1953 No. 536

The Labelling of Food Order, 1953

Made - - - -	*25th March*, 1953
Laid before Parliament	*26th March*, 1953
Coming into Operation	*5th April*, 1953

The Minister of Food, in pursuance of the powers conferred upon him by Regulation 2 of the Defence (Sale of Food) Regulations, 1943(a), as continued in force by the Emergency Laws (Continuance) Order, 1952(b), and of all other powers him enabling in that behalf, hereby orders as follows:—

PART I

Citation, Commencement and Interpretation

Citation and Commencement

1. This Order may be cited as the Labelling of Food Order, 1953, and shall come into operation on the 5th day of April, 1953; provided that the provisions referred to in Column 1 of the Fourth Schedule to this Order shall not have effect until the days specified in relation thereto in Column 2 of the said Schedule.

Interpretation

2.—(1) In this Order—

"The Minister" means the Minister of Food.

"Advertisement" includes any notice, circular, label, wrapper or other document, and any public announcement made orally or by any means of producing or transmitting light or sound.

"Biscuits" include shortbread, wafers, rusks, crispbreads, oatcakes, matzos and biscuits wholly or partly covered with chocolate.

"Flour confectionery" includes cake, pastry and ready-made puddings (other than canned puddings and Christmas puddings) but does not include biscuits or any product containing a filling that has as an ingredient any meat or fish.

"Food" means any article used as food or drink for human consumption and includes any substance which is intended for use in the composition or preparation of food, any flavouring, sweetening matter or condiment, and any colouring matter intended for use in food, and an article shall not be deemed not to be food by reason only that it is also capable of being used as a medicine.

"Food imported on government account" means food imported into the United Kingdom the property in which was at the time of importation vested in, or which was at that time consigned directly to, Her Majesty or a government department, or a person acting as agent for Her Majesty or a government department, in connection with any of the purposes specified in sub-section (1) of section one of the Supplies and Services (Transitional

(a) S.R. & O. 1943/1553; 1945/1454; 1943 II, p. 70; 1945 II, p. 95.
(b) S.I. 1952/2095; 1952 I, p. 945.

Powers) Act, 1945(a), as extended by the Supplies and Services (Extended Purposes) Act, 1947(b), and the Supplies and Services (Defence Purposes) Act, 1951(c).

"Intoxicating liquor" means spirits, wine, beer, cider, perry and sweets and any fermented, distilled or spirituous liquor which cannot be lawfully sold without an excise licence.

"Pre-packed" means packed or made up in advance ready for retail sale in a wrapper or container, and where any food packed or made up in a wrapper or container is found on any premises where such food is packed, kept or stored for sale, the food shall be deemed to be pre-packed unless the contrary is proved, and it shall not be sufficient proof of the contrary to show that the food had not been labelled in accordance with the provisions of this Order.

"Public Analyst" has the same meaning as in the Food and Drugs Act, 1938(d).

"Retail sale" means any sale to a person buying otherwise than for the purpose of re-sale, but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business.

(2) Any reference in this Order to a label marked on a wrapper or container shall be construed as including a reference to any legible marking on the wrapper or container however effected.

(3) Where any food is referred to in this Order, any description or definition of that food in any other Order of the Minister for the time being in force shall, unless a contrary intention appears, apply for the purposes of this Order and if such food is described or defined in an Order of the Minister regulating prices and also in any other Order of the Minister, only the description or definition mentioned in the first mentioned Order shall apply for the purposes of this Order.

(4) References in this Order to any Order or Regulations shall be construed as referring to that Order or those Regulations as amended by any subsequent Order or Regulations whether made before or after the making of this Order and, if any Order or Regulations referred to in this Order is or are replaced by any such subsequent Order or Regulations the references shall be construed as referring to that subsequent Order, or those subsequent Regulations.

PART II

Labelling of pre-packed food for sale by retail

3. No person shall sell by retail or display for sale by retail any pre-packed food, unless there appears on a label marked on or securely attached to the wrapper or container a true statement as to the matters hereinafter mentioned in this Part of this Order.

4.—(1) The said statement shall be clearly legible and shall appear conspicuously and in a prominent position on the label, and if the food is pre-packed in more than one wrapper or container, the label shall be marked on or attached to the innermost wrapper or container and, if it is not clearly legible through the outermost wrapper or container, a label bearing a like statement shall be marked on or securely attached to, or be clearly legible through, the outermost wrapper or container. For the purposes of this provision, a "liner" (that is to say, a plain immediate wrapping which under

(a) 9 & 10 Geo. 6. c. 10. (b) 10 & 11 Geo. 6. c. 55. (c) 14 & 15 Geo. 6. c. 25.
(d) 1 & 2 Geo. 6. c. 56.

ordinary conditions of use would not be removed from the next outer wrapper or container) shall not be counted as a wrapper or container.

