STATUTORY INSTRUMENTS

1974 No. 1339 (S.117)

FOOD AND DRUGS

COMPOSITION AND LABELLING

The Antioxidants in Food (Scotland) Regulations 1974

Made - - - -	30*th July* 1974
Laid before Parliament	14*th August* 1974
Coming into Operation	4*th September* 1974

In exercise of the powers conferred on me by sections 4, 7 and 56 of the Food and Drugs (Scotland) Act 1956**(a)**, as amended by section 4(1) of, and paragraph 3(1) of Schedule 4 to, the European Communities Act 1972**(b)**, and of all other powers enabling me in that behalf, and after consultation with such organisations as appear to me to be representative of interests substantially affected by these regulations and after reference to the Scottish Food Hygiene Council under section 25 of the said Act of 1956 (in so far as the regulations relate to the labelling, marking, advertising or description of food), I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Antioxidants in Food (Scotland) Regulations 1974, and shall come into operation on 4th September 1974.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"the Act" means the Food and Drugs (Scotland) Act 1956;

"antioxidant" means any substance which is capable of delaying, retarding or preventing the development in food of rancidity or other flavour deterioration due to oxidation but does not include—

(*a*) any permitted artificial sweetener,

(*b*) any permitted bleaching agent,

(*c*) any permitted colouring matter,

(*d*) any permitted emulsifier,

(*e*) any permitted improving agent,

(*f*) any permitted miscellaneous additive other than a permitted diluent combined with such an antioxidant,

(*g*) any permitted preservative,

(*h*) any permitted stabiliser,

(*j*) any permitted solvent other than a permitted diluent combined with such an antioxidant,

(*k*) lecithin,

(a) 1956 c. 30. **(b)** 1972 c. 68.

(*l*) esters of L-ascorbic acid with straight-chain C14 and C18 fatty acids used or for use to dilute or dissolve colouring matter in accordance with the Colouring Matter in Food (Scotland) Regulations 1973**(a)**;

"appropriate designation" means, as respects any permitted antioxidant or permitted diluent, a name or description or a name and description sufficiently specific, in each case, to indicate to an intending purchaser the true nature of the permitted antioxidant or permitted diluent to which it is applied;

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

"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;

"dairy product" means any butter (other than butter for manufacturing purposes), milk, cream, condensed milk, evaporated milk, dried milk or cheese;

"diluent" means any substance used to dilute or dissolve antioxidant intended for use in food for human consumption;

"food" means food intended for sale for human consumption and 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,

(*b*) fodder or feeding stuffs for animals, birds or fish, or

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

"human consumption" includes use in the preparation of food for human consumption;

"local authority" has the meaning assigned to it by section 26 of the Act;

"partial glycerol esters" means any compound formed by incompletely esterifying the hydroxyl groups of glycerol with either—

(*a*) any single fatty acid, or

(*b*) any mixture of fatty acids, or

(*c*) any mixture of fatty acids with one of the following organic acids—acetic acid, lactic acid, citric acid, tartaric acid, diacetyl tartaric acid or hydroxystearic acid,

in which the proportion of sodium salt, if any, of any fatty acid present does not exceed two per centum of the partial glycerol esters;

"permitted antioxidant" means any antioxidant specified in Part I of Schedule 1 to these regulations which satisfies the specific purity criteria relating to that antioxidant specified or referred to in Part II of that Schedule and, so far as is not otherwise provided by any such specific purity criteria, satisfies the general purity criteria specified in Part III of that Schedule, or any mixture of two or more such antioxidants and (except in the definition of appropriate designation in this regulation and Schedules 1 and 4 to these regulations) shall be construed as including any permitted diluent combined with such antioxidant or mixture of such antioxidants;

(a) S.I. 1973/1310 (1973 II, p. 3961).

