1967 No. 1203 (S. 104)

FOOD AND DRUGS

COMPOSITION AND LABELLING—SCOTLAND

The Artificial Sweeteners in Food (Scotland) Regulations 1967

Made - - -	3*rd August* 1967
Laid before Parliament	14*th August* 1967
Coming into Operation—	
Regulations 11 *and* 18	1*st December* 1967
Remainder	15*th August* 1967

In exercise of the powers conferred upon me by sections 4, 7 and 56 of the Food and Drugs (Scotland) Act 1956(a), 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 (in so far as the regulations relate to the labelling, marking or description of food), I hereby make the following regulations:—

PART I
PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Artificial Sweeteners in Food (Scotland) Regulations 1967, and shall come into operation as follows:—

(*a*) regulations 11 and 18 shall come into operation on 1st December 1967;

(*b*) in all other respects, these regulations shall come into operation on 15th August 1967.

Interpretation

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

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

"artificial sweetener" means any chemical compound which is sweet to the taste, but does not include any sugar or any polyhydric alcohol;

"artificial sweetening tablet" means any tablet which contains an artificial sweetener and which is intended for sale with a view to its use in the preparation of food;

"calcium cyclamate" means the substance conforming to the description, specifications and requirements for calcium cyclamate contained in the Addendum 1964 to the British Pharmacopoeia 1963 and containing not more than 100 parts per million by weight cyclohexylamine;

"carbohydrate" means a substance containing carbon, hydrogen and oxygen only in which the hydrogen and oxygen occur in the same proportion as in water;

"cyclamate" means calcium cyclamate, sodium cyclamate or cyclamic acid, or a mixture of two or all of these substances;

(a) 1956 c. 30.

"cyclamic acid" means the substance comforming to the description, specifications and requirements for cyclamic acid contained in the Addendum 1964 to the British Pharmacopoeia 1963 and containing not more than 100 parts per million by weight cyclohexylamine;

"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;

"full strength tablets" means artificial sweetening tablets which comply with the requirements as to composition specified in Part I of schedule 2 to these regulations;

"half strength tablets" means artificial sweetening tablets which comply with the requirements as to composition specified in Part II of schedule 2 to these regulations;

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

"permitted artificial sweetener" means saccharin, saccharin calcium, saccharin sodium, cyclamic acid, calcium cyclamate or sodium cyclamate;

"polyhydric alcohol" means an alcohol with three or more free hydroxyl groups;

"saccharin" means the substance conforming to the description, specifications and requirements for saccharin contained in the British Pharmacopoeia 1963;

"saccharin calcium" means the substance conforming to the description, specifications and requirements for saccharin calcium specified in schedule 1 to these regulations;

"saccharin sodium" means the substance conforming to the description, specifications and requirements for saccharin sodium contained in the British Pharmacopoeia 1963;

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

"sodium cyclamate" means the substance conforming to the description, specifications and requirements for sodium cyclamate contained in the Addendum 1964 to the British Pharmacopoeia 1963 and containing not more than 100 parts per million by weight cyclohexylamine;

"sugar" means any soluble carbohydrate sweetening matter;

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

(2) For the purposes of these regulations, the supply of any artificial sweetener or any food containing any artificial sweetener otherwise than by sale, at, in or from any place where artificial sweeteners or such food are or is supplied in the course of a business, shall be deemed to be a sale of that artificial sweetener or that food, as the case may be, and references to purchasing and purchaser shall be construed accordingly.

(3) For the purposes of the Labelling of Food Order 1953(a), as amended (b), these regulations, in so far as they prescribe requirements as to composition for artificial sweetening tablets, shall be taken to prescribe standards for such tablets.

(4) Any reference in these regulations to a label borne on a container shall

(a) S.I. 1953/536 (1953 I, p. 665).
(b) The relevant amending instruments are S.I. 1953/1889, 1959/571 (1953 I, p. 685; 1959 I, p. 1328).

be construed as including a reference to any legible marking on the container however effected.

