STATUTORY INSTRUMENTS

1963 No. 1461 (S.66)

FOOD AND DRUGS

COMPOSITION AND LABELLING, SCOTLAND

The Bread and Flour (Scotland) Regulations 1963

Made - - - -	23*rd August* 1963
Laid before Parliament	3*rd September* 1963
Coming into Operation	1*st September* 1964

In exercise of the powers conferred on me by sections 4, 7, 56 and 60 (3) 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 (insofar as the regulations relate to the labelling, marketing or description of food), I hereby make the following regulations:—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Bread and Flour (Scotland) Regulations 1963, and shall come into operation on 1st September 1964.

Interpretation

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

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

" bleaching agent " means any substance capable of removing colour from ground bolted wheat ;

" bread " means bread in any form intended for sale for human consumption and includes the following, and any part of any of the following, that is to say, rolls, baps, fancy loaves and speciality bread but does not include potato bread ;

" caramel " includes malt preparations for the development of colour ;

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

" cereal breakfast food " means any food obtained by the swelling, roasting, grinding, rolling or flaking of any cereal or cereal product ;

" chalk " means the substance so described in the British Pharmacopoeia or the British Pharmaceutical Codex, which conforms to the standards laid down therein and which is of granularity standard—

(*a*) not more than 0·1 per centum to remain on a 100 mesh sieve, and

(*b*) not more than 0·2 per centum to remain on a 240 mesh sieve ;

(a) 4 & 5 Eliz. 2. c. 30.

" 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 ;

" enzyme active preparations " include malt extract, malt flour, amylases, proteinases and lipoxidases ;

" fibre " means the organic matter contained in the dried defatted residue obtained by digesting a sample of flour or of bread successively with boiling acid and boiling alkali ;

" flour " means the product intended for sale for human consumption which is derived from or separated during the milling or grinding of wheat, whether or not any of the wheat has been malted or subjected to any process and whether or not the product contains enzyme active preparations, and includes meal but does not include separated wheat offals, separated wheat germ or semolina ;

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

" importer ", in relation to imported bread or flour, includes any person who, whether as owner, consignor, consignee, agent or broker, is in possession of the flour or in any way entitled to the custody or control of it ;

" improving agent " means any substance capable of simulating the effects produced by the natural aging of flour and includes sulphur dioxide ;

" milk " includes condensed milk and dried milk ;

" permitted bleaching agent " means any bleaching agent specified in any of the provisoes to regulation 31(2) hereof ;

" permitted improving agent " means any improving agent specified in any of the provisoes to regulation 31(2) hereof ;

" self-raising flour " means flour conforming to the standard prescribed in the Food Standards (Self-Raising Flour) Order 1946(a) ;

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

" skimmed milk " includes separated or machine-skimmed milk, partly skimmed, separated or machine-skimmed milk and butter milk ; and " skimmed milk solids " shall be construed accordingly ;

" sugar " means any soluble carbohydrate sweetening matter ;

' wheat malt " means wheat that has been steeped, allowed to germinate and then kilned in order to arrest germination ;

" wheat malt flour " means flour derived from or separated during the milling or grinding of wheat malt ;

" whole milk solids " means the total solids of full cream milk including not less than 26 per centum of milk fat (calculated by weight) ;

" yeast stimulating preparation " means a substance or mixture of substances capable of maintaining or accelerating the activity of yeast

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

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(a) S.R. & O. 1946/157 (1946 II, p. 26). (b) 52 & 53 Vict. c. 63.

(3) 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, and if any order or regulations referred to in these regulations is or are replaced by any subsequent order or regulations, the reference shall be construed as a reference to such subsequent order or regulations, as the case may be.

(4) 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 and references to purchasing and purchasers shall be construed accordingly.

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(a), 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(b); 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 following provisions of these regulations shall not apply, except in so far as they relate to advertisements other than labels or wrappers, in relation to—

(*a*) any bread or flour intended at the time of sale, consignment, delivery or importation, as the case may be, for exportation to any place outside the United Kingdom;

(*b*) any bread or flour intended at the time of sale, consignment, delivery or importation, as the case may be, for consumption by Her Majesty's forces or by a visiting force, within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(c);

(*c*) any bread intended at the time of sale, consignment, delivery or importation, as the case may be, for use by a manufacturer for the purposes of his manufacturing business.

