1959 No. 734

The Ice-Cream (Heat Treatment, etc.) Regulations, 1959

Made - - - -	20*th April*, 1959
Laid before Parliament	23*rd April*, 1959
Coming into Operation	27*th April*, 1959

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 and 123 of the Food and Drugs Act, 1955(**a**), and of all other powers enabling them in that behalf, having consulted with such organisations as appear to them to be representative of interests substantially affected by these regulations, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Ice-Cream (Heat Treatment, etc.) Regulations, 1959, and shall come into operation on the twenty-seventh day of April, 1959.

Interpretation

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

"ice-cream" includes any similar commodity;

"ingredient" includes sugar and any whole egg, yolk or albumen (whether dried, frozen or preserved or not) but does not include colouring or flavouring materials or fruit, nuts, chocolate and other similar substances;

"complete cold mix" means a product which is capable of manufacture into a mixture with the addition of water only, is sent out by the manufacturer in airtight containers, and has been made by evaporating a liquid mixture which has already been submitted to heat treatment comparable with that prescribed in these regulations;

"home-going ship" has the meaning assigned to it by section 135 of the Food and Drugs Act, 1955;

"local authority" has the meaning assigned to it by section 85 of that Act; and

"mixture" means a product which is capable of manufacture into ice-cream by freezing only.

(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 regulations hereby revoked were Acts of Parliament.

(**a**) 4 & 5 Eliz. 2. c. 16. (**b**) 52 & 53 Vict. c. 63.

Requirements relating to manufacture of ice-cream

3. The requirements set out in the next two following regulations shall be observed in the manufacture of ice-cream intended for sale for human consumption;

Provided that the requirements set out in regulation 5 shall not apply to any mixture (whether containing milk solids or not) used, either alone or with other mixtures, in the manufacture of water ice or other similar frozen confection if the mixture has a pH value of 4·5 or less.

4. Where a complete cold mix is used which is reconstituted with wholesome drinking water and to which nothing is added other than colouring or flavouring materials, fruit, nuts, chocolate or other similar substances, the reconstituted mixture shall be converted into ice-cream within one hour of reconstitution.

5. In any case other than that referred to in the last preceding regulation after the ingredients have been mixed together the following provisions shall apply:—

(i) the mixture shall not be kept for more than one hour at any temperature which exceeds 45° Fahrenheit before being pasteurised or sterilised in accordance with the next following sub-paragraph;

(ii) the mixture shall be subjected to one or other of the methods of pasteurisation or sterilisation set out hereunder:—

Pasteurisation

Method I. The mixture shall be raised to and kept at a temperature of not less than 150° Fahrenheit for at least 30 minutes.

Method II. The mixture shall be raised to and kept at a temperature of not less than 160° Fahrenheit for at least 10 minutes.

Method III. The mixture shall be raised to and kept at a temperature of not less than 175° Fahrenheit for at least 15 seconds.

Sterilisation

The mixture shall be raised to and kept at a temperature of not less than 300° Fahrenheit for at least 2 seconds;

(iii) the apparatus used for subjecting the mixture to pasteurisation by Method III or to sterilisation shall be thermostatically controlled and shall be fitted with a positive displacement pump or such other device as may be approved by the Minister of Health for ensuring a constant rate of flow of the mixture during its retention at the prescribed temperature and also with a device which, if any mixture has not been raised to the prescribed temperature, will automatically divert the flow of any such mixture or, as an alternative in the case of sterilisation, stop the apparatus;

(iv) after the mixture has been pasteurised or sterilised as aforesaid it shall be reduced to a temperature of not more than 45° Fahrenheit within 1½ hours and shall be kept at such a temperature until the freezing process is begun;

Provided that

(*a*) this requirement shall not apply to a mixture which has been sterilised in accordance with the requirements of paragraph (ii) of this regulation if immediately after the mixture has been so sterilised

it is placed in sterile airtight containers under sterile conditions and the container remains unopened, and

(*b*) the temperature of a mixture may be allowed to rise above 45° Fahrenheit when added to a mixture (having a pH value of 4·5 or or less) for the preparation of water ice or other similar frozen confection if the combined mixture is frozen within one hour of combination;

(v) any mixture to which proviso (*a*) to the last foregoing paragraph applies shall, upon the container being opened, be reduced forthwith to a temperature of not more than 45° Fahrenheit and shall be kept at such a temperature until the freezing process is begun;

(vi) such indicating and recording thermometers shall be used as the authority responsible for the enforcement of these regulations may reasonably require for ensuring that the foregoing provisions relating to the temperature to or at which the mixture is raised, kept or reduced have been complied with;

(vii) the records of any thermometers used to record temperatures to or at which the mixture is raised, kept or reduced shall be preserved for a period of not less than one month;

(viii) all apparatus used for the purposes of this paragraph shall be installed, maintained and operated to the satisfaction of the authority responsible for the enforcement of these regulations.

Requirements relating to sale of ice-cream

6. Ice-cream shall not be sold or offered for sale unless—

(*a*) the relevant provisions of regulations 3, 4 and 5 of these regulations have been complied with in relation to its manufacture, and either

(*b*) it has been kept at a temperature not exceeding 28° Fahrenheit since it was frozen, or

(*c*) if its temperature has risen above 28° Fahrenheit at any time since it was frozen, it has again been subjected to the treatment (if any) to which as a mixture it was required to be subjected under regulation 5 of these regulations or would have been required to be subjected thereunder but for regulation 4 of these regulations and, after having again been frozen, has been kept at a temperature not exceeding 28° Fahrenheit.

Penalties

7. Any person found guilty of an offence against these regulations 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.

Enforcement

8. Each local authority shall enforce and execute the provisions of these regulations in their district; provided that in a port health district the said provisions shall, in relation to any home-going ship, be enforced and executed by the port health authority.

Revocation

9. The Ice-Cream (Heat Treatment, etc.) Regulations, 1947 to 1952(a), are hereby revoked:

Provided that without prejudice to the application of section 38 of the Interpretation Act, 1889 (which relates to the effect of repeals) in so far as any application made, or any resolution passed, or any approval given, under any regulation revoked by these regulations, or any proceedings instituted, or any other thing done, under any such regulation could have been made, passed, given, instituted or done under a corresponding provision of these regulations, it shall not be invalidated by these regulations, but shall have effect as if it had been made, passed, given, instituted or done under that provision.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this twentieth day of April nineteen hundred and fifty-nine.

(L.S.)

John Hare,
Minister of Agriculture, Fisheries and Food.

Given under the official seal of the Minister of Health this twentieth day of April, nineteen hundred and fifty-nine.

(L.S.)

Derek Walker-Smith,
Minister of Health.

EXPLANATORY NOTE

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

These Regulations consolidate and amend the Ice-Cream (Heat Treatment, etc.) Regulations, 1947 to 1952. They require that ingredients used in the manufacture of ice-cream are to be pasteurised by one or other of three specified methods or sterilised and thereafter kept at a low temperature until the freezing process is begun. The Regulations make it an offence to sell or offer for sale ice-cream which has not been so treated or which has been allowed to reach a temperature exceeding 28° F. without again being treated. They exempt from the requirement as to pasteurisation or sterilisation certain types of water ices and ice lollies, which are sufficiently acid to make such treatment unnecessary.

(a) S.R. & O. 1947/612; S.I. 1948/819 (Rev. VIII, p. 54: 1947 I, p. 753; 1948 I, p. 1206); 1951/67, 1952/815 (1951 I, p. 752; 1952 I, p. 1087).