivered in a wrapper or container bearing the word "MARGARINE" in block letters, legibly printed and conspicuous;
- (b) in the event of any brand or descriptive name appearing on such wrapper or container, the word "MARGARINE", as aforesaid, appears in conjunction therewith wherever such brand or descriptive name appears: save that where any pre-packed margarine is delivered enclosed in a wrapper or container this requirement shall not apply in relation to the two sides which are smaller in area than any of the other sides;
- (c) in every case where the word "MARGARINE" appears in conjunction with any brand or descriptive name as aforesaid the following requirements are complied with independently as respects each side of the packet on which the brand or descriptive name appears, that is to say:—
 - (i) If any brand or descriptive name appears in letters not more than three-eighths of an inch in height the word "MARGARINE" shall be in letters of at least the same height as those of the brand or descriptive name.
 - (ii) If any brand or descriptive name appears in letters more than three-eighths of an inch in height but not more than three-quarters of an inch in height the word "MARGARINE" shall be in letters not less than three-eighths of an inch in height.
 - (iii) If any brand or descriptive name appears in letters more than three-quarters of an inch in height the word "MARGARINE" shall be in letters not less than half the height of the letters of the brand or descriptive name.
- (d) in every case where the word "butter", "cream" or "milk" appears on the wrapper or container that word appears in letters not larger nor more conspicuous than those used for the word "MARGARINE".

11. No person shall give with any margarine sold by him or display with any margarine exposed by him for sale any label, whether attached to or printed on the wrapper or container or not, which—

- (a) bears any brand or descriptive name or pictorial device which refers to, or is suggestive of, butter or of anything connected with the dairy interest;
- (b) claims that any margarine contains or is made with cream or milk unless such claim is made in the following words (and no others), that is to say:—

"Made with (x), milk-fat equivalent to (y) % of butter"
 inserting at (x) the word "cream" or "milk" as the case may be and at (y) the figure which represents the percentage of butter calculated on the amount of milk-fat introduced by the cream, or the milk, as the case may be.

The claim shall be in type or characters all of equal size.

- (c) claims that margarine contains butter unless such claim states the percentage of butter the margarine contains.

Provided that no offence shall be deemed to have been committed under

this regulation in relation to a figure stated as the percentage of butter if such figure does not differ by more than two from the actual percentage.

12.—(1) No person shall publish, or be a party to the publication of any advertisement for margarine which—

- (a) includes any brand or descriptive name or pictorial device which refers to, or is suggestive of, butter or of anything connected with the dairy interest;
- (b) makes any claim that any margarine contains or is made with cream or milk unless such claim is made in the following words (and no others), that is to say:—

“Made with (X), milk-fat equivalent to (Y) % of butter”

inserting at (X) the word “cream” or “milk” as the case may be and at (Y) the figure which represents the percentage of butter calculated on the amount of milk-fat introduced by the cream, or the milk, as the case may be.

Where the claim is made in visual form it shall be in type or characters all of equal size;

- (c) makes any claim that margarine contains butter unless such claim states the percentage of butter the margarine contains.

Provided that no offence shall be deemed to have been committed under this regulation in relation to a figure stated as the percentage of butter if such figure does not differ by more than two from the actual percentage.

(2) In proceedings for an offence against this regulation in relation to the publication of an advertisement it shall be a defence for the defendant to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements he received the advertisement for publication in the ordinary course of business and did not himself make or cause to be made, any material alteration in the substance of that advertisement.

(3) In any such proceedings as aforesaid against the manufacturer, producer or importer of the margarine, it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.

13. No person shall expose for sale by retail any margarine, other than pre-packed margarine, unless there is attached thereto, in such a manner as to be clearly visible to a purchaser, a label marked “MARGARINE” in block letters not less than one and a half inches in height.

Margarine-Cheese

14. With the exception of sub-paragraphs (b) and (c) of Regulation 11 and sub-paragraphs (b) and (c) of paragraph (i) of Regulation 12, the foregoing provisions of this Part shall apply in relation to margarine-cheese as if “margarine-cheese” were substituted for “margarine” throughout.

