
 STATUTORY INSTRUMENTS

1986 No. 836 (S. 76)

FOOD

COMPOSITION AND LABELLING

The Caseins and Caseinates (Scotland) Regulations 1986

<i>Made</i> - - - -	1st May 1986
<i>Laid before Parliament</i>	20th May 1986
<i>Coming into Operation</i> <i>Regulations 1, 2, 3, and 6</i> <i>to 10</i> - - - -	10th June 1986
<i>Regulations 4 and 5</i>	10th June 1987

The Secretary of State, in exercise of the powers conferred on him by sections 4, 7, 26(3) and 56 of the Food and Drugs (Scotland) Act 1956(a), and of all other powers enabling him in that behalf, and after consultation with such organisations as appear to him to be representative of interests substantially affected by these regulations, in accordance with section 56(6) of the said Act, hereby makes the following regulations:-

Citation and commencement

1.—(1) These regulations may be cited as the Caseins and Caseinates (Scotland) Regulations 1986.

(2) Regulations 1, 2, 3 and 6 to 10 shall come into operation on 10th June 1986.

(3) Regulations 4 and 5 shall come into operation on 10th June 1987.

Interpretation

2. In these regulations -

“casein” means the principal protein constituent of milk, washed and dried, insoluble in water and obtained from skimmed milk by precipitation by the addition of acid, or by microbial acidification, or by using rennet or by using other milk-coagulating enzymes, without prejudice to the possibility of prior use of ion exchange processes and concentration processes;

“caseinate” means a product obtained by drying casein treated with neutralising agents;

(a) 1956c.30; section 4(1) was amended by the European Communities Act 1972 (c.68), Schedule 4, paragraph 3(1); section 26(3) was amended by the Local Government (Scotland) Act 1973 (c.65), Schedule 27, paragraph 123; section 56 was amended by the Criminal Justice Act 1982 (c.48), Schedule 15, paragraph 8 and by S.I. 1984/526.

“reserved description”, as respects any casein product, means a description specified in relation to that product in column 1 of Part I of the Schedule, and the use of any such description in these regulations shall be construed as meaning any casein product specified in relation to that description in column 2 of the said Part of the Schedule;

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

“skimmed milk” means the milk of one or more cows to which nothing has been added and of which only the fat content has been reduced;

“the Schedule” means the Schedule to these regulations.

Exemptions

3. These regulations shall not apply to any casein or caseinate -

- (a) manufactured before 10th June 1986, or
- (b) not intended for sale for human consumption, or
- (c) intended at the time of sale, consignment, delivery or importation for export to any place outside the United Kingdom, or
- (d) supplied under Government contracts for consumption by Her Majesty’s forces or supplied for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(a).

General restrictions on use of reserved descriptions

4. 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 a party to the publication of, any advertisement for food which bears or includes any reserved description or any derivative thereof or any word or description substantially similar thereto unless -
 - (i) such food is a casein product to which the reserved description relates, or
 - (ii) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is an ingredient of that food, or
 - (iii) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not a casein product and does not contain one.

Labelling of casein products

5.—(1) Without prejudice to the Food Labelling (Scotland) Regulations 1984(b) and subject to paragraph (3) of this regulation, no person shall sell any casein product unless it is marked or labelled with -

- (a) the reserved description specified for that product with, in the case of caseinates, an indication of the cation or cations;

(a) 1952 c.67.

(b) S.I. 1984/1519.

- (b) in the case of casein products sold as mixtures -
- (i) the words "mixture of", followed by the reserved descriptions of the casein products which make up the mixture, in descending order of weight;
 - (ii) an indication of the cation or cations in the case of caseinate and caseinates; and
- in the case of mixtures containing caseinates, the protein content, calculated on the dried extract, expressed as a percentage of the total weight of the product as sold;
- (c) the name or business name and the address of the manufacturer or packer, or of a seller established within the European Economic Community;
 - (d) in the case of products imported from countries outside the European Economic Community, the name of the country of origin; and
 - (e) the date of manufacture or some marking by which the batch can be identified.

(2) The particulars required by sub-paragraphs (a), (b), (d) and (e) of paragraph (1) of this regulation shall be given in English, either exclusively or in addition to any other language.

