STATUTORY INSTRUMENTS

1985 No. 1222 (S. 100)

FOOD

The Cream (Heat Treatment) (Scotland) Amendment Regulations 1985

Made- - - -	31*st July* 1985
Laid before Parliament	2*nd August* 1985
Coming into Operation	23*rd August* 1985

In exercise of the powers conferred on me by sections 4, 7, 13 and 56 of the Food and Drugs (Scotland) Act 1956(**a**) , and of all other powers enabling me in that behalf, after consultation in accordance with section 56(6) of the Food and Drugs (Scotland) Act 1956 with such organisations as appear to me to be representative of interests substantially affected by the regulations, I hereby make the following regulations:–

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Cream (Heat Treatment) (Scotland) Amendment Regulations 1985 and shall come into operation on 23rd August 1985.

(2) In these regulations "the principal regulations" means the Cream (Heat Treatment) (Scotland) Regulations 1983 (**b**).

2. Any reference in these regulations to a numbered regulation or schedule shall unless the reference is to specified regulations be construed as a reference to the regulation or schedule so numbered in the principal regulations.

Amendment of the principal regulations

3. The principal regulations shall be amended in accordance with the following provisions of these regulations.

Amendment of regulation 4

4. In regulation 4(1) (heat treatment of cream) after the words "regulations 3" there shall be inserted the words "4A".

Untreated cream

5. After regulation 4 there shall be inserted in the following regulation:–

"Untreated cream

4A.—(1) Notwithstanding the provisions of regulation 4 a person may sell untreated cream if he holds a valid certificate issued in accordance with the following provisions of this regulation.

(**a**) 1956 c.30; section 4 was amended by the European Communities Act 1972 (c.68), Schedule 4, paragraph 3(1); section 56 was amended by the Weights and Measures Act 1963 (c.31), Schedule 9, Part II, the European Communities Act 1972, Schedule 4, paragraph 3(2), the Criminal Justice Act 1982 (c.48), Schedule 15, paragraph 8, and S.I. 1984/526.

(**b**) S.I. 1983/1515.

(2) Where–

(a) a person was selling untreated cream at any time within the period of twelve months ending on 16 November 1983;

(b) such cream had been separated from milk produced from a herd in the ownership or control of that person; and

(c) not more than 1,500 litres of such cream had been sold by that person during that period;

that person may make application in writing to the Secretary of State for a certificate permitting the sale by him of untreated cream.

(3) Subject to the provisions of paragraph (5) the Secretary of State shall on an application for a certificate being duly made issue to the applicant a certificate authorising the sale by him of untreated cream.

(4) Any certificate issued in accordance with this regulation shall be subject to the conditions specified in Schedule 5.

(5) In the case of any application for a certificate under this regulation or of a certificate under this regulation it appears to the Secretary of State that–

(a) the requirements of paragraph (2)*(a)* to *(c)* are not satisfied by the person applying for or who has obtained such certificate, or

(b) the holder of a certificate has–

(i) failed to comply with any of the conditions specified in Schedule 5, and

(ii) failed to comply with that same condition on at least two previous occasions, and

(iii) a period of not less than 21 nor more than 35 days has intervened between the first and last of any three such failures to comply,

the Secretary of State shall refuse or as the case may be revoke the certificate.

(6) If the Secretary of State refuses or revokes a certificate he shall forthwith so inform the applicant or holder of the certificate by notice in writing.

(7) A certificate issued in accordance with paragraph (2) shall–

(a) apply only in relation to untreated cream produced and sold at the premises mentioned in the certificate; and

(b) unless revoked in accordance with paragraph (6), cease to have effect on and after 1st November 1986.

(8) *(a)* Untreated cream may be sampled at any time after it has been cooled and before it has been delivered to the ultimate consumer;

(b) the provisions as to sampling set out in Schedule 3, Part I, paragraphs 2 to 5, and the tests set out in Schedule 3, Part V, shall apply to untreated cream in respect of which a certificate has been issued in accordance with this regulation.".

Amendment of regulation 7

6. In regulation 7(1) (penalties and enforcement) after the word "regulations" there shall be added the following words:–

"including a condition specified in Schedule 5";

Amendment of Schedule 3

7. In Schedule 3–

(a) in Part II (the coliform test for pasteurised cream)–

(i) in paragraph 2*(b)* for "150/16" there shall be substituted "150/19";

(ii) in paragraph 3 for "16mm" there shall be substituted "19mm";

(b) in Part III (phosphatase test for pasteurised cream) in paragraphs 1(k) and 6(9) for "30" where it occurs there shall be substituted "40".

