1970. No. 194 [C]

# FOOD AND DRUGS

## Composition and Labelling

## Cream

REGULATIONS, DATED 15TH JULY 1970, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTIONS 4, 7 AND 68 OF THE FOOD AND DRUGS ACT (NORTHERN IRELAND) 1958.

The Ministry of Health and Social Services in exercise of the powers conferred upon it by sections 4, 7 and 68 of the Food and Drugs Act (Northern Ireland) 1958(a), having consulted with such organisations as appear to it to be representative of interests substantially affected by these regulations and with the concurrence of the Ministry of Agriculture, hereby makes the following regulations:—

*Citation and commencement*

**1.** These regulations may be cited as the Cream Regulations (Northern Ireland) 1970 and shall come into operation on 1st August 1970.

*Interpretation*

**2.**—(1) In these regulations—

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

"appropriate designation", in relation to food, means 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 food to which it is applied;

"clotted cream" means cream which has been produced and separated by the scalding, cooling and skimming of milk or cream;

"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;

"cream" means that part of milk rich in fat which has been separated by skimming or otherwise and which is intended for sale for human consumption;

"flavouring" includes flavouring essence and flavouring extract and means any product consisting of a flavouring agent and such other substances, if any, the use of which in food is not forbidden and which are reasonably necessary to produce a solid, a solution or an emulsion, but no other ingredient or ingredients;

"flour confectionery" means any solid or semi-solid product complete in itself and suitable for consumption without further preparation or processing other than heating, of which the characteristic ingredient, apart from any filling, is ground cereal, whether or not flavoured, coated with or containing any carbohydrate sweetening matter, chocolate or cocoa; and includes shortbread, sponges, pastry, pastry cases, crumpets, muffins, macaroons, ratafias, meringues and petit fours, but does not include pharmaceutical products, bread, biscuits or any product containing a filling which has as an ingredient any meat or fish;

(a) 1958, c. 27.

"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;

"pre-packed" means made up in advance in or on a container ready for sale by retail;

"sell" includes offer or expose for sale or have in possession for sale;

"sell by retail" means sell to a person buying otherwise than for the purpose of re-sale, but does not include selling to a caterer for the purposes of his catering business or to a manufacturer for the purposes of his manufacturing business;

"sterilised cream" means cream which has been subjected to a process of sterilisation by heat treatment in the container in which it is to be supplied to the consumer;

"sugar" means any soluble carbohydrate sweetening matter;

"ultra heat treated cream" means cream which has been subjected in continuous flow to an appropriate heat treatment and has been packaged aseptically.

(2) All percentages mentioned in these regulations are percentages calculated by weight of the cream including added ingredients, if any, permitted by regulation 5, save that as respects the calculation of the milk fat content, specified in regulation 4, of any cream which contains added sugar in accordance with the provisions of these regulations, the percentages specified in regulation 4 are percentages by weight of the cream excluding any such sugar.

(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, and a reference to purchasing and purchaser shall be construed accordingly.

*Exemptions*

**3.** The following provisions of these regulations shall not apply in relation to any cream—

(*a*) sold, consigned or delivered for exportation to any place outside the United Kingdom;

(*b*) 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(**b**).

*Description and composition of cream*

**4.**—(1) Subject to the provisions of this regulation, any cream sold, consigned or delivered shall bear one of the following descriptions and shall comply with such of the following compositional requirements as are specified in relation to that description:—

(**b**) 15 & 16 Geo. 6 & 1 Eliz. 2, c. 67.

(*a*) "clotted cream" if the cream is clotted cream and contains not less than 55 per cent. milk fat;

(*b*) "double cream" if the cream contains not less than 48 per cent. milk fat:

Provided that, for the purposes of any sale, consignment or delivery on or before 29th February 1972, the word "thick" may be substituted for the word "double";

(*c*) "whipping cream" if the cream contains not less than 35 per cent. milk fat;

(*d*) "whipped cream" if the cream contains not less than 35 per cent. milk fat and has been whipped;

(*e*) "sterilised cream" if the cream is sterilised cream and contains not less than 23 per cent. milk fat:

