

1972 No. 1790 (S.141)

FOOD AND DRUGS

**The Labelling of Food (Scotland) Amendment
Regulations 1972**

Made - - - - 20th November 1972

Laid before Parliament 30th November 1972

Coming into Operation—

Regulation 4(4) 5th January 1976

Remainder 21st December 1972

In exercise of the powers conferred on me by sections 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, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Labelling of Food (Scotland) Amendment Regulations 1972, and shall come into operation as respects regulation 4(4) on 5th January 1976 and as respects the remainder on 21st December 1972.

(2) In these regulations “the 1970 Regulations” means the Labelling of Food (Scotland) Regulations 1970(b) and “the 1964 Regulations” means the Soft Drinks (Scotland) Regulations 1964(c) as amended (d).

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

Amendment of the 1970 Regulations

2.—(1) In this regulation a reference to a numbered regulation or schedule is a reference to the regulation or schedule so numbered in the 1970 Regulations.

(a) 1956 c. 30.

(c) S.I. 1964/767 (1964 II, p. 1634).

(e) 1889 c. 63.

(b) S.I. 1970/1127 (1970 II, p. 3559).

(d) S.I. 1969/1847 (1969 III, p. 5778).

(2) Regulation 2(1) shall be amended—

- (a) by substituting in the definition of flour confectionery for the words “any meat or fish” the words “any meat or fish or any animal, vegetable or microbial material processed before or during the preparation of the product to resemble the texture of meat or fish”;
- (b) by substituting for the definition of intoxicating liquor the following definition:—
“ ‘intoxicating liquor’ means spirits, wine, beer, cider, perry, British wine and any other fermented, distilled or spirituous liquor, but (apart from cider and perry) does not include any liquor for the sale of which by wholesale no excise licence is required;”;
- (c) by inserting after the definition of meat the following definition:—
“ ‘mineral’ does not include salt;”;
- (d) by inserting in the definition of pre-packed after the words “in relation to any food with one main ingredient” the words “or to any bread or sandwiches”;

(3) Regulation 3 shall be amended—

- (a) by substituting for paragraph (3) thereof the following paragraph:—

“(3) Where an appropriate designation of any food—

- (a) contains the names of two or more ingredients of that food, used otherwise than adjectivally, those names shall be used in the order of the proportion by weight in which the ingredients were used in the manufacturing process (greatest first) unless these regulations or any other regulations made, or having effect as if made, under the Act or any order having effect as if contained in regulations so made provide otherwise:
- (b) contains the names of two or more ingredients of that food, used adjectivally, those names shall not be used in an order calculated to mislead as to the proportions by weight of the ingredients used in the manufacture of the food:

Provided that where any food is sold in vinegar, brine, syrup or other carrying liquor, the name of the food may precede the name of the liquor.”;

- (b) by substituting for the proviso to paragraph (5) thereof the following proviso:—

“Provided that—

- (a) any such appropriate designation may be qualified by the inclusion of a descriptive word or descriptive words in such a way as to make it a more specific name or name and description of the species of fish in relation to which it is specified;
- (b) nothing in this paragraph shall prevent the use of a traditional name for a fish which has been subjected to smoking or any similar process.”;

- (c) by adding at the end thereof the following paragraph:—

“(7) Nothing in this regulation shall permit the use in relation to any food referred to in paragraphs (2), (5) or (6) hereof of any appro-

ropriate designation other than an appropriate designation which is prescribed or of which the use is permitted in relation to that food by the paragraph which refers to it.”.

(4) Regulation 6 shall be amended by substituting in paragraphs (2) and (3)(a) thereof for the words “sold by a retailer on the premises where it was pre-packed by him or sold from a delivery van used by him” the words “pre-packed by a retailer and sold by him on the premises where it was pre-packed or from a delivery van used by him”.

(5) Regulation 9(2) shall be amended by inserting after the words “No person shall sell by retail any food” the words “consisting of two or more ingredients”.

(6) The following regulation shall be substituted for regulation 15:—

“15.—(1) No person shall sell pre-packed by retail for human consumption any dry mix or similar food which is intended to be made into another food and to which this regulation applies, if the name of that other food is included in any name or description referring to the first mentioned food (whether an appropriate designation, a common or usual name, or brand or trade name or not) on any label relating to the first mentioned food, unless a true statement in compliance with this regulation appears on such label.