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

(6) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Enforcement

3.—(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(b), be exercised by that port local authority.

(3) In this regulation "local authority" means the council of a county or of a large burgh within the meaning of the Local Government (Scotland) Act 1947(c); and any small burgh within the meaning of that Act shall, for the purposes of these regulations, be included in the county in which it is situated; and "port local authority" includes a joint port local authority.

Exemptions

4. The provisions of these regulations shall not apply to any food or artificial sweetener intended at the time of sale, consignment, delivery or importation, as the case may be, for exportation to any place outside the United Kingdom.

5. Until the Food Standards (Saccharin Tablets) Order 1953(d) and the Artificial Sweeteners in Food Order 1953(e) are revoked in accordance with regulation 18 of these regulations, the provisions of these regulations shall not have effect in relation to any saccharin, saccharin calcium or saccharin sodium (whether in tablet or other form, or as an ingredient of any food) sold in compliance with the provisions of those orders; and the provisions of those orders shall not have effect (pending their revocation in accordance with regulation 18 of these regulations) in relation to any saccharin, saccharin calcium or saccharin sodium (whether in tablet or other form) sold in compliance with the provisions of these regulations or to which any of the exemptions in these regulations apply.

PART II

REQUIREMENTS RELATING TO ARTIFICIAL SWEETENERS

Sale etc. of artificial sweeteners

6. No person shall sell, consign, deliver or import into Scotland, for human consumption, any artificial sweetener which is not a permitted artificial sweetener.

Requirements as to composition for tablets containing artificial sweeteners

7.—(1) Every artificial sweetening tablet containing either saccharin or cyclamate as the sole artificial sweetener shall conform to the requirements as

(a) 1889 c. 63.
(b) 1897 c. 38.
(c) 1947 c. 43.
(d) S.I. 1953/1310 (1953 I, p. 695).
(e) S.I. 1953/1311 (1953 I, p. 662).

to composition specified in relation thereto in the appropriate paragraph of Part I or Part II of schedule 2 to these regulations.

(2) Every artificial sweetening tablet containing a mixture of saccharin and cyclamate shall contain not less than 1 milligram of saccharin and not less than 15 milligrams of cyclamate.

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

(4) For the purposes of this regulation, saccharin means saccharin, saccharin calcium or saccharin sodium or a mixture of two or all of those substances.

Labelling of containers of artificial sweetening tablets

8.—(1) No person shall sell, consign, deliver or import into Scotland any artificial sweetening tablets in a container unless such container bears a label on which there appears such one of the following descriptions as may be appropriate:—

(*a*) the words "cyclamate tablets" or "half strength cyclamate tablets" for full strength or half strength tablets respectively, containing no permitted artificial sweetener other than cyclamic acid or a mixture of cyclamic acid and calcium cyclamate and sodium cyclamate or of any two of those substances.

(*b*) the words "calcium cyclamate tablets" or "half strength calcium cyclamate tablets" for full strength or half strength tablets respectively, containing no permitted artificial sweetener other than calcium cyclamate;

(*c*) the words "sodium cyclamate tablets" or "half strength sodium cyclamate tablets" for full strength or half strength tablets respectively, containing no permitted artificial sweetener other than sodium cyclamate;

(*d*) the words "saccharin tablets" or "half strength saccharin tablets" for full strength or half strength tablets respectively, containing no permitted artificial sweetener other than saccharin or a mixture of saccharin and saccharin calcium and saccharin sodium or of any two of those substances;

(*e*) the words "saccharin calcium tablets" or "half strength saccharin calcium tablets" for full strength or half strength tablets respectively, containing no permitted artificial sweetener other than saccharin calcium;

(*f*) the words "saccharin sodium tablets" or "soluble saccharin tablets" for full strength tablets, or the words "half strength saccharin sodium tablets" or "half strength soluble saccharin tablets" for half strength tablets, containing in each case no artificial sweetener other than saccharin sodium;

(*g*) the words "cyclamate and saccharin tablets" or "saccharin and cyclamate tablets" for any artificial sweetening tablet containing cyclamate and one or more of the following substances, namely saccharin, saccharin calcium and saccharin sodium:

Provided that any word of similar meaning may be substituted for the word "tablets" in any of the foregoing descriptions.

