

EXPLANATORY NOTE

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

This Order controls the importation from or via Great Britain of potatoes and other raw vegetables.

1967. No. 282

[C]

FOOD AND DRUGS

Composition and Labelling

Solvents in Food

REGULATIONS, DATED 9TH NOVEMBER 1967, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTIONS 4, 7 AND 68 OF THE FOOD AND DRUGS ACT (NORTHERN IRELAND) 1958.

The Ministry of Health and Social Services, in exercise of the powers conferred upon it by sections 4, 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:—

Citation and commencement

1. These regulations may be cited as the Solvents in Food Regulations (Northern Ireland) 1967 and shall come into operation on 3rd November 1969.

Interpretation

2.—(1) In these regulations—

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

“container” includes any form of packaging of food for sale as a single item, whether by way of wholly or partly enclosing the food or by way of attaching the food to some other article, and in particular includes a wrapper or confining band;

“flavouring” includes flavouring essence and flavouring extract and means any product consisting of a flavouring agent and such other substances, if any, the use of which in food is not forbidden and which are reasonably necessary to produce a solid, a solution or an emulsion, but no other ingredient or ingredients;

“flavouring agent” means any sapid or odorous substance capable of imparting and primarily intended to impart a specific and distinctive taste or odour to food, but does not include herbs, spices, onions, garlic, salt, fruit juices, soft drinks, fruit acids, acetic acid, any carbohydrate material, any purine derivative, any preparation of yeast, coffee, chicory or any substances prepared by the hydrolysis of protein-containing materials;

- “natural food substance” means any substance, suitable for use as food and commonly used as food, which is wholly a natural product, whether or not that substance has been subjected to any process or treatment;
- “permitted antioxidant” means any antioxidant inasmuch as its use is permitted by the Antioxidants in Food Regulations (Northern Ireland) 1966(a);
- “permitted artificial sweetener” means any artificial sweetener inasmuch as its use is permitted by the Artificial Sweeteners in Food Regulations (Northern Ireland) 1967(b);
- “permitted bleaching agent” means any bleaching agent inasmuch as its use is permitted by the Bread and Flour Regulations (Northern Ireland) 1964(c);
- “permitted colouring matter” means any colouring matter inasmuch as its use is permitted by the Colouring Matter in Food Regulations (Northern Ireland) 1966(d);
- “permitted emulsifier” means any emulsifier inasmuch as its use is permitted by the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1962(e);
- “permitted improving agent” means any improving agent inasmuch as its use is permitted by the Bread and Flour Regulations (Northern Ireland) 1964;
- “permitted preservative” means any preservative inasmuch as its use is permitted by the Preservatives in Food Regulations (Northern Ireland) 1962(f);
- “permitted solvent” means any solvent described in Schedule 1 which complies with the specification specified in relation thereto in that Schedule, and includes any such solvent when it has been subsequently diluted with water;
- “permitted stabiliser” means any stabiliser inasmuch as its use is permitted by the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1962;
- “propellent” means carbon dioxide or any inert gas or low boiling point liquid which, when added to food in a suitable container, is capable of expelling the food from the container without the application of external pressure to the food;
- “sell” includes offer or expose for sale or have in possession for sale and “sale” and “sold” shall be construed accordingly;
- “solvent” means any liquid substance, not being a natural food substance and the primary use of which is not as a flavouring, which is capable of the extraction and dissolution of food, and is generally used to facilitate the incorporation of ingredients in food but does not include water, lactic acid, acetic acid, any propellent, any permitted antioxidant, permitted colouring matter, permitted emulsifier, permitted stabiliser, permitted preservative, permitted artificial sweetener, permitted bleaching agent or permitted improving agent.

(2) All percentages mentioned in these regulations are percentages calculated by weight and are calculated on the weight of the product as sold.

(3) Any reference in these regulations to a label borne on a container shall be construed as including a reference to any legible marking on the container however effected.

(a) S.R. & O. (N.I.) 1966, No. 288.
 (b) S.R. & O. (N.I.) 1967, No. 209.
 (c) S.R. & O. (N.I.) 1964, No. 172.

(d) S.R. & O. (N.I.) 1966, No. 243.
 (e) S.R. & O. (N.I.) 1962, No. 90.
 (f) S.R. & O. (N.I.) 1962, No. 173.

(4) For the purposes 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.

Exemption

3. The following provisions of these regulations shall not apply to any food containing any solvent, or to any solvent, intended at the time of sale, consignment or delivery, as the case may be, for exportation to any place outside the United Kingdom.

Sale of solvents and food containing any solvent

4.—(1) No person shall sell, consign or deliver for use as an ingredient in the preparation of food, any solvent which is not a permitted solvent.

(2) No food shall contain any solvent which is not a permitted solvent and no person shall sell, consign or deliver any food which does not comply with this regulation.

Advertisement of solvents

5. No person shall publish or be a party to the publication of, any advertisement for any solvent which is not a permitted solvent with a view to its use in the preparation of food.

Labelling of solvents

6. No person shall sell, consign or deliver any permitted solvent in a container for use as an ingredient in the preparation of food unless such container bears a label which complies with the requirements specified in Schedule 2.

Condemnation of food

7. Where any food is certified by a public analyst as being food which it is an offence against regulation 4(2) to sell, consign or deliver, that food may be treated for the purposes of section 9 of the Act (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption.

