EXPLANATORY NOTE

(This note is not part of the rules, but is intended to indicate their general purport.)

Rule 1 inserts a new Order XLID in the Rules of the Supreme Court. The new Order makes provision concerning the registration and variation of certain maintenance orders for the purposes of Part II of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966. The power to decide applications under the Order is delegated to the Registrar under Order LXA. In Order LXIV, which relates to time, a new rule 4 allows the amendment and delivery of pleadings during the Long Vacation (including a petition in a matrimonial matter). In Order LXX, which relates to matrimonial causes and matters, a new rule 26 allows the Registrar to exercise the powers conferred by this rule relating to the admission of evidence at the trial of a matrimonial cause.

1966. No. 288 **[C]**

FOOD AND DRUGS

Composition and Labelling

Antioxidants in Food

REGULATIONS, DATED 9TH DECEMBER 1966, 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 Antioxidants in Food Regulations (Northern Ireland) 1966 and shall come into operation on 9th December 1966.

Interpretation

2.—(1) In these regulations—

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

"antioxidant" means any substance which delays, retards or prevents the development in food of rancidity or other flavour deterioration due to oxidation but does not include lecithin, ascorbic acid, or its salts or esters, tocopherols, citric acid, tartaric acid, phosphoric acid or any permitted preservative, permitted emulsifier, permitted stabiliser, or permitted colouring matter;

"butter for manufacturing purposes" means butter sold or intended for sale,

(a) 1958. c. 27.

otherwise than by retail, for use in the manufacture or production of any other article of food;

"butylated hydroxyanisole" means the substance conforming to the description, specifications and requirements for butylated hydroxyanisole contained in the Addendum 1964 to the British Pharmacopoeia 1963;

"butylated hyroxytoluene" means the substance conforming to the description, specifications and requirements for butylated hydroxytoluene contained in the Addendum 1964 to the British Pharmacopoeia 1963;

"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;

"dairy product" means any butter (other than butter for manufacturing purposes), milk, cream, condensed milk, evaporated milk, dried milk or cheese;

"dodecyl gallate" means the substance conforming to the description, specifications and requirements for dodecyl gallate contained in the Addendum 1964 to the British Pharmacopoeia 1963;

"ethoxyquin" means 1:2 dihydro-6-ethoxy-2:2:4-trimethylquinoline conforming to the specification relating thereto in Schedule 1;

"octyl gallate" means the substance conforming to the description, specifications and requirements for octyl gallate contained in the Addendum 1964 to the British Pharmacopoeia 1963;

"partial glycerol esters" has the meaning assigned to it in the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1962(**a**);

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

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

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

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

"propyl gallate" means the substance conforming to the description, specifications and requirements for propyl gallate contained in the British Pharmacopoeia 1963;

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

"specified food" means any food of a description specified in column 1 of table 1 or of table 2 of Schedule 2.

(2) All amounts mentioned in these regulations are amounts 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.

(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.

(a) S.R. & O. (N.I.) 1962, No. 90.
(b) S.R. & O. (N.I.) 1966, No. 243.
(c) S.R. & O. (N.I.) 1962, No. 173.

General Exemptions and Savings

3.—(1) The provisions of these regulations shall not apply to any antioxidant, or to food which has in it or on it any antioxidant, intended at the time of sale for exportation to any place outside the United Kingdom.

(2) Until the Antioxidants in Food Regulations (Northern Ireland) 1961(a) are revoked in accordance with regulation 11, these regulations shall not have effect in relation to anything done in compliance with the provisions of the Antioxidants in Food Regulations (Northern Ireland) 1961; and the provisions of those regulations shall not have effect (pending the revocation in accordance with regulation 11) in relation to anything done in compliance with the provisions of these regulations.

Sale of food containing Antioxidants

4.—(1) Save as hereinafter provided, no food shall have in it or on it any added antioxidant:

Provided that:—

(*a*) any specified food may have in it or on it the antioxidant specified in relation thereto in column 2 of table 1 or of table 2 of Schedule 2 and in the amounts specified in relation thereto in column 3 of table 1 or of table 2 of that Schedule;

(*b*) any food which contains as an added ingredient any specified food, may contain antioxidant of the description specified for, and in the amount appropriate to the quantity of, such specified food in accordance with the foregoing sub-paragraph;

(*c*) any food which contains milk fat by reason of the addition as an ingredient of any dairy product, may contain antioxidant of the description, and in the amount specified, in accordance with Schedule 2, in relation to a quantity of anhydrous fat equal by weight to that milk fat.

(2) No person shall sell, consign or deliver any food which does not comply with this regulation.

Sale and advertisement for sale of Antioxidants

5. No person shall sell, consign, deliver or advertise for sale any antioxidant for use as an ingredient in the preparation of food unless such antioxidant is an antioxidant specified in column 2 of table 1 or of table 2 of Schedule 2.

Labelling of Antioxidants

6. No person shall sell, consign or deliver for use as an ingredient in the preparation of food any antioxidant except in a container bearing a label which complies with the requirements specified in Schedule 3.

Food for Babies and Young Children

7. No person shall—

(*a*) give with any food sold by him or display with any food offered or exposed by him for sale any label, whether attached to or printed on the container of that food or not, or

(*b*) publish, or be a party to the publication of, any advertisement for any food, or

(*c*) use on, or in connection with, the sale of food any description, which bears or includes any words or description stating directly or by implication that the food is intended mainly for babies or young

(a) S.R. & O. (N.I.) 1961, No. 159.

children, if the food to which the label, advertisement or description relates has in it or on it any added antioxidant.

Condemnation of food

8. Where any food is certified by a public analyst as being food which it is an offence against regulation 4 to sell, consign or deliver, that food may be treated for the purpose 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

9.—(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 requirement 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 relating to the labelling, advertising or description of food) shall not apply as respects any proceedings instituted by a health authority for an offence against any such provisions.

Defences

10.—(1) In any proceedings for an offence against regulation 5 or 7 in relation to the publication of an advertisement, it shall be a defence for the defendant to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business and did not himself make or cause to be made any material alteration in the substance of the advertisement.

(2) In any proceedings against the manufacturer or importer of any antioxidant for use as an ingredient in the preparation of food, or of any food having added antioxidant in it or on it, for an offence in relation to the publication of an advertisement, it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.

Revocation

11. The Antioxidants in Food Regulations (Northern Ireland) 1961 shall be revoked on 9th September 1967.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 9th day of December 1966.

(L.S.) *Lancelot Browne,*
Assistant Secretary.