1968. No. 3 **[C]**

FOOD AND DRUGS

Composition and Labelling

Margarine

REGULATIONS, DATED 10TH JANUARY 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, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Margarine 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;

"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;

"margarine" means the food usually known as margarine, being a plasticised emulsion of edible oils and fats with water or skimmed milk, with or without the addition of vitamins A and D, sodium chloride, sugars and other minor ingredients and permitted additives;

"permitted additive" means any colouring matter, antioxidant, emulsifier, stabiliser, preservative or solvent, as the case may be, inasmuch as its use in margarine is permitted by the appropriate regulations mentioned in Schedule 1;

"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, and "sold by retail" shall be construed accordingly;

"vitamin A" means vitamin A present as such or as its esters and includes beta-carotene on the basis that 0.75 micrograms of beta-carotene shall be regarded as equivalent to 1.0 international unit of Vitamin A;

"vitamin D" means the anti-rachitic vitamins.

(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.

(a) 1958. c. 27.

(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 in relation to any margarine—

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

(*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**); 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.

Continuation in force of regulations 10 to 14 of the Labelling of Food Regulations (Northern Ireland) 1961

4. Until regulations 10, 11, 12, 13 and 14 of Part IV of the Labelling of Food Regulations (Northern Ireland) 1961(**c**) are revoked in accordance with regulation 13(2), regulations 8 and 10, insofar as they relate to a label, ticket or notice, shall not apply in relation to any label, ticket or notice which conforms to the requirements of regulations 10, 11, 12, 13 and 14 of the said Part IV.

Composition of margarine

5.—(1) Any margarine sold, consigned or delivered—

(*a*) shall contain not less than 80 per cent. of fat of which not more than one tenth calculated by weight may be fat derived from milk, and

(*b*) shall not contain more than 16 per cent. of water.

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

Vitamin content of margarine

6.—(1) Any margarine sold by retail shall contain in every ounce of such margarine—

(*a*) not less than 760 international units and not more than 940 international units of vitamin A, and

(*b*) not less than 80 international units and not more than 100 international units of vitamin D,

and a proportionate amount in any part of an ounce.

(2) No person shall sell by retail any margarine in contravention of this regulation.

General requirements as to composition and description

7.—(1) No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing any margarine for which compositional requirements are specified unless the food complies with the appropriate compositional requirements set out in relation to that margarine.

(**b**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67. (**c**) S.R. & O. (N.I.) 1961, No. 160.

(2) Where a person sells any food to a purchaser in response to a request for any kind of margarine for which compositional requirements are specified, he shall be deemed to sell margarine of that kind and conforming to the compositional requirements for margarine of that kind which are specified in relation to that margarine, unless he clearly notifies the purchaser at the time of sale that the food is not of that kind.

Labelling and advertisement of margarine

8. No person shall give with any margarine sold by him any label, whether attached to or borne on the container or not, or display with any margarine offered or exposed by him for sale any ticket or notice, being a label, ticket or notice, as the case may be, which—

(*a*) bears or includes any description of margarine, any brand or descriptive name or any pictorial device which, in any such case, refers to, or is suggestive of, butter or of anything connected with the dairy interest;

(*b*) claims that the margarine contains or is made with cream or milk unless—

(i) such claim is made in the following words (and no others), that is to say:

"made with (X), milk-fat equivalent to (Y)% of butter"

inserting at (X) the word "cream" or the word "milk", as the case may be, and at (Y) the figure which represents the minimum percentage of butter calculated on the amount of milk-fat introduced by the cream, or the milk, as the case may be, and

(ii) such claim is made in letters or figures all of which, other than initial letters, are of equal size;

(*c*) claims that the margarine contains butter unless—

(i) such claim states the minimum percentage of butter which the margarine contains, and

(ii) the letters of the word "butter" contained in any such claim are not taller than the letters of the word or the figures, as the case may be, which indicate such minimum percentage of butter;

(*d*) bears or includes any brand or descriptive name unless the word "margarine" appears in immediate proximity to such brand or descriptive name at least once, in accordance with the requirements set out in Schedule 2;

(*e*) bears or includes the word "butter", "cream" or "milk", or any word suggestive of butter, cream or milk, or any brand or descriptive name derived from the words "butter", "cream" or "milk" in letters taller than those used for the word "margarine":

Provided that the provisions of sub-paragraphs (*a*) to (*c*) shall not apply as respects any list of ingredients of the margarine appearing on a label attached to or borne on the container thereof in accordance with the provisions of regulation 5 of the Labelling of Food Regulations (Northern Ireland) 1968(**d**).

9.—(1) No person shall publish, or be a party to the publication of any advertisement for margarine unless—

(*a*) when it is presented visually, the word "margarine" appears clearly and prominently at least once;

(**d**) S.R. & O. (N.I.) 1968, No. 1.