

1969 No. 1848 (S.164)

FOOD AND DRUGS

COMPOSITION AND LABELLING—SCOTLAND

The Artificial Sweeteners in Food (Scotland) Regulations 1969

<i>Made - - - -</i>	<i>18th December 1969</i>
<i>Laid before Parliament</i>	<i>31st December 1969</i>
<i>Coming into Operation</i>	<i>1st January 1970</i>

In exercise of the powers conferred upon me by sections 4, 7 and 56 of the Food and Drugs (Scotland) Act 1956(a), and of all other powers enabling me in that behalf, and after consultation with such organisations as appear to me to be representative of interests substantially affected by these regulations and after reference to the Scottish Food Hygiene Council under section 25 of the said Act (in so far as the regulations are made in exercise of the powers conferred by the said section 7), I hereby make the following regulations:—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Artificial Sweeteners in Food (Scotland) Regulations 1969, and shall come into operation on 1st January 1970.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Food and Drugs (Scotland) Act 1956;

“artificial sweetener” means any chemical compound which is sweet to the taste, but does not include any sugar or any polyhydric alcohol;

“artificial sweetening tablet” means any tablet which contains an artificial sweetener and which is intended for sale with a view to its use in the preparation of food;

“carbohydrate” means a substance containing carbon, hydrogen and oxygen only in which the hydrogen and oxygen occur in the same proportion as in water;

“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;

“full strength tablets” means artificial sweetening tablets which comply with the requirements as to composition set out in paragraph 1 of schedule 2 to these regulations;

“half strength tablets” means artificial sweetening tablets which comply with the requirements as to composition set out in paragraph 2 of schedule 2 to these regulations;

“human consumption” includes use in the preparation of food for human consumption;

“permitted artificial sweetener” means saccharin, saccharin calcium or saccharin sodium;

“polyhydric alcohol” means an alcohol with three or more free hydroxyl groups;

“saccharin” means the substance conforming to the description, specifications and requirements for saccharin contained in the British Pharmacopoeia 1968;

“saccharin calcium” means the substance conforming to the description, specifications and requirements for saccharin calcium contained in schedule 1 to these regulations;

“saccharin sodium” means the substance conforming to the description, specifications and requirements for saccharin sodium contained in the British Pharmacopoeia 1968;

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

“sugar” means any soluble carbohydrate sweetening matter; and other expressions have the same meaning as in the Act.

(2) For the purposes of these regulations, the supply of any artificial sweetener or any food containing any artificial sweetener otherwise than by sale, at, in or from any place where artificial sweeteners or such food are or is supplied in the course of a business, shall be deemed to be a sale of that artificial sweetener or that food, as the case may be; and references to purchasing and purchaser shall be construed accordingly.

(3) For the purposes of the Labelling of Food Order 1953(a), as amended(b), these regulations, in so far as they prescribe requirements as to composition for artificial sweetening tablets, shall be taken to prescribe standards for such tablets.

(4) 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.

(5) The Interpretation Act 1889(c) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Exemptions

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

(a) S.I. 1953/536 (1953 I, p. 665).

(b) The relevant amending instruments are S.I. 1953/1889, 1959/571 (1953 I, p. 685; 1959 I, p. 1328).

(c) 1889 c. 63.

PART II

REQUIREMENTS RELATING TO ARTIFICIAL SWEETENERS

Sale, etc. of artificial sweeteners

4. No person shall sell, consign, deliver or import into Scotland any artificial sweetener for human consumption which is not a permitted artificial sweetener.

Requirements as to composition for tablets containing artificial sweeteners

5.—(1) Every artificial sweetening tablet containing saccharin or saccharin calcium or saccharin sodium or a mixture of two or all of those substances shall conform to the requirements as to composition set forth in relation thereto in the appropriate paragraph of schedule 2 to these regulations.

(2) No person shall sell, consign, deliver or import into Scotland any artificial sweetening tablet which does not comply with this regulation.

Labelling of containers of artificial sweetening tablets

6.—(1) No person shall sell, consign, deliver or import into Scotland any artificial sweetening tablets in a container unless such container bears a label on which there appears such one of the following descriptions as may be appropriate—

- (a) the words “saccharin tablets” or “half strength saccharin tablets” for full strength or half strength tablets respectively, containing no permitted artificial sweetener other than saccharin or a mixture of saccharin and saccharin calcium and saccharin sodium or of any two of those substances;
- (b) the words “saccharin calcium tablets” or “half strength saccharin calcium tablets” for full strength or half strength tablets respectively, containing no permitted artificial sweetener other than saccharin calcium;
- (c) the words “saccharin sodium tablets” or “soluble saccharin tablets” for full strength tablets, or the words “half strength saccharin sodium tablets” or “half strength soluble saccharin tablets” for half strength tablets, containing in each case no permitted artificial sweetener other than saccharin sodium;

Provided that any word of similar meaning may be substituted for the word “tablets” in any of the foregoing descriptions.

(2) Every letter in every word appearing on a label on a container which is required so to appear by virtue of this regulation shall appear conspicuously and legibly in a dark colour upon a light-coloured ground or in a light colour upon a dark-coloured ground and shall be of uniform colour and size.

Sales by description

7. No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing a permitted artificial sweetener or artificial sweetening tablet if the food does not conform to the appropriate description, specifications and requirements prescribed by these regulations.

