STATUTORY INSTRUMENTS

1982 No. 1066

FOOD

COMPOSITION AND LABELLING

The Condensed Milk and Dried Milk (Amendment) Regulations 1982

Made - - - -	*29th July* 1982
Laid before Parliament	*6th August* 1982
Coming into Operation	*27th August* 1982

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Social Services and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 4, 7, 123 and 123A of the Food and Drugs Act 1955 (**a**) and now vested in them (**b**) and of all other powers enabling them in that behalf, hereby make the following regulations, after consultation in accordance with section 123(6) of the said Act with such organisations as appear to them to be representative of interests substantially affected by the regulations and after reference to the Food Hygiene Advisory Council under section 82 of the said Act (in so far as the regulations are made in exercise of the powers conferred by the said section 7):—

Title and commencement

1. These regulations may be cited as the Condensed Milk and Dried Milk (Amendment) Regulations 1982, and shall come into operation on 27th August 1982.

Amendment of the Condensed Milk and Dried Milk Regulations 1977

2. The Condensed Milk and Dried Milk Regulations 1977 (**c**) are hereby amended—

(a) by inserting in the definition of "condensed milk product" in regulation 2(1) thereof, immediately after "paragraphs 1 and 2 of that Part", the following:

"of which the characteristics are, where so required by that Schedule, determined according to the methods of analysis therein referred to,";

(b) by inserting in the definition of "dried milk product" in regulation 2(1) thereof, immediately after "paragraph 1 of that Part", the following:

"of which the characteristics are, where so required by that Schedule, determined according to the methods of analysis therein referred to,";

(**a**) 1955 c.16 (4 & 5 Eliz.2); section 4 was amended, and section 123A inserted, by section 4(1) of and paragraph 3(1) and (2)(a) of Schedule 4 to the European Communities Act 1972 (c.68).
(**b**) S.I. 1968/1699, 1978/272.
(**c**) S.I. 1977/928.

(c) by inserting, immediately after the definition of "sweetened condensed milk product" in regulation 2(1) thereof, the following:

" 'total milk solids' means all the constituents of milk other than water, including milk fat, the constituents other than milk fat being present in their natural proportions";

(d) by inserting immediately after regulation 2(5) thereof, the following paragraph:

"(5A) Any reference in Schedule 1 to a "method", identified by number, shall be construed as a reference to the method of analysis for testing certain partly or wholly dehydrated preserved milk for human consumption described under that number in Annex II to the Commission Directive No. 79/1067/EEC (a) as read with the General Provisions of that Annex.";

(e) by adding at the end of regulation 8 thereof the following sentence:

"The test for verifying whether or not this requirement has been satisfied shall be one or other of the two methods of determining phosphatase activity provided and described respectively as method 7 and method 8 in Annex II to the Commission Directive No. 79/1067/EEC, as read with the General Provisions of that Annex, and the test report shall state which of these methods has been employed.";

(f) by substituting for Schedule 1 thereto the contents of the Schedule to these regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 23rd July 1982.

L.S.

Peter Walker,
Minister of Agriculture, Fisheries and Food.

26th July 1982.

Norman Fowler,
Secretary of State for Social Services.

29th July 1982.

Nicholas Edwards,
Secretary of State for Wales.

(a) OJ No. L327, 24.12.79, p.29.

THE SCHEDULE

Regulation 2(f)

SCHEDULE 1

Regulation 2(1)

PART I

CONDENSED MILK PRODUCTS AND THEIR RESERVED DESCRIPTIONS

Column 1	Column 2
Reserved descriptions	Condensed milk products
Unsweetened condensed high-fat milk	Condensed milk, which has been sterilised, containing more than 15.0% milk fat, determined by method 3, and not less than 26.5% total milk solids, determined by method 1.
Evaporated milk	Condensed milk, which has been sterilised, containing not less than 9.0% but not more than 15.0% milk fat, determined by method 3, and not less than 31.0% total milk solids, determined by method 1.
Unsweetened condensed milk	Condensed milk, which has been sterilised, containing not less than 7.5% but not more than 15.0% milk fat, determined by method 3, and not less than 25.0% total milk solids, determined by method 1.
Unsweetened condensed partly skimmed milk	Condensed milk, which has been sterilised, containing: (i) in the case of a sale by retail, not less than 4.0% but not more than 4.5% milk fat, determined by method 3, and not less than 24.0% total milk solids, determined by method 1. (ii) in the case of a sale otherwise than by retail, more than 1.0% but not more than 7.5% milk fat, determined by method 3, and not less than 20.0% total milk solids, determined by method 1.
Unsweetened condensed skimmed milk	Condensed milk, which has been sterilised, containing not more than 1.0% milk fat, determined by method 3, and not less than 20.0% total milk solids, determined by method 1.

Column 1	Column 2
Reserved descriptions	Condensed milk products
Sweetened condensed milk	Condensed milk with added sucrose, containing: (i) in the case of a sale by retail, not less than 9.0% milk fat, determined by method 3, and not less than 31.0% total milk solids, determined by method 1; (ii) in the case of a sale otherwise than by retail more than 8.0% milk fat, determined by method 3, and not less than 28.0% total milk solids, determined by method 1.
Sweetened condensed partly skimmed milk	Condensed milk with added sucrose, containing: (i) in the case of a sale by retail, not less than 4.0% but not more than 4.5% milk fat, determined by method 3, and not less than 28.0% total milk solids, determined by method 1; (ii) in the case of a sale otherwise than by retail, more than 1.0% but not more than 8.0% milk fat, determined by method 3, and not less than 24.0% total milk solids, determined by method 1.
Sweetened condensed skimmed milk	Condensed milk with added sucrose, containing not more than 1.0% milk fat, determined by method 3, and not less than 24.0% total milk solids, determined by method 1.

1. Not more than 0.3% of the milk solids not fat content of any product specified in column 2 of this Schedule shall consist of lactate.
2. Not more than 25.0% of the total milk solids content of any product specified in column 2 of this Schedule shall be derived from dried milk.

PART II

DRIED MILK PRODUCTS AND THEIR RESERVED DESCRIPTIONS

Column 1	Column 2
Reserved descriptions	Dried Milk products
Dried high-fat milk High-fat milk powder	Dried milk containing more than 42.0% but not more than 65.0% milk fat, determined by method 4, and not more than 5.0% moisture, determined by method 2.
Dried whole milk Whole milk powder	Dried milk containing more than 26.0% but not more than 42.0% milk fat, determined by method 4, and not more than 5.0% moisture, determined by method 2.
Dried partly skimmed milk Partly skimmed milk powder	Dried milk containing more than 1.5% but not more than 26.0% milk fat, determined by method 4, and not more than 5.0% moisture, determined by method 2.
Dried skimmed milk Skimmed milk powder	Dried milk containing not more than 1.5% milk fat, determined by method 4, and not more than 5.0% moisture, determined by method 2.

1. Not more than 0.3% of the milk solids not fat content of any product specified in column 2 of this Schedule shall consist of lactate, determined by method 6.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations implement Commission Directive No. 79/1067/EEC, (OJ No. L327, 24.12.79, p.29), which lays down Community methods of analysis for testing condensed milk and dried milk products. The regulations amend the Condensed Milk and Dried Milk Regulations 1977 by incorporating provisions for the use of those methods in the reserved descriptions of the products set out in Schedule 1 thereof, a new version of which is contained in the Schedule, and by providing a test for the effectiveness of heat treatment of condensed milk and dried milk products and their ingredients. The regulations come into operation on 27th August 1982.

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