"permitted artificial sweetener" means any artificial sweetener in so far as its use is permitted by the Artificial Sweeteners in Food (Scotland) Regulations 1969(a);

"permitted bleaching agent" means any bleaching agent in so far as its use is permitted by the Bread and Flour (Scotland) Regulations 1963(b), as amended(c);

"permitted colouring matter" means any colouring matter in so far as its use is permitted by the Colouring Matter in Food (Scotland) Regulations 1973;

"permitted diluent" means any diluent described in Part I of Schedule 2 to these regulations which satisfies the general purity criteria specified in Part II of that Schedule, or any of the permitted solvents ethyl alcohol (ethanol), propylene glycol and glycerol, or the permitted miscellaneous additive sorbitol and includes any combination of two or more such substances;

"permitted emulsifier" means any emulsifier in so far as its use is permitted by the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1962(d), as amended (e);

"permitted improving agent" means any improving agent in so far as its use is permitted by the Bread and Flour (Scotland) Regulations 1963, as amended;

"permitted miscellaneous additive" means any acid, anti-caking agent, anti-foaming agent, base, buffer, firming agent, glazing agent, humectant, liquid freezant, packaging gas, propellent, release agent or sequestrant in so far as its use is, in each case, permitted by the Miscellaneous Additives in Food (Scotland) Regulations 1974(f);

"permitted preservative" means any preservative in so far as its use is permitted by the Preservatives in Food (Scotland) Regulations 1974(g);

"permitted solvent" means any solvent in so far as its use is permitted by the Solvents in Food (Scotland) Regulations 1968(h);

"permitted stabiliser" means any stabiliser in so far as its use is permitted by the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1962, as amended;

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

"specified food" means any food of a description specified in column 1 of Part I or of Part II of Schedule 3 to these regulations;

AND other expressions have the same meaning as in the Act.

(2) The Interpretation Act 1889(i) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament, and as if these regulations and the regulations hereby revoked were Acts of Parliament.

(3) Unless a contrary intention is expressed, all proportions mentioned in these regulations are proportions calculated by weight of the product as sold.

(4) 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.

(a) S.I. 1969/1848 (1969 III, p. 5782).
(b) S.I. 1963/1461 (1963 II, p. 2589).
(c) S.I. 1972/1489 (1972 III, p. 4395).
(d) S.I. 1962/779 (1962 I, p. 766).
(e) The relevant amending instrument is S.I. 1970/1095 (1970 II, p. 3442).
(f) S.I. 1974/1338.
(g) S.I. 1974/1340 (1974 II, p. 5108).
(h) S.I. 1968/263 (1968 I, p. 789).
(i) 1889 c. 63.

(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.

(6) Any reference in these regulations to any other regulations shall be construed as a reference to such regulations as amended by any subsequent regulations.

Exemptions

3. The provisions of these regulations shall not apply to food having any antioxidant in it or on it, to any antioxidant or to any diluent combined with any antioxidant or antioxidants which, in each case, is intended at the time of sale, consignment, delivery or importation, as the case may be, for exportation to any place outside the United Kingdom.

Sale, etc. of food containing antioxidants

4.—(1) Subject to paragraph (2) of this regulation, no food sold, consigned, delivered or imported into Scotland shall have in it or on it any added antioxidant other than a permitted antioxidant.

(2) Save as hereinafter provided, no food sold, consigned, delivered or imported into Scotland shall have in it or on it any added permitted antioxidant specified in column 2 of Part I or of Part II of Schedule 3 to these regulations:

Provided that—

(*a*) any specified food described in column 1 of Part I of Schedule 3 to these regulations may, subject to the provisions of paragraph 1 of that Part, have in it or on it permitted antioxidant of the description appearing in relation thereto in column 2 of that Part in the proportion specified in relation thereto in column 3 of that Part;

(*b*) any specified food described in column 1 of Part II of Schedule 3 to these regulations may have in it or on it permitted antioxidant of the description and in the proportion specified in relation thereto in columns 2 and 3 respectively of that Part of that Schedule;

(*c*) any food containing as an added ingredient any specified food may contain permitted antioxidant of the description specified for, in the amount appropriate to the quantity of, that specified food in accordance with paragraphs (*a*) and (*b*) of this proviso;

(*d*) any food containing milk fat by reason of the addition as an added ingredient of any dairy product may contain permitted antioxidant of the description, and in the amount specified, in accordance with paragraph (*a*) of this proviso in relation to a quantity of anhydrous edible fat equal by weight to that milk fat.

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

Sale, advertisement and labelling of antioxidants

5.—(1) No person shall sell, consign, deliver, import into Scotland or advertise for sale any antioxidant (including any antioxidant with which any other substance has been mixed) for use as an ingredient in the preparation of food unless such antioxidant is a permitted antioxidant.

(2) No person shall sell, consign or deliver any permitted antioxidant (including any permitted antioxidant with which any other substance has been mixed) for use as an ingredient in the preparation of food except in a container bearing a label in accordance with the requirements of Schedule 4 to these regulations.