(3) The particulars required by sub-paragraphs (b)(ii), (c) and (d) of paragraph (1) of this regulation may be given in a document accompanying the product. In the case of a product delivered in bulk, the indication of the cation or cations in caseinate or caseinates and the particulars required by sub-paragraphs (b)(ii) and (e) of the said paragraph (1) may also be given in an accompanying document.

Heat treatment

6. No person shall use as an ingredient in the preparation of any casein product any casein or caseinate which has not been subjected to heat treatment at least equivalent to pasteurisation unless that casein product is itself subjected to such heat treatment during its preparation.

Offences, penalties and enforcement

7.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he is guilty of an offence and shall be liable on -

- (a) summary conviction to a fine not exceeding £2,000, or
- (b) conviction on indictment to a fine or to imprisonment for a term not exceeding one year or both.

(2) Each district and islands council shall enforce and execute these regulations in its area.

Defences

8.—(1) In any proceedings for an offence against these regulations it shall be a defence for the accused to prove that he took all reasonable steps to ensure compliance with the regulations.

(2) In any proceedings for an offence against these regulations in relation to the publication of an advertisement it shall be a defence for the accused 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.

(3) In any proceedings against the manufacturer or importer of any casein product or other food for an offence against these regulations in relation to the publication of an advertisement it shall rest on the accused to prove that he did not publish, and was not party to the publication of, the advertisement.

Application of provisions of the Food and Drugs (Scotland) Act 1956

9.—(1) Subject to paragraph (2) of this regulation, the following provisions of the Food and Drugs (Scotland) Act 1956(a) shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the said Act included references to proceedings, or a prosecution, as the case may be, taken or brought for an offence under these regulations:-

- (a) section 41(2), (3) and (5) (which relates to proceedings);
- (b) section 42(1), (2) and (3) (which relates to evidence of analysis);
- (c) section 44 (which relates to analysis by the Government Chemist);
- (d) section 45 (which relates to a contravention by a third party);
- (e) section 46(2) (which relates to the conditions under which a warranty may be pleaded as a defence);
- (f) section 47 (which relates to offences as to warranties and certificates of analysis).

(2) Section 44 of the said Act shall apply for the purposes of these regulations as if the reference therein to section 41(5) of the Act included a reference to that subsection as applied by paragraph (1) of this regulation.

Amendment of the Food Labelling (Scotland) Regulations 1984

10. The Food Labelling (Scotland) Regulations 1984 are hereby amended by deleting from Schedule 3 thereto the reference therein to caseinates.

John J. MacKay,
Parliamentary Under Secretary of State,
Scottish Office.

New St. Andrew's House,
Edinburgh.
1st May 1986.

(a) 1956 c.30.

SCHEDULE

Regulation 2

PART I

Casein products and their reserved descriptions

Column 1 <i>(Reserved descriptions)</i>	Column 2 <i>(Casein products)</i>
Edible acid casein	Edible casein obtained by precipitation using the technological adjuvants and bacterial cultures specified in relation to edible acid casein in Part II of this Schedule and complying with the standards laid down for edible acid casein in Part III hereof.
Edible rennet casein	Edible casein obtained by precipitation using the technological adjuvants specified in relation to edible rennet casein in Part II of this Schedule and complying with the standards laid down for edible rennet casein in Part III hereof.
Edible caseinates	Caseinates obtained from edible caseins using neutralising agents of edible quality specified in relation to edible caseinates in Part II of this Schedule and complying with the standards laid down for edible caseinates in Part III hereof.

PART II

Technological adjuvants and bacterial cultures

Edible acid casein	<i>Technical adjuvants and bacterial cultures</i>	
		lactic acid (E270)
		hydrochloric acid (507)
		sulphuric acid (513)
		citric acid (E330)
		acetic acid (E260)
		orthophosphoric acid (E338)
Edible rennet casein	<i>whhey</i>	
	bacterial cultures producing lactic acid	
	<i>Technical adjuvants</i>	
		rennet
Edible caseinates	other milk-coagulating enzymes	
	<i>Technological adjuvants</i>	
	<i>(Optional neutralising and buffering agents)</i>	
	hydroxides	} of
carbonates	potassium	
phosphates	calcium	
citrates	ammonium	
		magnesium

PART III

Standards

(All percentages are by weight.)

