1968 No. 430

FOOD AND DRUGS

COMPOSITION AND LABELLING

The Fish and Meat Spreadable Products Regulations 1968

Made - - -	*15th March* 1968
Laid before Parliament	*27th March* 1968
Coming into Operation	*15th March* 1971

The Minister of Agriculture, Fisheries and Food and the Minister of Health, acting jointly, in exercise of the powers conferred on them by sections 4, 7, 123 and 136(2) of, and paragraph 2(2) of Schedule 12 to, the Food and Drugs Act 1955(**a**) and of all other powers enabling them 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 82 of the said Act (insofar as the regulations are made in exercise of the powers conferred by the said section 7) :—

PART I

PRELIMINARY

Citation and commencement

1. These regulations may be cited as the Fish and Meat Spreadable Products Regulations 1968 ; and shall come into operation on 15th March 1971.

Interpretation

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

"the Act" means the Food and Drugs Act 1955 ;

"binder" means flour, or starch derived therefrom, of any non-leguminous starchy grain, non-leguminous root or non-leguminous tuber or of any physical modification of any such grain, root or tuber, and includes any soya flour, soya starch, groundnut flour or groundnut lipoprotein ;

"butter-fat content" means the total weight of butter-fat contained in a paste expressed as a percentage of the total weight of the paste, and "content of butter-fat" shall be construed accordingly ;

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

"fish" means the edible portion of any fish including edible molluscs and crustacea ;

(**a**) 4 & 5 Eliz. 2. c. 16.

"fish content" means the total weight of fish when raw contained in any fish paste expressed as a percentage of the total weight of that fish paste, and "content of fish" shall be construed accordingly;

"fish paste" means any readily spreadable product intended for sale for human consumption of which fish is a major ingredient and includes potted fish, chopped fish, minced fish, flaked fish and pâté intended, in each case, for a use similar to any normal use of fish paste;

"food" means food intended for sale for human consumption and includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—

(*a*) water, live animals or birds,

(*b*) fodder or feeding stuffs for animals, birds or fish, or

(*c*) articles or substances used only as drugs;

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

"human consumption" includes use in the preparation of food for human consumption;

"lean meat content" means the total weight of lean meat, free of visible fat, when raw, contained in meat paste expressed as a percentage of the total weight of that meat paste;

"meat" means the flesh, including fat, and the skin, rind, gristle and sinew in amounts naturally associated with the flesh used, of any animal or bird which is normally used for human consumption and includes cured meat and permitted offal, but does not include fish;

"meat content" means the total weight of meat when raw contained in any meat paste expressed as a percentage of the total weight of that meat paste, and "content of meat" shall be construed accordingly;

"meat paste" means any readily spreadable product intended for sale for human consumption of which meat is a major ingredient and includes potted meat, chopped meat, minced meat, flaked meat and pâté intended, in each case, for a use similar to any normal use of meat paste;

"paste" means fish paste or meat paste;

"permitted offal" means any offal other than offal prohibited to be used in any uncooked open meat product by the Offals in Meat Products Order 1953(**a**);

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

"sell by retail" means sell to a person buying otherwise than for the purpose of re-sale, and "sold by retail" shall be construed accordingly;

AND other expressions have the same meaning as in the Act.

(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 orders hereby revoked were Acts of Parliament.

(3) All percentages mentioned in these regulations are percentages calculated by weight.

(**a**) S.I. 1953/246 (1953 I, p. 686). (**b**) 1889 c. 63.

(4) Any reference in these regulations to a label borne on a container shall be construed as including a reference to any legible marking on the container however effected.

(5) For the purposes of these regulations, the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food, and references to purchasing and purchaser shall be construed accordingly.

(6) Any reference in these regulations to any order or other regulations shall be construed as a reference to such order or regulations as amended by any subsequent order or regulations.

Exemptions

3. The following provisions of these regulations shall not apply to any paste—

(*a*) sold, consigned or delivered for exportation to any place outside the United Kingdom; or

(*b*) supplied under Government contracts for consumption by Her Majesty's forces or supplied for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(a); or

(*c*) sold, consigned or delivered to a manufacturer for the purposes of his manufacturing business or to a caterer for the purposes of his catering business.