Food for babies and young children

6. No person shall—

(*a*) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, being a label, ticket or notice which bears any words, device or description calculated to indicate either directly or indirectly that the food is intended mainly for babies or young children, or

(*b*) publish, or be a party to the publication of any advertisement for any food, being an advertisement which includes any words, device or description as aforesaid, or

(*c*) use on, or in connection with, the sale of any food any such words, device or description as aforesaid,

if the food has in it or on it any butylated hydroxyanisole, butylated hydroxytoluene, octyl gallate, dodecyl gallate, propyl gallate or ethoxyquin.

Condemnation of food

7. Where any food is certified by a public analyst as being food which it is an offence against regulation 4 of these regulations to sell, consign, deliver or import into Scotland, 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.

Enforcement

8.—(1) The local authority of any area shall, subject to the provisions of the next following paragraph, enforce and execute the provisions of these regulations within their area.

(2) Where any part of the area of a local authority lies within the area of a port local authority such of the functions of the local authority under these regulations in relation to any food imported into that part shall, in so far as these functions fall to be exercised by the port local authority by virtue of any order made under section 172 of the Public Health (Scotland) Act 1897**(a)**, be exercised by that port local authority.

(3) In this regulation "local authority" has the meaning assigned to it by section 26(4) of the Act; and "port local authority" includes a joint port local authority.

Penalties

9.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence under these regulations.

(a) 1897 c. 38.

(2) Any person who is guilty of an offence under these regulations shall be liable—

(*a*) on summary conviction to—

(i) a fine not exceeding £100 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment; and

(ii) in the case of a continuing offence, to a further fine not exceeding £10 for every day during which the offence is continued; or

(*b*) on conviction on indictment to—

(i) a fine not exceeding £500 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment; and

(ii) in the case of a continuing offence, to a further fine not exceeding £50 for every day during which the offence is continued.

Defences

10.—(1) In any proceedings for an offence against these regulations in relation to the publication of an advertisement, 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.

(2) In any proceedings against the manufacturer or importer of any anti-oxidant for use as an ingredient in the preparation of food, or of any food having added antioxidant in it or on it, for an offence against these regulations in relation to the publication of an advertisement, it shall rest on the accused to prove that he did not publish, and was not a party to the publication of, the advertisement.

Application of various sections of the Act

11.—(1) Sections 41(2) and (5) (proceedings), 42(1), (2) and (3) (evidence of certificates of analysis), 44 (power of a court to require analysis by the Government Chemist), 46(2) (conditions under which a warranty may be pleaded as a defence) and 47 (offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken under the Act included references to proceedings, or a prosecution as the case may be, taken for an offence against these regulations and in addition as if—

(*a*) in the case of section 44(1) of the Act, the reference therein to section 41(5) of the Act included a reference to said section 41(5) as applied by these regulations; and

(*b*) in the case of section 47(1) and (2) of the Act, the references therein to an offence against the Act included references to an offence against these regulations.

(2) Section 41(4) of the Act shall apply for the purposes of these regulations as if the reference therein to section 47 of the Act included a reference to said section 47 as applied by these regulations.

Revocation

12. The Antioxidant in Food (Scotland) Regulations 1967(**a**) are hereby revoked.

(**a**) S.I. 1967/105 (1967 I, p. 205).

William Ross,
One of Her Majesty's Principal
Secretaries of State.

St Andrew's House,
Edinburgh.
30th July 1974.

SCHEDULE 1 *Regulation* 2(1)

PART I

PERMITTED ANTIOXIDANTS

Column 1	Column 2
Name of Antioxidant	Serial Number
L-Ascorbic acid	E300
Sodium L-ascorbate	E301
Calcium L-ascorbate	E302
Ascorbyl palmitate	E304
Extracts of natural origin rich in tocopherols	E306
Synthetic alpha-tocopherol	E307
Synthetic gamma-tocopherol	E308
Synthetic delta-tocopherol	E309
Octyl gallate	E311
Dodecyl gallate	E312
Propyl gallate	—
Butylated hydroxyanisole (BHA)	E320
Butylated hydroxytoluene (BHT)	E321
Ethoxyquin	—