(2) Every letter in every word appearing on a label on a container which is required so to appear by virtue of this regulation shall appear conspicuously and legibly in a dark colour upon a light-coloured ground or in a light colour upon a dark-coloured ground and shall be of uniform colour and size.

Sales by description

9. No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing a permitted artificial sweetener or artificial sweetening tablet if the food does not conform to the appropriate description, specifications and requirements prescribed by these regulations.

10. Where a person sells any article or substance to a purchaser in response to a request for an artificial sweetener to which these regulations apply, he shall be deemed to sell such article or substance as such an artificial sweetener and under such a description as is specified in relation to such an artificial sweetener in these regulations unless he clearly notifies the purchaser at the time of sale that the article or substance is not such an artificial sweetener.

PART III

REQUIREMENTS RELATING TO FOOD CONTAINING ARTIFICIAL SWEETENERS

Sale etc. of food containing artificial sweeteners

11.—(1) No food shall contain any artificial sweetener other than a permitted artificial sweetener.

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

PART IV

ADMINISTRATIVE AND GENERAL

Condemnation of Food

12. Where any artificial sweetener or any other food is certified by a public analyst as being food which it is an offence against regulation 6 or 11 of these regulations to sell, consign, deliver or import into Scotland, it 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.

Penalties

13.—(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.

(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 6 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

14.—(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 artificial sweetener for use as an ingredient in the preparation of food, or of any food having added artificial sweetener 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

15.—(1) Sections 41(2) and (5) (which relates to proceedings), 42(1), (2) and (3) (which relates to evidence of certificates of analysis), 44 (which relates to the power of a court to require analysis by the Government Chemist), 46(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 47 (which relates to 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.

Amendment of the Lead in Food (Scotland) Regulations 1961

16. The Lead in Food (Scotland) Regulations 1961(a) shall be amended as follows:—

(*a*) by deleting from regulation 2(1) thereof the definition of "saccharin";

(*b*) by substituting in the said regulation 2(1) for the definition of "sweetened" the following definition:—

" 'sweetened' means containing any added sugar or other soluble carbohydrate sweetening matter or added polyhydric alcohol or any artificial sweetener inasmuch as its use is permitted by the Artificial Sweeteners in Food (Scotland) Regulations 1967; and 'unsweetened' shall be construed accordingly;".

Amendment of the Preservatives in Food (Scotland) Regulations 1962

17. The Preservatives in Food (Scotland) Regulations 1962(b) shall be amended as follows:—

(*a*) by deleting from regulation 2(1) thereof the definition of "saccharin";

(*b*) by substituting in the said regulation 2(1) for the definition of "sweetened" the following definition:—

" 'sweetened' means containing any added sugar or other soluble carbohydrate sweetening matter or added polyhydric alcohol or any artificial sweetener inasmuch as its use is permitted by the Artificial Sweeteners in Food (Scotland) Regulations 1967; and 'unsweetened' shall be construed accordingly;".

(a) S.I. 1961/1942 (1961 III, p. 3650). (b) S.I. 1962/1926 (1962 II, p. 2371).

Revocation

18.—(1) The Food Standards (Saccharin Tablets) Order 1953 and the Artificial Sweeteners in Food Order 1953 are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the orders revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

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

St. Andrew's House,
Edinburgh, 1.
3rd August 1967.

Regulation 2(1) SCHEDULE 1

Saccharin calcium

Saccharin calcium is the calcium derivative of 2-sulphobenzoic imide with 3½ molecules of water of crystallisation. It contains not less than 98 per cent. of $C_{14}H_8CaN_2O_6S_2$ calculated with reference to the substance dried to constant weight at 105°C.

