EXPLANATORY NOTE

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

This Order, which comes into operation on 23rd March, 1965, sets out the statutory minimum remuneration payable in substitution for that fixed by the Laundry Wages Regulation Order (Northern Ireland) 1961 (Order N.I.L. (62)) as amended by the Laundry Wages Regulation (Amendment) Order (Northern Ireland) 1964 (Order N.I.L. (66)).

Order N.I.L. (66) is revoked.

New provisions in the Schedule are printed in italics.

1965. No. 44 **[C]**

FOOD AND DRUGS

Composition and Labelling

Dried Milk

REGULATIONS, DATED 10TH MARCH, 1965, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTIONS 4, 7 AND 68 OF THE FOOD AND DRUGS ACT (NORTHERN IRELAND) 1958.

The Ministry of Health and Social Services, in exercise of the powers conferred upon it by Sections 4, 7 and 68 of the Food and Drugs Act (Northern Ireland) 1958(a), having consulted with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Dried Milk Regulations (Northern Ireland) 1965 and shall come into operation as follows:—

(*a*) this regulation and regulation 7(1) shall come into operation on the making of these regulations;

(*b*) in all other respects, these regulations shall come into operation on 11th March, 1965.

Interpretation

2.—(1) In these regulations—

"the Act" means the Food and Drugs Act (Northern Ireland) 1958;

"container" includes any form of packaging of dried milk for sale as a single item, whether by way of wholly or partly enclosing the dried milk or by way of attaching the dried milk to some other article, and in particular includes a wrapper or confining band;

(a) 1958. c. 27.

"dried milk" means milk, partly skimmed milk or skimmed milk, intended for sale for human consumption, which has been concentrated to the form of powder or solid by the removal of water, and includes any such milk which has been sweetened, modified or compounded;

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

"retail sale" 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 offer or expose for sale or have in possession for sale; and "sale" and "seller" shall be construed accordingly;

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

"sugar" means the product usually known as sugar in commercial usage, consisting principally of sucrose.

(2) Percentages shall be calculated by weight.

(3) These regulations apply to dried milk to which no other substance has been added and to the dried milk contained in any powder or solid of which not less than 70 per cent. consists of dried milk.

General Exemptions

3.—(1) The following provisions of these regulations shall not apply—

(*a*) in relation to any dried milk intended at the time of sale for exportation to any place outside the United Kingdom;

(*b*) in relation to any dried milk supplied or intended for supply under Government Contracts for consumption by Her Majesty's Forces or intended at the time of sale for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(**a**);

(*c*) in relation to any sale of dried milk to a caterer for the purposes of his catering business or to a manufacturer for the purposes of his manufacturing business.

(2) Until the Public Health (Dried Milk) Regulations 1925(**b**) are revoked in accordance with regulation 7(2) hereof the following provisions of these regulations shall not have effect in relation to any dried milk sold in compliance with the provisions of the said regulations; and the provisions of the said regulations shall not have effect (pending their revocation in accordance with regulation 7(2) hereof) in relation to any dried milk which is sold in compliance with the following provisions of these regulations or to which any of the exemptions in these regulations apply.

Composition and description of dried milk

4.—(1) Dried milk of each description specified in column 1 of Schedule 1 shall contain a percentage of milk fat within the limits specified in relation thereto in column 2 of that Schedule and shall contain not more than 5·0 per cent. of moisture, and no person shall sell any dried milk which does not comply with this regulation.

(2) No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing dried milk of a description to which paragraph (1) applies, unless such food complies with this regulation.

(**a**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67. (**b**) S.R. & O. (N.I.) 1925, No. 168.

(3) Where a person sells any food to a purchaser in response to a request for dried milk of a description to which paragraph (1) applies, he shall be deemed to sell dried milk of that description unless he clearly notifies the purchaser at the time of sale that the food is not dried milk of that description.

Labelling of containers of dried milk

5.—(1) Save as hereinafter provided, no person shall sell any dried milk except in a container bearing a label in accordance with the provisions of Schedule 2.

(2) No person shall expose or offer for sale by retail any dried milk in any such container if the container is 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 paragraph (1) applies.

(3) The provisions of this regulation shall not apply in relation to any sale of dried milk for immediate consumption on or at the premises of the seller or in or at any stall or mobile refreshment vehicle.