(2) No person shall advertise for sale for human consumption any dry mix or similar food which is intended to be made into another food and to which this regulation applies, if the advertisement includes a statement relating to the use of the first mentioned food in making the other food, unless a true statement in compliance with this regulation is made in such advertisement.

(3) The said true statement shall specify—

(a) as respects any label, the substance or substances other than water required to be added to the first mentioned food, clearly, legibly and in immediate proximity to the appropriate designation or common or usual name which appears on the label in compliance with the provisions of regulation 5 in the form of the statement “Add Y”, the statement having been completed by inserting at “Y” the name or names of the substance or substances other than water required to be added, or in the form of a statement substantially similar thereto;

(b) as respects any advertisement presented other than orally, the substance or substances other than water required to be added to the first mentioned food and that it has or they have to be added, clearly, legibly, conspicuously and in immediate proximity to the most prominent statement relating to the use of the first mentioned food in making the other food;

(c) as respects any advertisement presented orally, the substance or substances other than water required to be added to the first mentioned food and that it has or they have to be added, audibly and clearly at least once.

(4) This regulation applies to any dry mix or similar food which is intended to be made into another food, whether or not that other food is intended for sale, by the addition of any substance or substances other than water, whether or not water is also to be added, except—

- (a) where that other food is intended to be made either by the addition of water alone or by the addition of any substance or substances other than water, whether or not water is also to be added, and
- (b) in the case of the foods commonly known as custard powder and blancmange powder.”.

(7) Regulation 21 shall be amended—

- (a) by deleting from paragraph (ab) of the proviso to paragraph (i)(iii) thereof the words “a statement, without further elaboration, that the food contains protein if such statement is accompanied by a true statement of the minimum protein content or”;
- (b) by inserting in paragraph (2)(a) thereof after the word “carbohydrate” the words “(expressed as monosaccharide)”.

(8) The following regulation shall be substituted for regulation 22:—

“22.—(1) Subject to the provisions of regulation 27, no person shall—

- (a) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be party to the publication of, any advertisement for food,

which bears or includes any words, device or description—

- (i) constituting a general claim that vitamins or minerals are present in that food unless that food contains, in the case of a claim as to vitamins, one or more of the substances specified in column 1 of the table in, or in paragraph 1 of, Part I of Schedule 4 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 words, device or description, as the case may be, are or is accompanied by a true statement in compliance with this regulation;
- (ii) constituting any claim or in any way suggesting that any particular substance or substances specified in column 1 of the table in, or in paragraph 1 of, Part I of Schedule 4 or in column 1 of Part II of that Schedule is or are present in that food unless the words, device or description, as the case may be, are or is accompanied by a true statement in compliance with this regulation:
Provided that the requirement of this sub-paragraph shall not apply in relation to any substance specified in Schedule 4 if the only claim or suggestion that the substance is present in a food is contained in a list of the ingredients of that food made on a label on the container thereof in compliance with the provisions of regulation 5;
- (iii) constituting any claim or in any way suggesting that any particular vitamin or mineral not specified in Schedule 4 is present in that food:

Provided that the requirements of this sub-paragraph shall not apply in relation to any vitamin or mineral not specified in Schedule 4 if the only claim or suggestion on the label or in the

advertisement that the vitamin or mineral is present in a food is a mention of such vitamin or mineral in an appropriate designation of the food in compliance with the provisions of regulation 5, in a list of ingredients in compliance with those provisions, in a true statement in compliance with the provisions of regulation 26 or in a statement of the minimum vitamin or mineral content (being a statement which, when taken as a whole, does not give undue prominence to that vitamin or mineral) as part of a statement of the total nutrient content or chemical analysis of such food.

(2) The true statement referred to in paragraph (1)(i) and (1)(ii) of this regulation shall specify in the manner prescribed in Schedule 4, the minimum quantity of every substance present in the food and referred to in the said paragraph (1)(i) or (1)(ii), as the case may be, contained in each ounce, fluid ounce, hundred grammes or hundred millilitres of the food, so that where the minimum quantity of the food in the container is stated by weight, the minimum quantity of every such substance shall be specified per ounce or, if the minimum quantity of the food in the container is stated in grammes or in kilogrammes shall be specified per hundred grammes, and where the minimum quantity of the food in the container is stated by volume, the minimum quantity of every such substance shall be specified per fluid ounce or, if the minimum quantity of the food in the container is stated in millilitres or litres, shall be specified per hundred millilitres.”.

