Regulation 9 SCHEDULE

Regulations 6, 19 and 24 "FIFTH SCHEDULE

DRUGS TO WHICH PART III APPLIES AND CLASSES OF DRUGS FOR THE PURPOSES OF THE REGISTER REQUIRED TO BE KEPT UNDER REGULATION 24.

The drugs to which Part III applies are as follows, that is to say:—

(*a*) methylmorphine (also known as codeine) and its salts;

(*b*) ethylmorphine (also known as dionin) and its salts;

(*c*) pholcodine (also known as morpholinylethylmorphine) and its salts;

(*d*) dihydrocodeine and its salts;

(*e*) acetyldihydrocodeine and its salts;

(*f*) propoxyphene and its salts.".

EXPLANATORY NOTE

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

By Regulations 4, 8 and 9 and the Schedule the drugs acetyldihydrocodeine and propoxyphene cease to be subject to the control imposed by Part II of the Dangerous Drugs Regulations (Northern Ireland), 1960, and are instead made subject to the control imposed by Part III of those Regulations, which is less strict, in particular in that the control of sale and distribution applies only in the case of wholesale dealers, and in that there is no restriction on possession of a drug in a quantity not exceeding one pound. There is no change in the control over the other drugs named in the new Fifth Schedule. Regulations 3, 5 and 7 make drafting changes consequential on the foregoing. By Regulation 6 an agent acting in the transfer of a business and its stock-in-trade will not, merely because the stock includes drugs controlled under the Regulations, require a licence under the Regulations on the ground that he is procuring or offering to procure the drug for another person.

1961. No. 98 **[C]**

FOOD AND DRUGS

Arsenic in Food

Composition

REGULATIONS, DATED 20TH APRIL, 1961, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS 4 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 and 68 of the Food and Drugs Act (Northern Ireland), 1958(a), having consulted with such organisations as appear to it to

(a) 1958, c. 27.

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 Arsenic in Food Regulations (Northern Ireland), 1961, and shall come into operation on the 15th day of May, 1961.

Interpretation

2.—(1) In these regulations—

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

"commercial brewing" means brewing for the purposes of a trade or business;

"fish" includes shellfish;

"food" means food intended for sale for human consumption;

"mustard" means any mustard, compound mustard or mustard condiment for which a standard is prescribed by the Food Standards (Miscellaneous Foods) Regulations (Northern Ireland), 1960(a);

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

"specified food" means any food of a description specified in the Schedule;

"substantial quantity" in relation to an ingredient of an article of food means a quantity weighing not less than 25 per centum of the total weight of such article.

(2) Any reference in these regulations to an amount of arsenic shall be construed as a reference to that amount of elemental arsenic and where any arsenical compound is present in any food the amount of arsenic present in the food by virtue of such compound shall for the purposes of these regulations be taken to be the amount of elemental arsenic to which the amount of such compound so present is equivalent.

(3) 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.

3.—(1) Save as hereinafter provided, no food shall contain arsenic in proportions exceeding one part per million (estimated by weight) of such food:

Provided that any specified food may contain arsenic in proportions not exceeding those specified in relation thereto in the Schedule.

(2) Paragraph (1) shall not apply—

(*a*) in the case of any food, other than fish, edible seaweed, a specified food or a product containing fish or edible seaweed, where arsenic in proportions exceeding one part per million (estimated by weight) is present by reason of the inclusion in such food as an added ingredient or ingredients of a substantial quantity of a specified food or foods and such excess of arsenic does not exceed the maximum quantity permitted under the proviso to paragraph (1) having regard to the quantity and description of the added specified food or foods;

(a) S.R. & O. 1960, No. 160.

(*b*) in the case of fish, edible seaweed or any product containing fish or edible seaweed, where arsenic in proportions exceeding one part per million (estimated by weight) is naturally present in that fish or edible seaweed or, as the case may be, in that product by reason of its fish or edible seaweed content;

(*c*) to hops or hops concentrates intended for use for commercial brewing.

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

Application of Section 9 of the Act

4. Where any food is certified by a public analyst as being food which it is an offence against regulation 3 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.

Penalties

5. 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

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

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.

SCHEDULE

Description of food	*Proportions of arsenic (expressed in terms of parts per million estimated by weight)*
1. Non-alcoholic beverages, ready to drink, not otherwise specified	0·1
2. Alcoholic beverages not otherwise specified	0·2
3. Black beer and mixtures of black beer and rum	0·5
4. Soft drinks intended for consumption after dilution and undiluted fruit juices (including concentrates intended for consumption after dilution to an extent not greater than ten parts to one, calculated by volume, for use by a manufacturer of soft drinks)	0·5
5. Ice-cream (including frozen confections and any other similar commodity)	0·5
6. Onions (dehydrated)	2·0
7. Hops (dried) other than those intended for use for commercial brewing	2·0
8. Liquorice (dried extract)	2·0
9. Gelatine (edible)	2·0
10. Pectin (liquid)	2·0
11. Yeast and yeast products, other than brewers' yeast intended for use by manufacturers in the manufacture of yeast products	2·0 (calculated on the dry matter).
12. Chemicals not otherwise specified but not including synthetic colourings	2·0
13. Chicory (dried and roasted)	4·0
14. Herbs (dried)	5·0
15. Finings and clearing agents	5·0
16. Hops concentrates other than those intended for use for commercial brewing	5·0
17. Pectin (solid)	5·0
18. Spices (including mustard)	5·0
19. Colourings other than synthetic colourings	5·0 (calculated on the dry colouring matter).
20. Chemicals for which an arsenic limit is specified in the British Pharmacopoeia or the British Pharmaceutical Codex but not including synthetic colourings	2·0 or the limit specified in the edition of the British Pharmacopoeia or the British Pharmaceutical Codex current for the time being, whichever is the higher.
21. Brewers' yeast intended for use by manufacturers in the manufacture of yeast products	5·0 (calculated on the dry matter).