1959 No. 2106

The Fluorine in Food Regulations, 1959

Made - - - -	10*th December*, 1959
Laid before Parliament	15*th December*, 1959
Coming into Operation	14*th March*, 1960

The Minister of Agriculture, Fisheries and Food and the Minister of Health acting jointly, in exercise of the powers conferred on them by sections four and one hundred and twenty-three of the Food and Drugs Act, 1955(a), and of all other powers them enabling 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 :—

1. These regulations may be cited as the Fluorine in Food Regulations, 1959; and shall come into operation on the 14th day of March, 1960.

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

" acidic phosphate " means any acidic substance derived from any ortho-, pyro- or poly-phosphoric acid or from any combination of two or more of any such acids ;

" 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, or

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

" food and drugs authority " has the meaning assigned to it by section 83 of the Food and Drugs Act, 1955 ;

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

" importation " has the same meaning as it has for the purposes of the Customs and Excise Act, 1952(b) ; and " import " shall be construed accordingly ;

" preparation " includes manufacture and any form of treatment ;

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

(2) The Interpretation Act, 1889(c), 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 order hereby revoked were Acts of Parliament.

(a) 4 & 5 Eliz. 2. c. 16. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44. (c) 52 & 53 Vict. c. 63.

3.—(1) No food specified in the first column of the following table shall contain any fluorine in a proportion by weight exceeding that specified in relation thereto in the second column of that table :—

Food	Maximum Fluorine Content (expressed in terms of parts per million)
1. Self-raising flour or any similar mixture (not included in item 2 below) containing a farinaceous substance and an acidic phosphate.	3
2. Baking powder, including golden raising powder.	15
3. Any article or substance (not included in any of the foregoing items) used as an ingredient in the preparation of food and consisting wholly or partly of an acidic phosphate.	30 (of the acidic phosphates present)

(2) No person shall sell, consign or deliver, or import any food to which paragraph (1) of this regulation applies which does not comply with the provisions of that paragraph.

4. Where any food is certified by a public analyst as being food which it is an offence against regulation 3 hereof to sell, consign or deliver, or import, that food may be treated for the purposes of section 9 of the Food and Drugs Act, 1955, (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption.

5.—(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:

Provided that each port health authority shall enforce and execute in their district the provisions of regulation 3 hereof insofar as they relate to importation.

6. The Fluorine in Food Order, 1947(a), is hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this eighth day of December, nineteen hundred and fifty-nine.

(L.S.)

John Hare,
Minister of Agriculture, Fisheries and Food.

(a) S. R. & O. 1947/1134 (1947 II, p. 10).

Given under the Official Seal of the Minister of Health this tenth day of December, nineteen hundred and fifty-nine.

(L.S.)

Derek Walker-Smith,
Minister of Health.

EXPLANATORY NOTE

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

These regulations replace the Fluorine in Food Order, 1947, in its application to England and Wales.

The regulations prescribe reduced maximum limits for the fluorine content of acidic phosphates used for food purposes and of foods containing acidic phosphates.

1959 No. 2182 (S. 120)

The Fluorine in Food (Scotland) Regulations, 1959

Made - - - -	*17th December,* 1959
Laid before Parliament	*23rd December,* 1959
Coming into Operation	*14th March,* 1960

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

1. These regulations may be cited as the Fluorine in Food (Scotland) Regulations, 1959; and shall come into operation on the 14th day of March, 1960.

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

"acidic phosphate" means any acidic substance derived from ortho-, pyro-, or poly-phosphoric acid or from any combination of two or more such acids;

"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, or

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

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

(a) 4 & 5 Eliz. 2. c. 30.