(9) Regulation 24(2)(a) shall be amended by inserting after the words “minerals or vitamins” the words “or both vitamins and minerals”.

(10) The Schedule set out in Schedule 1 to these regulations shall be substituted for Schedule 1 to the 1970 Regulations.

(11) Part I of Schedule 2 shall be amended—

(a) by substituting in column 2 of item 1 thereof for the words “Edible oil, or oil or shortening, or edible fat, or fat or shortening” the words “Oil, or fat or shortening (whether or not qualified as appropriate by the adjectives ‘edible’, ‘vegetable’ or ‘animal’, or any combination thereof)”;

(b) by deleting from column 1 of item 4 thereof the words “Any preparation which is the subject of, and conforms with the requirements of, a monograph in the 1968 edition of the British Pharmacopoeia or the addendum thereto of 1969 or in the formulary section of the 1968 edition of the British Pharmaceutical Codex, if the letters ‘B.P.’ or ‘B.P.C.’, as the case may be, appear as part of the appropriate designation or common or usual name of the preparation.”.

(12) Schedule 2 to these regulations shall be substituted for Part I of Schedule 4 to the 1970 Regulations.

(13) Paragraph 5(2) of Schedule 5 shall be amended by adding at the end the words “under normal conditions of purchase”.

3.—(1) Until revoked any provision of the Labelling of Food Order 1953^(a) as amended ^(b), shall not apply in relation to any food, label, statement, advertisement or invoice which would have complied with a corresponding provision of the 1970 Regulations immediately before the coming into operation of these regulations.

(2) From 1st January 1973 until 1st July 1973—

(a) any provision of the 1970 Regulations as amended by regulation 2 hereof shall not apply in relation to any food, label, ticket, notice, advertisement, designation, name, list, statement or invoice which would have complied with the corresponding provision of the 1970 Regulations immediately before the coming into operation of these regulations;

(b) regulation 22 of and Schedule 4 to the 1970 Regulations as amended by paragraphs (8) and (12) respectively of regulation 2 hereof, shall not apply in relation to any label or advertisement which would have complied with article 9 of and the Second Schedule to the Labelling of Food Order 1953 as amended, revoked by the 1970 Regulations.

Amendment of the 1964 Regulations

4.—(1) In this regulation a reference to a numbered regulation or schedule is a reference to the regulation or schedule so numbered in the 1964 Regulations.

(2) Regulation 15 shall be amended by inserting at the beginning thereof the words “Subject to the provisions of regulation 15A hereof”.

(3) The following regulation shall be inserted after regulation 15:—

“15A. Until 5th January 1976 where any label on the container of any soft drink complies—

(a) with the provisions of regulation 5 of the Labelling of Food (Scotland) Regulations 1970^(c), and

(b) with the provisions of Schedule 5 to those regulations in relation to any designation, name, list, statement, word or words required by the provisions of the said regulation 5 to appear on that label,

the provisions of regulations 14 and 15 hereof shall not apply to that label.”.

(4) Further amendments (to come into operation on 5th January 1976) shall be made as follows:—

(a) The following regulation shall be substituted for regulation 13:—

“13. No person shall sell in or from any vending machine any soft drink whether in a container or not, unless there appears in clear lettering in a prominent position on the front of that vending machine a declaration giving the description specified in these regulations for the soft drink which is offered or exposed for sale, where applicable, and otherwise the descriptive name of that soft drink, and where

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

(b) S.I. 1953/1889, 1956/1146, 1958/719, 1959/571, 1961/469, 1966/98, 1967/1079 (1953 I, p. 685; 1956 I, p. 1007; 1958 I, p. 1174; 1959 I, p. 1328; 1961 I, p. 1103; 1966 I, p. 210; 1967 II, p. 3199).

