1974. No. 196 [C]

FOOD AND DRUGS

Composition and Labelling

Miscellaneous Additives in Food Regulations 1974

REGULATIONS, DATED 5TH AUGUST 1974, MADE BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES UNDER SECTIONS 4, 7, 68 AND 68(*a*) OF THE FOOD AND DRUGS ACT (NORTHERN IRELAND) 1958.

The Department of Health and Social Services, in exercise of the powers conferred upon it by sections 4, 7, 68 and 68(*a*) of the Food and Drugs Act (Northern Ireland) 1958(a) and of all other powers enabling it in that behalf, after consultation 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 Miscellaneous Additives in Food Regulations (Northern Ireland) 1974, and shall come into operation on 1st September 1974.

Interpretation

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

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

"acid" means—

(*a*) any substance which is capable, and generally used for the purpose, of increasing the acidity of a food,

(*b*) nicotinic acid,

and, in each case, includes the amonium, sodium, potassium and calcium salts of such substance;

"anti-caking agent" means any substance which is capable of reducing the tendency of individual particles of food to adhere to one another or of improving their flow characteristics;

"anti-foaming agent" means any substance which is capable of preventing or dispersing a foam;

"appropriate designation" means, as respects any permitted miscellaneous additive, a name or description or a name and description sufficiently specific, in each case, to indicate to an intending purchaser the true nature of the permitted miscellaneous additive to which it is applied;

"base" means any substance which is capable, and generally used for the purpose of increasing the alkalinity of a food;

"buffer" means any substance which is capable, and generally used for the purpose of altering and controlling the acidity or alkalinity of a food;

(a) 1958, c. 27.

"chocolate confectionery" means any solid or semi-solid product complete in itself and suitable for consumption without further preparation or processing, of which the characteristic ingredient is chocolate or cocoa, with or without the addition of nuts or fruit; and includes any kind of chocolate and products made by enrobing, coating or embedding sugar confectionery or other ingredients in chocolate, but does not include chocolate-coated, chocolate-filled or chocolate-flavoured biscuits, flour confectionery, any kind of ice-cream including chocolate ice-cream, or pharmaceutical products;

"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;

"district council" has the meaning assigned to it in section 1 of the Local Government Act (Northern Ireland) 1972(**b**);

"European Pharmacopeia Volume I 1969" and "European Pharmacopeia Volume II, 1971" means respectively Volume I of the European Pharmacopeia published in 1969 and Volume II of the European Pharmacopeia published in 1971, in each case by Maisonneuve SA, 57 Sainte-Ruffine, France under the direction of the Council of Europe;

"firming agent" means any substance which is capable of making or keeping tissues of fruit or vegetables firm or crisp;

"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;

"Food Chemicals Codex 1972" means the edition of the Food Chemicals Codex published in 1972 by the National Academy of Sciences—National Research Council, Washington DC, United States of America;

"glazing agent" means any substance, other than a mineral hydrocarbon, which, when applied to the external surfaces of food, is capable of imparting a shiny appearance or of providing a protective coating;

"human consumption" includes use in the preparation of food for human consumption;

"humectant" means any substance which is capable of off-setting wholly or partially the effect on a food of humidity in the atmosphere to which the food is exposed;

"liquid freezant" means any liquid or any liquefiable gas other than air, which is capable of converting food into a frozen state;

"mineral hydrocarbon" has the meaning assigned to it by the Mineral Hydrocarbons in Food Regulations (Northern Ireland) 1966(**c**);

"miscellaneous additive" means any acid, anti-caking agent, anti-foaming agent, base, buffer, firming agent, glazing agent, humectant, liquid freezant, packaging gas, propellent, release agent or sequestrant, but does not include—

(**b**) 1972, c. 9 (N.I.). (**c**) S.R. & O. (N.I.) 1966, No. 200

(*a*) any natural food substance,
(*b*) any permitted antioxidant,
(*c*) any permitted artificial sweetener,
(*d*) any permitted bleaching agent,
(*e*) any permitted colouring matter,
(*f*) any permitted emulsifier,
(*g*) any permitted improving agent,
(*h*) any permitted preservative,
(*j*) any permitted solvent,
(*k*) any permitted stabiliser,
(*l*) starches, whether modified or not,
(*m*) caseinates,
(*n*) proteins, protein concentrates and protein hydrolysates,
(*o*) common salt (sodium chloride),
(*p*) normal straight chain fatty acids derived from food fats;

"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 and includes malt extract and glucose syrup;

"packaging gas" means any gas other than air, introduced into a container before, during or after the placing of food in that container;

"permitted antioxidant" means any antioxidant in so far as its use is permitted by the Antioxidants in Food Regulations (Northern Ireland) 1974(**d**);

"permitted artificial sweetener" means any artificial sweetener in so far as its use is permitted by the Artificial Sweeteners in Food Regulations (Northern Ireland) 1969(**e**);

