LABELLING, DESCRIPTION AND SALE BY WEIGHT

1956 No. 1146 (S. 55)

The Labelling of Food (Amendment) (Scotland) Regulations, 1956

Made - - - -	23*rd July*, 1956
Laid before Parliament	31*st July*, 1956
Coming into Operation	1*st August*, 1956

In exercise of the powers conferred upon me by sections 7 and 56 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 and having referred a draft of these Regulations to the Scottish Food Hygiene Council in accordance with section 25 of the said Act, I hereby make the following Regulations :—

1. These Regulations may be cited as the Labelling of Food (Amendment) (Scotland) Regulations, 1956, and shall come into operation on the first day of August, 1956 :

Provided that the provisions referred to in column 1 of the Second Schedule to these Regulations shall not have effect until the later dates specified in relation thereto in column 2 of the said Schedule.

2. The Labelling of Food Order, 1953(b), as amended(c), shall be further amended as follows :—

(*a*) by inserting in paragraph (1) of Article 2 thereof immediately after the definition of intoxicating liquor the following definitions :—

" ' Margarine ' means the food usually known as margarine being an emulsion of edible oils and fats with water or skimmed milk or other substances, with or without the addition of colouring matter, which is capable of being used for the same purposes as butter.

' Margarine-cheese ' means any substance prepared in imitation of cheese and containing fat not derived from milk." ;

(*b*) by inserting immediately after Part IV thereof the Part set forth in the First Schedule to this Order ;

(*c*) by substituting in column 1 and column 3 of item 3 of Table A in the First Schedule to the Order for the words " synthetic cream " wherever they appear the words " imitation cream ".

Dated this 23rd day of July, nineteen hundred and fifty-six.

James Stuart,

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

THE FIRST SCHEDULE

PART IVA

Special requirements as to the labelling, marking and advertising of margarine and margarine-cheese

7A. No person shall deliver to a purchaser any margarine, whether pre-packed or otherwise, unless—

(*a*) it is so delivered in a wrapper or container bearing the word " MARGARINE " in block letters, legibly printed and conspicuously visible ;

(a) 4 & 5 Eliz. 2. c. 30. (b) S.I. 1953/536 (1953 I, p. 665). (c) S.I. 1953/1889 (1953 I, p. 685).

(*b*) in the event of any brand or descriptive name appearing on such wrapper or container, the word "MARGARINE", as aforesaid, appears in conjunction therewith wherever such brand or descriptive name appears: save that where any pre-packed margarine is delivered enclosed in a wrapper or container this requirement shall not apply in relation to the two sides which are smaller in area than any of the other sides;

(*c*) in every case where the word "MARGARINE" appears in conjunction with any brand or descriptive name as aforesaid the following requirements are complied with independently as respects each side of the packet on which the brand or descriptive name appears, that is to say:—

(i) If any brand or descriptive name appears in letters not more than $\frac{1}{4}$ of an inch in height the word "MARGARINE" shall be in letters of at least the same height as those of the brand or descriptive name.

(ii) If any brand or descriptive name appears in letters more than $\frac{1}{4}$ of an inch in height but not more than $\frac{1}{2}$ of an inch in height the word "MARGARINE" shall be in letters not less than $\frac{1}{8}$ of an inch in height.

(iii) If any brand or descriptive name appears in letters more than $\frac{1}{2}$ of an inch in height the word "MARGARINE" shall be in letters not less than half the height of the letters of the brand or descriptive name.

(*d*) in every case where the word "butter", "cream" or "milk" appears on the wrapper or container, that word appears in letters not larger nor more conspicuous than those used for the word "MARGARINE".

7AB. No person shall give with any margarine sold by him or display with any margarine exposed by him for sale any label, whether attached to or printed on the wrapper or container or not, which—

(*a*) bears any brand or descriptive name or pictorial device which refers to, or is suggestive of, butter or of anything connected with the dairy interest;

(*b*) claims that any margarine contains or is made with cream or milk unless such claim is made in the following words (and no others), that is to say:—

"Made with (x), milk-fat equivalent to (y) % of butter"

inserting at (x) the word "cream" or "milk" as the case may be and at (y) the figure which represents the percentage of butter calculated on the the amount of milk-fat introduced by the cream, or the milk, as the case may be.

The claim shall be in type or characters all of equal size;

(*c*) claims that margarine contains butter unless such claim states the percentage of butter the margarine contains.

Provided that no offence shall be deemed to have been committed under this Article in relation to a figure stated as the percentage of butter if such figure does not differ by more than two from the actual percentage.

7AC.—(1) No person shall publish, or be a party to the publication of any advertisement for margarine which—

(*a*) includes any brand or descriptive name or pictorial device which refers to, or is suggestive of, butter or of anything connected with the dairy interest;

(*b*) makes any claim that any margarine contains or is made with cream or milk unless such claim is made in the following words (and no others), that is to say:—

"Made with (x), milk-fat equivalent to (y) % of butter"

inserting at (x) the word "cream" or "milk" as the case may be and at (y) the figure which represents the percentage of butter calculated on the amount of milk-fat introduced by the cream, or the milk, as the case may be.

