The Home-Canned Fruit and Vegetables Order, 1950

1950 No. 675

Made - - - -	*25th April*, 1950
Laid before Parliament	*26th April*, 1950
Coming into Operation	*30th April*, 1950

In exercise of the powers conferred upon him by Regulation 55 of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(**a**) as extended by the Supplies and Services (Extended Purposes) Act, 1947(**b**), and of all other powers him enabling, the Minister of Food hereby makes the following Order:—

Interpretation

1. In this Order—

"The Minister" means the Minister of Food.

"The Ministry" means the Ministry of Agriculture for Northern Ireland.

Any reference to a can of a description shown in Column 1 of the Table below means a can of the diameter, height and nominal capacity shown in relation to such can in Columns 2, 3 and 4 of that Table.

Col. 1 Description of can	Col. 2 Diameter in inches	Col. 3 Height in inches	Col. 4 Nominal capacity in fluid ounces
8-oz. can	3	$2\frac{1}{2}$	8·2
A1 can	$2\frac{11}{16}$	4	11·1
E1 can	$3\frac{1}{16}$	4	14·2
16-oz. can	3	$4\frac{5}{8}$	16·1
No. 1 Tall can	$3\frac{1}{16}$	$4\frac{9}{16}$	16·4
A2 can	$3\frac{7}{16}$	$4\frac{1}{2}$	20·4
A2½ can	$4\frac{1}{16}$	$4\frac{11}{16}$	29·9
32-oz. can	$3\frac{13}{16}$	$5\frac{7}{16}$	31·1
A10 can	$6\frac{3}{16}$	7	109·2

"Degrees Brix", in relation to any syrup, means the percentage by weight of soluble solids in such syrup as shown by the Brix hydrometer (corrected to 68 degrees F.).

"Dried", in relation to any fruit or vegetables, includes fruit or vegetables dried by natural or artificial means or both.

"Fruit" includes rhubarb, and any fruit—

(*a*) whether or not mixed with any other article, and

(*b*) whether fresh, dried, wholly or partly cooked, or otherwise processed or prepared;

but does not include fruit pulp or fruit purée (other than apple purée) or fruit juice or ginger or tomatoes or jam, marmalade, fruit curd, mincemeat or similar products.

(**a**) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.
(**b**) 10 & 11 Geo. 6. c. 55.

" Syrup " means a solution of sugars in which not less than 75 per cent. by weight of the solids is cane or beet sugar and in which the remaining solids are other sugars.

" To can " means to pack in an airtight metal container by any means involving the application of heat, whether before, during or after the placing of the contents in the container ; and the word " canned " shall be construed accordingly.

" Vegetables " includes tomatoes and edible fungi, and any vegetables—

(*a*) whether or not mixed with any other article, and

(*b*) whether fresh, dried, wholly or partly cooked (including vegetables contained in vegetable rolls or similar products), or otherwise processed or prepared (otherwise than pickled), and includes vegetable juices or purées and wholly or partly cooked spaghetti, macaroni or similar products ; but does not include rhubarb or ginger or soups or vegetable extracts or vegetable jams, or, save as hereinbefore provided, any manufactured product produced from vegetables.

Restrictions on canning fruit and vegetables

2. No person shall can any fruit or vegetables of a description specified in the first column of Part I or II of the Schedule to this Order unless they are packed in a size of can for which a minimum weight of such fruit or vegetables is prescribed in Part I or II of the said Schedule and in accordance with the conditions specified in relation thereto in Parts I, II and III of that Schedule:

Provided that nothing in this Article shall prohibit the packing in a size of can other than therein prescribed or in accordance with conditions other than therein specified of any fruit or vegetables of a description specified in the first column of Part I or II of the Schedule to this Order, otherwise than for the purpose of sale (including sale after processing or manufacture or as part of any other article).

No canning of fruit or vegetables already canned or dried

3. No person shall can in the United Kingdom any fruit or vegetables (other than peas or beans) which were imported in a canned or dried state into the United Kingdom or which have already been canned or dried in the United Kingdom:

Provided that nothing in this Article shall prohibit the use of canned tomato purée as an ingredient in the manufacture of any other canned food.

