EXPLANATORY NOTE

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

These regulations provide that, subject to certain exceptions, it shall be an offence to sell, consign or deliver, any food which contains more than 1·0 part per million of arsenic. Lower limits are specified for beverages, some soft fruit concentrates and ice-cream and higher limits are specified for some foods which, generally, are either essences or ancillary foods.

1961. No. 99 **[C]**

FOOD AND DRUGS

Colouring Matter in Food

Composition and Labelling

REGULATIONS, DATED 20TH APRIL, 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 Colouring Matter in Food Regulations (Northern Ireland), 1961, and shall come into operation on the 15th day of May, 1961.

Interpretation

2. In these regulations—

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

"colouring and flavouring compound" does not include a colouring and flavouring compound for use in the manufacture of soft drinks;

"food" means food intended for human consumption;

"permitted colouring matter" means any colouring matter specified in the First Schedule or any combination of more than one such colouring matter;

"processed" 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;

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

"vegetable" includes pulses.

(a) 1958. c. 27

Amendment of Preservatives, etc., in Food Regulations

3. The provisions of the Public Health (Preservatives, etc., in Food) (Northern Ireland) Regulations, 1927(a), specified in the first column of the Third Schedule, shall be further amended to the extent specified in the second column of that Schedule.

Exports

4. The following provisions shall not apply in relation to any food or colouring matter intended for exportation to a destination outside the United Kingdom.

5. No food intended for sale for human consumption shall contain any added colouring matter which is not a permitted colouring matter and no person shall sell, consign or deliver any such food which does not comply with this regulation.

6.—(1) No meat, game, poultry, fish, fruit or vegetable in a raw and unprocessed state which is intended for sale for human consumption shall have in or upon it, otherwise than for the purpose of marking, any added colouring matter:

Provided that citrus fruit may have in or upon it added permitted colouring matter if—

(*a*) the words "colour added" are marked on the skin of the said citrus fruit in permitted colouring matter; and

(*b*) the said words are of adequate size, distinctly and legibly printed and conspicuously visible.

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

Advertising and Labelling

7.—(1) No person shall sell or advertise for sale any colouring matter for use in food which is not a permitted colouring matter.

(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, consign or deliver for use in food any colouring matter or any colouring and flavouring compound except in a container bearing a label in accordance with the provisions of the Second Schedule.

Application of Section 9 of the Act

8. Where any food is certified by a public analyst as being food which it is an offence against regulation 5 or 6 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, as respects regulation 6, in relation to any food which contains no colouring matter other than a permitted colouring matter.

(a) S.R. & O. (N.I.) 1927, No. 18.

Penalties

9. 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

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

11. The requirements of sub-section (3) of Section 47 of the Act (which requires notice to be given to the Ministry of Health and Local Government of intention to begin a prosecution for an offence against any provisions of these regulations relating to labelling, marking or advertising) shall not apply as respects any proceedings instituted by a health authority for an offence against any such provisions of these regulations.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 20th day of April, nineteen hundred and sixty-one.

(L.S.) *W. J. Morgan,*
Minister of Health and Local Government.