Penalties

8.—(1) If any person contravenes or fails to comply with any of the foregoing provisions 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.

(2) The requirements of section 47(3) of the Act (which requires notice to be given to the Ministry of Health and Social Services of intention to begin a prosecution for an offence against any provisions of these regulations relating to the labelling, marking or advertising of food) shall not apply as respects any proceedings instituted by a health authority for an offence against any such provisions.

Defences

9.—(1) In any proceedings for an offence against these regulations 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 the advertisement.

(2) In any proceedings against the manufacturer or importer of any solvent for use as an ingredient in the preparation of food, or of any food having any solvent in it or on it, for an offence against these regulations in relation to the publication of an advertisement, it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.

Amendment to the Salad Cream Regulations (Northern Ireland) 1966

10. The Salad Cream Regulations (Northern Ireland) 1966(a) shall be amended as follows:—

- (a) by inserting in regulation 2(1) thereof after the word “stabiliser” the word “solvent” in the definition of permitted additive;
- (b) by adding at the end of the Schedule thereto the following:—

Regulations	Reference
The Solvents in Food Regulations (Northern Ireland) 1967	S.R. & O. (N.I.) 1967, No. 282.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 9th day of November 1967.

(L.S.)

S. H. O'Fee,
Assistant Secretary.

(a) S.R. & O. (N.I.) 1966, No. 192.

SCHEDULE 1

Regulation 2(1)

Permitted Solvents

Name	Specification
Ethyl Alcohol (Ethanol)	As set out in the British Pharmacopoeia 1963 at page 28.
Ethyl Acetate	British Standard 553: 1965.
Diethyl Ether (Solvent Ether)	As set out in the British Pharmacopoeia 1963 at page 308.
Glycerol	British Standard 2625: 1964.
Glycerol mono-acetate (Monacetin)	It shall have a boiling point of 158°C. at 165 mm Hg. and shall be of a standard of purity consistent with good manufacturing practice.
Glycerol di-acetate (Diacetin)	Relative Density 1.180-1.195 g/ml at 20°C.
	Ash 0.02% W/W max.
	Acidity 0.3% W/W max.
	Ester Content 85-95% W/W calculated as
	$C_2H_5(OH)(COOCH_2)_2$.
	Sulphates 0.05% W/W max. calculated as SO_4 .
	Chlorides 0.05% W/W max. calculated as CL .
	Ash, acidity, ester content, sulphates and chlorides shall be determined by the methods set out in British Standard 1594: 1950.
Glycerol tri-acetate (Triacetin)	Relative Density 1.156-1.166 g/ml at 20°C.
	Refractive Index 1.430-1.434 at 20°C. for sodium D line.
	Water 0.2% W/W max.
	Ash 0.02% W/W max.
	Total Acidity 0.05% W/W max. calculated as
	CH_3COOH .
	Ester Content 98.0-100% calculated as
	$(CH_3COO)_3 C_3H_5$.
	Colour 15 Hazen Units.
	Water, ash, total acidity and ester content shall be determined by the methods set out in British Standard 1997: 1962.
	Colour shall be determined by the method set out in British Standard 4117: 1967.
iso-Propyl Alcohol	As set out in the British Pharmacopoeia 1963 at page 431.
Propylene Glycol	As set out in the British Pharmacopoeia 1963 at page 681.

SCHEDULE 2

Regulation 6

Labelling of Solvents

1. Each container to which regulation 6 relates shall bear a label on which is printed a true statement in the form of the following declaration:—

Food Solvent
(X)
(Y)

The declaration shall be completed by inserting at (X) a correct description of the solvent present and at (Y) a correct description of any other substance present in the preparation in the container and, where more than one such substance is present, such substances shall be declared in the order of the proportion in which they were present at the time of sale by the manufacturer, the substance present in the greatest proportion by weight being specified first.

2. Any declaration required by paragraph 1 shall be printed distinctly and legibly in dark type upon a light-coloured ground or in light type upon a dark-coloured ground, the type being not less than one-eighth of an inch in height, within a surrounding line and no other matter shall be printed within such surrounding line. The words and figures in the declaration shall be of uniform size and colour and the ground within the said surrounding line shall be of uniform colour, provided that the initial letter in any such word may be larger than the other letters in that word.

3. Any label required by regulation 6 shall be securely affixed to, or be part of, the wrapper or container and in any case shall be so placed as to be clearly visible and shall be either a part of any main label or a separate label placed in close proximity thereto.

EXPLANATORY NOTE

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

These regulations relate to solvents used in relation to food—that is to say, liquid products which facilitate the incorporation of soluble ingredients into food, and

- (a) prohibit the sale of any solvent which is not specified in Schedule 1 or of any food containing such a solvent (regulation 4 and Schedule 1);
- (b) prohibit the advertisement of any solvent which is not a permitted solvent and impose requirements as to the labelling of permitted solvents (regulations 5 and 6 and Schedule 2);
- (c) provide that where food is certified by a public analyst as containing any solvent not permitted by the regulations, that food may be treated for the purposes of section 9 of the Food and Drugs Act (Northern Ireland) 1958 as being unfit for human consumption (regulation 7);
- (d) do not apply to food or solvents intended for export (regulation 3).