Where the claim is made in visual form it shall be in type or characters all of equal size;

(*c*) makes any claim that margarine contains butter unless such claim states the percentage of butter the margarine contains.

Provided that no offence shall be deemed to have been committed under this Article in relation to a figure stated as the percentage of butter if such figure does not differ by more than two from the actual percentage.

(2) In proceedings under this Article it shall be a defence for the accused to prove that being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business, and did not himself make, or cause to be made, any material alteration in the substance of that advertisement.

(3) In any such proceedings as aforesaid against the manufacturer, producer or importer of the margarine, it shall rest on the accused to prove that he did not publish, and was not a party to the pubilcation of, the advertisement.

7AD. No person shall expose for sale by retail any margarine, other than pre-packed margarine, unless there is attached thereto, in such a manner as to be clearly visible to a purchaser, a label marked "MARGARINE" in block letters not less than one and a half inches in height.

7AE. With the exception of sub-paragraphs (*b*) and (*c*) of Article 7AB and sub-paragraphs (*b*) and (*c*) of paragraph (1) of Article 7AC, the foregoing provisions of this Part of this Order shall apply in relation to margarine-cheese as if "margarine-cheese" were substituted for "margarine" throughout.

THE SECOND SCHEDULE

DATES OF OPERATION OF PROVISIONS WHICH DO NOT COME INTO OPERATION ON 1ST AUGUST, 1956

Col. 1 Provisions of the Regulations	Col. 2 Date of Operation
1. Sub-paragraphs (*b*) and (*c*) of Article 7AB in the First Schedule of these Regulations—	
(*a*) as respects margarine sold or exposed for sale otherwise than by retail—	
(i) by the packer or labeller or importer thereof,	1st September, 1956.
(ii) by any other person,	1st October, 1956.
(*b*) as respects margarine sold or exposed for sale by retail.	1st November, 1956.
2. Sub-paragraphs (1) (*b*) and (*c*) of Article 7AC in the First Schedule to these Regulations.	1st November, 1956.

EXPLANATORY NOTE

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

These Regulations amend the Labelling of Food Order, 1953, as amended (which Order has effect in Scotland as if made under section 7 of the Food and Drugs (Scotland) Act, 1956), to re-enact with modifications certain

requirements of the repealed section 33 of the Food and Drugs Act, 1938, relating to the labelling and marking of margarine and margarine-cheese. They also require labels and advertisements claiming that margarine contains butter to state the percentage, and prohibit, otherwise than in the manner prescribed, claims that margarine contains or is made with cream or milk. These provisions come into effect by stages on the dates mentioned in the Second Schedule to the Regulations.

The Regulations also substitute the description "imitation cream" for "synthetic cream" in item 3 of Table A in the First Schedule to the principal Order.

1956 No. 1201

The Pre-Packed Food (Weights and Measures: Marking) (Amendment No. 2) Regulations, 1956

Made - - - -	*3rd August*, 1956
Laid before Parliament	*10th August*, 1956
Coming into Operation	*27th January*, 1957

The Board of Trade, in pursuance of the powers conferred upon them by sub-sections (1) and (2) of Section 7 of the Food and Drugs Act, 1955(**a**), and sub-sections (1) and (2) of Section 7 of the Food and Drugs (Scotland) Act, 1956(**b**), and all other powers in that behalf enabling them, hereby make the following Regulations:—

1. The Pre-Packed Food (Weights and Measures: Marking) Order, 1950(**c**), as amended(**d**), shall be further amended by the addition of the following articles of food to the list of such articles set out in the Third Schedule thereto, namely:—

"Bacon"

"Ham."

2.—(1) The Interpretation Act, 1889(**e**), shall apply to the interpretation of these Regulations in like manner as it applies to the interpretation of an Act of Parliament.

(2) These Regulations may be cited as the Pre-Packed Food (Weights and Measures: Marking) (Amendment No. 2) Regulations, 1956, and shall come into operation on the 27th day of January, 1957.

Dated this 3rd day of August, 1956.

Derek Walker-Smith,
Parliamentary Secretary to the
Board of Trade.

EXPLANATORY NOTE

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

These Regulations add bacon and ham to the foods listed in the Third Schedule to the Pre-Packed Food (Weights and Measures: Marking) Order, 1950, as amended, and as a result the Order will no longer apply to bacon and ham.

(**a**) 4 & 5 Eliz. 2. c. 16. (**b**) 4 & 5 Eliz. 2. c. 30. (**c**) S.I. 1950/1125 (1950 III, p. 42).
(**d**) S.I. 1951/996 (1951 III, p. 22). (**e**) 52 & 53 Vict. c. 63.