1968. No. 103 **[C]**

FOOD AND DRUGS

Composition and Labelling

Fish and Meat Spreadable Products

REGULATIONS, DATED 18TH APRIL 1968, 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:—

PART I

PRELIMINARY

Citation and commencement

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

Interpretation

2.—(1) In these regulations—

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

"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;

"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;

"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;

"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;

"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

(a) 1958. c. 27.

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;

"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 Regulations (Northern Ireland) 1960(**b**);

"sell" includes offer or expose for sale or have in possession for sale;

"sell by retail" means sell to a person buying otherwise than for the purpose of re-sale.

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

(3) 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.

(4) 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.

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(**c**); 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, 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:—

(**b**) S.R. & O. (N.I.) 1960, No. 165. (**c**) 15 & 16 Geo. 6 and 1 Eliz. 2. c. 67.

(*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;

(*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*) 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 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*) 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*) 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*).

(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, 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*) 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 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*) 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*) 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 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 unless the food complies with the appropriate compositional requirements specified 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 he shall

be deemed to sell paste of that kind and under such a description as is specified 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 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 (Northern Ireland) 1968(**d**) 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, or any description substantially similar to such description, unless such paste conforms to the compositional requirements specified in regulation 4 or 5 in relation to that description.

PART III

ADMINISTRATION AND GENERAL

Penalties.

10.—(1) If any person contravenes or fails to comply with any of the foregoing provisions 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 requirement 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

(**d**) S.R. & O. (N.I.) 1968, No. 1.

a prosecution 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 health authority for an offence against any such provisions.

Defences

11.—(1) In any proceedings for an offence 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 and did not himself make or cause to be made any material alteration in the substance of the advertisement.

(2) In any proceedings against the manufacturer or importer of any paste for an offence 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.

Amendment of the Food Standards (Miscellaneous Foods) Regulations

12. The Food Standards (Miscellaneous Foods) Regulations (Northern Ireland) 1960(e) shall be amended by deleting the references to "Fish Paste" and "Meat Paste" in column 1 and the standards for such foods specified in column 2 of the Schedule thereto.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 18th day of April 1968.

(L.S.) *S. H. O'Fee,*
Assistant Secretary.

EXPLANATORY NOTE

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

These regulations supersede the provisions for fish paste and meat paste in the Food Standards (Miscellaneous Foods) Regulations (Northern Ireland) 1960. 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.

(e) S.R. & O. (N.I.) 1960, No. 160.