PART II

SPECIFIC PURITY CRITERIA FOR PERMITTED ANTIOXIDANTS

E 300 L-ascorbic acid

Description	The product shall be L (+) ascorbic acid and shall be a white or slightly yellowish crystalline powder.
Content	Not less than 99 per centum of $C_6H_8O_6$ (after drying for 24 hours in a desiccator containing sulphuric acid or phosphorus pentoxide).
Melting range	189°C. to 193°C. with slight decomposition.
Specific rotation, $[\alpha]_D^{20°C.}$	Not less than + 22° and not more than + 23° (using a 2 per centum weight/volume aqueous solution).
Volatile matter	Not more than 0·4 per centum (determined by drying for 24 hours in a desiccator containing sulphuric acid or phosphorus pentoxide).
Sulphated ash	Not more than 0·1 per centum (on a volatile matter-free basis)
pH (2 per centum weight/volume aqueous solution)	Not less than 2·4 and not more than 2·8.

E301 Sodium L-ascorbate

Description	The product shall be a derivative of L (+) ascorbic acid and shall be a white or slightly yellowish crystalline powder.
Content	Not less than 99 per centum of $C_6H_7O_6Na$ (after drying for 24 hours in a desiccator containing sulphuric acid or phosphorus pentoxide).
Specific rotation, $[\alpha]_D^{20°C.}$	Not less than + 103° and not more than + 106° (using a 5 per centum weight/volume aqueous solution).
Volatile matter	Not more than 0·3 per centum (determined by drying for 24 hours in a desiccator containing sulphuric acid or phosphorus pentoxide).
pH (10 per centum weight/volume aqueous solution)	Not less than 6·8 and not more than 8·0.

E 302 Calcium L-ascorbate

Description	The product shall be a derivative of L (+) ascorbic acid and shall be a white or very slightly greyish crystalline powder.
Content	Not less than 99 per centum of $(C_6H_7O_6)_2Ca.2H_2O$ (after drying for 24 hours in a desiccator containing sulphuric acid or phosphorus pentoxide).
Specific rotation, $[\alpha]_D^{20°C.}$	Not less than + 95° and not more than + 97° (using a 5 per centum weight/volume aqueous solution).
Volatile matter	Not more than 0·3 per centum (determined by drying for 24 hours in a desiccator containing sulphuric acid or phosphorus pentoxide).
pH (10 per centum weight/volume aqueous solution)	Not less than 6·0 and not more than 7·0.

E304 Ascorbyl palmitate

Description	The product shall be the 6-palmitoyl derivative of L (+) ascorbic acid and shall be an impalpable white or yellowish-white powder or yellowish-white crystals.
Content	Not less than 98 per centum of $C_{22}H_{38}O_7$ (on a volatile matter-free basis).
Melting range	111°C. to 113°C. (oozes without melting distinctly).
Specific rotation, $[\alpha]_D^{20°C.}$	Not less than + 21° and not more than + 24° (using a 5 per centum weight/volume solution in methanol).
Volatile matter	Not more than 1 per centum (determined by drying for 24 hours in a desiccator containing sulphuric acid or phosphorus pentoxide).
Sulphated ash	Not more than 0·2 per centum (on a volatile matter-free basis).

E306 Extracts of natural origin rich in tocopherols

Appearance	Clear brownish-red to red viscous oil.
Content	Not less than 34 per centum of total tocopherols.
Relative density, $d_{4°C.}^{20°C.}$	Not less than 0·928 and not more than 0·951.
Free fatty acids	Neutralisation of a 10 g. sample shall require not more than 10 ml. of 0·1N sodium hydroxide (or potassium hydroxide) solution using phenolphthalein as indicator.

E307 Synthetic alpha-tocopherol

Description	The product shall be synthetic DL alpha-tocopherol and shall be a clear yellowish viscous oil which darkens on exposure to air or light.
Content	Not less than 96 per centum of $C_{29}H_{50}O_2$.
Refractive index, $n_D^{20°C.}$	Not less than 1·503 and not more than 1·507.
Relative density, $d_{4°C.}^{20°C.}$	Not less than 0·947 and not more than 0·958.
Specific absorption, $E_{1 cm.}^{1 per centum}$	Not less than 72 and not more than 76 at absorption maximum of 292 nm. Not less than 6 and not more than 8 at absorption minimum of 255 nm. (determined in ethanol).
Sulphated ash	Not more than 0·1 per centum.

