1970. No. 14 [C]

FOOD AND DRUGS

Composition and Labelling

Cheese

REGULATIONS, DATED 30TH JANUARY 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, hereby makes the following regulations:—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Cheese Regulations (Northern Ireland) 1970, and shall come into operation on 31st January 1970.

Interpretation

2.—(1) In these regulations—

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

"cheese" means the fresh or matured product intended for sale for human consumption, which is obtained as follows—

(*a*) in the case of any cheese other than whey cheese—

(i) by coagulating any or a combination of any of the following substances, namely milk, cream, skimmed milk, partly skimmed milk, concentrated skimmed milk, reconstituted dried milk and butter milk, and

(ii) partially draining the whey resulting from any such coagulation;

(*b*) in the case of whey cheese—

(i) by concentrating whey with or without the addition of milk and milk fat, and moulding such concentrated whey, or

(ii) by coagulating whey with or without the addition of milk and milk fat;

"cheese spread" means cheese which has been subjected to a process of melting and mixing with milk products other than cheese, with or without the addition of emulsifying salts;

"compound product" means food which consists of a combination of two or more foods and which does not contain less than 10 per cent. cheese, processed cheese or cheese spread or any mixture of two or more of

(a) 1958. c. 27.

them, as a percentage of the compound product, but does not include any pie, pudding, cake, confectionery, biscuit, Welsh rarebit or any product similar to Welsh rarebit;

"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;

"emulsifying salts" means the sodium, potassium, calcium or ammonium salts of citric, phosphoric, polyphosphoric and tartaric acid;

"hard cheese" means cheese other than soft cheese, whey cheese, processed cheese or cheese spread;

"processed cheese" means cheese which has been subjected to a process of melting and mixing with or without the addition of emulsifying salts;

"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 selling to a manufacturer for the purposes of his manufacturing business;

"soft cheese" means cheese which is readily deformed by moderate pressure, but does not include whey cheese, processed cheese or cheese spread, and any reference to soft cheese includes a reference to cream cheese or curd cheese;

"starter" means a living culture in milk, cream, skimmed milk, partly skimmed milk, concentrated skimmed milk, reconstituted dried milk, or butter milk, of lactic-acid-producing bacteria;

"whey cheese" means the product obtained by one or other of the processes referred to in paragraph (*b*) of the foregoing definition of "cheese".

(2) All percentages mentioned in these regulations are percentages calculated by weight and are calculated on the total weight of the cheese.

(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 purpose 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 references to purchasing and purchasers shall be construed accordingly.

Exemptions

3. The following provisions of these regulations shall not apply, except insofar as they relate to advertisements other than labels or wrappers, in relation to any cheese, processed cheese, cheese spread or compound product sold, consigned or delivered for—

(*a*) exportation to any place outside the United Kingdom; or

(*b*) consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(**b**); or

(*c*) use by a manufacturer for the purposes of his manufacturing business.

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

PART II

COMPOSITION AND DESCRIPTION OF CHEESE, PROCESSED CHEESE AND CHEESE SPREAD

Composition and description of hard cheese

4.—(1) Any hard cheese sold, consigned or delivered under the name of a variety specified in column 1 of Schedule 1, whether or not such cheese was manufactured in the United Kingdom, shall comply with the percentages for milk fat and water set out respectively in columns 2 and 3 of the said Schedule opposite the name of such cheese.

(2) Any hard cheese sold, consigned or delivered, other than hard cheese to which the foregoing paragraph applies, shall satisfy either the requirements of sub-paragraph (*a*) or the requirements of sub-paragraph (*b*) following, except that the appropriate description or declaration need be borne by any hard cheese sold, consigned or delivered otherwise than in a container only when such cheese is sold by retail—

(*a*) such cheese shall bear one of the following descriptions and comply with the following compositional requirements for cheese of such description, namely—

(i) "full fat hard cheese", if the cheese contains not less than 48 per cent. milk fat in the dry matter, and not more than 48 per cent. water;

(ii) "medium fat hard cheese", if the cheese contains less than 48 per cent. and not less than 10 per cent. milk fat in the dry matter, and not more than 48 per cent. water;

(iii) "skimmed milk hard cheese", if the cheese contains less than 10 per cent. milk fat in the dry matter, and not more than 48 per cent. water; or

(*b*) such cheese shall bear a true declaration of either—

(i) the minimum percentage milk fat content in the dry matter, and the maximum percentage water content, or

(ii) the minimum percentage milk fat content,

so however that as respects any sale, consignment or delivery on or after 1st January 1973 of any hard cheese bearing such a declaration, that declaration shall be in such of the following forms as is appropriate:—

(*aa*) "x% fat in dry matter" and "y% moisture", and the declaration shall be completed by inserting at "x" and "y" respectively the percentages described in sub-paragraph (*b*)(i);

(*ab*) "x% fat", and the declaration shall be completed by inserting at "x" the percentage described in sub-paragraph (*b*)(ii).

(3) No person shall sell, consign or deliver as the case may be, any hard cheese in contravention of this regulation.

Composition and description of soft cheese

5.—(1) Any soft cheese sold, consigned or delivered under the name of a variety specified in column 1 of Schedule 1, whether or not such cheese was manufactured in the United Kingdom, shall comply with the percentages for milk fat and water set out respectively in columns 2 and 3 of the said Schedule opposite the name of such cheese.