Penalties

6.—(1) If any person contravenes or fails to comply with any of the provisions of these regulations he shall be guilty of an offence and shall be liable on summary conviction—

(*a*) to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment; and

(*b*) 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.

(2) The requirements of section 47(3) of the Act (which requires notice to be given to the Ministry of Health and Social Services of intention to begin a prosecution for an offence against any provisions of these regulations relating to labelling or marking) shall not apply as respects any proceedings instituted by a health authority for an offence against any such provisions.

Revocation

7.—(1) The Dried Milk Regulations (Northern Ireland) 1964(a) are hereby revoked.

(2) The Public Health (Dried Milk) Regulations 1925 shall be revoked on 10th September, 1965.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 10th day of March, 1965.

(L.S.)

N. Dugdale,
Senior Assistant Secretary.

(a) S.R. & O. (N.I.) 1964, No. 156.

Regulation 4

SCHEDULE 1

Description and composition of dried milk

Column 1	*Column 2*
Description of dried milk	*Percentage of milk fat*
Dried full cream milk	Not less than 26
Dried three-quarter cream milk	Less than 26 and more than 17
Dried half cream milk	Not more than 17 and not less than 14
Dried quarter cream milk	Less than 14 and not less than 8
Dried partly skimmed milk	Less than 8 and not less than 1·5
Dried skimmed milk	Less than 1·5

Regulation 5

SCHEDULE 2

Labelling of containers of dried milk

1.—(1) Subject to the provisions of this paragraph, 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:—

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

DRIED FULL CREAM MILK

CONTAINS THE EQUIVALENT OF (X) PINTS OF MILK

(*b*) In the case of dried three-quarter cream milk, dried half cream milk, dried quarter cream milk and dried partly skimmed milk:—

DRIED (Y) MILK

SHOULD NOT BE USED FOR BABIES EXCEPT UNDER MEDICAL ADVICE

CONTAINS THE EQUIVALENT OF (X) PINTS OF (W) MILK

(*c*) In the case of dried skimmed milk, either:—

DRIED SKIMMED MILK

UNFIT FOR BABIES
[*or* NOT TO BE USED FOR BABIES]

CONTAINS THE EQUIVALENT OF (X) PINTS OF SKIMMED MILK

or

DRIED LOW-FAT SKIMMED MILK

CONTAINS NOT MORE THAN (Z)% MILK FAT

UNFIT FOR BABIES
[*or* NOT TO BE USED FOR BABIES]

CONTAINS THE EQUIVALENT OF (X) PINTS OF SKIMMED MILK

(2) The declaration printed on the label of a container to which regulation 5 applies shall, in the case of dried milk to which any substance other than sodium bicarbonate or sodium citrate has been added, be in the appropriate form prescribed in sub-paragraph (1) of this paragraph with the following modifications:—

(*a*) There shall be added to the description of dried milk included in the declaration—

(i) the word "sweetened" where only sugar has been added;

(ii) the word "modified" where only a constituent of milk has been added; and

(iii) the word "compounded" in every other case.

(*b*) Except where sugar is the only added ingredient, the words "with (S) added" shall in every case follow the description of the dried milk, words being inserted at (S) to specify the substance or substances added.

(3) Where the gross weight of the container is more than 10lb., the words "Contains the equivalent of (X) pints of milk" may be omitted from the declaration.

(4) Where the milk or any part thereof is other than cow's milk, a word or words denoting the animal or animals from which the milk has been derived shall be inserted immediately before the word "milk" wherever that word appears in the declaration.

2. The declaration shall in each case be completed as follows:—

(*a*) There shall be inserted at (X) the appropriate number or fraction in words or figures;

(*b*) There shall be inserted at (Y) the remainder of the appropriate description of dried milk in the terms set out in column 1 of Schedule 1 and the same words shall be inserted at (W);

(*c*) There shall be inserted at (Z) the maximum milk fat content expressed as a percentage of the total weight of the dried milk;

(*d*) In the case of dried full cream milk, dried three-quarter cream milk, dried half cream milk, dried quarter cream milk and dried partly skimmed milk, the declaration may also include a statement of the milk fat content expressed as a percentage of the total weight of the dried milk, and, in the case of dried milk described as dried skimmed milk, the declaration may also include a statement of the maximum milk fat content expressed as aforesaid;

