FOOD AND DRUGS

COMPOSITION, LABELLING AND SALE BY WEIGHT

1957 No. 1066

The Colouring Matter in Food Regulations, 1957

Made - - - -	*24th June*, 1957
Laid before Parliament	*28th June*, 1957
Coming into Operation	*30th June*, 1957

The Minister of Agriculture, Fisheries and Food and the Minister of Health acting jointly, in exercise of the powers conferred on them by sections four, seven and one hundred and twenty-three of the Food and Drugs Act, 1955(a), and of all other powers enabling them in that behalf, hereby make the following regulations, after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations and reference to the Food Hygiene Advisory Council under section eighty-two of the said Act (in so far as the regulations relate to the labelling, marking or description of food):—

1. These regulations may be cited as the Colouring Matter in Food Regulations, 1957, and shall come into operation on the 30th day of June, 1957:

Provided that the provisions referred to in the first column of the Third Schedule hereto shall not have effect until the later dates specified in relation thereto in the second column of that Schedule.

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

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

"food" means food intended for human consumption 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 or

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

"food and drugs authority" has the meaning assigned to it in section 83 of the Food and Drugs Act, 1955;

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

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

(a) 4 & 5 Eliz. 2. c. 16.

"processed" includes curing by smoking and any treatment or process resulting in a substantial change in the natural state of any food but does not include boning, paring, grinding, cutting, cleaning or trimming; and "unprocessed" shall be construed accordingly;

"sale by retail" means any sale to a person buying otherwise than for the purpose of resale, but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business;

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

"vegetable" includes pulses.

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

3. The provisions of the Public Health (Preservatives &c. in Food) Regulations, 1925(b), as amended(c), specified in the first column of the Fourth Schedule hereto shall be further amended to the extent specified in the second column of that Schedule, but without prejudice to any proceedings begun or other action taken in pursuance of any of those regulations.

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

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

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

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

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

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

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

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

(2) In any proceedings for an offence against paragraph (1) of this regulation in relation to the publication of an advertisement, it shall be a defence for the defendant to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.

(a) 52 & 53 Vict. c. 63.
(b) S. R. & O. 1925/775 (Rev. VIII, p. 95: 1925 p. 1375).
(c) See Rev. VIII, p. 95 and also S.I. 1953/1820 (1953 I, p. 818).

(3) No person shall sell, consign or deliver for use in food any colouring matter or any colouring and flavouring compound except in a container bearing a label in accordance with the provisions of the Second Schedule to these regulations.

8. Where any food is certified by a public analyst as being food which it is an offence against regulation 5 or 6 hereof to sell, consign or deliver, or import into England or Wales, that food may be treated for the purpose of section 9 of the Food and Drugs Act, 1955, (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption:

Provided that this regulation shall not apply, as respects regulation 6 hereof, in relation to any food which contains no colouring matter other than a permitted colouring matter.

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 and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both, and, 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.

(2) Each food and drugs authority shall enforce and execute such provisions in their area:

Provided that each port health authority shall enforce and execute in their district the provisions of regulations 5 and 6 hereof in so far as they relate to importation.

10. The requirements of subsection (3) of section 109 of the Food and Drugs Act, 1955, (which requires notice to be given to the Minister of Agriculture, Fisheries and Food of intention to institute proceedings for an offence against any provisions of these regulations relating to labelling, marking or advertising) shall not apply as respects any proceedings instituted by a council for an offence against any such provisions of these regulations.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this twenty-first day of June, nineteen hundred and fifty-seven.

(L.S.)

D. Heathcoat Amory,
Minister of Agriculture, Fisheries and Food.

Given under the Official Seal of the Minister of Health this twenty-fourth day of June, nineteen hundred and fifty-seven.

(L.S.)

Dennis Vosper,
Minister of Health.