PART II

DESCRIPTION AND COMPOSITION OF MEAT PASTE AND FISH PASTE

Description and composition of meat paste

4.—(1) Subject to the provisions of regulation 6 hereof, any meat paste sold, consigned or delivered shall bear one of the following descriptions and comply with the compositional requirements specified in relation to that description, save that the appropriate description need be borne by any meat paste sold, consigned or delivered otherwise than in a container only when such meat paste is sold by retail :—

(*a*) "meat paste" if the meat paste has a meat content of not less than 70 per cent.:

Provided that in place of the word "meat" there may be substituted the name of any meat characterising the meat paste, and in place of the word "paste" the word "pâté" in the case of a meat paste which has the characteristics of a pâté;

(*b*) "X spread", the description being completed by inserting at "X" the name of any meat, if the meat paste has a meat content of such meat of not less than 70 per cent.:

Provided that in the place of the word "spread" there may be substituted the word "pâté" in the case of a meat paste which has the characteristics of a pâté;

(*c*) "potted meat", "chopped meat", "minced meat" or "flaked meat" if the meat paste has a meat content of not less than 95 per cent. and does not contain any added binder;

(a) 1952 c. 67.

(*d*) "potted X", "chopped X", "minced X" or "flaked X", the description being completed by inserting at "X" the name of any meat, if the meat paste has a meat content of such meat of not less than 95 per cent. and does not contain any added binder;

(*e*) "potted meat and Y", "chopped meat and Y", "minced meat and Y" or "flaked meat and Y", the description being completed by inserting at "Y" the name of another main ingredient, if the meat paste has a meat content of not less than 80 per cent. and a content of meat and that other main ingredient, taken together, of not less than 95 per cent. and does not contain any added binder;

(*f*) "potted X and Y", "chopped X and Y", "minced X and Y" or "flaked X and Y", the description being completed by inserting at "X" the name of any meat and at "Y" the name of another main ingredient, if the meat paste has a meat content of such meat of not less than 80 per cent. and a content of such meat and that other main ingredient, taken together, of not less than 95 per cent. and does not contain any added binder:

Provided that in any description mentioned in this or the last preceding sub-paragraph there may be substituted for the word "and" the word "in" or "with";

(*g*) "chopped meat in jelly", "minced meat in jelly" or "flaked meat in jelly" if the meat paste contains added jelly but no added binder and has a meat content of not less than 70 per cent.;

(*h*) "chopped X in jelly", "minced X in jelly" or "flaked X in jelly", the description being completed by inserting at "X" the name of any meat, if the meat paste contains added jelly but no added binder and has a meat content of such meat of not less than 70 per cent.;

(*j*) "brawn" without any word or words stating or implying that the meat paste with jelly has a meat content of not less than 70 per cent., if the meat paste contains added jelly but no added binder and has a meat content of not less than 60 per cent.;

(*k*) any description mentioned in sub-paragraph (*a*) or (*b*) hereof followed by the words "and butter" or "with butter" if the meat paste has a butter-fat content of not less than 6 per cent. and complies with the requirements specified in the said sub-paragraph (*a*) or (*b*), as the case may be, in relation to that description;

(*l*) any description mentioned in sub-paragraph (*c*) or (*d*) hereof followed by the words "and butter" or "with butter" if the meat paste does not contain any added binder and has a butter-fat content of not less than 6 per cent. and either a meat content and butter-fat content, taken together, of not less than 96 per cent. or, in a case where the description includes the name of any meat, a meat content of the meat so named and a butter-fat content, taken together, of not less than 96 per cent.;

(*m*) any description mentioned in sub-paragraph (*e*) or (*f*) hereof followed by the words "and butter" or "with butter" if the meat paste does not contain any added binder and has a butter-fat content of not less than 6 per cent. and either a meat content of not less than 80 per cent. or, in a case where the description includes the name of any meat, a meat content of the meat so named of not less than 80 per cent. and, in any case, a content of meat, butter-fat and the other main ingredient, taken together of not less than 96 per cent..

(2) Where any meat paste is sold, consigned or delivered in a container under any description mentioned in sub-paragraph (*g*) or (*h*) of the last preceding paragraph and has a net weight of more than 3 ounces, the words "for spreading" shall appear clearly and legibly on a label on the container in immediate proximity to, and as prominently as, the description.