PART V

SPECIAL REQUIREMENTS AS TO LABELLING OF CERTAIN LIQUORS

15. No person shall sell or have in his possession for sale any liquor described in a label attached to or printed on the wrapper or container—

- (a) in the case of intoxicating liquor, by any name or words calculated to indicate either directly or by ambiguity, omission or inference,

that the liquor is, or resembles, wine obtained by the fermentation of the juice of grapes, or is a substitute for or has the flavour of such wine, unless it is derived from fruit, and, in so far as it is derived from fruit, is derived exclusively from grapes;

- (b) in the case of intoxicating liquor which is not derived from fruit or which is wholly or partly derived from fruit other than grapes, by the use of the word "wine", unless that word is immediately preceded in identical lettering by a word or words accurately specifying the description of fruit or fruit product or other saccharine material used:

Provided that nothing in this sub-paragraph shall prevent the use of the description "Ginger Wine" or "Orange Wine" for products wholly or partly derived from fruit other than grapes;

- (c) by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor is, or resembles a sweetened liqueur or is a substitute for or has the flavour of a sweetened liqueur unless it is a suitably flavoured compounded spirit which has been rendered sweet and viscous only by the addition of sucrose, dextrose or invert sugar and not by the use of any other ingredient;
- (d) in the case of cider or perry which has been artificially aerated, by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor resembles or is a substitute for, or has the character of champagne;
- (e) in the case of spirits the alcohol content of which is less than 65 per cent. proof spirit, by the name brandy, gin, rum or whisky, unless such name is immediately preceded by the word "diluted", printed in such a manner as to be substantially as conspicuous as the name applied—

Provided that this requirement shall not apply to brandy, the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask;

- (f) by any name or words calculated to indicate either directly or by ambiguity, omission or inference that the liquor has properties which make it beneficial for invalids or has tonic, restorative or medicinal properties, unless—
- (i) the liquor contains a substance or substances other than alcohol added in such quantity as to confer such properties, and
- (ii) the description is accompanied by a statement of the approximate percentage present of such substance or substances:

Provided that this paragraph shall not apply to a soft drink described in a label by the name "Indian Tonic Water" or "Quinine Tonic Water" which contains not less than one-half of a grain of quinine (calculated as quinine sulphate B.P.) per pint.

PART VI

SPECIAL REQUIREMENTS WHERE PRESENCE OF VITAMINS OR MINERAL OR TONIC PROPERTIES CLAIMED

Vitamins and minerals

16.—(1) Subject to the provisions of this regulation no person shall—

- (a) give with any food sold by him a label, whether attached to or printed on the wrapper or container or not, which makes a general claim that vitamins or minerals are present in the food;

- (b) have in his possession for sale any pre-packed food which bears such a label as aforesaid; or
- (c) publish, or be a party to the publication of, an advertisement of any food which makes any such general claim as aforesaid;

unless the food contains, in the case of a claim as to vitamins, one or more of the substances specified in column 1 of Part I of the Second Schedule or, in the case of a claim as to minerals, one or more of the substances specified in column 1 of Part II of that Schedule, and the label or advertisement, as the case may be, specifies in the manner prescribed in the said Schedule the minimum quantity of every such substance contained in each ounce or fluid ounce of the food and when the minimum quantity of the food in the container is stated by weight the minimum quantity of every such substance per ounce shall be specified and when the minimum quantity of the food in the container is stated by volume the minimum quantity of every such substance per fluid ounce shall be specified.

- (2) Subject to the provisions of this regulation no person shall—
 - (a) give with any food sold by him a label, whether attached to or printed on the wrapper or container or not, which claims or in any way suggests that any particular substance or substances specified in the first column of the Second Schedule is or are present in the food;
 - (b) have in his possession for sale any pre-packed food, which bears such a label as aforesaid; or
 - (c) publish, or be a party to the publication of, an advertisement of any food which makes any such claim or suggestion as aforesaid;

unless the label or advertisement, as the case may be, specifies in the manner prescribed in the said Schedule the minimum quantity of every such substance contained in each ounce or fluid ounce of the food and when the minimum quantity of the food in the container is stated by weight the minimum quantity of every such substance per ounce shall be specified and when the minimum quantity of the food in the container is stated by volume the minimum quantity of every such substance per fluid ounce shall be specified:

Provided that the requirements of this paragraph shall not apply in relation to a substance specified in Part II of the said Schedule if the only claim or suggestion that the substance is present in a food is contained in a statement of the ingredients of that food made on the label thereof in order to comply with the provisions of Part II or III.