Revocation

5.—(1) The Flour (Composition) (Scotland) Regulations 1956(d) are hereby revoked.

(2) The Food and Drugs (Legal Proceedings) (Scotland) Regulations 1962(e) shall be amended by deleting from the Schedule thereto the item relating to the Flour (Composition) (Scotland) Regulations 1956.

PART II
BREAD

Composition of bread

6.—(1) White bread shall be composed of dough, made from flour, yeast and water, which has been fermented and subsequently baked.

(a) 60 & 61 Vict. c. 38. (b) 10 & 11 Geo. 6. c. 43. (c) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.
(d) S.I. 1956/1354 (1956 I, p. 998). (e) S.I. 1962/1668 (1962 II, p. 2029).

(2) Save as hereinafter provided, white bread may contain all or any of the following, but no other, additional ingredients:—

(*a*) salt;

(*b*) edible oils and fats;

(*c*) milk and milk products;

(*d*) sugar;

(*e*) enzyme active preparations;

(*f*) rice flour and soya bean flour:

Provided that the total proportion of either or both of those ingredients present in the bread, as the case may be, shall not exceed two parts to every hundred parts of flour (calculated by weight);

(*g*) prepared wheat gluten and wheat germ;

(*h*) poppy seeds, carraway seeds, cracked wheat and cracked or kibbled malted wheat;

(*j*) cracked oat grain, oatmeal and oat flakes:

Provided that the proportion of any, some or all of those ingredients present, as the case may be, whether in or on the bread shall not exceed two parts to every hundred parts of flour (calculated by weight);

(*k*) yeast stimulating preparations;

(*l*) acetic acid, vinegar, monocalcium phosphate, acid sodium pyrophosphate, lactic acid, potassium acid tartrate and sodium diacetate;

(*m*) lecithin;

(*n*) any permitted bleaching agent or permitted improving agent in so far as its use in all flour other than wholemeal is permitted by these regulations;

(*o*) any substance used as an excipient or diluent of any of the additional ingredients mentioned in this paragraph:

Provided that the total proportion of any such substance or substances present in the bread shall not exceed two hundred and twenty-five parts to every million parts of flour (calculated by weight);

(*p*) any preservative in so far as its use in bread is permitted by the Preservatives in Food (Scotland) Regulations 1962(a);

(*q*) any emulsifier or stabiliser in so far as its use in bread is permitted by the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1962(b).

7.—(1) Brown bread or wheatmeal bread shall be composed of dough, made from flour, yeast and water, which has been fermented and subsequently baked, and shall contain wheatmeal and not less than 0·6 per centum of fibre (calculated by weight on the dry matter of the bread).

(2) Brown bread or wheatmeal bread may contain all or any of the additional ingredients mentioned in regulation 6 (2) hereof in the proportions, if any, so mentioned, but no other additional ingredient except caramel:

Provided that the proportion of soya bean flour, if present, in the bread may be not more than five parts to every hundred parts of flour (calculated by weight).

8.—(1) Wheat germ bread shall be composed of dough, made from flour, yeast and water, which has been fermented and subsequently baked, and shall contain not less than 10 per centum of added processed wheat germ (calculated by weight on the dry matter of the bread).

(a) S.I. 1962/1926 (1962 II, p. 2371). (b) S.I. 1962/779 (1962 I, p. 766).

(2) Wheat germ bread may contain all or any of the additional ingredients mentioned in regulation 6 (2) hereof in the proportions, if any, so mentioned, but no other additional ingredient except caramel:

Provided that the proportion of soya bean flour, if present, in the bread may be not more than five parts to every hundred parts of flour (calculated by weight).

9.—(1) Wholemeal bread shall be composed of dough, made from wholemeal, yeast and water without the addition of any other flour, which has been fermented and subsequently baked.

(2) Wholemeal bread may contain all or any of the additional ingredients mentioned in sub-paragraphs (*a*), (*b*), (*d*), (*e*), (*h*), (*k*), (*l*), (*m*), (*o*), (*p*) and (*q*) of regulation 6 (2) hereof in the proportions, if any, so mentioned, but no other additional ingredient except caramel.

