Given under the Official Seal of the Minister of Health this nineteenth day of March, nineteen hundred and fifty-nine.

(L.S.)

Derek Walker-Smith,
Minister of Health.

EXPLANATORY NOTE

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

These regulations, which apply in England and Wales only, amend the Labelling of Food Order, 1953, as amended (which Order has effect in England and Wales as if contained in regulations made under section 7 of the Food and Drugs Act, 1955) by inserting therein new provisions relating to ice-cream.

These provisions—

(*a*) prohibit the labelling, marking or advertising of ice-cream in a manner suggestive of butter, cream, milk or anything connected with the dairy interest unless the ice-cream contains no fat other than milk fat (apart from fat introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent) but permit the presence of skimmed milk solids to be declared;

(*b*) impose requirements as to the labelling of pre-packed ice-cream containing fat other than milk fat (apart from fat introduced through an ingredient as aforesaid).

The regulations also make minor drafting changes in Tables A and C of the First Schedule to the principal Order.

1959 No. 571 (S. 23)

The Labelling of Food (Amendment) (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 on 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 after consultation 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 under 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, 1959, and shall come into operation on the 27th day of April, 1959.

(a) 4 & 5 Eliz. 2. c. 30.

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

(*a*) by inserting in Part IV thereof the following Article:—

"6A.—(1) For the purposes of this Article (except as regards the description "ice-cream" in paragraph (4) hereof) each reference to ice-cream shall include a reference to ices but nothing in this Article shall apply in relation to water ices, including ice lollies.

(2) No person shall give with any ice-cream sold by him or display with any ice-cream exposed by him for sale any label, whether attached to or printed on the wrapper or container or not, which bears any word or pictorial device which refers to, or is suggestive of, butter, cream or milk or of anything connected with the dairy interest unless the ice-cream contains no fat other than milk fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent):

Provided that the label may include a statement to the effect that the ice-cream contains skimmed milk solids.

(3) No person shall publish, or be party to the publication of, any advertisement for ice-cream which includes any word or pictorial device which refers to, or is suggestive of, butter, cream or milk or of anything connected with the dairy interest unless the ice-cream to which the advertisement relates contains no fat other than milk fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent):

Provided that the advertisement may include a statement to the effect that the ice-cream contains skimmed milk solids.

(4) After 30th November, 1959, no person shall sell, or offer or expose for sale under the description "ice-cream" any pre-packed ice-cream which contains any fat other than milk fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent) except in a wrapper or container bearing a label on which there appears in close proximity to such description, the declaration "Contains non-milk fat" such declaration to be conspicuously visible and to be distinctly and legibly printed in letters not less in height than one quarter of the height of the tallest letter in such description or one twelfth of an inch whichever is the taller:

Provided that where any pre-packed ice-cream contains no fat other than vegetable fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent) the declaration "Contains vegetable fat" may so appear as an alternative in place of the declaration "Contains non-milk fat".

(5) The foregoing provisions of this Article shall extend and apply in relation to ice-cream which forms part of a composite article of food.

(6) Nothing in this Article shall prevent the use of the expression "ice-cream" or the use of the name of the manufacturer, packer or advertiser of the ice-cream or of any person selling it or exposing it for sale.

(a) S.I. 1953/536 (1953 I, p. 665).

(b) S.I. 1953/1889, 1956/1146, 1958/719 (1953 I, p. 685; 1956 I, p. 1007; 1958 I, p. 1174).

(7) In any proceedings for an offence against paragraph (3) of this Article in relation to the publication of an advertisement 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.

(8) In any such proceedings as aforesaid against the manufacturer of the ice-cream, it shall rest on the accused to prove that he did not publish, and was not a party to the publication of, the advertisement." ;

(*b*) by inserting in item 8 in Column 1 of Table A of the First Schedule thereto after the word " Order " the words " or regulations " ;

(*c*) by inserting in the headnote to Table C of the First Schedule thereto after the word " Order " where it last appears the words " or regulations " ;

(*d*) by substituting for the first item in the said Table C the following item:—

" Column 1	Column 2
Any food for which a standard is prescribed by any regulations made under, or by any order having effect as if contained in regulations made under, section 4 of the Food and Drugs (Scotland) Act, 1956, other than tomato ketchup, catsup, sauce or relish.	The order or regulations prescribing the standard."

Dated this 25th day of March, 1959.

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

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These provisions—

(*a*) prohibit the labelling, marking, or advertising of ice-cream in a manner suggestive of butter, cream, milk or anything connected with the dairy interest unless the ice-cream contains no fat other than milk fat (apart from fat introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent) but permit the presence of skimmed milk solids to be declared ;

(*b*) impose requirements as to the labelling of pre-packed ice-cream containing fat other than milk fat (apart from fat introduced through an ingredient as aforesaid).

The regulations also make minor drafting changes in Tables A and C of the First Schedule to the Order.