(c) S.I. 1970/1127 (1970 II, p. 3559).

such soft drink contains permitted artificial sweetener the declaration shall also include the expression 'saccharin added' or 'contains saccharin' or where appropriate, any one of the following expressions:—

- (a) 'saccharin and sugar added';
- (b) 'sugar and saccharin added';
- (c) 'contains saccharin and sugar';
- (d) 'contains sugar and saccharin';
- (e) 'sweetened with sugar and saccharin';
- (f) 'sweetened with saccharin and sugar':

Provided that the said description or descriptive name need not be included in the said declaration if a label on a container of the soft drink dispensed from the vending machine, or an exact facsimile of such label, bearing the said description, where applicable, and otherwise the said descriptive name is conspicuous and legible to an intending purchaser on or through the outside of the vending machine.”.

- (b) Regulation 14 shall be deleted.
- (c) Regulation 15 shall be amended by substituting for the word and figures “12 and 14” the word and figure “and 12”.
- (d) Schedule 3 to these regulations shall be substituted for Schedule 4 to the 1964 Regulations.

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
20th November 1972.

Regulation 2(10)

SCHEDULE 1

APPROPRIATE DESIGNATIONS OF FISH

Column 1	Column 2
Appropriate designation	Species
SEA FISH	
Anchovy	All species of <i>Engraulis</i> .
Angler or Monk-fish	<i>Lophius piscatorius</i> L.
Argentine	All species of <i>Argentina</i> .
Atherine	All species of <i>Atherina</i> .
Bass	All species of <i>Roccus</i> .
Beluga	All species of <i>Morone</i> .
Brill	All species of <i>Dicentrarchus</i> .
Brisling or Sprat	<i>Huso huso</i> (L.).
Cod or Codling	<i>Scophthalmus rhombus</i> (L.).
Conger or Conger Eel	<i>Sprattus sprattus</i> (L.).
Dab	<i>Gadus morhua</i> L.
Dory or John Dory	All species of <i>Conger</i> .
Eel	<i>Limanda limanda</i> (L.).
Flake or Huss or Rigg or Dogfish	<i>Zeus faber</i> L.
Flounder or Fluke	All species of <i>Anguilla</i> .
Forkbeard	All species of <i>Galeorhinus</i> .
Garfish	All species of <i>Mustelus</i> .
Greenland Halibut or Mock Halibut	All species of <i>Scyliorhinus</i> .
Grey Mullet	<i>Galeus melastomus</i> (Rafin.).
Gurnard	<i>Squalus acanthias</i> L.
Haddock	<i>Platichthys flesus</i> (L.).
Hake	All species of <i>Phycis</i> .
Halibut	All species of <i>Urophycis</i> .
Herring	<i>Raniceps raninus</i> (L.).
Kingfish	All species of <i>Belone</i> .
Lascar	<i>Reinhardtius hippoglossoides</i>
Lemon Sole	(Walbaum).
Ling	All species of <i>Mugil</i> .
Mackerel	All species of <i>Liza</i> .
Megrin	All species of <i>Chelon</i> .
Pilchard	All species of <i>Trigla</i> .
Californian Pilchard	All species of <i>Eutrigla</i> .
Chilean Pilchard	All species of <i>Aspitrigla</i> .
Japanese Pilchard	All species of <i>Trigloporus</i> .
South African Pilchard	<i>Peristedion cataphractum</i> (L.).
	<i>Melanogrammus aeglefinus</i> (L.).
	All species of <i>Merluccius</i> .
	<i>Hippoglossus hippoglossus</i> (L.).
	<i>Clupea harengus</i> L.
	All species of <i>Scomberomorus</i> .
	<i>Pegusa lascaris</i> (Risso).
	<i>Microstomus kitt</i> (Walbaum).
	All species of <i>Molva</i> .
	All species of <i>Scomber</i> .
	All species of <i>Lepidorhombus</i> .
	<i>Sardina pilchardus</i> (Walbaum).
	<i>Sardinops sagax caerulea</i> (Girard).
	<i>Sardinops sagax sagax</i> (Jenyns).
	<i>Sardinops sagax melanosticta</i>
	(Schlegel).
	<i>Sardinops sagax ocellata</i> (Pappe).