Description	White crystals or white crystalline powder, odour faintly aromatic, taste intensely sweet.
Solubility	1 g. dissolves in 1.5 g. water.
Loss on drying	When dried to constant weight at 105°C. loses not less than 11 per cent. and not more than 15 per cent. of its weight.
Ammonium Compounds ...	Complies with the test given under Saccharin in the British Pharmacopoeia 1963.
4-Sulphamoylbenzoates ...	Complies with the test given under Saccharin Sodium in the British Pharmacopoeia 1963.

Regulation 7 SCHEDULE 2

Requirements as to composition for tablets containing permitted artificial sweeteners.

PART I—FULL STRENGTH TABLETS

1. *Saccharin*

An artificial sweetening tablet containing saccharin or saccharin calcium or saccharin sodium or a mixture of two or all of those substances but no other artificial sweetener shall, when dried to constant weight at 105°C., have a total quantity of saccharin free and combined calculated as $C_7H_5NO_3S$, which shall be not less than 11 milligrams and not more than 14 milligrams.

2. *Cyclamate*

An artificial sweetening tablet containing cyclamate but no other artificial sweetener shall, when dried to constant weight at 105°C., have a total quantity of cyclamic acid free and combined calculated as $C_6H_{13}NO_3S$, which shall be not less than 183 milligrams and not more than 233 milligrams.

PART II—HALF STRENGTH TABLETS

1. *Saccharin*

An artificial sweetening tablet containing saccharin or saccharin calcium or saccharin sodium or a mixture of two or all of those substances but no other artificial sweetener shall, if sold in a container bearing a label upon which there appears the description "half strength", have when dried to constant weight at 105°C. a total quantity of saccharin free and combined calculated as $C_7H_5NO_3S$, which shall be not less than 5.5 milligrams and not more than 7 milligrams.

2. *Cyclamate*

An artificial sweetening tablet containing cyclamate but no other artificial sweetener shall, if sold in a container bearing a label upon which there appears the description "half strength", have when dried to constant weight at 105°C. a total quantity of cyclamic acid free and combined calculated as $C_6H_{13}NO_3S$, which shall be not less than 92 milligrams and not more than 117 milligrams.

EXPLANATORY NOTE

(This Note is not part of the regulations.)

These regulations, which apply to Scotland only, supersede the Food Standards (Saccharin Tablets) Order 1953, and the Artificial Sweeteners in Food Order 1953.

The principal changes are:—

(*a*) those artificial sweeteners which may be sold for human consumption and which may be used in food intended for sale for human consumption are specified (regulations 2(1), 6, 11, and schedule 1);

(*b*) requirements are laid down as to the composition of artificial sweetening tablets containing permitted artificial sweeteners (regulation 7 and schedule 2), and the names by which they are to be described on labels are prescribed (regulation 8);

(*c*) the definitions of "sweetened" in the Lead in Food (Scotland) Regulations 1961 and the Preservatives in Food (Scotland) Regulations 1962 are amended (regulations 16 and 17); and

(*d*) the regulations provide that where any food is certified by a public analyst as containing any artificial sweetener not permitted by the regulations, that food may be treated for the purposes of section 9 of the Food and Drugs (Scotland) Act 1956 as being unfit for human consumption (regulation 12).

The regulations do not apply to any food or artificial sweetener intended for export (regulation 4).

These regulations come into operation on 15th August 1967, except regulations 11 and 18 which come into operation on 1st December 1967. Until the revocation, by regulation 18, of the Food Standards (Saccharin Tablets) Order 1953 and the Artificial Sweeteners in Food Order 1953, certain artificial sweeteners are exempt from the requirements of these regulations provided they comply with the provisions of those orders (regulation 5), and until 1st December 1967 the restrictions of the Artificial Sweeteners in Food Order 1953 on the use of artificial sweeteners in food continue to apply.