1968. No. 13 [C]

FOOD AND DRUGS

Composition, Labelling and Heat Treatment

Ice-Cream and Other Frozen Confections

REGULATIONS, DATED 6TH FEBRUARY 1968, 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:—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Ice-Cream and Other Frozen Confections Regulations (Northern Ireland) 1968 and shall come into operation on 4th January 1971.

Interpretation

2.—(1) In these regulations—

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

"artificial sweetener" means any chemical compound which is sweet to the taste, but does not include any sugar or any polyhydric alcohol;

"complete cold mix" means a product which is capable of manufacture into a mixture with the addition of water only, is sent out by the manufacturer in airtight containers, and has been made by evaporating a liquid mixture which has already been submitted to heat treatment not less effective than that prescribed in these regulations and to which, after such treatment, no substance other than sugar has been added;

"composite article of food" means any article of food containing ice-cream or Parev ice and includes any sherbet, sorbet, water ice or ice lolly, as the case may be, containing ice-cream or Parev ice;

"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;

"ice-cream" means the frozen product intended for sale for human consumption which is obtained by subjecting an emulsion of fat, milk solids and sugar, with or without the addition of other substances, to heat treatment and either to subsequent freezing or to evaporation, addition of water and subsequent freezing, whether or not fruit, fruit pulp, fruit puree, fruit juice, sugar, flavouring or colouring materials, nuts, chocolate or other similar substances have been added before or after freezing, and includes any ice-cream present as an ingredient of

(a) 1958. c. 27.

any composite article of food, but does not include any sherbet, sorbet, water ice or ice lolly described as "sherbet", "sorbet", "water ice" or "ice lolly", as the case may be;

"mixture" means a product which is capable of manufacture into ice-cream, Parev ice, sherbets, sorbets, water ices, ice lollies or similar frozen confections, by freezing only;

"Parev ice" includes Kosher ice and means the substance intended for sale for human consumption which resembles ice-cream and which—

(*a*) is usually known as Parev ice or Kosher ice, and

(*b*) contains no milk or milk derivatives,

and includes any Parev ice present as an ingredient of any composite article of food;

"polyhydric alcohol" means an alcohol with three or more free hydroxyl groups;

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

"sell by retail" means sell to a person buying otherwise than for the purpose of re-sale;

"sugar" means any soluble carbohydrate sweetening matter.

(2) All percentages mentioned in these regulations are percentages calculated by weight.

(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 references to purchasing and purchaser 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 and to heat treatment, in relation to any ice-cream, any Parev ice or any other frozen confections—

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

(*b*) 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**); or

(*c*) 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.

PART II

COMPOSITION

Composition of ice-cream and Parev ice

4.—(1) Any ice-cream and any Parev ice sold, consigned or delivered, shall comply with the compositional requirements specified in the appropriate following paragraph in relation to that ice-cream or Parev ice.

(2) Any ice-cream, other than any ice-cream to which paragraph (3), (4), (5) or (6) applies, shall contain not less than 5 per cent. fat and not less than 7½ per cent. milk solids other than fat.

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

(3) Any ice-cream which contains any fruit, fruit pulp, fruit puree or fruit juice, other than any such ice-cream to which paragraph (5) or (6) applies, shall either—

(*a*) comply with the compositional requirements specified in paragraph (2), or

(*b*) have a total content of fat and milk solids other than fat of not less than 12½ per cent. of the whole product (including the fruit, fruit pulp, fruit puree or fruit juice, as the case may be) so, however, that not less than 7½ per cent. shall be fat and not less than 2 per cent. shall be milk solids other than fat.

(4) Any ice-cream described as "dairy ice-cream", "dairy cream ice" or "cream ice", other than any such ice-cream to which paragraph (5) applies, shall in each case contain—

(*a*) not less than 5 per cent. milk fat,

(*b*) no fat other than milk fat or any fat present by reason of the use as an ingredient of such ice-cream of any egg, any flavouring substance, or any emulsifying or stabilising agent, and

(*c*) not less than 7½ per cent. milk solids other than fat.