"permitted bleaching agent" means any bleaching agent in so far as its use is permitted by the Bread and Flour Regulations (Northern Ireland) 1964(**f**);

"permitted colouring matter" means any colouring matter in so far as its use is permitted by the Colouring Matter in Food Regulations (Northern Ireland) 1973(**g**);

"permitted emulsifier" means any emulsifier in so far as its use is permitted by the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1962(**h**);

"permitted improving agent" means any improving agent in so far as its use is permitted by the Bread and Flour Regulations (Northern Ireland) 1964;

"permitted miscellaneous additive" means any miscellaneous additive specified in Part I of Schedule I which satisfies the specific purity criteria in relation to that additive specified or referred to in Part II of that Schedule and, so far as is not otherwise provided by any such specific purity criteria, satisfies the general purity criteria specified in Part III of that Schedule, or any combination of two or more such additives;

(**d**) S.R. (N.I.) 1974, No. 197.
(**e**) S.R. & O. (N.I.) 1969, No. 346.
(**f**) S.R. & O. (N.I.) 1964, No. 172.
(**g**) S.R. & O. (N.I.) 1973, No. 466.
(**h**) S.R. & O. (N.I.) 1962, No. 90.

"permitted preservative" means any preservative in so far as its use is permitted by the Preservatives in Food Regulations (Northern Ireland) 1974(i);

"permitted solvent" means any solvent in so far as its use is permitted by the Solvents in Food Regulations (Northern Ireland) 1967(j);

"permitted stabiliser" means any stabiliser in so far as its use is permitted by the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1962;

"propellent" means any liquid or any gas, other than air, which is capable of expelling food from a container;

"release agent" means any substance, other than a mineral hydrocarbon, which facilitates the ready separation of food from surfaces with which it may come into contact during the manufacture or conveyance but does not include any substance or material which forms an integral part of machinery or conveyor belts or food containers, or silicone resins baked on to baking tins;

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

"sequestrant" means any substance which is capable of complexing with metallic ions;

"specified food" means any food of a description specified in column 1 of Schedule 2;

"sugar confectionery" means any solid or semi-solid product complete in itself and suitable for consumption without further preparation or processing of which the characteristic ingredient is carbohydrate sweetening matter with or without the addition of any edible fat, dairy product, gelatine, edible gums, nuts or preserved fruit; and includes sweetened liquorice and chewing gum but does not include sugar, chocolate confectionery, sugared flour confectionery, any kind of ice-cream, ice-lollies, table jellies, table jelly preparations, soft drink crystals, soft drink preparations, slab marzipan, meringues or pharmaceutical products;

and other expressions have the same meaning as in the Act.

(2) Unless a contrary intention is expressed, all proportions mentioned in these regulations are proportions calculated by 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.

(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.

(5) Any reference in these regulations to any other regulations shall be construed as a reference to such regulations as amended by any subsequent regulations.

(i) S.R. (N.I.) 1974, No. 176. (j) S.R. & O. (N.I.) 1967, No. 282.

Exemptions

3. The provisions of these regulations shall not apply to food having any miscellaneous additive in it or on it, or to any miscellaneous additive, intended at the time of sale, consignment or delivery, as the case may be, for exportation to any place outside the United Kingdom.

Sale, etc., of food containing miscellaneous additives

4.—(1) Subject to paragraph (2) of this regulation no food sold, consigned or delivered shall have in it or on it any added miscellaneous additive other than a permitted miscellaneous additive.

(2) Save as hereinafter provided, no food sold, consigned or delivered shall have in it or on it any permitted miscellaneous additive specified in column 2 of Schedule 2:

Provided that—

(*a*) any specified food may have in it or on it any such permitted miscellaneous additive of the description and in the proportion specified in relation thereto in columns 2 and 3 respectively of Schedule 2;

(*b*) any food containing as an added ingredient any specified food may contain any such permitted miscellaneous additive of the description specified for, and in the amount appropriate to the quantity of, such specified food in accordance with the preceding sub-paragraph of this proviso.

(3) No person shall sell, consign, deliver or have in his possession for the purpose of sale any food which does not comply with this regulation.

Sale, advertisement and labelling of miscellaneous additives

5.—(1) No person shall sell, consign, deliver, have in his possession for the purpose of sale or advertise for sale any miscellaneous additive (including any miscellaneous additive with which any other substance has been mixed) for use as an ingredient in the preparation of food unless such miscellaneous additive is a permitted miscellaneous additive.

(2) No person shall sell, consign or deliver any permitted miscellaneous additive (including any permitted miscellaneous additive with which any other substance has been mixed) for use as an ingredient in the preparation of food except in a container bearing a label in accordance with the requirements of Schedule 3.

Condemnation of food

6. Where any food is certified by a public analyst as being food which it is an offence against regulation 4 to sell, consign, deliver or to have in his possession for sale, 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 and enforcement

7.—(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 to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both, and, 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.