1959 No. 1098

The Condensed Milk Regulations, 1959

Made - - - -	19*th June*, 1959
Laid before Parliament	25*th June*, 1959
Coming into Operation	26*th June*, 1959

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 them enabling 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 (insofar as the regulations relate to the labelling, marking or description of food):—

1. These regulations may be cited as the Condensed Milk Regulations, 1959; and shall come into operation on the 26th day of June, 1959.

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

"condensed milk" means milk, partly skimmed milk or skimmed milk which has been concentrated by the removal of part of its water, whether with or without the addition of sugar, and includes the article commonly known as evaporated milk but does not include the article commonly known as dried milk or milk powder;

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

"gross weight" of a container means the weight of the container and of its contents;

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

"skimmed milk" includes separated or machine-skimmed milk.

(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, and as if these regulations and the regulations hereby revoked were Acts of Parliament.

3. Each food and drugs authority shall enforce and execute the provisions of these regulations in their area.

4. The following provisions of these regulations shall not apply in relation to any condensed milk which is intended for exportation to a destination outside the United Kingdom or which is contained in a container whose gross weight exceeds five pounds.

(a) 4 & 5 Eliz. 2. c. 16. (b) 52 & 53 Vict. c. 63.

5.—(1) Subject to the provisions of this regulation—

(*a*) no person shall sell any condensed milk intended for human consumption except in a container bearing a label in accordance with the provisions of the First Schedule to these regulations;

(*b*) no person shall expose or offer for sale by retail any such container wrapped in paper or some other wrapper through which the label on the container is not clearly visible unless the outermost wrapper also bears a label as if it were a container to which sub-paragraph (a) of this paragraph applies.

(2) For the purposes of this regulation "sale by retail" means any sale to a person buying otherwise than for the purpose of re-sale, 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.

(3) Nothing in this regulation shall apply as respects any sale of condensed milk for immediate consumption at or in any public refreshment room, restaurant, shop or other premises of public resort or at or in any stall or mobile refreshment vehicle.

6. Condensed milk of each description specified in column 1 of the Second Schedule to these regulations which is intended for sale for human consumption shall contain not less than the percentages by weight of milk fat and milk solids including fat specified in relation thereto in columns 2 and 3 of that Schedule respectively and no person shall sell any condensed milk which does not comply with this regulation.

7. 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.

8. 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 or marking) shall not apply as respects any proceedings instituted by a council for an offence against any such provisions of these regulations.

9. The regulations specified in the Third Schedule to these regulations are hereby revoked to the extent specified in the second column of that Schedule.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this seventeenth day of June, nineteen hundred and fifty-nine.

(L.S.) *John Hare,*
Minister of Agriculture, Fisheries and Food.

Given under the Official Seal of the Minister of Health this nineteenth day of June, nineteen hundred and fifty-nine.

(L.S.) *Derek Walker-Smith,*
Minister of Health.

THE FIRST SCHEDULE

Labelling of Condensed Milk

1. Every container to which regulation 5 relates shall bear a label upon which is printed such one of the following declarations as may be applicable:

Provided that in the case of any condensed milk the order of the words contained in the descriptive part of the declaration may be varied so that the word "sweetened" or "unsweetened", as the case may be, is placed after the word "condensed" instead of being placed after the word "milk".

(*a*) In the case of unsweetened full cream milk:—

CONDENSED FULL CREAM MILK, UNSWEETENED.
THIS TIN CONTAINS THE EQUIVALENT OF
(x) PINTS OF MILK.

(*b*) In the case of sweetened full cream milk:—

CONDENSED FULL CREAM MILK, SWEETENED.
THIS TIN CONTAINS THE EQUIVALENT OF
(x) PINTS OF MILK, WITH SUGAR ADDED.

(*c*) In the case of unsweetened half cream milk:—

CONDENSED PARTLY SKIMMED MILK, UNSWEETENED (HALF CREAM).
SHOULD NOT BE USED FOR BABIES EXCEPT UNDER MEDICAL ADVICE.
THIS TIN CONTAINS THE EQUIVALENT OF (x) PINTS OF HALF CREAM MILK.

(*d*) In the case of sweetened half cream milk:—

CONDENSED PARTLY SKIMMED MILK, SWEETENED (HALF CREAM).
SHOULD NOT BE USED FOR BABIES EXCEPT UNDER MEDICAL ADVICE.
THIS TIN CONTAINS THE EQUIVALENT OF (x) PINTS OF HALF CREAM MILK WITH SUGAR ADDED.

(*e*) In the case of unsweetened skimmed milk:—

CONDENSED MACHINE-SKIMMED MILK [OR CONDENSED SKIMMED MILK], UNSWEETENED.

UNFIT FOR BABIES

[OR

NOT TO BE USED FOR BABIES]

THIS TIN CONTAINS THE EQUIVALENT OF (x) PINTS OF SKIMMED MILK.

(*f*) In the case of sweetened skimmed milk:—

CONDENSED MACHINE-SKIMMED MILK [OR CONDENSED SKIMMED MILK], SWEETENED.

UNFIT FOR BABIES

[OR

NOT TO BE USED FOR BABIES]

THIS TIN CONTAINS THE EQUIVALENT OF (x) PINTS OF SKIMMED MILK, WITH SUGAR ADDED.

2. The declaration shall in each case be completed by inserting at (x) the appropriate number in words and figures, e.g. "one and a half (1½)", any fraction being expressed as eighths, quarters or a half.