10.—(1) Soda bread shall be composed of a baked dough made from flour, sodium bicarbonate and water.

(2) Soda bread may contain yeast and all or any of the additional ingredients mentioned in regulation 6 (2) hereof in the proportions, if any, so mentioned, but no other additional ingredients.

11.—(1) No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing white bread, brown bread or wheatmeal bread, wheat germ bread, wholemeal bread or soda bread respectively if the food does not comply with regulation 6, 7, 8, 9 or 10 hereof, as the case may be.

(2) Where a person sells food to a purchaser in response to a request for bread of one of the kinds mentioned in this regulation, he shall be deemed to sell bread of that kind and under such a description as is specified in relation to that kind of bread in the respective regulation unless he clearly notifies the purchaser at the time of sale that the bread is not of that kind.

12.—(1) No bread shall contain any added colouring matter:

Provided that any bread other than white bread or soda bread may contain caramel.

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

13. Nothing in these regulations shall permit the presence in, or the use in the preparation of, any bread—

(*a*) of any bleaching agent or improving agent except in so far as the presence of that bleaching agent or improving agent is permitted in all flour other than wholemeal by these regulations;

(*b*) of any preservative except in so far as the presence of that preservative in bread is permitted by the Preservatives in Food (Scotland) Regulations 1962;

(*c*) of any emulsifier or stabiliser except in so far as the presence of that emulsifier or stabiliser in bread is permitted by the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1962;

(*d*) in any case where the bread contains, as an added ingredient, any food of a description specified in column 1 of the First Schedule to the Antioxidant in Food (Scotland) Regulations 1958(a), of any antioxidant other than antioxidant of a description, and in a proportion not exceeding the proportion, appropriate in accordance with the provisions of those regulations to the quantity of such food present in the bread.

(a) S.I. 1958/1467 (1958 I, p. 1167).

Labelling and advertising of bread

14. No person shall—

(*a*) give with any bread sold by him or display with any bread offered or exposed by him for sale any label, whether attached to or printed on the container or not, or

(*b*) publish, or be party to the publication of, any advertisement for bread, which bears or includes the words " white bread ", " brown bread " or " wheatmeal bread ", " wheat germ bread ", " wholemeal bread " or " soda bread " if the bread to which the label or advertisement relates does not comply with the relevant compositional requirements in regulations 6 to 10 hereof.

15.—(1) No person shall sell any bread containing any ingredient or ingredients not mentioned in any of regulations 6 to 10 hereof inclusive unless the bread bears a description in accordance with this regulation.

(2) If the said ingredient or ingredients is or are present in the bread in sufficient quantity to characterise a kind of bread, the description shall be the word " bread " immediately preceded by the appropriate designation of the ingredient or ingredients.

(3) If the said ingredient or ingredients is or are not present in sufficient quantity to characterise a kind of bread, the description shall be the words " bread with " or the words " bread containing " immediately followed by the appropriate designation of the ingredient or ingredients.

(4) In this regulation " bears ", in relation to a description of bread, means, in the case of bread sold in a container, bears on a label placed on or fixed to the container, and in the case of bread sold otherwise than in a container, means bears on a label or show ticket prominently displayed on, or in close proximity to, the bread to which it relates so as to be clearly visible to intending purchasers.

(5) The description required by this regulation shall be clearly legible and shall appear conspicuously in dark block type upon a light coloured ground or in light block type upon a dark coloured ground so that in either case every letter in that description shall be—

(*a*) of uniform size, save that the initial letter in any word in that description may be larger than the other letters in that word, and

(*b*) not less than one-quarter of an inch in height or of such size that the area of the smallest rectangle capable of enclosing each letter in that description, not counting for this purpose the initial letter of any word, is not less than nine-sixteenths of the area of the smallest rectangle capable of enclosing the largest letter in any word of more than one letter appearing on any label or show ticket relating to the bread to which the description relates, whichever is the larger.