Column 1	Column 2
Appropriate designation	Species
Plaice	<i>Pleuronectes platessa</i> L.
Pollack or Lythe	<i>Pollachius pollachius</i> (L.).
Pouting or Pout	<i>Trisopterus luscus</i> (L.).
Redfish	All species of <i>Sebastes</i> .
Red Mullet	<i>Helicolenus dactylopterus</i> (De la Roche).
Rockfish	All species of <i>Mullus</i> .
Rough-back	All species of <i>Anarhichas</i> .
Saithe or Coley or Coal Fish	<i>Hippoglossoides platessoides</i> (Fabr.).
Sardine	<i>Pollachius virens</i> (L.).
Sardinella	Small <i>Sardina pilchardus</i> (Walbaum).
Scad	All species of <i>Sardinella</i> .
	All species of <i>Trachurus</i> .
	All species of <i>Dentex</i> .
	All species of <i>Pagellus</i> .
	All species of <i>Sparus</i> .
Sea-Bream	All species of <i>Spondylisoma</i> .
	All species of <i>Boops</i> .
	All species of <i>Pagrus</i> .
	All species of <i>Chrysoblephus</i> .
	Small <i>Clupea harengus</i> L.
Sild	All species of <i>Raja</i> .
Skate or Ray or Roker	All species of <i>Osmerus</i> .
Smelt or Sparling	<i>Solea solea</i> (L.).
Sole or Dover Sole	<i>Solea senegalensis</i> .
Canary Sole	<i>Sprattus sprattus</i> (L.).
Sprat or Brisling	All species of <i>Acipenser</i> .
Sturgeon	<i>Microchirus variegatus</i> (Don.).
Thickback	All species of <i>Thunnus</i> except <i>Thunnus alalunga</i> (Bonnaterre).
Tuna or Tunny	All species of <i>Neothunnus</i> .
	<i>Thunnus alalunga</i> (Bonnaterre).
Albacore Tuna	All species of <i>Sarda</i> .
Bonito Tuna	All species of <i>Euthynnus</i> .
Skipjack Tuna	<i>Katsuwonus pelamis</i> (L.).
	<i>Scophthalmus maximus</i> (L.).
Turbot	<i>Brosme brosme</i> (Ascanius).
Tusk	Young of <i>Clupea harengus</i> L.
Whitebait	Young of <i>Sprattus sprattus</i> (L.).
Whiting	<i>Merlangius merlangus</i> (L.).
Winter Flounder	<i>Pseudopleuronectes americanus</i> (Walbaum).
Witch	<i>Glyptocephalus cynoglossus</i> (L.).

Column 1	Column 2
Appropriate designation	Species
SALMON AND FRESHWATER FISH	
Bream	All species of <i>Abramis</i> .
Carp	<i>Cyprinus carpio</i> L.
Char	All species of <i>Salvelinus</i> .
Perch	<i>Perca fluviatilis</i> L.
Pike	<i>Esox lucius</i> L.
Pikeperch	<i>Stizostedion lucioperca</i> (L.).
Salmon	<i>Salmo salar</i> L.
Cherry Salmon	<i>Oncorhynchus masou</i> (Walbaum).
Chum Salmon or Keta Salmon	<i>Oncorhynchus keta</i> (Walbaum).
Medium Red Salmon or Coho Salmon or Silver Salmon	<i>Oncorhynchus kisutch</i> (Walbaum).
Pink Salmon	<i>Oncorhynchus gorbuscha</i> (Walbaum).
Red Salmon or Sockeye Salmon	<i>Oncorhynchus nerka</i> (Walbaum).
Spring Salmon or King Salmon or Chinook Salmon	<i>Oncorhynchus tshawytscha</i> (Walbaum).
Brown Trout	<i>Salmo trutta</i> L. which has spent all its life in fresh water.
Cut-throat Trout	<i>Salmo clarkii</i> Richardson.
Rainbow Trout or Steelhead Trout	<i>Salmo gairdneri</i> Richardson.
Sea Trout or Salmon-Trout	<i>Salmo trutta</i> L. which has spent part of its life in sea water.