(*e*) The figure to be inserted at (X) shall, in the case of dried full cream milk, dried three-quarter cream milk, dried half cream milk and dried quarter cream milk, be such as to ensure that the equivalent quantity is accurately expressed in terms of milk of the appropriate description set out in column 1 of the following Table containing not less than the percentages of milk fat and milk solids including fat shown in relation thereto in columns 2 and 3 respectively and, in the case of partly skimmed milk and skimmed milk, be such as to ensure that the equivalent quantity is accurately expressed in terms of milk of the appropriate description set out in the said column 1 containing not less than the percentage of milk solids other than milk fat shown in relation thereto in column 4 of the following Table:—

Column 1	*Column 2*	*Column 3*	*Column 4*
Description of milk	*Minimum percentage of milk fat*	*Minimum percentage of milk solids including milk fat*	*Minimum percentage of milk solids other than milk fat*
Milk	3·6	12·4	
Three-quarter cream milk	2·7	11·6	
Half cream milk	1·8	10·8	
Quarter cream milk	0·9	9·9	
Partly skimmed milk			9
Skimmed milk			9

3.—(1) The prescribed declaration shall be printed distinctly and legibly in dark block type upon a light-coloured ground or in light block type upon a dark-coloured ground.

(2) There shall be a surrounding line enclosing the declaration and in 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 prescribed in paragraphs 1 and 2 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 and the type used for the words "Unfit for babies" or "Not to be used for babies" shall be not less than twice the height of any other part of the declaration, except that in the case of a container of dried milk containing the equivalent of a quarter of a pint of milk or less, the type used for the declaration shall not in any part be less than 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) Every label affixed pursuant to regulation 5 shall—

(*a*) be securely affixed to, or form part of, the container;

(*b*) be so placed on the side or top of the container as to be clearly visible; and

(*c*) either form part of any main label, or be a separate label in close proximity to the main label.

5. There shall not be placed on any container containing dried milk—

(*a*) any comment on, explanation of, or reference to either the statement of equivalence contained in the prescribed declaration or the words "three-quarter", "half", "quarter", "partly skimmed", "skimmed", "low-fat", "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 than 9 per cent. milk solids other than milk fat; or

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

EXPLANATORY NOTE

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

These regulations revoke the Dried Milk Regulations (Northern Ireland) 1964 on 10th March, 1965 (before those regulations would have come into operation) and re-enact in a consolidated and revised form the Public Health (Dried Milk) Regulations 1925, as subsequently amended, on 11th March, 1965. The Public Health (Dried Milk) Regulations 1925, as amended, continue in force, however, for a transitional period ending on 10th September, 1965. During that period, the provisions of these regulations will not have effect in relation to any dried milk sold in compliance with those regulations, and vice versa (regulation 3(2)).

The principal changes from the Public Health (Dried Milk) Regulations 1925, as amended, are:—

(1) minimum and maximum percentages (calculated by weight) are prescribed for the milk fat content of dried three-quarter cream milk, dried half cream milk, dried quarter cream milk and dried partly skimmed milk (regulation 4(1) and Schedule 1);

(2) the upper limit for the milk fat content of dried skimmed milk has been reduced from 8 per cent. to 1·5 per cent. and the description "dried low-fat skimmed milk" is permitted as an alternative description (regulation 4 and Schedule 1);

(3) a maximum moisture content of 5 per cent. is prescribed for all descriptions of dried milk (regulation 4(1) and Schedule 1);

(4) containers bearing the description "dried low-fat skimmed milk" are required, and those bearing the description "dried skimmed milk" are permitted, to carry a declaration as to the maximum milk fat content of the dried milk in the containers and containers of any other dried milk are permitted to carry a declaration as to the actual milk fat content (regulation 5 and Schedule 2);

(5) the regulations do not apply to dried milk intended for export or for consumption by Her Majesty's Forces or by a visiting force or to any sale of dried milk to a caterer or manufacturer, and the labelling provisions therein do not apply to any sale of dried milk for immediate consumption (regulations 3 and 5(3)).

The regulations will come into operation on 11th March, 1965.