# 1960 No. 2108 (S. 107)

# The Ice-Cream (Scotland) Amendment Regulations, 1960

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| *Made* - - - - | 11*th November*, 1960 |
| *Laid before Parliament* | 22*nd November*, 1960 |
| *Coming into Operation* | 23*rd November*, 1960 |

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

*Citation and commencement*

**1.**—(1) These regulations may be cited as the Ice-Cream (Scotland) Amendment Regulations, 1960, and shall come into operation on the 23rd day of November, 1960.

(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.

*Amendment of Ice-Cream (Scotland) Regulations*, 1948

**2.** For Part IV of the Ice-Cream (Scotland) Regulations, 1948(**c**), there shall be substituted the following Part—

"PART IV

*Manufacture and Sale of Ice-Cream*

8. Where ice-cream intended for sale for human consumption is manufactured by the reconstitution of a complete cold mix with wholesome water without the addition of ingredients 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.

9. Ice-cream intended for sale for human consumption, other than ice-cream manufactured in the manner referred to in the last foregoing regulation and water ice or other frozen confection manufactured from a mixture (whether the mixture contains milk solids or not or whether it is a combination of two or more other mixtures or not) which has a pH value of 4·5 or less, shall be manufactured in accordance with the following provisions of this regulation, that is to say after the ingredients of which the ice-cream is to be composed have been mixed together:—

(*a*) the mixture shall not be kept for more than one hour at temperatures between 45°F and 150°F before being pasteurised or sterilised in accordance with the provisions of the next following paragraph;

(**a**) 4 & 5 Eliz. 2. c. 30. (**b**) 52 & 53 Vict. c. 63.
(**c**) S.I. 1948/960 (Rev. VIII, p. 56: 1948 I, p. 1207).

(*b*) the mixture shall be pasteurised by one of the following methods, that is to say by being raised to and kept at

(i) a temperature of not less than 150°F for at least 30 minutes;

(ii) a temperature of not less than 160°F for at least 10 minutes; or

(iii) a temperature of not less than 175°F for at least 15 seconds; or shall be sterilised by being raised to and kept at a temperature of not less than 300°F for at least 2 seconds;

(*c*) the apparatus used for subjecting the mixture to pasteurisation by the method set out at (iii) in the last foregoing paragraph 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 Secretary of State 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;

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

Provided that

(i) this requirement shall not apply to a mixture which has been sterilised in accordance with the requirements of paragraph (*b*) of this regulation if immediately after the mixture has been sterilised it is placed in sterile airtight containers under sterile conditions and the container remains unopened, and

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

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

10. Ice-cream shall not be sold or offered for sale unless the relevant provisions of the two last foregoing regulations have been complied with in its manufacture, and either—

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

(*b*) if its temperature has risen above 28°F 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 by virtue of the last foregoing regulation to be subjected or would, but for the provisions of regulation 8 of these regulations, have been required to be subjected by virtue of the said last foregoing regulation and after having again been frozen it has been kept at a temperature not exceeding 28°F."

*Revocations*

**3.** The following provisions of the Ice-Cream (Scotland) Regulations, 1948, are hereby revoked but without prejudice to proceedings begun or other action taken thereunder:—

Regulations 8, 9 and 10 and in paragraph 3 of regulation 1 the definition of "heat treatment".

Dated this eleventh day of November, 1960.

*John S. Maclay,*
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh 1.

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## EXPLANATORY NOTE

*(This note is not part of these regulations but is intended to indicate their general purport.)*

These regulations revoke Part IV of the Ice-Cream (Scotland) Regulations, 1948, which relates to the heat treatment of ice-cream and substitute for the provisions at present appearing in that part new provisions requiring ingredients used in the manufacture of ice-cream to be pasteurised, by one or other of three specified methods, or sterilised and afterwards kept at a low temperature until the freezing process is begun. They exempt from these requirements certain types of water ices and iced lollies which are sufficiently acid to make such treatment unnecessary.