1961. No. 159 **[C]**

FOOD AND DRUGS

Antioxidants in Food

Composition and Labelling

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 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), 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;

"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, tocopherols, citric acid, tartaric acid, phosphoric acid or any permitted preservative;

"butter for manufacturing purposes" means butter sold, or intended for sale, otherwise than by retail, for use as an ingredient in the manufacture or production of any other article of food;

"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 the word "caterer" shall be construed accordingly;

"dairy product" means butter (other than butter for manufacturing purposes), milk, cream, condensed (including evaporated) milk and dried milk;

"food" includes 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—

(*a*) water, live animals or birds, or

(*b*) articles or substances used only as drugs;

and except as respects regulation 5 the expression means food intended for sale for human consumption;

"margarine" means the food usually known as margarine being an emulsion of edible oils and fats with water or skimmed milk or other substances,

(a) 1958. c. 27.

with or without the addition of permitted colouring matter, which is capable of being used for the same purposes as butter;

"permitted colouring matter" means any colouring matter permitted by the Colouring Matter in Food Regulations (Northern Ireland), 1961(**a**);

"permitted preservative" means any preservative permitted by the Public Health (Preservatives, etc., in Food) Regulations (Northern Ireland), 1927 to 1958(**b**);

"prepacked" means packed or made up in advance ready for retail sale in a wrapper or container;

"sale by retail" means any sale to a person buying otherwise than for the purpose of resale and includes a sale by a caterer in the course of his catering business but does not include a sale to a manufacturer for the purposes of his manufacturing business or a sale to a caterer for the purposes of his catering business;

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

"specified food" means any food of a description specified in column 1 of the First Schedule.

(2) The Public Health (Preservatives, etc., in Food) Regulations (Northern Ireland), 1927 to 1958, shall not apply in relation to any antioxidant or any food containing any antioxidant.

Savings

3. The following provisions of these regulations shall not apply in relation to—

(*a*) any antioxidant or food containing added antioxidant intended for exportation to a destination outside the United Kingdom;

(*b*) any preparation described in a monograph or formula in the British Pharmacopoeia, the British Pharmaceutical Codex or the British National Formulary and sold as a pharmaceutical preparation; or

(*c*) any substance recommended as a medicine, as defined in section 7 of the Medicines, Pharmacy and Poisons Act (Northern Ireland), 1945(**c**).

Use of Antioxidants

4.—(1) Save as hereinafter provided, no food shall contain any added antioxidant:

Provided that:—

(*a*) any specified food may contain antioxidant of a description and in the proportions specified in relation thereto in the First Schedule;

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

(*c*) any article of food which contains milk fat by reason of the addition, as an added ingredient, of any dairy product may contain antioxidant of the description and in the proportions appropriate in accordance with the First Schedule in relation to an amount of anhydrous fat equal to that milk fat.

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

(**b**) S.R. & O. (N.I.) 1927, No. 18; S.R. & O. (N.I.) 1927, No. 69; S.R. & O. (N.I.) 1927, No. 98; S.R. & O. (N.I.) 1932, No. 136; S.R. & O. (N.I.) 1940, No. 81; S.R. & O. 1953, No. 143; S.R. & O. 1958, No. 161.

(**c**) 1945, c. 9.

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

Advertising and Sale

5.—(1) No person shall sell or advertise for sale any antioxidant with a view to its use in the preparation of food intended for human consumption other than an antioxidant specified in column 2 of the First Schedule.

(2) In any proceedings for an offence against paragraph (1) 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 that advertisement.

(3) No person shall sell any antioxidant with a view to its use in the preparation of food intended for human consumption except in a container bearing a label in accordance with the provisions of the Second Schedule.

Labelling

6. No person shall sell, consign or deliver, if it contains added antioxidant, any specified food or any mixture thereof or any margarine except in a container bearing a label in accordance with the provisions of the Third Schedule:

Provided that this regulation shall not apply—

(*a*) when the seller gives to the buyer on or before sale notice in writing accurately stating the description and quantity of antioxidant added as aforesaid;

(*b*) to any sale either by retail or prepacked of any such specified food, mixture thereof or margarine.

Application of Section 9 of Act

7. 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:

Provided that this regulation shall not apply in relation to any food which contains no antioxidant other than one or more of the antioxidants specified in the First Schedule.

Penalties

8. If any person contravenes or fails to comply with any of the provisions of these regulations 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.

Legal Proceedings—Application of Act

9. In any prosecution for an offence under these regulations the relevant provisions of Sections 46, 48, 50 and 53 of the Act shall apply.