E308 Synthetic gamma-tocopherol

Appearance	Clear slightly yellowish viscous oil which darkens on exposure to air or light.
Content	Not less than 97 per centum of $C_{28}H_{48}O_2$.
Refractive index, $n_D^{20°C.}$	Not less than 1·503 and not more than 1·507.
Relative density, $d_{4°C.}^{20°C.}$	Not less than 0·948 and not more than 0·959.
Specific absorption, $E_{1 cm.}^{1 per centum}$	Not less than 91 and not more than 97 at absorption maximum of 298 nm. Not less than 5 and not more than 8 at absorption minimum of 256 nm. (determined in ethanol).
Sulphated ash	Not more than 0·1 per centum.

E309 Synthetic delta-tocopherol

Appearance	Clear slightly yellowish or orange viscous oil which darkens on exposure to light or air.
Content	Not less than 97 per centum of $C_{27}H_{46}O_2$.
Refractive index, $n_D^{20°C.}$	Not less than 1·500 and not more than 1·504.
Relative density, $d_{4°C.}^{20°C.}$	Not less than 0·952 and not more than 0·962.
Specific absorption, $E_{1 \text{ cm.}}^{1 \text{ per centum}}$	Not less than 89 and not more than 95 at absorption maximum of 297 to 298 nm. Not less than 3 and not more than 6 at absorption minimum of 257 nm. (determined in ethanol).
Sulphated ash	Not more than 0·1 per centum.

E311 Octyl gallate

Appearance	White to very slightly yellowish crystalline powder.
Content	Not less than 98·5 per centum of $C_{15}H_{22}O_5$ (after drying at 60°C. for 4 hours).
Melting range	100·0°C. to 102·5°C. (after drying at 90°C. for 6 hours).
Specific absorption, $E_{1 \text{ cm.}}^{1 \text{ per centum}}$	Not less than 375 and not more than 390 at 275 nm. (determined in ethanol).
Volatile matter	Not more than 0·5 per centum (determined by drying at 60°C. for 4 hours).
Sulphated ash	Not more than 0·05 per centum (on a volatile matter-free basis).
Free acids	Not more than 0·5 per centum (expressed as gallic acid and on a volatile matter-free basis). (9·407 mg. of gallic acid correspond to 1 ml. of 0·05N sodium hydroxide).

E312 Dodecyl gallate

Appearance	White to cream crystalline powder.
Content	Not less than 98·5 per centum of $C_{19}H_{30}O_5$ (after drying at 60°C. for 4 hours).
Melting range	96°C. to 98°C. (after drying at 60°C. for 4 hours).
Specific absorption, $E_{1 \text{ cm.}}^{1 \text{ per centum}}$	Not less than 300 and not more than 325 at 275 nm. (determined in ethanol).
Volatile matter	Not more than 0·5 per centum (determined by drying at 60°C. for 4 hours).
Sulphated ash	Not more than 0·05 per centum (on a volatile matter-free basis).
Free acids	Not more than 0·5 per centum (expressed as gallic acid on a volatile matter-free basis). (9·407 mg. of gallic acid correspond to 1 ml. of 0·05N sodium hydroxide).

Propyl gallate

The monograph for propyl gallate contained in the British Pharmacopoeia 1973 at page 399.

E320 Butylated hydroxyanisole (BHA)

Description	Powder or large crystals of waxy appearance, white to slightly yellowish with a slight aromatic odour.
Content	Not less than 98·5 per centum of $C_{11}H_{16}O_2$ and not less than 85 per centum of 3-*tert* butyl-4-hydroxyanisole.

Specific absorption, $E^{1\text{ per centum}}_{1\text{ cm.}}$	Not less than 191 and not more than 210 at 290 nm. Not less than 326 and not more than 345 at 228 nm. (determined in ethanol).
4-Hydroxyanisole content	Not more than 0·5 per centum.
Sulphated ash	Not more than 0·05 per centum.

E321 Butylated hydroxytoluene (BHT)

Appearance	Crystalline product or powdery white crystals.
Content	Not less than 99 per centum of $C_{15}H_{24}O$.
Melting range	69°C. to 70°C.
Specific absorption, $E^{1\text{ per centum}}_{1\text{ cm.}}$	Not less than 81 and not more than 88 at 278 nm. (determined in ethanol).
Sulphated ash	Not more than 0·005 per centum.