- (3) The provisions of this regulation shall not apply to—
 - (a) fruit and vegetables, including fruit and vegetables which have been preserved by freezing or by gas or cold storage or by any other method of storage, but excluding fruit or vegetables which have been canned or bottled or preserved otherwise than as aforesaid;
 - (b) liquid cow's milk (not including cream or condensed milk);
 - (c) shell eggs;
 - (d) fish of any description, including shell fish and processed fish, but not including canned or bottled fish or any manufactured product containing fish;
 - (e) any food served by a caterer as a meal or part of a meal in the course of his catering business.
- (4) Nothing in this regulation shall in relation to butter prohibit the giving of a label or the publishing of an advertisement which correctly and truthfully claims that the butter in respect of which the claim is made is a natural source

of Vitamin A notwithstanding that the minimum quantity of Vitamin A contained therein is not specified.

(5) In any proceedings for an offence against this regulation in relation to the publication of an advertisement, it shall be a defence for the defendant to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements he received the advertisement for publication in the ordinary course of business and did not himself make, or cause to be made, any material alteration in the substance of that advertisement.

(6) In any such proceedings as aforesaid against the manufacturer, producer or importer of the advertised food, it shall rest on the defendant to prove that he did not publish and was not a party to the publication of, the advertisement.

(7) In any proceedings for an offence against this regulation in respect of a failure to specify the required particulars in an advertisement of any food, it shall be a defence for the defendant to prove that he took all reasonable steps to secure, by the pre-packing of the food, that it would not be sold without a label specifying these particulars.

(8) This regulation shall be without prejudice to the requirements of Parts II and III.

Tonic Properties

17. No person shall sell or have in his possession for sale any food which is described in a label attached to or printed on the wrapper or container by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the food has tonic properties by reason only that such food contains (a) alcohol, (b) sugars or other carbohydrates, (c) protein or substances prepared from the hydrolysis of protein, or (d) caffeine or other purine derivatives.

PART VII

MISCELLANEOUS

Defacing of labels

18. No person shall remove, add to, alter, deface or render illegible any statement upon a label printed on or attached to a wrapper or container in pursuance of any provision of these regulations:

Provided that it shall be a defence in any proceedings for an infringement of this regulation for the defendant to prove either—

- (a) that the food was in his possession at the time of the infringement otherwise than for sale; or
- (b) that he acted without intent to deceive.

Penalties

19. If any person contravenes or fails to comply with any of the provisions of these regulations he shall be guilty of an offence and shall be liable on summary conviction—

- (a) 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
- (b) 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.

Defences

20.—(1) Where in any prosecution a person is charged with an infringement of any provision of these regulations in respect of the sale or displaying or possession for sale of any pre-packed food and the alleged offence relates to the inaccuracy or omission of any particular required to be shown on a label marked on or attached to a wrapper or container or otherwise given with the food pursuant to any of the said provisions or in a statement furnished by the defendant pursuant to Regulation 6, it shall be a defence for him to prove—

- (a) that he purchased the food in the wrapper or container in which he sold it from a person carrying on business at an address in the United Kingdom, and that the wrapper or container had remained unopened;
- (b) that such particular was shown on or omitted from (as the case may be) the label when the food was purchased by him or shown on or omitted from (as the case may be) a statement furnished to him in respect of that food pursuant to the said Regulation 6; and
- (c) that at the time of the alleged infringement he had no reason to believe that these regulations were being infringed:

Provided that a person shall not be entitled to avail himself of the defence provided by this regulation unless within fourteen days of the service of the summons he has sent to the prosecutor a copy of the label or statement upon which he intends to rely with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it and has also sent a like notice of his intention to that person.

(2) The person by whom any such label or statement is alleged to have been given shall be entitled to appear at the hearing and to give evidence.

(3) Where the defendant is a servant of the person who purchased the article with such a label or statement he shall be entitled to rely on the provisions of this regulation in the same way as his employer would have been entitled to do if he had been the defendant.

Legal Proceedings—Application of Act

21. In any prosecution for an offence under these regulations the relevant provisions of Sections 46, 48, 50 and 53 of the Act shall apply.

Savings

22. These regulations, except so far as they relate to advertisements, shall not apply—

- (a) to any food packed for consumption by Her Majesty's Forces or by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act, 1952(a);
- (b) to any food intended at the time of sale for export from the United Kingdom or for use as ships' stores.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 6th day of July, nineteen hundred and sixty-one.

(L.S.)

Wm. J. Morgan,
Minister of Health and Local Government.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.

FIRST SCHEDULE

FOODS EXEMPT OR PARTLY EXEMPT FROM PART II

The foods specified in Column 1 of Table A shall be exempt from such of the provisions of Part II as are specified in Column 2, to the extent shown in Column 3.