(c) after Part IV there shall be substituted the following Part:–

PART V

PROVISIONS AS TO THE TESTING OF SAMPLES OF UNTREATED CREAM FOR BACTERIAL COUNT AND COLIFORM BACTERIA

Treatment of sample before testing

1. All samples of cream shall be examined as soon as possible after arrival at the testing laboratory. If a sample is not examined immediately on arrival at the testing laboratory, it shall be kept at a temperature not higher than 5°C until examined, provided that no sample shall be so kept for a period exceeding 24 hours.

Apparatus

2. The apparatus to be used shall be–

(a) a supply of 10ml straight sided pipettes of an accuracy equal to that of NPL Grade B, and

(b) culture medium tubes which comply with B.S. 3218: 1982 or B.S. 625: 1959, 150/19 (each culture medium tube containing an inverted Durham tube conforming to B.S. 3218: 1982 or 625: 1959, 35/8).

Culture media

3.—(1) Bacterial count. The medium to be used shall be yeastrel milk agar, either compounded in the laboratory or prepared in accordance with the manufacturer's directions from a granular desiccated medium and shall have the following composition:–

Yeastrel	3.0 grams
Peptone	5.0 grams
Agar	15.0 grams
Milk (fresh or spray-dried, skim or whole milk)	10.0 ml.
Distilled water	to 1 litre

Where the medium is compounded in the laboratory it shall be filtered through a pulp-paper filter.

The medium shall be sterilised either by autoclaving at 121°C for 20 minutes or in a steamer for 30 minutes on three successive days.

The final reaction of the medium at room temperature shall be pH 7.2.

(2) Coliform test. The medium to be used shall be bile salt lactose broth, either compounded in the laboratory or prepared in accordance with the manufacturer's directions from a granular desiccated medium and shall have the following composition:–

Peptone	20.0 grams
Bile salts	5.0 grams
Sodium chloride (A.R.)	5.0 grams
Lactose (A.R.)	10.0 grams
Distilled water	to 1 litre
Brom-cresol purple (1.6%)	2.5 ml.

The medium shall be tubed in 5 ml. quantities in 150 x 19 mm. tubes provided with a rimless Durham tube (50 x 6.5 mm) and sterilised either by autoclaving at 121°C for 15 minutes or in a steamer for 30 minutes on three successive days.

The final reaction of the medium at room temperature shall be pH 7.2.

Dilutions

4. Quarter-strength Ringer's solution shall be used. The composition of full-strength Ringer's solution shall be–

Sodium chloride	9.00 grams
Potassium chloride	0.42 grams
Anhydrous calcium chloride	0.24 grams
Sodium bicarbonate	0.20 grams
Distilled water	1,000 ml.

Add 1 part of the above solution to 3 parts of distilled water. Fill into test tubes or bottles and sterilise by autoclaving at 121°C for 15 minutes. The quantity to be filled into the container before sterilisation must be predetermined to allow for evaporation losses during sterilisation.

Alternatively, sterile tubes and bottles may be filled aseptically with measured quantities of sterile quarter-strength Ringer's solution.

Temperature and time of incubation of the cultures

5. The Petri plate cultures and coliform cultures shall be incubated at 30°C ± 0.5°C for 72 hours.

Technique of tests

6.—(1) Colony count. In testing untreated cream 1 ml. of 1 in 1,000 dilution shall be plated. For each sample being tested not less than two plates shall be prepared.

(2) Coliform test. In testing untreated cream 1 ml. of 1 in 1,000 dilution shall be used. For each sample being tested three tubes shall be prepared.

Examination of cultures

7.—(1) Petri plate cultures. All colonies (including "pin-point" colonies) on each plate shall be counted and the arithmetic mean count obtained. To facilitate counting it is desirable to use a counting chamber, a suitable lens and a tally counter. The result of the count shall be recorded as the number of bacteria per millilitre to the nearest thousand.

(2) Coliform cultures. The culture tubes shall be examined for the production of acid and gas after the required period of incubation. Those tubes showing acid with gas production in the Durham tube shall be considered to be positive.

Interpretation of the coliform test

If acid and gas production are absent from two of the three tubes the portion of the sample which has been tested shall be presumed to contain no coliform bacteria.

General precautions

8.—(1) The sterility of the media and apparatus shall be tested by carrying out a blank test using sterile water in place of cream when each batch of samples is examined.