THE FIRST SCHEDULE

PERMITTED COLOURING MATTER

Part I—Coal Tar Colours

Common Name of Colour	Scientific Name	Colour Index (1924) Number
Ponceau MX ...	disodium salt of 1-(2:4-or mixed-xylylazo)-2-naphthol-3:6-disulphonic acid	79
Ponceau 4R ...	trisodium salt of 1-(4-sulpho-1-naphthylazo)-2-naphthol-6:8-disulphonic acid	185
Carmoisine ...	disodium salt of 2-(4-sulpho-1-naphthylazo)-1-naphthol-4-sulphonic acid	179
Amaranth... ...	trisodium salt of 1-(4-sulpho-1-naphthylazo)-2-naphthol-3:6-disulphonic acid	184
Red 10 B	disodium salt of 8-amino-2-phenylazo-1-naphthol-3:6-disulphonic acid	30
Erythrosine BS ...	disodium or dipotassium salt of 2:4:5:7-tetra-iodofluorescein	773
Red 2G	disodium salt of 8-acetamido-2-phenylazo-1-naphthol-3:6-disulphonic acid	31
Red 6B	disodium salt of 8-acetamido-2-*p*-acetamido-phenylazo-1-naphthol-3:6-disulphonic acid ...	57
Red FB	disodium salt of 2-[4-(1-hydroxy-4-sulpho-2-naphthylazo)-3-sulphophenyl]-6-methylbenzo-thiazole	225
Ponceau SX ...	disodium salt of 2-(5-sulpho-2:4-xylylazo)-1-naphthol-4-sulphonic acid	—
Ponceau 3R ...	disodium salt of 1-*pseudo*cumylazo-2-naphthol-3:6-disulphonic acid	80
Fast Red E ...	disodium salt of 1-(4-sulpho-1-naphthylazo)-2-hydroxynaphthalene-6-sulphonic acid	182
Orange G... ...	disodium salt of 1-phenylazo-2-naphthol-6:8-disulphonic acid	27
Orange RN ...	sodium salt of 1-phenylazo-2-naphthol-6-sulphonic acid	26
Oil Yellow GG ...	a mixture of 4-phenylazoresorcinol and 4:6-di(phenylazo)resorcinol	23
Tartrazine... ...	trisodium salt of 5-hydroxy-1-*p*-sulphophenyl-4-*p*-sulphophenylazopyrazole-3-carboxylic acid	640
Naphthol Yellow S	disodium or dipotassium salt of 2:4-dinitro-1-naphthol-7-sulphonic acid	10
Yellow 2G ...	disodium salt of 1-(2:5-dichloro-4-sulphophenyl)-5-hydroxy-3-methyl-4-*p*-sulphophenylazopyra-zole	639
Yellow RFS ...	disodium salt of 4-sulpho-4′-(sulphomethylamino) azobenzene...	—
Yellow RY ...	disodium salt of 6-*p*-sulphophenylazoresorcinol-4-sulphonic acid	—
Sunset Yellow FCF	disodium salt of 1-*p*-sulphophenylazo-2-naphthol-6-sulphonic acid	—
Oil Yellow XP ...	3-methyl-1-phenyl-4-(2:4-xylylazo)-5-pyrazolone...	—
Green S	sodium salt of di-(*p*-dimethylaminophenyl)-2-hydroxy-3:6-disulphonaphthylmethanol anhydride	737
Blue VRS... ...	sodium salt of 4:4′-di(diethylamino)-4″:6″ disulpho-triphenylmethanol anhydride	672
Indigo Carmine ...	disodium salt of indigotin-5:5′-disulphonic acid ...	1180

Common Name of Colour	Scientific Name	Colour Index (1924) Number
Violet BNP ...	sodium salt of 4:4′-di(dimethylamino)-4″-di-(*p*-sulphobenzylamino) triphenylmethanol anhydride	—
Brown FK ...	a mixture consisting essentially of the disodium salt of 1:3-diamino-4:6-di-(*p*-sulphophenylazo) benzene and the sodium salt of 2:4-diamino-5-(*p*-sulphophenylazo)toluene	—
Chocolate Brown FB	the product of coupling diazotised naphthionic acid with a mixture (Colour Index No. 1232) of morin and maclurin	—
Chocolate Brown HT	disodium salt of 2:4-dihydroxy-3:5-di-(4-sulpho-1-naphthylazo)benzyl alcohol	—
Black PN	tetrasodium salt of 8-acetamido-2-(7-sulpho-4-*p*-sulphophenylazo-1-naphthylazo)-1-naphthol-3:5-disulphonic acid	—

Part II—Other Colours

1. Caramel and the colour obtained from cochineal.

2. The following colouring matters of vegetable origin—any colouring matter natural to edible fruits or vegetables and alkannet, annatto, carotene, chlorophyll, flavine, indigo, orchil, osage orange, persian berry, safflower, saffron, sandalwood, turmeric; or their pure colouring principles whether isolated from such natural colours or produced synthetically.

3. Bole or iron oxide, carbon black, titanium dioxide, ultramarine and, solely for the external colouring of dragees and the decoration of sugar-coated flour confectionery, silver or aluminium in leaf or powder form.