For the purposes of this Schedule full cream milk means milk which contains not less than 12·4 per cent. of milk solids (including not less than 3·6 per cent. of milk fat), half cream milk means milk which contains not less than 10·8 per cent. of milk solids (including not less than 1·8 per cent. of milk fat) and skimmed milk means milk which contains not less than 9 per cent. of milk solids other than milk fat. All the said percentages shall be calculated by weight.

3.—(1) The prescribed declaration shall be printed in dark block type upon a light coloured background.

(2) There shall be a surrounding line enclosing the declaration and in the cases in which the words "unfit for babies" or "not to be used for babies" are required to be used there shall be another such line enclosing those words.

(3) The distance between any part of the words "unfit for babies" or "not to be used for babies" and the surrounding line enclosing those words shall be not less than one-sixteenth of an inch.

(4) No matter other than that hereinbefore prescribed shall be printed within either surrounding line.

(5) The type used for the declaration shall not in any part be less than one-eighth of an inch in height (or if the gross weight of the container does not exceed twelve ounces, one-sixteenth of an inch in height) and the type used for the words "unfit for babies" or "not to be used for babies" shall not be less than twice the height of any other part of the declaration.

4. The label shall in addition bear the name of either the packer or the labeller of the condensed milk and the address at which such person carries on business:

Provided that—

(*a*) where the condensed milk is packed or labelled on behalf of or on the the instructions of another person and such other person carries on business at an address in the United Kingdom, the label may bear the name and address of that other person instead of the name and address of the packer or labeller, as the case may be;

(*b*) it shall be sufficient if instead of the particulars specified in this paragraph there appears prominently on the label a trade mark (other than a certification trade mark) of which there is in the Trade Marks Register kept under the authority of the Trade Marks Act, 1938(a), a subsisting entry in respect of such condensed milk, and if there is associated therewith on the label the words "Registered Trade Mark" or "Regd. Trade Mark".

5. The label shall be securely affixed to or be part of the container and in any case shall be so placed as to be clearly visible and the prescribed declaration shall be part of any main label.

6. There shall not be placed on any container containing condensed milk—

(*a*) any comment on, explanation of, or reference to either the statement of equivalence contained in the prescribed declaration or the words "partly skimmed", "machine-skimmed", "skimmed" or "unfit for babies" or "not to be used for babies"; or

(*b*) any instructions as to dilution, unless either—

(i) the fluid produced in accordance with such instructions would contain not less milk fat and not less milk solids than full cream or half cream milk or skimmed milk as defined in paragraph 2 of this Schedule, as the case may require;

or

(ii) such instructions clearly specify that the fluid so produced is not of equivalent composition to full cream milk or half cream milk or skimmed milk, as the case may be.

7. Wherever the word "Milk" appears on the label of a container of condensed partly skimmed milk or condensed skimmed milk as the description or part of the description of the contents, it shall be immediately preceded or followed by the words "Partly Skimmed" or "Machine-Skimmed" or "Skimmed", as the case may require.

THE SECOND SCHEDULE

Column 1	Column 2	Column 3
Description of Condensed Milk	Percentage of milk fat	Percentage of milk solids including fat
1. Full cream, unsweetened	9·0	31·0
2. Full cream, sweetened	9·0	31·0
3. Half cream, unsweetened	4·5	26·5
4. Half cream, sweetened	4·5	26·5
5. Skimmed, unsweetened	—	20·0
6. Skimmed, sweetened	—	26·0

(a) 1 & 2 Geo. 6. c. 22.

THE THIRD SCHEDULE

Regulations revoked	Extent of Revocation
The Public Health (Condensed Milk) Regulations, 1923(a)	The whole regulations
The Public Health (Condensed Milk) Amendment Regulations, 1927(b).	The whole regulations
The Public Health (Dried and Condensed Milk) Regulations, 1943(c).	To the extent that they relate to the above mentioned regulations
The Public Health (Condensed Milk) (Amendment) Regulations, 1948(d).	The whole regulations
The Public Health (Condensed Milk) (Amendment) Regulations, 1953(e).	The whole regulations

EXPLANATORY NOTE

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

These regulations, which apply in England and Wales only, substantially re-enact in a consolidated and revised form the Public Health (Condensed Milk) Regulations, 1923, as subsequently amended. Certain new provisions have been introduced, the principal ones being—

(*a*) to provide for the sale of condensed partly skimmed (half cream) milk labelled " should not be used for babies except under medical advice " (Paragraphs 1 (*c*) and (*d*) of the First Schedule);

(*b*) to define half cream milk as meaning milk which contains not less than 10·8 per cent. of milk solids including not less than 1·8 per cent. of milk fat (Paragraph 2 of the First Schedule);

(*c*) to prescribe minimum percentages of milk fat and milk solids including fat for condensed partly skimmed (half cream) milk (Second Schedule).

(a) S.R. & O. 1923/509 (Rev. VIII, p. 28: 1923 p. 894).
(b) S.R. & O. 1927/1092 (Rev. VIII, p. 28: 1927 p. 457).
(c) S.R. & O. 1943/896 (Rev. VIII, p. 28: 1943 I, p. 288).
(d) S.I. 1948/1122 (Rev. VIII, p. 28: 1948 I, p. 1226).
(e) S.I. 1953/1609 (1953 I, p. 815).