Composition of bread containing milk solids

16.—(1) Save as hereinafter provided, no person shall sell any bread under such a description as to lead an intending purchaser to believe that he is purchasing milk bread unless the bread contains not less than 6 per centum of whole milk solids (calculated by weight on the dry matter of the bread):

Provided that nothing in this regulation shall prohibit the sale of any bread under such a description as to lead an intending purchaser to believe that he is purchasing milk bread containing skimmed milk solids if the bread contains not less than 6 per centum of skimmed milk solids (calculated by weight on the dry matter of the bread).

(2) No person shall sell any bread under such a description as to lead an intending purchaser to believe that he is purchasing skimmed milk bread, separated milk bread or lactein bread unless the bread contains not less than 6 per centum of skimmed milk solids (calculated by weight on the dry matter of the bread).

(3) Where a person sells food to a purchaser in response to a request for bread of one of the kinds mentioned in this regulation, he shall be deemed to sell bread of that kind and under such a description as is specified in relation to that kind of bread in this regulation unless he clearly notifies the purchaser at the time of sale that the bread is not of that kind.

Labelling, advertising and description of bread containing milk solids

17. Subject to the provisions of regulations 18, 19, 20 and 21 hereof, no person shall—

(*a*) give with any bread sold by him or display with any bread offered or exposed by him for sale any label, whether attached to or printed on the container or not, which bears any words or pictorial device, or

(*b*) publish, or be party to the publication of, any advertisement for bread which includes any words or pictorial device, or

(*c*) use on, or in connection with, the sale of bread any description, being words, a device or a description, which are or is calculated to indicate either directly or by ambiguity, omission or inference—

(i) that the bread is rich in milk, skimmed milk or any milk solids; or

(ii) that the bread has been made with, or contains, any milk, skimmed milk, milk fat or other milk solids; or

(iii) that the bread has any improved nutritional value by reason only that it contains any milk, skimmed milk, milk fat or other milk solids.

18—(1) In relation to any bread which contains not less than 6 per centum of whole milk solids (calculated by weight on the dry matter of the bread), nothing in the last foregoing regulation shall—

(*a*) prohibit the use of either of the following descriptions "milk bread" or "milk bread: contains whole milk solids";

(*b*) apply to any true statement on a label or in an advertisement—

(i) as to the quantity of whole milk solids or milk protein present in the bread, expressed as a percentage of the weight of the bread;

(ii) to the effect that the bread has been made with, or contains, milk, milk fat, milk protein, or any other milk solids, so however that such statement shall contain no reference to the quantity of milk or milk solids present in the bread save in accordance with sub-paragraph (*b*)(i) of this paragraph.

(2) In relation to any bread which contains not less than 6 per centum of skimmed milk solids (calculated by weight on the dry matter of the bread), nothing in the last foregoing regulation shall—

(*a*) prohibit the use of any of the following descriptions "skimmed milk bread", "separated milk bread", "lactein bread", "milk bread: contains skimmed milk solids" or "milk bread: contains separated milk solids";

(*b*) apply to any true statement on a label or in an advertisement—

(i) as to the quantity of skimmed milk solids or milk protein present in the bread, expressed as a percentage of the weight of the bread:

(ii) to the effect that the bread has been made with, or contains, skimmed milk, milk protein or any other skimmed milk solids, so however that such statement shall contain no reference to the quantity of skimmed milk or skimmed milk solids present in the bread save in accordance with sub-paragraph (*b*)(i) of this paragraph.

19. Nothing in regulation 17 hereof shall prohibit—

(*a*) the use of the description " butter bread " in relation to any bread which contains not less than 6 per centum of milk fat (calculated by weight on the dry matter of the bread);

(*b*) the use of the description " cheese bread " in relation to any bread in which cheese is present in sufficient quantity to characterise that bread as cheese bread.

20.—(1) No label, advertisement or description relating to bread shall contain any statement of the quantity of milk, skimmed milk, milk fat, milk protein or any other milk solids present in the bread save in accordance with the provisions of regulation 18 hereof.

(2) No person shall—

(*a*) give with any bread sold by him or display with any bread offered or exposed by him for sale any label, whether attached to or printed on the container or not, or

(*b*) publish, or be party to the publication of, any advertisement for bread, or

(*c*) use on, or in connection with, the sale of bread any description,

which does not comply with this regulation.

