PART II

MINERALS

Column 1	Column 2
Substance	To be calculated and specified as:
Calcium	Milligrams of calcium.
Iodine	Micrograms of iodine.
Iron	Milligrams of iron.
Phosphorus	Milligrams of phosphorus.

EXPLANATORY NOTE

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

These regulations re-enact with amendments the Labelling of Food Order, 1953, and the Labelling of Food (Amendment) Order, 1953, made under the Defence (Sale of Food) Regulations, 1943, which lapsed in Northern Ireland in 1956 when the Defence Regulations were repealed.

The principal amendments are as follows:—

(*a*) The requirement that liquor labelled as a cocktail must contain not less than 40 per cent. proof spirit has been dispensed with.

(*b*) The exemption from the declaration of fruit basis and alcohol content has been extended to all wines obtained exclusively from grapes and which have not been subject to any process so as to alter their character.

In addition, the regulations contain new provisions relating to the labelling, marking and advertising of margarine and margarine-cheese. Claims that margarine contains or is made with cream or milk are now prohibited unless they are made in the prescribed manner.

1961. No. 161 **[C]**

FOOD AND DRUGS

Ice-Cream

Composition, Labelling, Heat Treatment, etc.

REGULATIONS, DATED 6TH JULY, 1961, 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

(a) 1958. c. 27.

to be representative of interests substantially affected by these regulations, and with the concurrence of the Ministry of Agriculture, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Ice-Cream (Composition, Heat Treatment, Labelling, etc.) Regulations (Northern Ireland), 1961, and shall come into operation on the 30th day of October, 1961.

Interpretation

2.—(1) In these regulations—

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

"complete cold mix" means a product which is capable of manufacture into a mixture with the addition of water only, is sent out by the manufacturer in airtight containers, and has been made by evaporating a liquid mixture which has already been submitted to heat treatment comparable with that prescribed in these regulations;

"mixture" means a product which is capable of manufacture into ice-cream by freezing only;

"pre-packed" means packed or made up in advance ready for retail sale in a wrapper or container, and where ice-cream packed or made up in a wrapper or container is found on any premises where ice-cream is packed, kept or stored for sale, the ice-cream shall be deemed to be pre-packed unless the contrary is proved, and it shall not be sufficient proof of the contrary to show that the ice-cream had not been labelled in accordance with the provisions of these regulations;

"retail sale" means 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.

(2) Any reference in these regulations to a label marked on a wrapper or container shall be construed as including a reference to any legible marking on the wrapper or container however effected.

PART I

STANDARD OF COMPOSITION FOR ICE-CREAM

3. In this Part and in the First Schedule any reference to ice-cream includes a reference to ices but nothing in this Part and the First Schedule shall apply to water ices including ice lollies.

4. Ice-cream (whether or not it forms part of a composite article of food) intended for sale for human consumption shall conform to the standard of composition set out in the First Schedule.

5. No person shall sell or offer or expose for sale any food intended for human consumption under such a description as to lead an intending purchaser to believe he is purchasing ice-cream or a composite article of food containing ice-cream unless the food complies with the said standard or, as the case may be, the composite article of food contains food which complies with the said standard.

6. Where a person sells any food to a purchaser in response to a request for ice-cream or for a composite article of food containing ice-cream he shall be deemed to sell ice-cream or, as the case may be, a composite article of food containing ice-cream unless he clearly notifies the purchaser at the time of sale that the food is not, or as the case may be, the composite article of food does not contain, ice-cream.

PART II

HEAT TREATMENT OF ICE-CREAM

7. The requirements set out in the Second Schedule shall be observed in the manufacture of ice-cream intended for sale for human consumption:

Provided that the requirements set out in paragraph 2 thereof shall not apply to any mixture (whether containing milk solids or not) used, either alone or with other mixtures, in the manufacture of water ice or other similar frozen confection if the mixture has a pH value of 4·5 or less.

8. Ice-cream shall not be sold or offered for sale unless—

(*a*) the relevant provisions of Regulation 7 and the Second Schedule have been complied with in relation to its manufacture; and either

(*b*) it has been kept at a temperature not exceeding 28° Fahrenheit since it was frozen, or

(*c*) if its temperature has risen above 28° Fahrenheit at any time since it was frozen, it has again been subjected to the treatment (if any) to which as a mixture it was required to be subjected under paragraph 2 of the Second Schedule or would have been required to be subjected thereunder but for paragraph 1 of the Second Schedule and, after having again been frozen, has been kept at a temperature not exceeding 28° Fahrenheit.

PART III

LABELLING, MARKING AND ADVERTISING OF ICE-CREAM

9. In this Part any reference to "ice-cream" (except as regards the description "ice-cream" in regulation 12) includes a reference to ices but nothing in this Part shall apply to water ices including ice lollies.

10. No person shall give with ice-cream sold by him or display with any ice-cream exposed by him for sale any label, whether attached to or printed on the wrapper or container or not, which bears any word or pictorial device which refers to, or is suggestive of butter, cream or milk or anything connected with the dairy interest unless the ice-cream contains no fat other than milk fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent):

Provided that the label may include a statement to the effect that the ice-cream contains skimmed milk solids.

11. No person shall publish, or be party to the publication of, any advertisement for ice-cream which includes any word or pictorial device which refers to or is suggestive of butter, cream or milk or of anything connected with the dairy interest unless the ice-cream to which the advertisement relates contains no fat other than milk fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent):

Provided that the advertisement may include a statement to the effect that the ice-cream contains skimmed milk solids.

12. After the 30th November, 1961, no person shall sell or offer or expose for sale under the description "ice-cream" any pre-packed ice-cream which contains any fat other than milk fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent) except in a wrapper or container bearing a label on which there appears in close proximity to such description, the declaration "Contains non-milk fat" such declaration to be conspicuously visible and to be distinctly and legibly printed in letters not less in height than one-quarter of the height of the tallest letter in such description or one-twelfth of an inch, whichever is the taller:

Provided that where any pre-packed ice-cream contains no fat other than vegetable fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent) the declaration "Contains vegetable fat" may so appear as an alternative in place of the declaration "Contains non-milk fat".

13. The foregoing provisions of this Part shall apply in relation to ice-cream which forms part of a composite article of food.

14. Nothing in this Part shall prevent the use of the expression "ice-cream" or the use of the name of the manufacturer, packer or advertiser of the ice-cream or of any person selling it or exposing it for sale.

15. In any proceedings for an offence against Regulation 11 it shall be a defence for the accused 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 that advertisement.

16. In any such proceedings as aforesaid against the manufacturer of the ice-cream it shall rest on the accused to prove that he did not publish, and was not a party to the publication of, the advertisement.

Defacing of Labels

17. No person shall remove, add to, alter, deface or render illegible any statement upon a label printed on or attached to a wrapper or container in pursuance of any provision of these regulations:

Provided that it shall be a defence in any proceedings for an infringement of this regulation for the defendant to prove either—

(*a*) that the ice-cream was in his possession at the time of the infringement otherwise than for sale; or

(*b*) that he acted without intent to deceive.

PART IV

MISCELLANEOUS

Savings

18. Part III, except so far as it relates to advertisements, shall not apply—

(*a*) to any food packed for consumption by Her Majesty's Forces or by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act, 1952(a);

(a) 15 & 16 Geo. 6, & 1 Eliz. 2. c. 67.