Evidence of certificates of analysis

4.—(1) In any proceedings in respect of an infringement of this Order, the production by one of the parties of (i) a document purporting to be a certificate of a public analyst or the Government Chemist, or (ii) a document supplied to him by the other party as being a copy of such a certificate, shall be sufficient evidence of the facts stated therein, unless in the case mentioned under (i) above the other party requires that the person making the analysis shall be called as a witness.

(2) In any such proceedings—

(*a*) if the prosecution intends to produce a certificate of a public analyst or the Government Chemist, a copy of such certificate shall be served with the summons ; and

(*b*) if a defendant intends to produce a certificate of a public analyst or the Government Chemist, or to require that the person making the analysis shall be called as witness, he shall give to the other party at least three clear days' notice of his intention ;

and if any of these requirements is not complied with the Court may, if it thinks fit, adjourn the hearing on such terms as it deems proper.

(3) In this Article "public analyst" has, in relation to England and Wales, the meaning assigned to it by the Food and Drugs Act, 1938(a); in relation to Scotland, the meaning assigned to it by the Food and Drugs (Adulteration) Act, 1928(b); and, in relation to Northern Ireland, the meaning assigned to it by the Sale of Food and Drugs Acts (Northern Ireland), 1875 and 1939; and "Government Chemist" means in relation to Northern Ireland the Government Chemist for Northern Ireland.

Directions, licences and authorisations

5.—(1) The provisions of this Order are subject to any directions which may at any time be given by or on behalf of the Minister, or in respect of Northern Ireland by or on behalf of the Minister or the Ministry, and to any licence or authorisation which may be granted under this Order by or on behalf of the Minister, or in respect of Northern Ireland by or on behalf of the Minister or the Ministry; and the Minister hereby delegates to the Ministry the function of giving or granting any such directions, licence or authorisation in respect of Northern Ireland.

(2) Every person holding a licence or authorisation granted under this Order shall comply with every condition imposed by such licence or authorisation.

(3) Every licence or authorisation granted under this Order is and shall remain the property of the Minister; and the licensee or any person being in possession of any such licence or authorisation shall, if requested to do so by or on behalf of the Minister, produce or deliver it to such person or to a person of such class or description, and within such time, as may be specified in the request.

Revocation

6.—(1) The Canned Fruit and Vegetables (No. 2) Order, 1946 as amended(c) is hereby revoked, but without prejudice to any proceedings in respect of any contravention thereof.

(2) Any licence or authorisation granted under the said Order and subsisting at the date of coming into force of this Order shall continue to have effect as if it had been granted under this Order.

(3) Every person shall notwithstanding the revocation of the said Order retain any record, required to be kept by him thereunder, for one year from the date of the transaction to which it relates.

Infringements

7. Infringements of this Order are offences against the Defence (General) Regulations, 1939.

Commencement and citation

8. This Order may be cited as the Home-Canned Fruit and Vegetables Order, 1950; and shall come into operation on the 30th day of April, 1950.

Dated the 25th day of April, 1950.

Maurice Webb,
Minister of Food.

(a) 1 & 2 Geo. 6. c. 56.
(b) 18 & 19 Geo. 5. c. 31.
(c) S.R. & O. 1946 (No. 1724) II, p. 939; 1947 (Nos. 333, 1317 and 1979) II, pp. 742–7; S.I. 1948 (Nos. 397 and 1884) II, pp. 652 and 654; and 1949 Nos. 694 and 1726.

THE SCHEDULE

Conditions relating to the Canning of Fruit and Vegetables

PART I

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10
Description of Fruit or Vegetables	Minimum weight of fruit or vegetables per can								
	8-oz. Can	A1 Can	E1 Can	16-oz. Can	No. 1 Tall Can	A2 Can	A2½ Can	32-oz. Can	A10 Can
	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.
Apple purée	—	—	12½	—	14¼	18	27	—	96
Apples (solid pack)	—	—	11½	—	13½	16½	24½	—	88
Apples (other than apple purée and solid pack)	—	—	7½	—	8¾	11	16	—	61
Apples and blackberries (mixed) ...									
Rhubarb									
Cherries	—	—	8¼	—	9¾	12	17½	—	67
Plums (including Damsons and Greengages)									
Bilberries, Blackberries, Blackcurrants, Gooseberries, Loganberries, Raspberries, Redcurrants, Strawberries, Whitecurrants, and Raspberries and redcurrants (mixed)	—	—	8	—	9¼	11½	16¾	—	64