Composition of bread containing added protein

21.—(1) No person shall sell any bread under such a description as to lead an intending purchaser to believe that he is purchasing—

(*a*) high protein bread or protein bread unless the bread contains not less than 22 per centum of protein (calculated by weight on the dry matter of the bread);

(*b*) gluten bread unless the bread contains not less than 16 per centum of protein (calculated by weight on the dry matter of the bread).

(2) Where a person sells food to a purchaser in response to a request for bread of one of the kinds mentioned in this regulation, he shall be deemed to sell bread of that kind and under such a description as is specified in relation to that kind of bread in this regulation unless he clearly notifies the purchaser at the time of sale that the bread is not of that kind.

Labelling, advertising and description of bread containing added protein

22.—(1) Subject to the provisions of this regulation, no person shall—

(*a*) give with any bread sold by him or display with any bread offered or exposed by him for sale any label, whether attached to or printed on the container or not, which bears any words or pictorial device, or

(*b*) publish, or be party to the publication of, any advertisement for bread which includes any words or pictorial device, or

(*c*) use on, or in connection with, the sale of bread any description,

being words, a device or a description which are or is calculated to indicate either directly or by ambiguity, omission or inference that the bread contains added protein or added gluten.

(2) Nothing in this regulation shall prohibit the use of the words "high protein bread" or "protein bread" or of a true statement in the form specified in the next following paragraph in a label, advertisement or description relating to any bread which contains not less than 22 per centum of protein (calculated by weight on the dry matter of the bread).

(3) The said statement shall be in the form "Contains (x)%(y) protein" and shall be completed by inserting at (x) the minimum protein content of the bread expressed as a percentage of the weight of the bread as sold and at (y) the source or sources of the protein, save that if the sole source of the protein is wheat no mention of the source need be made.

(4) Nothing in this regulation shall prohibit the use of the words "gluten bread" in a label, advertisement or description relating to any bread which contains not less than 16 per centum of protein (calculated by weight on the dry matter of the bread).

Labelling, advertising and description of bread containing added processed wheat germ

23. No person shall—

(*a*) give with any bread sold by him or display with any bread offered or exposed by him for sale any label, whether attached to or printed on the container or not, which bears any words or pictorial device, or

(*b*) publish, or be party to the publication of, any advertisement for bread which includes any words or pictorial device, or

(*c*) use on, or in connection with, the sale of bread any description,

being words, a device or a description which are or is calculated to indicate either directly or by ambiguity, omission or inference that the bread contains added processed wheat germ unless the bread contains not less than 10 per centum of added processed wheat germ (calculated by weight on the dry matter of the bread).

Restriction on claims for bread and other foods

24.—(1) The foods to which this regulation applies are bread, biscuits, rusks and cereal breakfast foods intended in each case for sale for human consumption.

(2) No person shall—

(*a*) give with any such food sold by him or display with any such food offered or exposed by him for sale any label, whether attached to or printed on the container or not, which bears any words or pictorial device, or

(*b*) publish, or be party to the publication of, any advertisement for any such food which includes any words or pictorial device, or

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

being words, a device or a description which are or is calculated to indicate either directly or by ambiguity, omission or inference—

(i) that the said food is starch reduced unless the food contains less than 50 per centum of carbohydrate (calculated by weight on the dry matter of the food);

(ii) that the said food has specific weight reducing properties.

(3) No person shall—

(*a*) give with any such food sold by him or display with any such food offered or exposed by him for sale any label, whether attached to or printed on the container or not, or

(*b*) publish, or be party to the publication of, any advertisement for any such food,

which is calculated to indicate directly or by ambiguity, omission or inference that the said food is an aid to slimming unless the label or advertisement bears or includes a clear, legible and conspicuous statement to the effect that the said food cannot aid slimming unless it forms part of a diet in which the total intake of calories is controlled.

PART III
FLOUR

Composition of flour

25.—(1) Subject to the provisions of these regulations, any flour described in column 1 of Schedule 1 to these regulations shall contain substances of the description and in the proportion specified in relation thereto in column 2 of that Schedule.

