Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 24th day of September, nineteen hundred and sixty-two.

(L.S.) *John A. Oliver,*
Assistant Secretary.

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EXPLANATORY NOTE

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

These Regulations increase from three months to four months the period within which members of local authorities may claim travelling and subsistence allowances. They also raise from 2d. to 3d. a mile the basic rate of allowance payable where a member travels by private motor vehicle in lieu of public transport.

**1962. No. 173** **[C]**

## FOOD AND DRUGS

### Composition and Labelling

### Preservatives in Food

REGULATIONS, DATED 27TH SEPTEMBER, 1962, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS 4, 7 AND 68 OF THE FOOD AND DRUGS ACT (NORTHERN IRELAND), 1958.

The Ministry of Health and Local Government, 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 Preservatives in Food Regulations (Northern Ireland), 1962, and shall come into operation on the 19th day of November, 1962.

*Interpretation*

**2.**—(1) In these regulations—

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

"bread" includes the following, and any part of any of the following, that is to say, rolls, baps, fancy loaves, milk loaves, malt loaves and fruit loaves;

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(a) 1958: c. 27.

"canned food" means food in a hermetically sealed container which has been sufficiently heat processed to destroy any Clostridium Botulinum in that food or container or which has a pH. of less than 4·5;

"catering business" includes the business or undertaking of an inn, public-house, hotel, restaurant, café, tea-shop, buffet, coffee-stall or any place of refreshment open to the public, or of a club, boarding house, apartment house, refreshment contractor, school feeding centre, staff dining room or canteen; and "caterer" shall be construed accordingly;

"compounded food" means food containing two or more ingredients;

"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;

"deterioration", in relation to food, means deterioration due to the action of bacteria, yeasts or moulds;

"dock" includes any harbour, moorings, wharf, pier, jetty or other works in or at which food can be shipped or unshipped and any warehouse, transit shed or other premises used in connection therewith for the temporary storage or loading for dispatch of food which is unshipped or to be shipped;

"flavouring syrup" means a solution of carbohydrate sweetening matter containing sufficient distinctive flavouring to provide, after dilution with milk or water, a drink with that distinctive flavour;

"flavouring emulsion" means an emulsion of the selected flavouring in a suitable liquid;

"flour confectionery" includes cake, bun loaves, cholas bread, pastry (cooked or uncooked) and ready-made puddings (other than canned puddings and Christmas puddings) but does not include biscuits or any product containing a filling that has as an ingredient any meat or fish;

"food" means food intended for sale for human consumption and includes—

(*a*) cream and any food containing milk, and

(*b*) drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products;

but does not include—

(i) water, live animals or birds, or

(ii) articles or substances used only as drugs;

"jam" includes fruit jelly prepared in the way in which jam is prepared, marmalade and jelly marmalade;

"permitted antioxidant" means any antioxidant inasmuch as its use is permitted by the Antioxidants in Food Regulations (Northern Ireland), 1961(**a**);

"permitted colouring matter" means any colouring matter inasmuch as its use is permitted by the Colouring Matter in Food Regulations (Northern Ireland), 1961(**b**);

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(**a**) S.R. & O. (N.I.) 1961, No. 159. (**b**) S.R. & O. (N.I.) 1961, No. 99.

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

"permitted preservative" means any preservative specified in column 2 of Schedule 1 or, subject to the provisions of paragraph (3), a preservative specified in column 2 of Schedule 2;

"pre-packed" means made up in advance ready for retail sale in or on a container; and on any premises where food of any description is so made up, or is kept or stored for sale after being so made up, any food of that description found made up in or on a container shall be deemed to be pre-packed unless the contrary is proved;

"preservative" means any substance which is capable of inhibiting, retarding or arresting the process of fermentation, acidification or other deterioration of food or of masking any of the evidence of putrefaction but does not include—

(*a*) any permitted antioxidant;
(*b*) any permitted colouring matter;
(*c*) any permitted emulsifier or permitted stabiliser;
(*d*) common salt (sodium chloride);
(*e*) lecithin, sugars or tocopherols;
(*f*) nicotinic acid or its amide;
(*g*) vinegar or acetic acid, lactic acid, ascorbic acid, citric acid, malic acid, phosphoric acid, polyphosphoric acid or tartaric acid or the calcium, potassium or sodium salts of any of the acids specified in this sub-paragraph;
(*h*) glycerol, alcohol or potable spirits, iso-propyl alcohol, propylene glycol, monoacetin, diacetin or triacetin;
(*i*) herbs or hop extract;
(*j*) spices or essential oils when used for flavouring purposes;
(*k*) any substance added to food by the process of curing known as smoking;
(*l*) carbon dioxide, nitrogen or hydrogen when used in the packing of food in hermetically sealed containers;
(*m*) nitrous oxide when used in the making of whipped cream;

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

"raw peeled potatoes" includes chips, sliced potatoes, diced potatoes and potatoes which have undergone the culinary process known as "blanching";

"raw fish" means any fish which has not undergone any processing but does not include crustacea or molluscs;

"retail sale" and "sale by retail" mean respectively any sale to a person buying otherwise than for the purpose of re-sale, but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business;

"saccharin" means the substance defined as such in the edition of the British Pharmacopoeia current for the time being;

(a) S.R. & O. (N.I.) 1962, No. 90.