(2) Any soft cheese sold, consigned or delivered, other than soft cheese to which the foregoing paragraph applies and other than cheese which bears one of the descriptions specified in paragraph (3) and complies with the compositional requirements so specified in relation to that description, shall bear one of the following descriptions, and comply with the following compositional requirements for cheese of such description except that the appropriate description need be borne by any soft cheese sold, consigned or delivered otherwise than in a container only when such cheese is sold by retail—

(*a*) "full fat soft cheese", if the cheese contains not less than 20 per cent. milk fat, and not more than 60 per cent. water;

(*b*) "medium fat soft cheese", if the cheese contains less than 20 per cent. but not less than 10 per cent. milk fat, and not more than 70 per cent. water;

(*c*) "low fat soft cheese", if the cheese contains less than 10 per cent. but not less than 2 per cent. milk fat, and not more than 80 per cent. water;

(*d*) "skimmed milk soft cheese", if the cheese contains less than 2 per cent. milk fat, and not more than 80 per cent. water.

(3) Any soft cheese sold, consigned or delivered as "cream cheese" shall contain not less than 45 per cent. milk fat, and bear the description "cream cheese":

Provided that if such cheese contains not less than 65 per cent. milk fat, it may bear the description "double cream cheese".

(4) No person shall sell, consign or deliver, as the case may be, any soft cheese in contravention of this regulation.

Composition and description of whey cheese

6.—(1) Any whey cheese sold, consigned or delivered shall bear one of the following descriptions and comply with the following compositional requirements for cheese of such description, except that the appropriate description need be borne by any whey cheese sold, consigned or delivered otherwise than in a container only when such cheese is sold by retail—

(*a*) "full fat whey cheese", if the cheese contains not less than 33 per cent. milk fat in the dry matter;

(*b*) "whey cheese", if the cheese contains less than 33 per cent. and not less than 10 per cent. milk fat in the dry matter;

(*c*) "skimmed whey cheese", if the cheese contains less than 10 per cent. milk fat in the dry matter.

(2) No person shall sell, consign or deliver, as the case may be, any whey cheese in contravention of this regulation.

Composition and description of processed cheese

7.—(1) Any processed cheese sold, consigned or delivered under a description containing the word "processed" with the name of a variety of cheese specified in column 1 of Schedule 1, whether or not such processed cheese was manufactured in the United Kingdom, shall either—

(*a*) comply with the percentages for milk fat and water set out respectively in columns 2 and 3 of the said Schedule opposite the name of such cheese, except that processed Cheddar cheese shall contain not less than 48 per cent. milk fat in the dry matter, and not more than 43 per cent. water; **or**

(*b*) comply with the provisions of paragraph (2).

(2) Any processed cheese sold, consigned or delivered, other than any processed cheese to which the foregoing paragraph applies, shall satisfy either the requirements of sub-paragraph (*a*) or the requirements of sub-paragraph (*b*) following, except that the appropriate description or declaration need be borne by any processed cheese sold, consigned or delivered otherwise than in a container only when such processed cheese is sold by retail—

(*a*) such processed cheese shall bear one of the following descriptions, and comply with the following compositional requirements for processed cheese of such description, namely—

(i) "full fat processed cheese", if the processed cheese contains not less than 48 per cent. milk fat in the dry matter, and not more than 48 per cent. water;

(ii) "medium fat processed cheese", if the processed cheese contains less than 48 per cent. and not less than 10 per cent. milk fat in the dry matter, and not more than 48 per cent. water;

(iii) "skimmed milk processed cheese", if the processed cheese contains less than 10 per cent. milk fat in the dry matter, and not more than 48 per cent. water; or

(*b*) such processed cheese shall bear a true declaration of either—

(i) the minimum percentage milk fat content in the dry matter and the maximum percentage water content, or

(ii) the minimum percentage milk fat content,

so however that as respects any sale, consignment or delivery on or after 1st January 1973 of any processed cheese bearing such a declaration, that declaration shall be in such of the following forms as is appropriate:—

(*aa*) "x% fat in dry matter" and "y% moisture", and the declaration shall be completed by inserting at "x" and "y" respectively the percentages described in sub-paragraph (*b*)(i);

(*ab*) "x% fat", and the declaration shall be completed by inserting at "x" the percentage described in sub-paragraph (*b*)(ii).

(3) Any processed cheese sold, consigned or delivered which is a mixture of cheese of two or more varieties shall conform to one of the compositional requirements of paragraph (2)(*a*) and bear the appropriate description specified therein for such processed cheese or bear one of the declarations specified in paragraph (2)(*b*).

(4) The name of a variety of cheese, used in the preparation of a processed cheese, may be inserted between the words "processed" and "cheese" in the appropriate description required by paragraphs (2)(*a*) and (3).

(5) No person shall sell, consign or deliver, as the case may be, any processed cheese in contravention of this regulation.

Composition and description of cheese spread

8.—(1) Any cheese spread sold, consigned or delivered shall contain not less than 20 per cent. milk fat and not more than 60 per cent. water; and shall bear the description "cheese spread" or "cheese food", with or without the name of the variety or description of cheese used as a constituent of such cheese spread inserted immediately before the words "cheese spread" or "cheese food", except that such description need be borne by cheese spread sold, consigned or delivered otherwise than in a container only when such cheese spread is sold by retail.