(2) Subject to the provisions of this regulation—

(*a*) no manufacturer of flour shall sell, consign or deliver any flour which does not comply with this regulation;

(*b*) no importer of flour shall—

(i) import into Scotland any flour, or

(ii) sell, consign or deliver any flour imported by him

which does not comply with this regulation.

(3) This regulation shall not apply as respects any sale, consignment or delivery, or importation into Scotland, of flour—

(*a*) for use by the Secretary of State, or by any person authorised to purchase or import the flour on his behalf, for stockpiling or experimental purposes;

(*b*) for use in the manufacture of communion wafers, matzos, gluten, starch or any concentrated preparation for use for the purpose of facilitating the addition to flour of the nutrients referred to in Schedule 1 to these regulations;

(*c*) for use for the purposes of diagnosis, treatment or research.

26. No prosecution for an offence against the last foregoing regulation shall be begun in respect of any flour unless a sample of that flour has been taken at a mill in accordance with paragraph (2) of the next following regulation or at a dock in accordance with paragraph (3) of that regulation.

27.—(1) Where any sample of flour is taken for the purposes of the last foregoing regulation, the sample shall be taken in accordance with this regulation and not otherwise.

(2) A sampling officer who takes a sample of flour at a mill shall—

(*a*) if the flour is in the flour stream, take from the flour stream at a place as near to the end thereof as is practicable either manually or by means of an automatic sampling device not less than six consecutive samples of flour, allowing an interval of not less than ten minutes and not more than fifteen minutes between the taking of each sample, or

(*b*) if the flour is in containers, take one sample of flour from each of not less than six containers in any one consignment or among the produce of one milling run.

The said samples shall be thoroughly mixed together and the resulting admixture shall be deemed to be one sample for the purposes of the Act and of the last foregoing regulation.

(3) A sampling officer who takes a sample of flour at a dock shall take one sample from each of not less than six containers in any one consignment. The said samples shall be thoroughly mixed together and the resulting admixture shall be deemed to be one sample for the purposes of the Act and of the last foregoing regulation.

Amendment of the Arsenic in Food (Scotland) Regulations 1959

28. The Arsenic in Food (Scotland) Regulations 1959(a), as amended(b) shall be further amended as follows: —

(*a*) by inserting in regulation 2(1) thereof immediately after the definition of fish the following definition: —

"' flour' means the product intended for sale for human consumption which is derived from, or separated during, the milling or grinding of wheat, whether or not any of the wheat has been malted or subjected to any process and whether or not the product contains enzyme active preparations, and includes meal but does not include separated wheat offals, separated wheat germ or semolina;";

(*b*) by adding to the Schedule thereto the following item: —

" Description of food	Proportions of arsenic (expressed in terms of parts per million estimated by weight)
22. Reduced iron intended for use in the preparation of flour	5·0."

Composition of wheatmeal or brown flour and wholemeal

29.—(1) Wheatmeal or brown flour shall contain not less than 0.6 per centum of fibre (calculated by weight on the dry matter).

(2) Wholemeal shall contain the whole of the product derived from the milling of cleaned wheat.

(3) No person shall import into Scotland or sell, consign or deliver any flour under such a description as to lead an intending purchaser to believe that he is purchasing wheatmeal, or brown flour, or wholemeal respectively if the flour does not comply with paragraph (1) or (2) of this regulation, as the case may be.

(4) Where a person sells flour to a purchaser in response to a request for flour of one of the kinds mentioned in the last foregoing paragraph, he shall be deemed to sell flour of that kind and under such a description as is specified in that paragraph unless he clearly notifies the purchaser at the time of sale that the flour is not of that kind.

Labelling and advertising of wheatmeal or brown flour and wholemeal

30. No person shall—

(*a*) give with any flour sold by him or display with any flour offered or exposed by him for sale any label, whether attached to or printed on the container or not, or

(*b*) publish, or be party to the publication of, any advertisement for flour, which bears or includes the words "wheatmeal", or "brown flour", or "wholemeal" respectively if the flour to which the label or advertisement relates does not comply with paragraph (1) or (2) of the last foregoing regulation, as the case may be.

