EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

This Order controls the importation from or via Great Britain of potatoes and other raw vegetables.

1967. No. 282 **[C]**

FOOD AND DRUGS

Composition and Labelling

Solvents in Food

REGULATIONS, DATED 9TH NOVEMBER 1967, 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 Solvents in Food Regulations (Northern Ireland) 1967 and shall come into operation on 3rd November 1969.

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;

"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;

"flavouring agent" means any sapid or odorous substance capable of imparting and primarily intended to impart a specific and distinctive taste or odour to food, but does not include herbs, spices, onions, garlic, salt, fruit juices, soft drinks, fruit acids, acetic acid, any carbohydrate material, any purine derivative, any preparation of yeast, coffee, chicory or any substances prepared by the hydrolysis of protein-containing materials;

(a) 1958. c. 27.

"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;

"permitted antioxidant" means any antioxidant inasmuch as its use is permitted by the Antioxidants in Food Regulations (Northern Ireland) 1966(**a**);

"permitted artificial sweetener" means any artificial sweetener inasmuch as its use is permitted by the Artificial Sweeteners in Food Regulations (Northern Ireland) 1967(**b**);

"permitted bleaching agent" means any bleaching agent inasmuch as its use is permitted by the Bread and Flour Regulations (Northern Ireland) 1964(**c**);

"permitted colouring matter" means any colouring matter inasmuch as its use is permitted by the Colouring Matter in Food Regulations (Northern Ireland) 1966(**d**);

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

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

"permitted preservative" means any preservative inasmuch as its use is permitted by the Preservatives in Food Regulations (Northern Ireland) 1962(**f**);

"permitted solvent" means any solvent described in Schedule 1 which complies with the specification specified in relation thereto in that Schedule, and includes any such solvent when it has been subsequently diluted with water;

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

"propellent" means carbon dioxide or any inert gas or low boiling point liquid which, when added to food in a suitable container, is capable of expelling the food from the container without the application of external pressure to the food;

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

"solvent" means any liquid substance, not being a natural food substance and the primary use of which is not as a flavouring, which is capable of the extraction and dissolution of food, and is generally used to facilitate the incorporation of ingredients in food but does not include water, lactic acid, acetic acid, any propellent, any permitted antioxidant, permitted colouring matter, permitted emulsifier, permitted stabiliser, permitted preservative, permitted artificial sweetener, permitted bleaching agent or permitted improving agent.

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

(**a**) S.R. & O. (N.I.) 1966, No. 288.
(**b**) S.R. & O. (N.I.) 1967, No. 209.
(**c**) S.R. & O. (N.I.) 1964, No. 172.
(**d**) S.R. & O. (N.I.) 1966, No. 243.
(**e**) S.R. & O. (N.I.) 1962, No. 90.
(**f**) S.R. & O. (N.I.) 1962, No. 173.

(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.

Exemption

3. The following provisions of these regulations shall not apply to any food containing any solvent, or to any solvent, intended at the time of sale, consignment or delivery, as the case may be, for exportation to any place outside the United Kingdom.

Sale of solvents and food containing any solvent

4.—(1) No person shall sell, consign or deliver for use as an ingredient in the preparation of food, any solvent which is not a permitted solvent.

(2) No food shall contain any solvent which is not a permitted solvent and no person shall sell, consign or deliver any food which does not comply with this regulation.

Advertisement of solvents

5. No person shall publish or be a party to the publication of, any advertisement for any solvent which is not a permitted solvent with a view to its use in the preparation of food.

Labelling of solvents

6. No person shall sell, consign or deliver any permitted solvent in a container for use as an ingredient in the preparation of food unless such container bears a label which complies with the requirements specified in Schedule 2.

Condemnation of food

7. Where any food is certified by a public analyst as being food which it is an offence against regulation 4(2) to sell, consign or deliver, 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

8.—(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 on summary conviction—

(*a*) to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment; and

(*b*) 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.

(2) The requirements of section 47(3) of the Act (which requires notice to be given to the Ministry of Health and Social Services of intention to begin a prosecution for an offence against any provisions of these regulations relating to the labelling, marking or advertising of food) shall not apply as respects any proceedings instituted by a health authority for an offence against any such provisions.