Column 1	Column 2	Column 3
Appropriate designation	Species	Appropriate designation
SHELL-FISH		
Abalone or Ormer	All species of <i>Haliotis</i> .	
Clam	All species of <i>Venerupis</i> (\equiv <i>Paphis</i>).	Soft shell clam.
	<i>Mya arenaria</i> L.	Hard shell clam.
	<i>Venus (Mercenaria) mercenaria</i> L. and <i>Venus verrucosa</i> L.	
Cockle	All species of <i>Ensis</i> and <i>Solen</i> .	Razor clam.
Crab	All species of <i>Cardium</i> (\equiv <i>Cerastoderma</i> or <i>Parvicardium</i>).	
	All species of the section <i>Brachyura</i> .	
Crawfish or Spiny Lobster or Rock Lobster	All species of the family <i>Lithodidae</i> .	
	All species of the family <i>Palinuridae</i> .	
Crayfish	All species of the family <i>Astacidae</i> .	
	All species of the family <i>Parastacidae</i> .	
	All species of the family <i>Austroastacidae</i> .	
Lobster	All species of <i>Homarus</i> .	
Norway Lobster or Dublin Bay Prawn or Scampi	<i>Nephrops norvegicus</i> (L.).	
Squat Lobster	All species of the family <i>Galatheididae</i> .	
Mussel	All species of <i>Mytilus</i> .	

Column 1	Column 2	Column 3
Appropriate designation	Species	Appropriate designation
Oyster	All species of <i>Crassostrea</i> except <i>Crassostrea angulata</i> (Lmk.) and <i>Crassostrea gigas</i> . All species of <i>Ostrea</i> except <i>Ostrea edulis</i> L. <i>Crassostrea angulata</i> (Lmk.). <i>Crassostrea gigas</i> .	Portuguese Oyster. Pacific Oyster.
Prawn	<i>Ostrea edulis</i> L. Large <i>Pandalus borealis</i> Krøyer. Large fish of:— All species of <i>Palaemonidae</i> . All species of <i>Penaeidae</i> . All species of <i>Pandalidae</i> .	Native Oyster. Deepwater Prawn.
Scallop or Escallop Queen Scallop or Queen Escallop	All species of <i>Pectinidae</i> . <i>Chlamys</i> (\equiv <i>Acquipton</i>) <i>opercularis</i> (L.).	
Shrimp	<i>Pandalus montagui</i> Leach. All species of <i>Crangon</i> . Small fish of:— All species of <i>Palaemonidae</i> . All species of <i>Penaeidae</i> . All species of <i>Pandalidae</i> .	Pink Shrimp. Brown Shrimp.
Whelk	All species of <i>Buccinum</i> .	
Winkle	All species of <i>Neptunea</i> . All species of <i>Littorina</i> .	

SCHEDULE 2

Regulation 2(12)

VITAMINS

Column 1	Column 2
Substance and Alternative Name or Names	To be calculated as
Group 1 Biologically active carotenoids	Microgrammes of retinol, on the basis that 6 microgrammes of beta-carotene or 12 microgrammes of other biologically active carotenoids equals 1 microgramme of retinol, or until 31st December 1974, international units of vitamin A, on the basis that 0.6 microgrammes of beta-carotene equals one international unit of vitamin A.

Column 1	Column 2
Substance and Alternative Name or Names	To be calculated as
<i>Group 2</i>	
Retinol or Vitamin A	Microgrammes of retinol, or until 31st December 1974, international units of vitamin A.
<i>Group 3</i>	
Thiamin or Vitamin B ₁	Milligrammes of thiamin hydrochloride.
<i>Group 4</i>	
Riboflavin or Vitamin B ₂	Milligrammes of riboflavin.
<i>Group 5</i>	
Nicotinic acid or niacin Nicotinamide or niacinamide	Milligrammes of nicotinic acid.
<i>Group 6</i>	
Ascorbic Acid or Vitamin C Dehydroascorbic acid or Vitamin C	Milligrammes of ascorbic acid.
<i>Group 7</i>	
Ergocalciferol or Vitamin D or Vitamin D ₂ Cholecalciferol or Vitamin D or Vitamin D ₃	Microgrammes of cholecalciferol, or until 31st December 1974, international units of vitamin D.

1. Each substance specified in column 1 of the table shall include its biologically active equivalent or derivative and the Groups specified in Column 1 shall be constituted accordingly.

2. The quantity of any substance specified in column 1 (as extended by the preceding paragraph) shall be calculated in the manner prescribed in relation thereto in column 2 and shall either be specified accordingly or in the manner prescribed in paragraphs 3 or 4 of this Part of this Schedule.

3. Where the quantities of any substances included in Groups 1 and 2 specified in column 1 (as extended by paragraph 1 of this Part of this Schedule) are calculated—

- (a) as international units of vitamin A, they may, until 31st December 1974, be added together and specified accordingly;
- (b) as microgrammes of retinol, they may be added together and specified accordingly.