Sale etc. of flour containing added colouring matter or a bleaching or improving agent

31.—(1) No flour, intended for sale as such, shall contain any added colouring matter other than caramel.

(a) S.I. 1959/928 (1959 I, p. 1296).

(b) There is no amendment which relates to the subject matter of these regulations.

(2) No flour shall contain any bleaching agent or improving agent: Provided that—

(*a*) all flour other than wholemeal may contain all or any of the following, that is to say, ascorbic acid, potassium bromate, ammonium persulphate, potassium persulphate, monocalcium phosphate and chlorine dioxide containing not more than 20 per centum of chlorine (calculated by volume);

(*b*) all flour other than wholemeal may contain benzoyl peroxide in any proportion not exceeding 50 parts per million (calculated by weight);

(*c*) flour, other than wholemeal, intended for use in the making of cakes may contain chlorine;

(*d*) flour, other than wholemeal, intended for use in the manufacture of biscuits may contain sulphur dioxide in any proportion not exceeding 200 parts per million (calculated by weight).

(3) No person shall add to, or use in the preparation of, any flour any bleaching agent or improving agent other than a bleaching agent or improving agent of a description and in a proportion permitted in relation to that flour by virtue of any of the provisoes to the last foregoing paragraph.

(4) No person shall import into Scotland or sell, consign or deliver any flour which does not comply with paragraphs (1) and (2) of this regulation or in relation to which any bleaching agent or improving agent has been added or used in contravention of paragraph (3) of this regulation.

(5) The Preservatives in Food (Scotland) Regulations 1962 shall not apply in relation to any bleaching agent or improving agent in flour.

Sale etc. of bleaching agents and improving agents

32.—(1) No person shall sell or advertise for sale with a view to its use in the preparation of flour or of bread—

(*a*) any bleaching agent or improving agent other than a permitted bleaching agent or a permitted improving agent;

(*b*) any permitted bleaching agent or permitted improving agent in such a manner as to be likely to lead to its use contrary to these regulations.

(2) No person shall sell any permitted bleaching agent or permitted improving agent with a view to its use in the preparation of flour or of bread except in a container bearing a label in accordance with the provisions of Schedule 2 to these regulations.

PART IV

ADMINISTRATION AND GENERAL

Condemnation of bread and flour

33. Where any food is certified by a public analyst as being food which it is an offence against regulation 12 or 31 hereof to sell, consign or 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.

Production of records

34. Every person who manufactures flour shall, if so required by a sampling officer, produce for inspection all such books, invoices, receipts and other records relating to—

(*a*) the purchase and use by that person of any substance, other than flour, mentioned in column 2 of Schedule 1 to these regulations;

(*b*) the amount of flour manufactured by him;

as may be so required.

Penalties

35.—(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 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

36.—(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 person charged 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 alterations in the substance of that advertisement.

(2) In any proceedings against the manufacturer or importer of bread or flour for an offence against these regulations in relation to the publication of an advertisement, it shall rest on the person charged 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

37.—(1) Sections 41 (2) and (5) (which relate to proceedings), 42 (1), (2) and (3) (which relate 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.

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St Andrew's House,
Edinburgh, 1.

23rd August 1963.

Regulation 25(1) SCHEDULE 1

Column 1	Column 2
Description of Flour	Compositional Requirement
All flour other than self-raising flour which has a calcium content of not less than 0·2 per centum (calculated by weight), wholemeal and wheat malt flour.	To contain chalk as follows:— (i) Not less than 235 milligrams per 100 grams of flour, and (ii) Not more than 390 milligrams per 100 grams of flour.
All flour	To contain quantities of the undermentioned *nutrients* as follows:— Iron—Not less than 1·65 milligrams; Vitamin B_1—Not less than 0·24 milligrams; Nicotinic acid or Nicotinamide—Not less than 1·60 milligrams; per 100 grams of flour. In the case of flour described as wholemeal such nutrients shall be naturally present and not added. In the case of flour not so described, such nutrients shall be added, where addition is necessary, (i) in the case of iron, in the form of ferric ammonium citrate conforming to the standards of the British Pharmacopoeia or the British Pharmaceutical Codex current for the time being or in the form of reduced iron conforming to the specification in the next following paragraph of this Schedule, and (ii) in the case of vitamin B_1, nicotinic acid and nicotinamide in a form conforming to the standards of the British Pharmacopoeia or the British Pharmaceutical Codex current for the time being.

