1959 No. 572 (S. 24)

The Food Standards (Ice-Cream) (Scotland) Regulations, 1959

Made - - - -	*25th March*, 1959
Laid before Parliament	*3rd April*, 1959
Coming into Operation	*27th April*, 1959

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 Food Standards (Ice-Cream) (Scotland) Regulations, 1959, and shall come into operation on the 27th day of April, 1959.

2.—(1) In these regulations "local authority" means the council of a county or a large burgh within the meaning of the Local Government (Scotland) Act, 1947(b) and any small burgh within the meaning of that Act shall for the purposes of these regulations be deemed to be included in the county in which it is situated.

(2) The Interpretation Act, 1889(c), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. The provisions of these regulations shall be enforced and executed in any area by the local authority of that area.

4. The Food Standards (General Provisions) Order, 1944(d), as amended(e), shall not apply as respects any food for which a standard is prescribed by these regulations.

5. In these regulations any reference to ice-cream includes a reference to ices but nothing herein shall apply to water ices, including ice lollies.

6.—(1) Ice-cream (whether or not it forms part of a composite article of food) intended for sale for human consumption shall conform to the standard of composition set forth in the Schedule to these regulations.

(2) No person shall sell, or offer or expose for sale any food intended for human consumption under such a description as to lead an intending purchaser to believe he is purchasing ice-cream or a composite article of food containing ice-cream unless the food complies with the said standard or, as the case may be, the composite article of food contains food which complies with the said standard.

(a) 4 & 5 Eliz. 2. c. 30. (b) 10 & 11 Geo. 6, c. 43. (c) 52 & 53 Vict. c. 63.
(d) S.R. & O. 1944/42 (1944 II, p. 505). (e) S.R. & O. 1944/654 (1944 II, p. 508).

(3) Where a person sells any food to a purchaser in response to a request for ice-cream or for a composite article of food containing ice-cream he shall be deemed to sell ice-cream or, as the case may be, a composite article of food containing ice-cream unless he clearly notifies the purchaser at the time of sale that the food is not or, as the case may be, the composite article of food does not contain ice-cream.

7. 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—

(*a*) on summary conviction to—

(i) a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment; and

(ii) in the case of a continuing offence to a fine not exceeding ten pounds for every day during which the offence is continued; or

(*b*) on conviction on indictment to—

(i) a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment; and

(ii) in the case of a continuing offence to a further fine not exceeding fifty pounds for every day during which the offence is continued.

8. The Food Standards (Ice-Cream) Order, 1953(a), is hereby revoked but without prejudice to any proceedings in respect of any contravention of the Food Standards (General Provisions) Order, 1944, as amended, construed as one with the said Food Standards (Ice-Cream) Order, 1953.

Dated this 25th day of March, 1959.

Home,
One of Her Majesty's Principal Secretaries of State.

THE SCHEDULE

Standard of Composition for Ice-Cream

1. The standard of composition for ice-cream (whether or not it forms part of a composite article of food) shall be as follows:—

(*a*) Ice-cream shall contain not less than 5 per cent. fat and 7½ per cent. milk solids other than fat so, however, that where ice-cream contains any fruit, fruit pulp or fruit puree it shall either conform to the above standard or, alternatively, the total content of fat and milk solids other than fat shall be not less than 12½ per cent. of the whole including the fruit, fruit pulp or fruit puree, as the case may be, and such total content of fat and milk solids other than fat shall include not less than 7½ per cent. fat and 2 per cent. milk solids other than fat:

(a) S.I. 1953/828 (1953 I, p. 689).

Provided that as respects any ice-cream sold, or offered or exposed for sale under any of the descriptions hereinafter specified, or under any such other description as is calculated to lead an intending purchaser to believe that he is purchasing ice-cream of any such description as is so specified, the standard shall be as follows:—

(i) Dairy Ice-Cream, Dairy Cream Ice or Cream Ice shall in each case contain not less than 5 per cent. milk fat and no other fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent) and not less than 7½ per cent. milk solids other than fat, so, however, that where any Dairy Ice-Cream, Dairy Cream Ice or Cream Ice contains any fruit, fruit pulp or fruit puree it shall either conform to the standard of composition for that ice-cream or, alternatively, the total content of milk fat and milk solids other than fat shall be not less than 12½ per cent. of the whole including the fruit, fruit pulp or fruit puree, as the case may be, and such total content of milk fat and milk solids other than fat shall include not less than 7½ per cent. milk fat and no other fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent) and not less than 2 per cent. milk solids other than fat.

(ii) Milk Ice, or Milk Ice containing any fruit, fruit pulp or fruit puree, shall contain not less than 2½ per cent. milk fat and no other fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent) and not less than 7 per cent. milk solids other than fat.

(iii) "Parev" (kosher) Ice shall contain not less than 10 per cent. fat and no milk fat or other derivative of milk.

(*b*) No ice-cream of any description shall contain any artificial sweetener.

2. In this Schedule—

(*a*) "artificial sweetener" means any chemical compound which is sweet to the taste, and the expression includes polyhydric alcohols but does not include sugar or any other carbohydrate;

(*b*) each reference to any proportion or percentage means that proportion or percentage by weight.

EXPLANATORY NOTE

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

These regulations replace the Food Standards (Ice-Cream) Order, 1953, in its application to Scotland.

The regulations prescribe amended standards of composition for ice-cream and "Parev" (kosher) ice and introduce separate standards of composition for dairy ice-cream and milk ice. Alternative standards are prescribed for certain descriptions of ice-cream containing fruit, fruit pulp or fruit puree.