TABLE A

Column 1	Column 2	Column 3
Description of Food	Provision of Part II from which exempt	Extent of exemption
<p>1. Any food specified in Table B below, when pre-packed for sale as such.</p> <p>2. Compound Cooking Fat. Margarine (not including vegetarian butter). Sugar. Yeast.</p> <p>3. Spices— (a) when pre-packed for sale as such, other than spices consisting of a single ingredient; (b) when forming an ingredient of some other food. Any deodorised fatty oil, whether hydrogenated or not, when forming an ingredient of some other food. Colourings, when forming an ingredient of some other food. Emulsifying salts (sodium citrate, sodium phosphates and sodium tartrate) when forming an ingredient of some other food. Vine fruits (muscatels, raisins, sultanas and currants) when forming an ingredient of some other food other than a beverage. Nuts when forming an ingredient of some other food. Prepared purified starch when forming an ingredient of some other food. Imitation cream when forming an ingredient of some other food. Herbs, when forming an ingredient of some other food but not exceeding one per cent. by weight of such food. Fish when forming an ingredient of fish products.</p>	<p>The whole Part</p> <p>Regulation 4 (2)</p> <p>Regulation 4 (3)</p>	<p>Wholly exempt.</p> <p>Wholly exempt.</p> <p>Exempt to the extent that they may be designated as spices, edible oil or edible fat, colourings, emulsifying salts, vine fruits, nuts, edible starch, imitation cream, herbs or fish (as the case may be) without further specifications as to their common or usual name or as to composition.</p>

Column 1	Column 2	Column 3
Description of Food	Provision of Part II from which exempt	Extent of exemption
4. Colourings, when pre-packed for sale as such.	Regulation 4 (3)	Exempt to the extent that the colouring ingredients may be designated without further specification— (a) unless of synthetic origin, as "colour", or (b) if of synthetic origin, as "synthetic colour" or "artificial colour".
5. Flavourings, as defined in note at the foot of this Table— (a) when pre-packed for sale as such, other than flavourings consisting of a single ingredient; (b) when forming an ingredient of some other food.	Regulation 4 (3)	Exempt to the extent that the ingredients need not be specified.
6. Preservatives as defined in the Public Health (Preservatives, etc., in Food) Regulations (Northern Ireland), 1927 to 1958(a)— (a) pre-packed for sale as such, or (b) forming an ingredient of one of the foods specified in paragraph 1 of the Second Schedule.	Regulation 4 (3)	Exempt to the extent that they may be designated either as "flavourings" or as "flavouring essences" or by their common or usual name without further specification as to composition.
7. Any food specified in Column 1 of Table C, pre-packed for sale as such, for which requirements as regards composition are laid down in the regulations specified in relation thereto in Column 2 of Table C, in so far as such food complies as regards composition with such requirements.	Regulation 4 (3)	Wholly exempt but the label must comply with the requirements of the Public Health (Preservatives, etc., in Food) Regulations (Northern Ireland), 1927 to 1958. Exempt to the extent that the ingredients need not be specified.

(a) S.R. & O. (N.I.) 1927, No. 18; S.R. & O. (N.I.) 1927, No. 69; S.R. & O. (N.I.) 1927, No. 98; S.R. & O. (N.I.) 1932, No. 136; S.R. & O. (N.I.) 1940, No. 81; S.R. & O. 1953, No. 143; S.R. & O. 1958, No. 161.

Column 1	Column 2	Column 3
Description of Food	Provision of Part II from which exempt	Extent of exemption
<p>Any of the following, when pre-packed for sale as such:—</p> <p>Beef sausages, pork sausages, slicing sausages, beef sausage meat and pork sausage meat (other than canned).</p> <p>Biscuits.</p> <p>Cheese (including processed cheese, blue vein, soft, curd or cream cheese, and cheese made from milk other than cow's milk).</p> <p>Compound Cooking Fat.</p> <p>Custard powder and Blancmange powder.</p> <p>Fruit and vegetables (including vegetable salad in mayonnaise) canned in the United Kingdom.</p> <p>Macaroni or spaghetti (cooked, in tomato sauce) canned in the United Kingdom.</p> <p>Spa Waters, Seltzer Waters, Potash Water and Lithia Water.</p> <p>Thick Mixed Fruit Sauces.</p> <p>Worcester Sauce, and similar thin sauces.</p> <p>Any preparation which is the subject of a monograph in the 1948 or any later issue of the British Pharmacopoeia, including the Addenda thereto, or in the formulary section of the 1949 or any later issue of the British Pharmaceutical Codex, including supplements thereto.</p>	<p>Regulation 4 (3)</p>	<p>Exempt to the extent that the ingredients need not be specified.</p>
<p>8. Any of the following, when forming an ingredient of some other food:—</p> <p>Any food specified in item No. 7 in this column or in Table B.</p> <p>Breadcrumbs, Ruskcrumbs and Rusk</p> <p>Intoxicating Liquor</p> <p>Macaroni and similar products</p> <p>Tomato ketchup, catsup, sauce or relish.</p>	<p>Proviso (ii) to Regulation 4 (3)</p>	<p>Exempt to the extent that it may be designated by its appropriate designation without specifying the appropriate designation of its constituents.</p>

