The Cream Order, 1950

1950 No. 876

Made - - - -	25*th May*, 1950
Laid before Parliament	30*th May*, 1950
Coming into Operation	1*st June*, 1950

In exercise of the powers conferred upon him by Regulations 55 and 55AB of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(a) as extended by the Supplies and Services (Extended Purposes) Act, 1947(b), and of all other powers him enabling, the Minister of Food hereby makes the following Order :—

1. In this Order—

"The Minister" means the Minister of Food.

"Catering establishment" means a catering establishment licensed or deemed to be licensed as such under the Food (Licensing of Establishments) Order, 1948, as amended(c).

"Clotted cream" means cream containing at least 50 per cent. by weight of butter fat and produced in the traditional manner by scalding, cooling and skimming cows' milk or cream produced from cows' milk.

"Cream" means cream produced from cows' milk and includes sterilised cream (commonly known as "tinned cream").

"Obtain" includes offer or agree to obtain and "supply" includes offer or agree to supply, and in particular includes a supply in or by a catering establishment as part of a meal.

"The specified area" means the counties of Cornwall, Devon, Dorset, Gloucester, Somerset and Wiltshire.

2.—(1) Except under and in accordance with the terms of a licence granted by or on behalf of the Minister for the purposes of this Order, no person shall manufacture or supply any cream, or, if it contains cream, any cream cheese or ice-cream.

(2) No person shall obtain any cream except from the holder of a licence granted under paragraph (1) of this Article.

(3) Nothing in this Article shall prohibit—

(*a*) the manufacture of cream by any person for the purpose of consumption by him or by members of his household or by guests sharing meals in such household;

(*b*) the manufacture or supply of cream by any person solely for the purpose of being used in and for the manufacture of butter;

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.
(b) 10 & 11 Geo. 6. c. 55.
(c) S.I. 1948 (Nos. 368 and 2584) II, pp. 404–7.

(*c*) the supply of clotted cream as part of a meal in or by a catering establishment situate in the specified area, provided that such catering establishment—

(i) is duly licensed under paragraph (1) of this Article to manufacture cream ; or

(ii) has duly obtained the clotted cream in question in accordance with paragraph (2) of this Article.

3.—(1) No person shall buy or offer to buy or sell or offer to sell or expose for sale any clotted cream at a price exceeding a price calculated at the rate of 5s. 3d. per lb.

(2) The maximum price specified in paragraph (1) of this Article includes all costs and charges of and incidental to packing and the provision of containers and no additional charge may be made therefor.

(3) The provisions of paragraph (1) of this Article shall not apply to the sale of clotted cream as part of a meal in or by a catering establishment situate in the specified area.

4. No person shall in connection with the sale or disposition or proposed sale or disposition of any cream enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

5.—(1) In any proceedings in respect of an infringement of this Order, the production by one of the parties of (i) a document purporting to be a certificate of a public analyst or the Government Chemist or (ii) a document supplied to him by the other party as being a copy of such a certificate shall be sufficient evidence of the facts stated therein, unless in the case mentioned under head (i) above the other party requires that the person making the analysis shall be called as a witness.

(2) In any such proceedings

(*a*) if the prosecution intends to produce a certificate of a public analyst or the Government Chemist a copy of such certificate shall be served with the summons ; and

(*b*) if a defendant intends to produce a certificate of a public analyst or the Government Chemist, or to require that the person making the analysis shall be called as a witness, he shall give to the other party at least three clear days' notice of his intention,

and, if any of these requirements is not complied with, the Court may, if it thinks fit, adjourn the hearing on such terms as it deems proper.

(3) In this Article "public analyst" has in relation to England and Wales the meaning assigned to it by the Food and Drugs Act, 1938(**a**), in relation to Scotland the meaning assigned to it by the Food and Drugs (Adulteration) Act, 1928(**b**), and in relation to Northern Ireland the meaning assigned to it by the Sale of Food and Drugs Acts (Northern Ireland), 1875 to 1939, and "Government Chemist" means, in relation to Northern Ireland, the Government Chemist for Northern Ireland.

6.—(1) The provisions of this Order are subject to any directions which may at any time be given by or on behalf of the Minister, and to any licence or authorisation which may be granted under this Order by or on behalf of the Minister.

(**a**) 1 & 2 Geo. 6. c. 56. (**b**) 18 & 19 Geo. 5. c. 31.

(2) Every person holding a licence or authorisation granted under this Order shall comply with every condition imposed by such licence or authorisation.

(3) Every licence or authorisation granted under this Order is and shall remain the property of the Minister, and the licensee or any person being in possession of any such licence or authorisation shall, if requested to do so by or on behalf of the Minister, produce or deliver it to such person or to a person of such class or description, and within such time, as may be specified in the request.

7. The Cream (Production and Sales) Order, 1940(**a**), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof.

8. Infringements of this Order are offences against the Defence (General) Regulations, 1939.

9. This Order shall come into operation on the 1st day of June, 1950, and may be cited as the Cream Order, 1950.

Dated the 25th day of May, 1950.

Maurice Webb,
Minister of Food.

EXPLANATORY NOTE

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

This Order replaces the Cream (Production and Sales) Order, 1940. It prohibits the manufacture or supply of cream except under licence and the obtaining of cream except from the holder of a licence.

It also restricts the serving of clotted cream by catering establishments to a specified area, namely, the counties of Cornwall, Devon, Dorset, Gloucester, Somerset and Wiltshire, and imposes a maximum price for clotted cream, except when supplied as part of a meal by a catering establishment in the specified area.

The Egg Products (Amendment) Order, 1950

1950 No. 1138

Made - - - -	12*th July*, 1950
Laid before Parliament	12*th July*, 1950
Coming into Operation	15*th July*, 1950

In exercise of the powers conferred upon him by Regulations 55 and 55AB of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(**b**) as extended by the Supplies and Services (Extended Purposes) Act, 1947(**c**), and of all

(**a**) S.R. & O. 1940 (No. 1714) II, p. 598.
(**b**) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.
(**c**) 10 & 11 Geo. 6. c. 55.