Ethoxyquin

Description	Light-amber oil when freshly prepared. Tendency to polymerise on exposure to light and oxygen with darkening in colour.
Content	Not less than 92 per centum of the monomer 1, 2-dihydro-6-ethoxy-2,2,4-trimethylquinoline ($C_{14}H_{19}NO$). The remainder shall consist of the dimer and higher polymers.
Boiling point	125°C. at 1 to 2 mm. of mercury.
Refractive index, $n_D^{25°C.}$	Not less than 1·569 and not more than 1·572.

PART III

GENERAL PURITY CRITERIA FOR PERMITTED ANTIOXIDANTS

Each antioxidant shall not contain—

(*a*) more than 3 milligrams per kilogram of arsenic;

(*b*) more than 10 milligrams per kilogram of lead;

(*c*) more than 50 milligrams per kilogram of copper, or 25 milligrams per kilogram of zinc, or 50 milligrams per kilogram of any combination of copper and zinc.

SCHEDULE 2 *Regulation* 2(1)

PART I

PERMITTED DILUENTS (SEE DEFINITION IN REGULATION 2(1))

Drinking water, demineralised water, distilled water
Edible oils and fats

PART II

GENERAL PURITY CRITERIA FOR PERMITTED DILUENTS DESCRIBED IN PART 1 ABOVE

Each diluent shall not contain—

(*a*) more than 3 milligrams per kilogram of arsenic;

(*b*) more than 10 milligrams per kilogram of lead;

(*c*) more than 50 milligrams per kilogram of copper, or 25 milligrams per kilogram of zinc, or 50 milligrams per kilogram of any combination of copper and zinc.

SCHEDULE 3 *Regulation* 4

ANTIOXIDANT PERMITTED ONLY IN CERTAIN FOODS

PART I

Column 1	Column 2	Column 3
Specified Food	Permitted Antioxidant	Milligrams per kilogram Not exceeding
a. Anhydrous edible oils and fats, whether hardened or not and vitamin oils and concentrates other than preparations containing more than 100,000 I.U.'s Vitamin A per gram	Propyl gallate or Octyl gallate or Dodecyl gallate or any mixture of two or more thereof	100
	or	
	Butylated hydroxyanisole (BHA)	200
	or	
	Butylated hydroxytoluene (BHT)	200
	or	
	Any mixture of BHA and BHT	200
b. Partial glycerol esters	Propyl gallate or Octyl gallate or Dodecyl gallate or any mixture of two or more thereof	100
	or	
	Butylated hydroxyanisole (BHA)	200
	or	
	Butylated hydroxytoluene (BHT)	200
	or	
	Any mixture of BHA and BHT	200
c. Butter for manufacturing purposes	Propyl gallate or Octyl gallate or Dodecyl gallate or any mixture of two or more thereof	80
	or	
	Butylated hydroxyanisole (BHA)	160
	or	
	Butylated hydroxytoluene (BHT)	160
	or	
	Any mixture of BHA and BHT	160
d. Essential oils and isolates from the concentrates of essential oils	Propyl gallate or Octyl gallate or Dodecyl gallate or any mixture of two or more thereof	1,000
	or	
	Butylated hydroxyanisole (BHA)	1,000
	or	
	Butylated hydroxytoluene (BHT)	1,000
	or	
	Any mixture of BHA and BHT	1,000
e. Apples and Pears	Ethoxyquin	3

1. The permitted antioxidants butylated hydroxyanisole or butylated hydroxytoluene or any mixture thereof within the limits specified for them in column 3 may be used in conjunction with the permitted antioxidants propyl gallate, octyl gallate or dodecyl gallate or any mixture of two or more thereof within the limits specified for them in column 3, but so that the total amount of antioxidant shall not exceed 1,000 milligrams per kilogram in the case of specified foods in column 1 of item d.