"sausage" and "sausage meat" mean a mixture of raw meat, cereals and condiments and include hamburgers, lamburgers, beefburgers and similar products;

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

"smoking" includes using any smoke solution derived from fresh non-impregnated wood;

"soft drink" means any liquid suitable or intended for use, either without or after dilution, as drink for human consumption; and includes—

(*a*) any fruit juice drink, and any fruit squash, crush or cordial;

(*b*) soda-water, Indian or quinine tonic water, and any artificially carbonated water whether flavoured or unflavoured;

(*c*) ginger beer and any herbal or botanical beverage;

but does not include—

(i) water (except as aforesaid);

(ii) water from natural springs, either in its natural state or with added mineral substances;

(iii) fruit juice, sweetened or unsweetened, whether concentrated (or frozen) or not;

(iv) milk or any preparation of milk;

(v) tea, coffee, dandelion coffee, cocoa or chocolate, or any preparation of tea, coffee, dandelion coffee, cocoa or chocolate;

(vi) any egg product;

(vii) any cereal product except—

(*aa*) flavoured barley-water and liquid products used in the preparation of barley-water, and

(*ab*) cereal products containing alcohol that are not intoxicating liquor as defined in accordance with sub-paragraph (x);

(viii) meat, yeast or vegetable extracts, soup or soup mixtures, or any similar product;

(ix) tomato or other vegetable juices, or any preparation of any such juice or juices;

(x) intoxicating liquor as defined in the Intoxicating Liquor Act (Northern Ireland), 1923(a);

(xi) any other unsweetened drink except soda-water.

For the purposes of this definition a product shall not be deemed not to be a soft drink by reason only of the fact that it is capable of being used as a medicine;

"specified food" means any food of a description specified in column 1 of Schedule 1;

"storage", in relation to food, means storage at, in or upon any farm, dock, vehicle, warehouse, fumigation chamber, cold store, or any barge or ship whilst, in either case, in any port or harbour in Northern Ireland;

"sugar" means the product usually known as sugar in commercial usage, consisting principally of sucrose;

"sweetened" means containing any added saccharin, sugar or other carbohydrate sweetening matter or polyhydric alcohol; and "unsweetened" shall be construed accordingly.

(a) 13 & 14 Geo. 5. c. 12 (N.I.).

(2) Percentages and parts per million shall be calculated by weight.

(3) Any preservative specified in column 2 of Schedule 2, if calculated as, may be used in place of, the preservative specified in relation thereto in column 1 of that Schedule; and any reference in these regulations to any preservative specified in column 1 of that Schedule shall be construed accordingly.

(4) These regulations shall not apply to any food or preservative intended for exportation to any place outside the United Kingdom.

(5) 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.

*Sale etc. of food containing a preservative*

**3.**—(1) Save as hereinafter provided, no food shall contain any added preservative:

Provided that—

(*a*) any specified food may contain permitted preservative of the description and in the proportion specified in relation thereto in columns 2 and 3 respectively of Schedule 1;

(*b*) any specified food and any food intended for use in the preparation of a specified food (but excluding fruit and fruit pulp containing sulphur dioxide and intended for manufacturing purposes and any pre-packed food) may, on a sale other than a retail sale or on consignment or delivery pursuant to such a sale, contain permitted preservative of a description appropriate to the specified food in accordance with Schedules 1 and 2 in any proportion if, as the case may be, the seller gives to the buyer on or before sale a document containing an accurate statement of the description and the maximum quantity of all such preservative present in the food in the form specified in paragraphs 5 and 6 of Schedule 3;

(*c*) any specified food in relation to which two or more permitted preservatives are specified in Schedule 1 may contain an admixture of those preservatives if, when the quantity of each such preservative present in that food is expressed as a percentage of the maximum quantity of that preservative appropriate to that food in accordance with that Schedule, the sum of those percentages does not exceed one hundred;

(*d*) any food may contain, in any proportion not exceeding five parts per million, formaldehyde derived from any wet strength wrapping containing any resin based on formaldehyde or from any plastic food container or utensil manufactured from any resin of which formaldehyde is a condensing component;

(*e*) the skin, but not the flesh, of a banana may contain nystatin;

(*f*) bacon or ham may contain sodium nitrate, sodium nitrite, potassium nitrate or potassium nitrite;

(*g*) cooked or uncooked pickled meat may contain sodium nitrate or potassium nitrate;

(*h*) cheese, clotted cream or any canned food may contain nisin;

(*i*) any food may contain sodium nitrate, sodium nitrite, potassium nitrate or potassium nitrite introduced in the preparation of that food by the use of any bacon or ham containing any of the said preservatives or by the use of any cooked or uncooked pickled meat containing sodium nitrate or potassium nitrate;

(*j*) any food may contain nisin introduced in the preparation of that food by the use of any cheese, clotted cream or canned food containing nisin;