(2) Before the dilutions are prepared, the cream shall be thoroughly mixed.

(3) Each dilution shall be thoroughly mixed without vigorous shaking.

(4) In the preparation of the dilutions a separate sterile pipette shall be used for each dilution and for transferring the dilution to the Petri plate or bile salt broth.

(5) Not more than 15 minutes shall elapse betweeen the dilution of the cream and its admixture with the agar medium or bile salt broth.

(6) The melted agar shall be cooled to 45°C before it is poured into the Petri plates.

(7) The temperature of the incubator shall be frequently checked by means of a thermometer conforming to the British Standards Institution's specification and adjusted if necessary.

(8) Bile salt broth tubes showing any air in the Durham tube shall not be used to carry out the test.

(9) Distilled water: water prepared with a glass still or water of equal quality shall be used.".

Schedule 5

8. The Schedule to these regulations shall be inserted after Schedule 4 to the principal regulations and shall stand as Schedule 5 to those regulations.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
31st July 1985.

SCHEDULE Regulation 9

"SCHEDULE 5 Regulation 4A

Conditions of sale of untreated cream

1. The cream shall have been separated from milk produced from a herd in the ownership or control of the holder of the certificate.

2. Where an animal belonging to the herd shows evidence of any disease which is likely to affect its milk injuriously it shall be segregated from the rest of the herd or removed from the herd as the case may require, and, while the animal is so segregated or after it has been so removed, cream which has been separated from its milk shall not be sold.

3. Unless the milk is to be separated immediately after production it shall be cooled immediately on the premises where it was produced to a temperature not exceeding 5°C.

4. Immediately after the cream has been separated it shall be cooled to a temperature not exceeding 7°C and maintained at or below that temperature until it is delivered to the ultimate consumer.

5.—(1) Subject to paragraph 6 immediately after the cream is cooled it shall be put into the containers in which it is to be supplied to the ultimate consumer and which shall–

(a) bear the words "untreated cream" and

(b) be marked or labelled in accordance with the Food Labelling (Scotland) Regulations 1984 (a).

(2) Such containers shall be filled and securely closed on the premises at which the cream has been separated and cream shall not be removed from such containers or the caps or fastenings of such containers broken before the cream is sold to the ultimate consumer.

6.—(1) Where the cream is to be sold as part of a catering sale on the premises to which the certificate applies, immediately after the cream is cooled it shall be–

(a) put into the container from which it is to be served to the ultimate consumer as part of the catering sale, which container shall have been thoroughly cleaned and sterilised before use;

(b) kept covered and protected from the risk of contamination;

(c) maintained at a temperature of not more than 7°C until sold to the ultimate consumer as part of the catering sale.

(2) Where cream is sold as part of a catering sale on the premises to which the certificate applies the words "untreated cream" shall appear–

(a) on a label attached to the cream, or

(b) on a ticket or notice displayed in immediate proximity to the cream.

7. Any sample of untreated cream taken after it has been cooled but before sale to the ultimate consumer shall on being tested in accordance with Schedule 3, Part V be found to contain–

(a) not more than 50,000 bacteria per millilitre; and

(b) no coliform bacteria in one-thousandth of a millilitre.".

(a) S.I. 1984/1519.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The Regulations amend the Cream (Heat Treatment) (Scotland) Regulations 1983 ('the 1983 Regulations'). They–

(a) provide for the sale of untreated cream where a valid certificate permitting such sale has been issued by the Secretary of State;

(b) lay down certain criteria to be met before qualifying for a certificate;

(c) stipulate the conditions to be met by holders of a certificate;

(d) provide for the revocation of a certificate where the holder of the certificate failed to comply with the same condition attached to the certificate on a specified number of times within a specified period;

(e) provide that, unless previously revoked, a certificate issued in accordance with the regulations will cease to have effect on and after 1 November 1986; and

(f) apply, with minor modifications, the sampling provisions for heat treated cream set out in Schedule 3, Part I of the 1983 Regulations to untreated cream sold under a certificate (regulation 5 and Schedule).

The Regulations also make it an offence for a holder of a certificate of exemption to contravene or fail to comply with any of the conditions set out in the Schedule to the Regulations (regulation 6), insert a new Part V to Schedule 3 of the 1983 Regulations on the testing of samples of untreated cream and make certain other minor amendments concerning the apparatus used in the testing of pasteurised cream in that Schedule (regulation 7).

SI 1985/1222
ISBN 0-11-057222-X