Reduced iron shall be obtained by the action of hydrogen upon ferric oxide. It shall contain not less than 80 parts per hundred of metallic iron and not more than 5 parts per million of arsenic. It shall consist of a fine greyish powder free from metallic lustre and gritty particles. It shall be insoluble in water and alcohol and almost completely soluble in dilute hydrochloric acid.

Regulation 32(2) SCHEDULE 2

1. Each container to which regulation 32(2) of these regulations relates shall bear a label on which is printed a true statement of the chemical nature of the bleaching agent or improving agent and a declaration to the effect that it is of the necessary purity for use in food.

2. The statement and declaration shall be printed distinctly and legibly in dark block type upon a light coloured ground or in light block type upon a dark coloured ground, the type being not less than one-eighth of an inch in height, within a surrounding line and no other matter shall be printed within such surrounding line. The type shall be of uniform size and colour and the ground within the said surrounding line shall be of uniform colour.

EXPLANATORY NOTE

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

These regulations, which apply to Scotland only—

(*a*) prescribe permitted ingredients for white bread, brown bread or wheatmeal bread, wheat germ bread, wholemeal bread and soda bread and requirements as to the composition of bread containing milk solids or added protein (regulations 6 to 11 inclusive, 16 and 21);

(*b*) impose requirements as to the labelling and advertising of the aforesaid kinds of bread and of bread containing additional ingredients (regulations 14, 15, 17 to 20 inclusive, 22 and 23);

(*c*) impose restrictions on claims that any bread, biscuits, rusks or cereal breakfast foods are starch reduced or can aid slimming, and prohibit claims that any of those foods have specific weight reducing properties (regulation 24);

(*d*) re-enact with amendments the Flour (Composition) (Scotland) Regulations 1956, prescribing requirements as to the composition of flour, subject to certain exemptions (regulations 5, 25 and Schedule 1);

(*e*) impose restrictions on prosecutions for the sale or importation of flour which does not comply with certain requirements as to composition (regulations 26 and 27);

(*f*) prescribe requirements as to the composition, and as to the labelling and advertising, of wheatmeal or brown flour and wholemeal (regulations 29 and 30);

(*g*) prohibit the sale or importation of flour or bread containing any added colouring matter, save that flour and bread other than white bread or soda bread may contain caramel (regulations 31 (1) and (4) and 12);

(*h*) prohibit the sale or importation of—

(i) flour (other than wholemeal) containing any bleaching agent or improving agent other than one specified in the regulation;

(ii) wholemeal containing any bleaching agent or improving agent;

(iii) flour in relation to which any bleaching agent or improving agent has been used in contravention of the regulations (regulation 31 (2), (3) and (4));

(*j*) prohibit the sale or advertising for sale, with a view to its use in the preparation of bread or flour, of any bleaching agent or improving agent which is not permitted by the regulations, and impose requirements as to the labelling of permitted bleachiing agents and improving agents (regulation 32 and Schedule 2);

(*k*) provide that where bread or flour is certified by a public analyst as containing any colouring matter not permitted by the regulations or where flour is so certified as containing any bleaching agent or improving agent otherwise than in accordance with the regulations,

that bread or flour may be treated for the purposes of section 9 of the Food and Drugs (Scotland) Act 1956 as being unfit for human consumption (regulation 33);

(*l*) provide for the production of certain records by manufacturers of flour (regulation 34);

(*m*) amend the Arsenic in Food (Scotland) Regulations 1959, as amended, by providing that the maximum amount of arsenic permitted in reduced iron intended for use in the preparation of flour shall be 5·0 parts per million (regulation 28);

(*n*) do not apply, except in so far as they relate to advertisements other than labels or wrappers, to bread or flour intended for export or for consumption by Her Majesty's forces or by a visiting force, or to bread intended for manufacturing purposes (regulation 4).

The regulations come into operation on 1st September 1964.