Provided that, for the purposes of any sale, consignment or delivery on or before 29th February 1972, the word "sterilised" may be omitted;

(*f*) "cream" or "single cream" if the cream, not being sterilised cream, contains not less than 18 per cent. milk fat;

(*g*) "sterilised half cream" if the cream is sterilised cream and contains not less than 12 per cent. milk fat;

(*h*) "half cream" if the cream, not being sterilised cream, contains not less than 12 per cent. milk fat:

Provided that the provisions of this paragraph shall not have effect as respects any sale, consignment or delivery before 1st March 1972 of—

(i) any clotted cream which bears the description "clotted cream" and which contains not less than 48 per cent. milk fat;

(ii) any sterilised cream which contains less than 23 per cent. milk fat but not less than 18 per cent. milk fat.

(2) In the case of cream derived from milk other than cows' milk, each of the descriptions specified in paragraph (1) shall include the name of the kind of animal from which the milk has been obtained.

(3) If any cream which complies with any of the requirements as to composition specified in paragraph (1) is used as an ingredient of another food, it shall be sufficient compliance with paragraph (1) if the description "cream" is applied to any such cream containing not less than 18 per cent. milk fat or if the description "half cream" is applied to any such cream containing not less than 12, and not more than 18 per cent. milk fat.

(4) No person shall sell, consign or deliver any cream in contravention of this regulation.

*Permitted ingredients in cream*

**5.**—(1) Subject to the provisions of this regulation, any cream sold, consigned or delivered shall contain no flavouring or other added ingredient whether or not that ingredient is a constituent of milk:

Provided that—

(*a*) clotted cream may contain nisin;

(*b*) cream which may bear the description "whipped cream" in pursuance of regulation 4(1) and cream in an aerosol container may contain—

(i) sodium alginate, or a mixture of sodium bicarbonate, tetrasodium pyrophosphate and alginic acid,

(ii) sodium carboxymethyl cellulose,

(iii) carrageenan,
(iv) gelatine,

so however that the percentage of any or, as the case may be, all of the ingredients specified in this sub-paragraph (*b*) present in the cream shall not exceed 0·3 per cent.;

(*c*) cream which may bear the description "whipped cream" in pursuance of regulation 4(1) and cream in an aerosol container may contain—
(i) not more than 13 per cent. of sugar,
(ii) nitrous oxide;

(*d*) cream in an aerosol container may contain not more than 0·5 per cent. of glyceryl monostearate;

(*e*) sterilised cream or ultra heat treated cream may contain—
(i) calcium chloride,
(ii) sodium or potassium salts of—
(*aa*) carbonic acid,
(*ab*) citric acid,
(*ac*) orthophosphoric acid,

so however that the percentage of any or, as the case may be, all of the ingredients specified in this sub-paragraph (*e*) present in the cream shall not exceed 0·2 per cent.

(2) Notwithstanding the provisions of the last preceding paragraph, any cream sold, consigned or delivered to a manufacturer for the purposes of his manufacturing business or to a caterer for the purposes of his catering business may contain any or all of the following ingredients where appropriate to the circumstances or the description of cream specified in relation thereto, namely—

(*a*) cream intended for use in flour confectionery may contain not more than 13 per cent. of sugar;

(*b*) cream which may bear the description "whipping cream" in pursuance of regulation 4(1) may contain not more than 13 per cent. of sugar;

(*c*) cream which may bear the description "whipping cream" in pursuance of regulation 4(1) may contain—
(i) sodium alginate, or a mixture of sodium bicarbonate, tetrasodium pyrophosphate and alginic acid,
(ii) sodium carboxymethyl cellulose,
(iii) carrageenan,
(iv) gelatine,

so however that the percentage of any or, as the case may be, all of the ingredients specified in this sub-paragraph (*c*) present in the cream shall not exceed 0·3 per cent.

(3) Notwithstanding the preceding provisions of this regulation, no product derived from milk and substantially similar to and resembling cream shall be deemed not to be cream solely by reason of the presence of any flavouring or other added ingredient or of any ingredient in an amount in excess of the amount permitted by this regulation.

(4) No person shall sell, consign or deliver any cream in contravention of this regulation.