(3) The lean meat content of any meat paste shall be not less than 60 per cent. of the minimum meat content specified in relation to that meat paste in this regulation:

Provided that this paragraph shall not apply to any meat paste bearing a description which includes the word "pâté" in accordance with paragraph (1) (*a*) or (*b*) of this regulation.

(4) No person shall sell, consign or deliver any meat paste in contravention of this regulation.

Description and composition of fish paste

5.—(1) Subject to the provisions of regulation 6 hereof, any fish paste sold, consigned or delivered shall bear one of the following descriptions and comply with the compositional requirements specified in relation to that description, save that the appropriate description need be borne by any fish paste sold, consigned or delivered otherwise than in a container only when such fish paste is sold by retail:—

(*a*) "fish paste" if the fish paste has a fish content of not less than 70 per cent.:

Provided that in place of the word "fish" there may be substituted the name of any fish characterising the fish paste, and in place of the word "paste" the word "pâté" in the case of a fish paste which has the characteristics of a pâté;

(*b*) "X spread", the description being completed by inserting at "X" the name of any fish, if the fish paste has a fish content of such fish of not less than 70 per cent.:

Provided that in place of the word "spread" there may be substituted the word "pâté" in the case of a fish paste which has the characteristics of a pâté;

(*c*) "potted fish", "chopped fish", "minced fish" or "flaked fish" if the fish paste has a fish content of not less than 95 per cent. and does not contain any added binder;

(*d*) "potted X", "chopped X", "minced X" or "flaked X", the description being completed by inserting at "X" the name of any fish, if the fish paste has a fish content of such fish of not less than 95 per cent. and does not contain any added binder;

(*e*) "potted fish and Y", "chopped fish and Y", "minced fish and Y" or "flaked fish and Y", the description being completed by inserting at "Y" the name of another main ingredient, if the fish paste has a fish content of not less than 80 per cent. and a content of fish and that other main ingredient, taken together, of not less than 95 per cent. and does not contain any added binder;

(*f*) "potted X and Y", "chopped X and Y", "minced X and Y" or "flaked X and Y", the description being completed by inserting at "X" the name of any fish and at "Y" the name of another main ingredient, if the fish

paste has a fish content of such fish of not less than 80 per cent. and a content of such fish and that other main ingredient, taken together, of not less than 95 per cent. and does not contain any added binder:

Provided that in any description mentioned in this or the last preceding sub-paragraph there may be substituted for the word "and" the word "in" or "with";

(*g*) "dressed crab" if the fish paste has a fish content, consisting wholly of crab meat, of not less than 93 per cent.;

(*h*) any description mentioned in sub-paragraph (*a*) or (*b*) hereof followed by the words "and butter" or "with butter" if the fish paste has a butter-fat content of not less than 6 per cent. and complies with the requirements specified in the said sub-paragraph (*a*) or (*b*), as the case may be, in relation to that description;

(*j*) any description mentioned in sub-paragraph (*c*) or (*d*) hereof followed by the words "and butter" or "with butter" if the fish paste does not contain any added binder and has a butter-fat content of not less than 6 per cent. and either a fish content and butter-fat content, taken together, of not less than 96 per cent. or, in a case where the description includes the name of any fish, a fish content of the fish so named and a butter-fat content, taken together, of not less than 96 per cent.;

(*k*) any description mentioned in sub-paragraph (*e*) or (*f*) hereof followed by the words "and butter" or "with butter" if the fish paste does not contain any added binder and has a butter-fat content of not less than 6 per cent. and either a fish content of not less than 80 per cent., or, in a case where the description includes the name of any fish, a fish content of the fish so named of not less than 80 per cent. and, in any case, a content of fish, butter-fat and the other main ingredient, taken together, of not less than 96 per cent..

(2) No person shall sell, consign or deliver any fish paste in contravention of this regulation.

Pastes which require grilling

6. Regulations 4 and 5 of these regulations shall not apply to any paste if such paste, when sold, consigned or delivered, bears the words "requires grilling".

Sales by description

7.—(1) No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing any kind of paste for which compositional requirements are specified in these regulations unless the food complies with the appropriate compositional requirements specified in these regulations in relation to that kind of paste.

(2) Where a person sells any food to a purchaser in response to a request for any kind of paste for which compositional requirements are specified in these regulations, he shall be deemed to sell paste of that kind and under such a description as is specified in these regulations in relation to that kind of paste unless he clearly notifies the purchaser at the time of sale that the food is not that kind of paste.