4. The quantity of any substance included in Groups 2, 3, 4, 5, 6 or 7 specified in column 1 (as extended by paragraph 1 of this Part of this Schedule) may be specified—

- (a) by reference to any one of the names or alternative names, specifically listed in column 1, of the substances in the Group to which the first mentioned substance belongs;
- (b) where the first mentioned substance is a biologically active equivalent or derivative of a substance specifically listed in column 1, by reference to the name of that first mentioned substance.

SCHEDULE 3

Regulation 4(4)(d)

LABELLING OF CONTAINERS AND VENDING MACHINES

1. The provisions of Schedule 5 of the Labelling of Food (Scotland) Regulations 1970 shall apply to every letter and word required to appear on a label on a container by virtue of regulations 8, 9(2), 10, 11 and 12 of these regulations, as they apply to any appropriate designation or common or usual name required by regulation 5(2) of the Labelling of Food (Scotland) Regulations 1970.

2. Every letter and word appearing on a vending machine which is required to appear by virtue of regulation 13 of these regulations shall be printed in dark block type upon a light coloured ground or in a light block type on a dark coloured ground, shall be of uniform colour and size and—

- (a) if it is part of the description or descriptive name referred to in that regulation, shall not be less than 12 millimetres in height;
- (b) if it is part of any expression specified in that regulation, shall not be less than 6 millimetres in height.

3. For the purposes of paragraph 2 any requirement that letters or words shall be of uniform height, colour or size shall be construed as being subject to the saving that any inconsiderable variation in height, colour or size, as the case may be, may be disregarded.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which apply to Scotland only, amend the Labelling of Food (Scotland) Regulations 1970 ("the 1970 Regulations") which come into operation on 1st January 1973. Transitional arrangements are provided until 1st July 1973 (Regulation 3). The Regulations—

- (a) amend the definitions of "flour confectionery", "intoxicating liquor" and "pre-packed" in the 1970 Regulations and add a definition of the word "mineral" (Regulation 2(2));
- (b) amend the provisions relating to appropriate designations in Regulation 3 of and Schedule 1 to the 1970 Regulations, as to names of ingredients used adjectivally in such designations, as to the designations of species of fish and as to the use of appropriate designations prescribed or permitted by Regulation 3(2), (5) and (6) (Regulation 2(3) and (10) and Schedule 1);
- (c) amend the exemption provisions in Regulation 6 of and Schedule 2 to the 1970 Regulations (Regulation 2(4) and (11));
- (d) substitute a Regulation as to the labelling and advertisement of dry mixes in place of Regulation 15 of the 1970 Regulations (Regulation 2(6));
- (e) amend the restrictions imposed by Regulation 21 of the 1970 Regulations on claims that foods are a source of protein (Regulation 2(7));

- (f) substitute a Regulation imposing restrictions on claims as to the presence of vitamins and minerals in place of Regulation 22 of the 1970 Regulations and replace Part 1 of Schedule 4 to those Regulations (Regulation 2(8) and (12) and Schedule 2).

Other amendments are made to Regulation 9(2) (Labelling of food, other than pre-packed, for sale by retail), Regulation 24(2)(a) (Slimming claims) and Schedule 5 (Manner of marking or labelling) (Regulations 2(5), (9) and (13)).

The Regulations also further amend the Soft Drinks (Scotland) Regulations 1964, so that:—

- (a) until 5th January 1976 any label on the container of a soft drink which complies with the provisions of the 1970 Regulations as to labelling and manner of marking will not need to comply with Regulations 14 and 15 of the Soft Drinks (Scotland) Regulations 1964 (Regulation 4(3));
- (b) from 5th January 1976 (the expiry date of the exemption provided for certain soft drinks by regulation 6(7) of the 1970 Regulations) new provision is made for the labelling and manner of marking of soft drinks (Regulations 4(4)(b), (c) and (d) and Schedule 3);
- (c) from 5th January 1976 the existing provisions of the Soft Drinks (Scotland) Regulations 1964 as to declarations on vending machines containing soft drinks will continue to apply in an amended form (Regulation 4(4)(a) and (d) and Schedule 3).

SI 1972/1790
ISBN 0-11-021790-X



780110 217901