4. The aluminium or calcium salts (lakes) of any of the scheduled water-soluble colours.

THE SECOND SCHEDULE

Labelling of Colouring Matter and Colouring and Flavouring Compounds

1. Each container to which regulation 7 (3) relates shall bear a label on which printed a true statement in the form of one of the following declarations:—

In the case of colouring matter—

THIS FOOD COLOUR
CONFORMS TO THE
STATUTORY REQUIREMENTS
OF THE UNITED KINGDOM

In the case of colouring and flavouring compounds—

THE FOOD COLOUR
IN THIS COMPOUND
CONFORMS TO THE
STATUTORY REQUIREMENTS
OF THE UNITED KINGDOM

Provided that it shall be sufficient if the labels on containers of quantities of less than four ounces or four fluid ounces, as the case may be, bear distinctly and legibly printed thereon the declaration " FOOD COLOUR " or " FOOD COLOUR AND FLAVOURING COMPOUND ", as the case may be, or a declaration to like effect.

2. The declaration shall in each case be distinctly and legibly printed in dark block type upon a light coloured ground and, except in the case of a declaration in accordance with the proviso to the preceding paragraph, shall be so printed within a surrounding line and no other matter shall be printed within such surrounding line. The type used for containers of quantities of more than 2 pounds or 40 fluid ounces, as the case may be, shall be not less than one quarter of an inch in height and the type used for containers of quantities of less than 2 pounds or 40 fluid ounces, as the case may be, but more than four ounces or four fluid ounces, as the case may be, shall be not less than one eighth of an inch in height.

3. The label shall be securely affixed to or be part of the wrapper or container and in any case shall be so placed as to be clearly visible and shall either be part of any main label or a separate label placed in close proximity thereto.

THE THIRD SCHEDULE

DATES OF OPERATION OF PROVISIONS OF THESE REGULATIONS WHICH DO NOT COME INTO OPERATION ON 30TH JUNE, 1957

Column 1 Provision of the Regulations	Column 2 Date of operation
Regulation 3	31st December, 1957
Regulation 5—	
(*a*) As respects any sale other than a sale by retail and any consignment or delivery pursuant to any such sale—	
(i) by the manufacturer or packer of the food ...	31st December, 1957
(ii) by any other person	30th June, 1958
(*b*) As respects importation into England or Wales ...	31st December, 1957
(*c*) In all other respects	30th June, 1959
Regulation 6—	
In relation to citrus fruit—	
(*a*) As respects importation into England or Wales ...	31st December, 1957
(*b*) In all other respects	30th June, 1958
Regulation 7, paragraph (1)—	
(*a*) As respects any sale other than a sale by retail and any advertising for any such sale by any person other than the manufacturer or packer of the colouring matter	31st December, 1957
(*b*) As respects any sale by retail or any advertising for sale by retail	31st December, 1958
Regulation 7, paragraph (3)—	
(*a*) As respects any sale other than a sale by retail and any consignment or delivery pursuant to any such sale—	
(i) by the manufacturer or packer of the colouring matter or colouring and flavouring compound	30th September, 1957
(ii) by any other person	31st December, 1957
(*b*) In all other respects	31st December, 1958

THE FOURTH SCHEDULE

AMENDMENTS TO THE PUBLIC HEALTH (PRESERVATIVES &C. IN FOOD) REGULATIONS, 1925, AS AMENDED

Provision concerned	Extent of amendment
Regulation 4, paragraph (1) ...	Delete the words "or any added colouring matter being one of those specified in Part II of the First Schedule to these Regulations".
Regulation 5, paragraph (1) ...	Delete the words "or colouring matter for".
Regulation 5, paragraph (2) ...	Delete the words "or colouring matter for".
Regulation 11, paragraph (1) ...	Delete the words "or any added colouring matter being one of those specified in Part II of the First Schedule to these Regulations".
Regulation 12	Delete the words "or colouring matter".
The First Schedule	Delete Part II.

EXPLANATORY NOTE

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

These Regulations, which apply to England and Wales only—

(*a*) revoke the provisions of the Public Health (Preservatives, &c. in Food) Regulations, 1925, as amended, relating to colouring matter in food (Regulation 3 and the Fourth Schedule);

(*b*) prohibit the sale or importation of food containing any added colouring matter other than that specified in the First Schedule (Regulation 5 and the First Schedule);

(*c*) prohibit the sale or importation of certain raw and unprocessed foods having in or upon them, otherwise than for marking purposes, any added colouring matter at all, except that citrus fruit may have permitted colouring if this is suitably indicated in accordance with the Regulations (Regulation 6);

(*d*) prohibit the sale or advertising for sale of any food colouring matter which is not a permitted colouring matter and impose requirements as to the labelling of permitted colouring matter and colouring and flavouring compounds (Regulation 7);

(*e*) provide that where certain food is certified by a public analyst as containing colouring matter not permitted by the Regulations that food may be treated for the purposes of Section 9 of the Food and Drugs Act, 1955, as being unfit for human consumption (Regulation 8);

(*f*) do not apply to food or colouring matter intended for export.

Save as otherwise specified in the Third Schedule, the Regulations come into operation on the 30th June, 1957.