(5) Any ice-cream described as "dairy ice-cream", "dairy cream ice" or "cream ice" which contains any fruit, fruit pulp, fruit puree or fruit juice shall either comply with the compositional requirements for such ice-cream specified in paragraph (4) or shall in each case—

(*a*) have a total content of milk fat and milk solids other than fat of not less than 12½ per cent. of the whole product (including the fruit, fruit pulp, fruit puree or fruit juice, as the case may be) so, however, that not less than 7½ per cent. shall be milk fat and not less than 2 per cent. shall be milk solids other than fat, and

(*b*) contain no fat other than milk fat or any fat present by reason of the use as an ingredient of such ice-cream of any egg, any flavouring substance or any emulsifying or stabilising agent.

(6) Any ice-cream described as "milk ice", including any such ice-cream which contains any fruit, fruit pulp, fruit puree or fruit juice, shall contain—

(*a*) not less than 2½ per cent. milk fat,

(*b*) no fat other than milk fat or any fat present by reason of the use as an ingredient of such ice-cream of any egg, any flavouring substance or any emulsifying or stabilising agent, and

(*c*) not less than 7 per cent. milk solids other than fat.

(7) Any Parev ice shall contain—

(*a*) not less than 10 per cent. fat, and

(*b*) no milk fat or other derivative of milk.

(8) No ice-cream of any kind nor any Parev ice shall contain any artificial sweetener.

(9) No person shall sell, consign or deliver, as the case may be, any ice-cream or any Parev ice in contravention of this regulation.

General requirements as to composition and description of ice-cream and Parev ice

5.—(1) No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing any ice-cream or any

Parev ice for which compositional requirements are specified unless the food complies with the appropriate compositional requirements specified in relation to that ice-cream or that Parev ice.

(2) Where a person sells any food to a purchaser in response to a request for any kind of ice-cream or Parev ice or for any composite article of food containing any ice-cream or Parev ice for which compositional requirements are specified, he shall be deemed to sell ice-cream of that kind or Parev ice or, as the case may be, a composite article of food containing ice-cream of that kind or Parev ice and under such a description as is specified in relation to that kind of food, unless he clearly notifies the purchaser at the time of sale that the food is not or, as the case may be, the composite article of food does not contain, ice-cream of that kind or Parev ice.

PART III

LABELLING AND ADVERTISEMENT

Labelling and description of ice-cream

6.—(1) No person shall sell, consign or deliver in a container any ice-cream under the description "ice-cream" if such ice-cream contains any fat other than milk fat (save as may be present by reason of the use as an ingredient of such ice-cream of any egg, any flavouring substance or any emulsifying or stabilising agent) unless such container bears a label on which there appears in immediate proximity to such description the words "contains non-milk fat":

Provided that if the ice-cream contains no fat, other than vegetable fat or any fat present by reason of the use as an ingredient of such ice-cream of any egg, any flavouring substance or any emulsifying or stabilising agent, the words "contains vegetable fat" may appear as an alternative to the words "contains non-milk fat".

(2) No person shall sell by retail any ice-cream not in a container under the description "ice-cream" if such ice-cream contains any fat other than milk fat (save as may be present by reason of the use as an ingredient of such ice-cream of any egg, any flavouring substance or any emulsifying or stabilising agent) unless the words "contains non-milk fat" appear on a ticket or notice in immediate proximity to such description:

Provided that—

(*a*) if the ice-cream contains no fat, other than vegetable fat or any fat present by reason of the use as an ingredient of such ice-cream of any egg, any flavouring substance or any emulsifying or stabilising agent, the words "contains vegetable fat" may appear as an alternative to the words "contains non-milk fat";

(*b*) if the ice-cream is sold for immediate consumption at or near the place of sale or if it is sold without having been previously exposed for sale, and, in either case, no ticket or notice bearing the description "ice-cream" is visible to the purchaser at the time of sale, it shall be sufficient compliance with this paragraph if the purchaser is notified at or before delivery of the ice-cream to him that it contains non-milk fat or contains vegetable fat, as the case may be.

(3) All words which are required by virtue of paragraph (1) to appear on a label on a container or which in compliance with paragraph (2), appear on a ticket or notice shall conform to the requirements set out in Schedule 1.