Beans (stringless or runner) ...	—	5½	7¼	—	8½	10½	15¼	—	58
Beans (in tomato sauce)	4¼	5½	7	8¼	8	10	14½	15½	55
Beans (broad), Beetroot, Carrots, Celery, Macédoine, Parsnips, Peas (fresh picked garden), and Turnips	—	6¾	8¾	—	10	12½	18¼	—	68
Peas, other than fresh picked garden (soaked and scalded)	—	5¼	6½	—	7¾	9½	14	—	53
Peas, soaked and scalded, and Carrots (mixed)	—	6	7¾	—	8¾	11	16	—	61
Potatoes (other than mashed) ...	—	—	—	—	10¼	12½	18¼	—	—
Spinach—leaf	—	7¼	9½	—	11	13½	19¾	—	—
purée	—	10½	13¼	—	15½	19	28	—	—
Tomatoes	—	6	7¾	—	8¾	11	16	—	61

PART II

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5
Description of Vegetables	Minimum weight of vegetables per can			
	8-oz. Can	A1 Can	16-oz. Can	No. 1 Tall Can
	oz.	oz.	oz.	oz.
Macaroni (cooked, in tomato sauce)	1½	2	3	3
Spaghetti (cooked, in tomato sauce)	3	4	5¾	5¾
Vegetable salad in mayonnaise ...	4½	5¾	9	9

PART III

1. The minimum weight of any fruit or vegetables that may be packed in any can shall be the weight specified in relation thereto in Parts I and II of this Schedule. For the purposes of this provision, the weight of the fruit or vegetables shall be the weight thereof in the form specified in the first column of Part I or II of this Schedule, exclusive of the weight of any sauce or other added substance therein specified and of any covering liquid.

2. Where the fruit or vegetables are placed in the can together with any covering liquid, or where the weight is ascertained after the addition of the liquid to the can, the liquid shall be drained off for at least one minute before the weight is ascertained.

3. For the purposes of the foregoing provisions, the weight of any fruit or vegetables shall be the weight thereof immediately after being placed in the can and, where the weight is taken after processing, an appropriate adjustment shall be made in respect of any estimated gain or loss in weight.

4. Except where otherwise expressly provided, or where described therein as "(mixed)", no fruit or vegetables mentioned in any of the items set out in Parts I and II of this Schedule shall be mixed with any other fruit or vegetables (whether or not mentioned in any other such item).

5. Raspberries and redcurrants (mixed) shall contain not less than 40 per cent. and not more than 60 per cent. by weight of either fruit when expressed as a percentage of the canned product.

6. All fruit other than apples or cherries and other than fruit packed in an A10 can shall be packed in a syrup of not less than 39 degrees Brix.

7. Fruit (other than apples) packed in an A10 can shall be packed either:—

(*a*) in syrup of not more than 17.5 degrees Brix and not less than 14 degrees Brix in cans clearly and legibly labelled "Packed in light syrup"; or

(*b*) in water, in cans clearly and legibly labelled "Water pack".

8. Apples (other than solid pack apples and apple purée) shall be packed in syrup of not more than 17.5 degrees Brix and not less than 14 degrees Brix in cans clearly and legibly labelled "Packed in light syrup".

9. Cherries (other than cherries packed in an A10 can) shall be packed in syrup of not less than 32 degrees Brix.

10. Peas shall be packed in liquid containing not less than 2.3 per cent. by weight of sugar (of which at least 75 per cent. is cane or beet sugar), and not less than 1.25 per cent. and not more than 2.5 per cent. by weight of salt.

11. Spinach purée shall contain not less than 0.1 per cent. and not more than 0.6 per cent. by weight of salt when expressed as a percentage of the canned product.

12. Peas, soaked and scalded, and carrots (mixed) shall contain not less than 40 per cent. and not more than 60 per cent. by weight of either vegetable when expressed as a percentage of the canned product.

13.—(1) Macédoine shall be packed in a brine containing not less than 1.25 per cent. or more than 2.5 per cent. by weight of salt, and shall contain the following vegetables in the following proportions:—

Carrots (diced), not less than 25 per cent. and not more than 45 per cent.