8. Where a person sells any article or substance to a purchaser in response to a request for an artificial sweetener to which these regulations apply, he shall be deemed to sell such article or substance as such an artificial sweetener and under such a description as is specified in relation to such an artificial sweetener in these regulations unless he clearly notifies the purchaser at the time of sale that the article or substance is not such an artificial sweetener.

PART III

REQUIREMENTS RELATING TO FOOD CONTAINING ARTIFICIAL SWEETENERS

Sale, etc. of food containing artificial sweeteners

9.—(1) No food shall contain any artificial sweetener other than a permitted artificial sweetener.

(2) No person shall sell, consign, deliver or import into Scotland any food which does not comply with this regulation.

PART IV

ADMINISTRATION AND GENERAL

Condemnation of food

10. Where any artificial sweetener or any other food is certified by a public analyst as being food which it is an offence against regulation 4 or 9 of these regulations to sell, consign, deliver or import into Scotland it 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.

Enforcement

11.—(1) The local authority of any area shall, subject to the provisions of the next following paragraph, enforce and execute the provisions of these regulations within their area.

(2) Where any part of the area of a local authority lies within the area of a port local authority such of the functions of the local authority under these regulations in relation to any food imported into that part shall, in so far as these functions fall to be exercised by the port local authority by virtue of any order made under section 172 of the Public Health (Scotland) Act 1897(a), be exercised by that port local authority.

(3) In this regulation "local authority" means the council of a county or of a large burgh within the meaning of the Local Government (Scotland) Act 1947(b); and any small burgh within the meaning of that Act shall, for the purposes of these regulations, be included in the county in which it is situated; and "port local authority" includes a joint port local authority.

Penalties

12.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence under these regulations.

(a) 1897 c. 38.

(b) 1947 c. 43.

(2) Any person who is guilty of an offence under these regulations shall be liable—

(a) on summary conviction to—

- (i) a fine not exceeding £100 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment; and
- (ii) in the case of a continuing offence, to a further fine not exceeding £10 for every day during which the offence is continued; or

(b) on conviction on indictment to—

- (i) a fine not exceeding £500 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment; and
- (ii) in the case of a continuing offence, to a further fine not exceeding £50 for every day during which the offence is continued.

Application of various sections of the Act

13.—(1) Sections 41(2) and (5) (which relates to proceedings), 42(1), (2) and (3) (which relates to evidence of certificates of analysis), 44 (which relates to the power of a court to require analysis by the Government Chemist), 46(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 47 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken under the Act included references to proceedings, or a prosecution as the case may be, taken for an offence against these regulations and in addition as if—

(a) in the case of section 44(1) of the Act, the reference therein to section 41(5) of the Act included a reference to said section 41(5) as applied by these regulations; and

(b) in the case of section 47(1) and (2) of the Act, the references therein to an offence against the Act included references to an offence against these regulations.

(2) Section 41(4) of the Act shall apply for the purposes of these regulations as if the reference therein to section 47 of the Act included a reference to said section 47 as applied by these regulations.

Revocation

14.—(1) The Artificial Sweeteners in Food (Scotland) Regulations 1967(a) are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the regulations revoked by these regulations were an Act of Parliament repealed by an Act of Parliament.

William Ross,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

18th December 1969.

SCHEDULE 1

Regulation 2(1)

Saccharin calcium

Saccharin calcium is the calcium derivative of 2-sulphobenzoic imide with $3\frac{1}{2}$ molecules of water of crystallisation. It contains not less than 98 per cent. of $C_{14}H_9Ca N_2O_6S_2$ calculated with reference to the substance dried to constant weight at $105^\circ C$.

Description White crystals or white crystalline powder, odour faintly aromatic, taste intensely sweet.

Solubility 1g. dissolves in 1.5g. water.

Loss on drying When dried to constant weight at $105^\circ C$. loses not less than 11 per cent. and not more than 15 per cent. of its weight.

Ammonium Compounds Complies with the test given under Saccharin in the British Pharmacopoeia 1968.

4-Sulphamoylbenzoates Complies with the test given under Saccharin Sodium in the British Pharmacopoeia 1968.

SCHEDULE 2

Regulations 2(1) and 5

Requirements as to composition for tablets containing permitted artificial sweeteners

1. Full strength tablets

An artificial sweetening tablet containing saccharin or saccharin calcium or saccharin sodium or a mixture of two or all of those substances shall, when dried to constant weight at $105^\circ C$., have a total quantity of saccharin free and combined calculated as $C_7H_5NO_3S$, which shall be not less than 11 milligrams and not more than 14 milligrams.

2. Half strength tablets

An artificial sweetening tablet containing saccharin or saccharin calcium or saccharin sodium or a mixture of two or all of those substances shall, if sold in a container bearing a label upon which there appears the description "half strength", have when dried to constant weight at $105^\circ C$. a total quantity of saccharin free and combined calculated as $C_7H_5NO_3S$, which shall be not less than 5.5 milligrams and not more than 7 milligrams.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which apply to Scotland only, supersede the Artificial Sweeteners in Food (Scotland) Regulations 1967 and come into operation on 1 January 1970. The principal change is that cyclamic acid, calcium cyclamate and sodium cyclamate are no longer permitted artificial sweeteners or permitted ingredients in artificial sweetening tablets.