1957 No. 1123 (S. 62)

The Colouring Matter in Food (Scotland) Regulations, 1957

Made - - - -	*26th June*, 1957
Laid before Parliament	*2nd July*, 1957
Coming into Operation	*3rd July*, 1957

In exercise of the powers conferred on 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 I hereby make the following regulations, after consultation with such organisations as appear to me to be representative of interests substantially affected by these regulations and reference to the Scottish Food Hygiene Council under section 25 of that Act (in so far as the regulations relate to the labelling, marking or description of food):—

1.—(1) These regulations may be cited as the Colouring Matter in Food (Scotland) Regulations, 1957, and shall come into operation on the 3rd day of July, 1957.

(2) Notwithstanding the date on which these regulations come into operation, the provisions thereof set out in the first column of the Third Schedule thereto, shall not have effect until the later dates specified in column 2 of that Schedule.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them respectively:—

"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;

"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;

"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;

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

"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.—(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 the functions of a local authority under these regulations in relation to any food imported into that part shall be exercised by the 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 deemed to be included in the county in which it is situated and "port local authority" includes a joint port local authority.

4. The provisions of the Public Health (Preservatives, &c., in Food) Regulations (Scotland), 1925(c) as amended(d) 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.

5. 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.

6.—(1) Subject to the provisions of paragraph (1) of the next following regulation food intended for sale for human consumption shall not have in or upon it any added colouring matter which is not a permitted colouring matter.

(2) Subject to the provisions of paragraph (2) of the next following regulation a person shall not sell, consign or deliver or import into Scotland any food intended for sale for human consumption which has in or upon it any added colouring matter which is not a permitted colouring matter.

7.—(1) Meat, game, poultry, fish, fruit or any vegetable in a raw and unprocessed state which is intended for sale for human consumption shall not 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 fruit in permitted colouring matter; and

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

(a) 52 & 53 Vict. c. 63. (b) 10 & 11 Geo. 6. c. 43.
(c) S.R. & O. 1925/814 (Rev. VIII, p. 107: 1925 p. 1404).
(d) See Rev. VIII, p. 107, and also S.I. 1953/1859 (1953 I, p. 820).

(2) A person shall not sell, consign or deliver or import into Scotland any food intended for sale for human consumption to which this regulation applies (other than citrus fruit to which permitted colouring matter has been added in the manner prescribed by the proviso to the last foregoing paragraph) which has in or upon it any added colouring matter which is not a permitted colouring matter.

8.—(1) A person shall not 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 the last foregoing paragraph 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 alteration in the substance of that advertisement.

(3) A person shall not 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.

9. Any food certified by a public analyst as being food which it is an offence against regulation 6 or regulation 7 of these regulations to sell, consign or deliver or import into Scotland may be treated for the purpose of section 9 of the Food and Drugs (Scotland) Act, 1956 (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 7 of these regulations in relation to any food which contains no colouring matter other than a permitted colouring matter.

10. 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—

(*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 has 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 has continued.

Dated this 26th day of June, 1957.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

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*-sulphophenylazopyrazole	639
Yellow RFS ...	disodium salt of 4-sulpho 4′-(sulphomethyl-amino) 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 paragraph (3) of Regulation 8 of these Regulations relates shall bear a label on which is 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 compliance with this paragraph 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 nature.

2.—(1) The declaration aforesaid 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 last preceding paragraph, shall be so printed within a surrounding line and no other matter shall be printed within the surrounding line.

(2) The dark block type aforesaid used for containers of quantities of more than two pounds or 40 fluid ounces, as the case may be, shall be not less than one quarter of an inch in height and the dark block type used for containers of less than two 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 THE 3RD DAY OF JULY, 1957

Provision of the Regulations	Date of operation
Regulation 4	31st December, 1957
Regulation 6—	
(*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 Scotland	31st December, 1957
(*c*) in all other respects	30th June, 1959
Regulation 7—	
in relation to citrus fruits—	
(*a*) as respects importation into Scotland	31st December, 1957
(*b*) in all other respects	30th June, 1958
Regulation 8, 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 8, 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 (SCOTLAND) 1925 AS AMENDED

Provision concerned	Extent of amendment
Regulation 4, paragraph (1)	The words "or any added colouring matter being one of those specified in Part II of the First Schedule to these Regulations" shall be omitted.
Regulation 5, paragraph (1)	The words "or colouring matter for" shall be omitted.
Regulation 5, paragraph (2)	The words "or as colouring matter for" shall be omitted.
Regulation 10	The words "or any added colouring matter being one of those specified in Part II of the First Schedule to these Regulations" shall be omitted.
Regulation 11	The words "or colouring matter" shall be omitted.
First Schedule	Part II shall be omitted.

EXPLANATORY NOTE

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

These Regulations, which apply to Scotland only—

(*a*) revoke the provisions of the Public Health (Preservatives, &c., in Food) Regulations (Scotland), 1925, as amended, relating to colouring matter in food (Regulation 4 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 6 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 7);

(*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 8);

(*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 (Scotland) Act, 1956, as being unfit for human consumption (Regulation 9);

(*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 3rd July, 1957.