Edible acid casein	<i>(a) Essential factors of composition</i>	
	1. Maximum moisture content -	10.0%

	2. Minimum milk protein content, calculated on the dried extract -	90.0%
	of which minimum casein content -	95.0%
	3. Maximum milk fat content, calculated on the dried extract -	2.25%
	4. Maximum titratable acidity, expressed in ml. of decinormal sodium hydroxide solution per g. -	0.27
	5. Maximum ash content (P ₂ O ₅ included) -	2.50%
	6. Maximum anhydrous lactose content -	1.0%
	7. Maximum sediment content (burnt particles) -	22.5mg. in 25g.
	<i>(b) Impurities</i>	
	Extraneous matter (such as wood or metal particles, hairs or insect fragments) -	nil in 25g.
	<i>(c) Organoleptic characteristics</i>	
	1. Odour: No foreign odours	
	2. Appearance: Colour ranging from white to creamy white; the product must not contain any lumps that would not break up under slight pressure	
Edible rennet casein	<i>(a) Essential factors of composition</i>	
	1. Maximum moisture content -	10.0%
	2. Minimum milk protein content, calculated on the dried extract -	84.0%
	of which minimum casein content -	95.0%
	3. Maximum milk fat content, calculated on the dried extract -	2.0%
	4. Minimum ash content (P ₂ O ₅ included) -	7.5%
	5. Maximum anhydrous lactose content -	1.0%
	6. Maximum sediment content (burnt particles) -	22.5mg. in 25g.
	<i>(b) Impurities</i>	
	Extraneous matter (such as wood or metal particles, hairs or insect fragments) -	nil in 25g.
	<i>(c) Organoleptic characteristics</i>	
	1. Odour: No foreign odours	
	2. Appearance: Colour ranging from white to creamy white; the product must not contain any lumps that would not break up under slight pressure	
Edible caseinates	<i>(a) Essential factors of composition</i>	
	1. Maximum moisture content -	8.0%
	2. Minimum content of milk protein casein, calculated on the dried extract -	88.0%
	3. Maximum content of milk fat, calculated on the dried extract -	2.0%
	4. Maximum anhydrous lactose content -	1.0%
	5. PH value -	6.0 to 8.0

6. Maximum sediment content (burnt particles) -	22.5mg. in 25g.
<i>(b) Impurities</i>	
Extraneous matter (such as wood or metal particles, hairs or insect fragments) -	nil in 25g.
<i>(c) Characteristics</i>	
1. Odour: No more than very slight foreign flavours and odours.	
2. Appearance: Colour ranging from white to creamy white; the product must not contain any lumps that do not break under slight pressure.	
3. Solubility: Almost entirely soluble in distilled water, except for the calcium caseinate.	

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which apply to Scotland only, implement the Council Directive 83/417/EEC (O.J. No. L237, 26.8.83, p.25) on the approximation of the laws of the Member States relating to certain lactoproteins (caseins and caseinates) intended for human consumption.

The regulations -

- (a) prescribe reserved descriptions and composition and manufacturing characteristics for the casein products to which they apply (regulation 2 and the Schedule);
- (b) subject to specified exceptions, prohibit the labelling or advertisement with reserved descriptions of food other than casein products to which those descriptions relate (regulation 4);
- (c) impose requirements as to the labelling of casein products additional to those of the Food Labelling (Scotland) Regulations 1984 (regulation 5);
- (d) require heat treatment for caseins or caseinates before use (regulation 6);
- (e) make provision for enforcement (regulation 7);
- (f) provide certain defences (regulation 8); and
- (g) apply certain provisions of the Food and Drugs (Scotland) Act 1956 relating to prosecutions and associated matters (regulation 9).

The regulations do not apply to casein products manufactured before 10th June 1986 or not intended for human consumption, or intended at the time of sale for export, or supplied for consumption by Her Majesty's forces or a visiting force (regulation 3).

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