EXPLANATORY NOTE

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

These Regulations lay down the arrangements by which payments of General Betting Duty are to be made by bookmakers and totalisator operators using a system of advance deposits of duty.

They prescribe the records and returns required for the collection of the duty and deal with the inspection of documents by the Ministry.

1966. No. 243 **[C]**

FOOD AND DRUGS

Composition and Labelling

Colouring Matter in Food

REGULATIONS, DATED 11TH OCTOBER 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 Colouring Matter in Food Regulations (Northern Ireland) 1966 and shall come into operation on 26th June 1967.

Interpretation

2.—(1) In these regulations—

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

"butter" means the fatty substance intended for sale for human consumption which—

(*a*) is usually known as butter,

(*b*) is derived exclusively from cow's milk, the pH of which may have been adjusted by the addition of an alkali carbonate,

and includes whey butter;

"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

(a) 1958. c. 27.

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;

"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;

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

"permitted colouring matter" means any colouring matter described in Schedule 1, which complies with the specification specified in that Schedule in relation to such colouring matter, or any combination of two or more such colouring matters;

"processed" in relation to any food, includes curing by smoking and any treatment or process resulting in a substantial change in the natural state of any food but does not include boning, paring, grinding, cutting, cleaning or trimming and "unprocessed" shall be construed accordingly;

"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, and "sale" and "sold" shall be construed accordingly;

"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;

"vegetable" includes pulses;

"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 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.

Exemptions

3. The provisions of these regulations shall not apply in relation to any colouring matter (including any colouring matter which is an ingredient of any colouring compound or of any colouring and flavouring compound), any diluent combined with any colouring matter or any food having any colouring matter in it or on it, which is sold—

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

(*b*) for the purpose of scientific laboratory testing, if the container of any such colouring matter, diluent or food bears a label stating clearly that such colouring matter, diluent or food, as the case may be, is sold only for such purpose.

Sale etc. of colouring matter and food containing colouring matter

4.—(1) No colouring matter, whether such colouring matter is an ingredient of any colouring compound or of any colouring and flavouring compound or not, shall be sold, consigned or delivered for use as an ingredient in the preparation of food unless such colouring matter is a permitted colouring matter.

(2) No food sold, consigned or delivered shall have in it or on it any colouring matter other than a permitted colouring matter.

(3) No food sold, consigned or delivered shall have in it or on it any mark, however effected, in any colouring matter other than a permitted colouring matter.

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

Prohibition of the use of added colouring matter

5.—(1) Save as hereinafter provided, no meat, game, poultry, fish, fruit or vegetable, in a raw or unprocessed state, sold, consigned or delivered for human consumption, shall have in it or on it (otherwise than for the purpose of marking) any added colouring matter:

Provided that—

(*a*) the husk containing any nut may have in it or on it added permitted colouring matter;

(*b*) the peel of any orange may have in it or on it added permitted colouring matter if—

(i) the words "colour added" are marked on the peel of such orange in permitted colouring matter, and

(ii) the said words are printed distinctly and legibly and are conspicuously visible.

(2) No tea (whether in leaf or essence form), coffee bean, ground coffee, coffee essence, white bread, soda bread, cream, condensed milk or dried milk, sold, consigned or delivered for human consumption, shall have in it or on it any added colouring matter:

Provided that the provisions of this paragraph shall not apply in relation to any white bread or soda bread sold, consigned or delivered for use by a manufacturer for the purposes of his manufacturing business.

(3) No bread, other than white bread or soda bread, sold, consigned or delivered for human consumption, shall have in it or on it any added colouring matter other than caramel:

Provided that the provisions of this paragraph shall not apply in relation to any bread sold, consigned or delivered for use by a manufacturer for the purposes of his manufacturing business.

(4) No processed cheese or cheese spread other than sage cheese spread, sold, consigned or delivered shall have in it or on it any added colouring matter other than a permitted colouring matter within items (1) to (4) of Part III of Schedule 1.

(5) No sage cheese or sage cheese spread sold, consigned or delivered shall have in it or on it any added colouring matter other than a green permitted colouring matter within item (3) of Part III of Schedule 1.

(6) No hard cheese, soft cheese or whey cheese sold, consigned or delivered shall have in it or on it any added colouring matter except carotene or annatto or both of these substances:

Provided that the rind of hard cheese may contain any permitted colouring matter.

(7) No butter sold, consigned or delivered shall have in it or on it any added colouring matter except carotene, annatto or turmeric, or two or all of these substances.

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

Arsenic, lead and copper limits for colouring matters and diluents

6.—(1) No colouring matter, whether such colouring matter is an ingredient of any colouring compound or of any colouring and flavouring compound or not, sold, consigned or delivered for use as an ingredient in the preparation of food, and no diluent combined with any such colouring matter shall contain—

(*a*) in the case of any such colouring matter, any arsenic, lead or copper, as the case may be, in excess of any amount specified therefor in the specification in Schedule 1 relating to such colouring matter:

Provided that if two or more colouring matters are combined, the amount of arsenic, lead or copper, as the case may be, permitted to be contained in such combination shall be determined by multiplying the amount of arsenic, lead or copper, as the case may be, laid down in the specification in the said Schedule 1 relating to each colouring matter present in such combination, by the proportion of the total amount of such combination represented by that colouring matter and by adding together the products resulting therefrom;

(*b*) in the case of any such diluent, more than the amount of arsenic, lead or copper, as the case may be, laid down in the specification in the said Schedule 1 relating to the colouring matter which is combined with any such diluent:

Provided that if any such diluent is combined with two or more colouring matters the amount of arsenic, lead or copper, as the case may be, permitted to be contained in such diluent shall be determined by multiplying the amount of arsenic, lead or copper, as the case may be, laid down in the specification in the said Schedule 1 relating to each colouring matter present in such combination, by the proportion of the total amount of colouring matter in such combination represented by that colouring matter and by adding together the products resulting therefrom.

(2) No person shall sell, consign or deliver, as the case may be, any colouring matter or any diluent combined with any colouring matter in contravention of this regulation.

Advertisements and Labelling

7.—(1) No person shall advertise for sale any colouring matter (including any colouring matter which is an ingredient of any colouring compound or of any colouring and flavouring compound) for use as an ingredient in the preparation of food unless such colouring matter is a permitted colouring matter.

(2) No person shall sell, consign or deliver any colouring matter (including any colouring matter which is an ingredient of any colouring compound or of any colouring and flavouring compound) for use as an ingredient in the preparation of food unless such colouring matter or such compound is packed in a container bearing a label which complies with the requirements specified in Schedule 2:

Provided that until regulation 7(3) of, and the Second Schedule to, the Colouring Matter in Food Regulations (Northern Ireland) 1961(a) are revoked in accordance with regulation 11(2) the requirements of this paragraph shall not have effect in relation to any sale, consignment or delivery in compliance with the provisions of the said regulation 7(3) of, and Second Schedule to, the regulations of 1961; and the provisions of such regulation 7(3) and Second Schedule shall not have effect (pending their revocation in accordance with regulation 11(2)) in relation to any sale, consignment or delivery in compliance with the requirements of this paragraph or in relation to any sale to which an exemption in regulation 3 applies.

Condemnation of food

8. Where any food is certified by a public analyst as being food which it is an offence against regulation 4 or 5 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

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 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 to the substance of the advertisement.

(2) In any proceedings against the manufacturer or importer of any colouring matter for use as an ingredient in the preparation of food, or of any food having colouring matter 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.

(a) S.R. & O. (N.I.) 1961, No. 99.