Note:—For the purposes of item No. 5, the expression “flavouring” means any product which complies with the following conditions:—

- (a) it must have aromatic properties;
- (b) where it is an ingredient of any food it shall have been added primarily for flavouring purposes and where it is packed for sale as such it shall be intended for use primarily for such purposes; and
- (c) it shall consist of an essential oil, natural gum, gum resin, oleo-resin, a chemical having flavouring property, or any vegetable extract, or a mixture of any of these, and it may also contain one or more of the following (but no other) ingredients:—
 - (i) fruit juices;
 - (ii) such other substances as are reasonably necessary to produce a solid, a solution or an emulsion from the aforementioned ingredients;

but the expression shall be deemed not to include any preparation of yeast, coffee or chicory, any soft drink, or any substance prepared by the hydrolysis of protein-containing materials.

TABLE B

Foods wholly exempt from Part II when pre-packed for sale as such and partly exempt when forming an ingredient of some other food.

Beer brewed in the United Kingdom.

Bread (not including breadcrumbs).

Butter.

Flour confectionery.

Fresh fruit and vegetables (other than potatoes) not including fruit or vegetables which are bottled, frozen, dried or otherwise processed but so that for this purpose cleaning or removal of extraneous or inedible matter shall not be regarded as processing.

Liquid cow's milk (not including cream or condensed milk).

Meat puddings (other than canned) and meat pies.

Single toffee apples.

Sugar confectionery, chocolate and chocolate confectionery.

Whole cooked beetroots.

TABLE C

Foods of which the ingredients need not be specified in accordance with paragraph (3) of Regulation 4 in so far as they are pre-packed for sale as such but are governed as regards composition by the regulations specified in Column 2 and must comply therewith as regards composition.

Column 1	Column 2
Any food for which a standard is prescribed by any regulations made under section 4 of the Food and Drugs Act (Northern Ireland), 1958, other than tomato ketchup, catsup, sauce or relish.	The regulations prescribing the standard.

SECOND SCHEDULE

PART I

VITAMINS

Column 1	Column 2
Substance	To be calculated as:
Group 1	
Vitamin A	International units of vitamin A.
Group 2	
Carotene	International units of vitamin A, on the basis that 0.6 micrograms of betacarotene is equivalent to one international unit of vitamin A.
Group 3	
Vitamin B ₁	Milligrams of aneurin hydrochloride.
Aneurin	
Aneurin hydrochloride	
Thiamin	
Thiamin hydrochloride	
Group 4	
Vitamin B ₂	Milligrams of riboflavin.
Riboflavin	
Group 5	
Nicotinic acid, nicotinic acid amide and their active derivatives	Milligrams of nicotinic acid or the chemically equivalent quantity of nicotinic acid in milligrams.
Niacin	
Niacinamide	
Nicotinamide	
Group 6	
Vitamin C	Milligrams of ascorbic acid.
Ascorbic acid	
Group 7	
Vitamin D	International units of vitamin D.
Group 8	
Vitamin D ₂	International units of vitamin D.
Calciferol ²	
Group 9	
Vitamin D ₃	International units of vitamin D.

The quantity of any substance specified in column 1 must be calculated in the manner prescribed in relation thereto in column 2, but it shall not be necessary to specify this quantity in terms of the substance named in column 2. It shall be sufficient if such quantity is specified together with a reference to any of the substances in the same group as named in column 1, as if all the names in the group were synonymous. Carotene may be referred to either as Carotene or as Vitamin A; vitamin D₂, Calciferol and vitamin D₃ may be referred to as such or as vitamin D.