1986 No. 40

FOOD AND DRUGS

Composition and Labelling

Caseins and Caseinates Regulations (Northern Ireland) 1986

Made	*10th February 1986*
Coming into operation—	
Regulations 1, 2, 3, and 6 to 9	*24th March 1986*
Regulations 4 and 5	*24th March 1987*

The Department of Health and Social Services(**a**) in exercise of the powers conferred on it by sections 4, 7, 68 and 68A of the Food and Drugs Act (Northern Ireland) 1958(**b**) and of every other power enabling it in that behalf and after consultation in accordance with section 68(2) of that Act 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.—(1) These regulations may be cited as the Caseins and Caseinates Regulations (Northern Ireland) 1986.

(2) Regulations 1, 2, 3 and 6 to 9 shall come into operation on 24th March 1986.

(3) Regulations 4 and 5 shall come into operation on 24th March 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;

"casein product" means edible acid casein, edible rennet casein or any edible caseinate;

"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 or have in possession for sale;

"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.

(**a**) *See* S.R. & O. (N.I.) 1964 No. 205 art. 5 and Sch. 2 Part I

(**b**) 1958 c. 27 (N.I.); section 4 was amended by and section 68A was added by S.R. & O. (N.I.) 1972 No. 363

Exemptions

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

(*a*) manufactured before 24th March 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. A person shall not—

(*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 (Northern Ireland) Regulations 1984(**b**), and subject to paragraph (3), a person shall not 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;

(*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

(iii) 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.

(**a**) 1952 c. 67
(**b**) S.R. 1984 No. 407

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

(3) The particulars required by sub-paragraphs (*b*)(iii), (*c*) and (*d*) of paragraph (1) 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 any caseinate or caseinates and the particulars required by sub-paragraphs (*b*)(ii) and (*e*) of paragraph (1) may also be given in an accompanying document.

Heat treatment

6. A person shall not 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 and penalties

7. If any person contravenes any of the foregoing provisions of these regulations he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £400 or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Defences

8.—(1) In any proceedings for an offence against these regulations it shall be a defence for the defendant 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 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.

(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 defendant to prove that he did not publish, and was not party to the publication of, the advertisement.

Amendment of the Food Labelling (Northern Ireland) Regulations 1984

9. The Food Labelling (Northern Ireland) Regulations 1984 are hereby amended by deleting from Schedule 3 thereof the reference to caseinates.

Sealed with the Official Seal of the Department of Health and Social Services on 10th February 1986.

(L.S.) *Z. I. Davies*

Under Secretary