Turnips (diced) or Swedes (diced), not less than 10 per cent. and not more than 35 per cent.

Peas, fresh or soaked, not less than 15 per cent. and not more than 36 per cent.

(2) Macédoine may also contain any of the following vegetables, and if present they shall comply with the following proportions:—

Beans (soaked), white or flagelot, not less than 10 per cent. and not more than 20 per cent.

Potatoes (diced), not less than 10 per cent. and not more than 35 per cent.

Stringless beans, not less than 10 per cent. and not more than 20 per cent.

Celery, not less than 4 per cent. and not more than 8 per cent.

(3) In this paragraph percentages of vegetables mean percentages by weight of the drained canned product.

(4) Macédoine shall not contain any vegetables other than those specified in sub-paragraphs (1) and (2) hereof.

14. Beans in tomato sauce shall be of 'the pea or haricot' type, boiled or steamed, or steamed and oven-baked. Apart from sugar, flour, spices and other seasonings, the sauce shall be prepared only from tomatoes or tomato products. The canned product shall contain not less than 5 per cent. of sugar by weight (expressed as invert sugar) and not less than 28 per cent. solid matter when dried for 16 hours at 98° centigrade.

15. All vegetables referred to in Part I of this Schedule other than those mentioned in paragraphs 10, 11, 13 and 14 shall be packed in a brine containing not less than 1.25 per cent. and not more than 2.5 per cent. by weight of salt.

16. Except in the case of butter beans, haricot beans, stringless or runner beans, peas, and spinach, no colouring matter shall be added to any vegetable specified in the first column of Parts I or II of this Schedule.

EXPLANATORY NOTE

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

This Order replaces the Canned Fruit and Vegetables (No. 2) Order, 1946 as amended, in so far as that Order related to fruit and vegetables canned in the United Kingdom. (Imported canned fruit is dealt with separately by the Imported Canned Fruit Order, 1950(a), which comes into operation simultaneously.)

(a) S.I. 1950 No. 676, p. 630 below.

The principal changes are :—

(1) Licences to can particular specified fruits and vegetables, to freeze fruit and vegetables, to preserve fruit, and to bottle vegetables, are no longer required. (Licences to can fruit and vegetables will still be required under the provisions of the Canning of Food and Feeding Stuffs (Control) Order, 1942 as amended(a).)

(2) Up to 25 per cent. of the sugar in syrup used in canning fruit and vegetables may be sugar other than cane or beet sugar.

(3) Some alterations have been made to the prescribed minimum weights of fruit or vegetables to be put into cans (Part I of the Schedule); and it is now permissible to can raspberries mixed with redcurrants and soaked and scalded peas mixed with carrots (in limited proportions in each case).

The Imported Canned Fruit Order, 1950

1950 No. 676

Made - - - -	*25th April*, 1950
Laid before Parliament	*26th April*, 1950
Coming into Operation	*30th April*, 1950

In exercise of the powers conferred upon him by Regulations 55, 55AA and 55AB of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(b) as extended by the Supplies and Services (Extended Purposes) Act, 1947(c), and of all other powers him enabling, the Minister of Food hereby makes the following Order:—

Interpretation

1.—(1) In this Order—

" The Minister " means the Minister of Food.

" The Ministry " means the Ministry of Agriculture for Northern Ireland.

" Canned fruit " means fruit of a description specified in Column 1 of Part I of the Schedule to this Order and canned outside the United Kingdom.

" Catering business " includes the business or undertaking of an inn, public house, hotel, restaurant, buffet, coffee-stall or of any place of refreshment open to the public, or of any club, boarding-house, refreshment contractor or canteen; and the word " caterer " shall be construed accordingly.

" Multiple retailer " means a retailer carrying on business at not fewer than ten retail shops.

" Original package " means the case or other outer package or container in which any cans of fruit were imported into the United Kingdom.

" Sale by retail " means a sale to a person buying otherwise than for the purpose of re-sale, and any sale to a person for the purposes of his catering business; and the word " retailer " shall be construed accordingly.

(a) S.R. & O. 1942 (No. 2186) II, p. 861; and S.I. 1949 (No. 2133) II, p. 252.
(b) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.
(c) 10 & 11 Geo. 6. c. 55.