Requirements as to presentation of descriptions

8. Any description, name or word required or permitted by virtue of regulation 4, 5 or 6 of these regulations to be borne on any paste shall appear, when the said paste is—

(*a*) sold, consigned or delivered in a container, on a label borne on the container of the said paste;

(*b*) sold by retail otherwise than in a container, on a ticket placed on or in immediate proximity to the said paste so as to be clearly visible to an intending purchaser;

and such description, name or word shall appear as or as part of, or in close proximity to, the name of the paste, and the provisions of paragraphs 1 and 2 of Schedule 4 to the Labelling of Food Regulations 1967(a) shall apply in relation to any description, name or word required by virtue of this regulation to appear on a label borne on the container as they apply in relation to an appropriate designation or common or usual name for the purposes of those regulations and the provisions of paragraph 6 of the said Schedule 4 shall apply in relation to any description, name or word required by virtue of this regulation to appear on a ticket as they apply in relation to a statement required by regulation 9 (1) or (2) of those regulations.

Labelling and advertisement of paste

9. No person shall—

(*a*) give with any paste sold by him any label, whether attached to or borne on the container or not, or display with any paste offered or exposed by him for sale any ticket, or

(*b*) publish, or be a party to the publication of, any advertisement for paste,

being a label, ticket or advertisement, as the case may be, which bears or includes any description required or permitted to be used by virtue of regulation 4 or 5 of these regulations, or any description substantially similar to such description, unless such paste conforms to the compositional requirements specified in regulation 4 or 5 of these regulations in relation to that description.

PART III

ADMINISTRATION AND GENERAL

Penalties and enforcement

10.—(1) 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.

(2) Each food and drugs authority shall enforce and execute such provisions in their area.

(3) The requirement of section 109(3) of the Act (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 made under section 7 of the Act) shall not apply as respects any proceedings instituted by a council for an offence against any such provisions of these regulations.

(a) S.I. 1967/1864 (1967 III, p. 5013).

Defences

11.—(1) In any proceedings for an offence against these regulations in relation to the publication of an advertisement, it shall be a defence for the defendant to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.

(2) In any proceedings against the manufacturer or importer of any paste for an offence against these regulations in relation to the publication of an advertisement, it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.

Application of various sections of the Act

12.—(1) Sections 108 (3) and (4) (which relate to prosecutions), 110 (1), (2) and (3) (which relate to evidence of analysis), 112 (which relates to the power of a court to require analysis by the Government Chemist), 113 (which relates to a contravention due to some person other than the person charged), 115 (2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 116 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution as the case may be, taken or brought for an offence under these regulations and as if the reference in the said section 112 to subsection (4) of section 108 included a reference to that subsection as applied by these regulations.

(2) Paragraph (*b*) of the proviso to section 108 (1) of the Act shall apply for the purposes of these regulations as if the reference therein to section 116 of the Act included a reference to that section as applied by these regulations.

Revocation

13. The orders specified in the Schedule to these regulations are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th March 1968.

(L.S.) *Frederick Peart.*
Minister of Agriculture, Fisheries and Food.

Given under the official seal of the Minister of Health on 15th March 1968.

(L.S.) *Kenneth Robinson,*
Minister of Health.

SCHEDULE

Regulation 13

Orders revoked	References
The Food Standards (Fish Paste) Order 1951.	S.I. 1951/1456 (1951 III, p. 16).
The Food Standards (Meat Paste) Order 1951.	S.I. 1951/1457 (1951 III, p. 20).
The Food Standards (Fish Paste) (Amendment) Order 1951.	S.I. 1951/2241 (1951 III, p. 18).
The Food Standards (Meat Paste) (Amendment) Order 1951.	S.I. 1951/2242 (1951 III, p. 22).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which apply to England and Wales only, supersede the Food Standards (Fish Paste) Order 1951, as amended, and the Food Standards (Meat Paste) Order 1951, as amended. They specify requirements for the description, composition, labelling and advertisement of meat paste and fish paste. They come into operation on 15th March 1971.

The regulations do not apply to any meat paste or fish paste sold for export, supplied for consumption by Her Majesty's forces or a visiting force or for use for manufacturing or catering purposes.