PART II

Column 1	Column 2	Column 3
Specified Food	Permitted Antioxidant	Milligrams per Kilogram for each 1,000 I.U.'s Vitamin A per gram Not exceeding
Preparations containing more than 100,000 I.U.'s Vitamin A per gram	Butylated hydroxyanisole (BHA)	10
	or Butylated hydroxytoluene (BHT)	10
	or Any mixture of BHA and BHT	10

SCHEDULE 4 *Regulation* 5(2)

LABELLING OF PERMITTED ANTIOXIDANTS AND PERMITTED DILUENTS

1.—(1) Each container to which regulation 5(2) of these regulations applies shall bear a label on which is printed a true statement—

(*a*) in respect of each permitted antioxidant present, of the serial number, if any, as specified in relation thereto in column 2 of Part I of Schedule 1 to these regulations, and of the common or usual name or an appropriate designation of that permitted antioxidant;

(*b*) where any permitted diluent or diluents or any other substance or substances is or are present, of the common or usual name or an appropriate designation of each such diluent or substance; and

(*c*) if two or more such substances are present, of the proportion of each permitted antioxidant, permitted diluent and other substance present save that the label shall only have printed on it a statement of the proportion of any such other substance present if any regulations, other than these regulations or any amendments to these regulations, made under the Act contain a requirement to that effect.

(2) The said statement shall be headed or preceded by the words "for foodstuffs (restricted use)".

2. Any statement required by the preceding paragraph—

(*a*) shall be clear and legible;

(*b*) shall be in a conspicuous position on the label which shall be marked on, or securely attached to, the container in such a manner that it will be readily discernible and easily read by an intending purchaser under normal conditions of purchase;

(*c*) shall not be in any way hidden or obscured or reduced in conspicuousness by any other matter, whether pictorial or not, appearing on the label.

3. The figures and letters in every word in any statement to which the preceding paragraph applies—

(*a*) shall be in characters of uniform colour and size (being not less than 1·5 millimetres in height for a label on a container of which the greatest dimension does not exceed 12 centimetres, and not less than 3 millimetres in height for a label on a container of which the greatest dimension exceeds 12 centimetres), but so that the initial letter of any word may be taller than any other letter in the word;

(*b*) shall appear on a contrasting ground, so however that where there is no ground other than such as is provided by a transparent container and the contents of that container are visible behind the letters, those contents shall be taken to be the ground for the purposes of this paragraph;

(*c*) shall be within a surrounding line and no other written or pictorial matter shall appear within that line.

4. For the purposes of this Schedule:

(*a*) the height of any lower case letter shall be taken to be the x-height thereof, disregarding any ascender or descender thereof;

(*b*) any requirement that figures or letters shall be of uniform height, colour or size, shall be construed as being subject to the saving that any inconsiderable variation in height, colour or size, as the case may be, may be disregarded.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations come into operation on 4th September 1974.

The Regulations supersede the Antioxidant in Food (Scotland) Regulations 1967 and implement Council Directive No. 70/357/EEC on the approximation of the laws of the Member States concerning the antioxidants authorised for use in foodstuffs intended for human consumption (O.J. No. L 157, 18.7.70, p. 31) (S.E. 1970 (II) p. 429), as amended by the Act annexed to the Treaty of Accession to the European Economic Community (Annex I: XI paragraph 3, Annex VII: IX paragraph 3 and Annex XI: X paragraph 5).

The Regulations—

(*a*) specify permitted antioxidants and permitted diluents which may be combined with such antioxidants, and prescribe purity criteria for those antioxidants and diluents (regulation 2 and Schedules 1 and 2);

(*b*) prohibit the sale or importation of food having in it or on it any added antioxidant other than a permitted antioxidant and confine the use of certain particular permitted antioxidants to specified foods subject to prescribed limits (regulation 4(1), 4(2) proviso (*a*) and (*b*), 4(3) and Schedule 3);

(*c*) permit food containing as an added ingredient any specified food described in Schedule 3 to contain permitted antioxidant of a description, and to an amount, specified in that Schedule for that ingredient (regulation 4(2) proviso (*c*));

(*d*) permit food containing milk fat by reason of the addition, as an added ingredient, of any dairy product to contain permitted antioxidant of a description and to an amount, permitted in relation to an amount of anhydrous edible fat equal to that milk fat (regulation 4(2) proviso (*d*));

(*e*) prohibit the importation, sale or advertisement for sale, for use as an ingredient in the preparation of food, of any antioxidant other than a permitted antioxidant (regulation 5(1));

(*f*) prescribe labelling requirements for permitted antioxidants sold as such (regulation 5(2) and Schedule 4);

(*g*) prohibit the description or advertisement of any food as intended mainly for babies or young children if it has in it or on it specified antioxidants (regulation 6).

The regulations do not apply to any antioxidant, to any diluent combined with any antioxidant or to any food having an antioxidant in it or on it which is sold, consigned, delivered or imported for export (regulation 3).

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