(2) The said statement shall specify the name of either the packer or the labeller of the food and an address at which such person carries on business:

Provided that—

(*a*) where the food is packed or labelled on behalf of or on the instructions of another person and such other person carries on business at an address in the United Kingdom, the statement may specify the name and the said address of that other person instead of the name and address of the packer or labeller, as the case may be;

(*b*) it shall be sufficient if instead of the particulars specified in this paragraph there appears prominently on the label a trade mark (other than a certification trade mark) of which there is in the Trade Marks Register kept under the authority of the Trade Marks Act, 1938(a), a subsisting entry in respect of such food, and if there is associated therewith on the label the words "Registered Trade Mark".

(3) Except as respects intoxicating liquor pre-packed for sale as such, the said statement shall also specify—

(*a*) in the case of a food consisting of one ingredient the appropriate designation of the ingredient;

(*b*) in the case of a food made of two or more ingredients the common or usual name (if any) of the food and the appropriate designation of each ingredient, and, unless the quantity or proportion of each ingredient is specified, the ingredients shall be specified in the order of the proportion in which they were used, the ingredient used in the greatest proportion (by weight) being specified first:

Provided that—

(i) it shall not be necessary to state that the food contains water;

(ii) where a food contains an ingredient which is made from two or more constituents, the appropriate designations of those constituents shall be so specified and it shall not be necessary to specify the appropriate designation of that ingredient.

For the purposes of this paragraph "appropriate designation" means a name or description, being a specific and not a generic name or description, which shall indicate to a prospective purchaser the true nature of the ingredient or constituent to which it is applied.

(4) (*a*) In the case of intoxicating liquor pre-packed for sale as such the said statement shall also specify the appropriate designation of the product and (except in the case of beer, cider and perry and of wine obtained by the fermentation in the district of its origin of the juice of freshly gathered grapes which wine has not been subject to any process so as to alter its character) such one of the following declarations as may be applicable or such other declaration substantially to the like effect as may be allowed by the Minister, that is to say:—

(i) in the case of undistilled fermented liquor, not made from freshly gathered grapes, which in so far as it is derived from fruit, is derived exclusively from one variety of fruit:—

FRUIT BASIS EXCLUSIVELY (x) NOT LESS THAN (y)

(a) 1 & 2 Geo. 6. c. 22.

(ii) in the case of undistilled fermented liquor, not made from freshly gathered grapes, derived from more than one variety of fruit:—

FRUIT BASIS (x) AND (x) NOT LESS THAN (y)

(iii) in the case of undistilled fermented liquor which is not derived wholly or in part from fruit:—

NOT MADE FROM FRUIT NOT LESS THAN (y)

(iv) in the case of brandy, gin, rum and whisky, the alcohol content of which is less than 65 per cent. proof spirit:—

DILUTED WITH WATER TO NOT LESS THAN (y)

Provided that this requirement shall not apply to brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask;

(v) in the case of any other intoxicating liquor to which the requirements of this paragraph (4) as to declaration apply:—

NOT LESS THAN (y)

The declaration shall be completed by inserting at (x) in cases (i) and (ii) a word or words accurately specifying the description of fruit or fruit products as used by the manufacturer in the process of fermentation and at (y) in cases (i) (ii) (iii) and (v), except as respects brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask, the minimum alcohol content expressed in figures either as a percentage by volume or as a percentage of proof spirit and followed by the words " PER CENT. ALCOHOL BY VOLUME " or " PER CENT. PROOF SPIRIT " as the case may be.

In case (iv) above and in case (v) as respects brandy the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask the declaration shall be completed by inserting at (y) the minimum alcohol content expressed in figures either as a percentage of proof spirit followed by the words " PER CENT. PROOF SPIRIT " or as degrees proof followed by " ° PROOF ".

In case (ii) the fruit or fruit products used shall be specified in the order of the proportion in which they were used, that used in the greatest proportion (by weight) being specified first.

In every case, the declaration shall be printed in dark block type upon a light coloured ground or in light block type upon a dark coloured ground and shall be enclosed by a surrounding line in the manner indicated above and no matter other than that hereinbefore described shall be printed within such surrounding line, provided that in the case of brandy, gin, rum and whisky, the alcohol content of which is not less than 65 per cent. proof spirit and of any other intoxicating liquor the alcohol content of which is not less than 40 per cent. proof spirit, it shall be sufficient for the declaration to be in the following form:—

(z) ° PROOF

inserting at (z) the figure which represents the percentage of proof spirit.

The declaration shall be printed in block type not less than $\frac{1}{8}$th inch in height except in the case of liquor pre-packed in bottles less than the normal half bottle size when the declaration may be printed in block type not less than $\frac{1}{12}$th inch in height.

(*b*) For the purposes of this paragraph—

(i) " appropriate designation " means a name or description, being a specific and not a generic name or description, which shall indicate to a prospective purchaser the true nature of the product to which it is applied: and in particular—

(*aa*) such appropriate designation shall include or be accompanied in the said statement by the name of the country or countries of origin of the liquor;

(*ab*) geographical names which are not names for distinctive types of intoxicating liquor shall not be applied to liquor produced in any locality other than the particular locality indicated by the name; and

(*ac*) where any liquor is described in terms which might infer or suggest that it is a distinctive type of intoxicating liquor which has originated in a particular country or locality and the liquor is not the produce of that country or locality, the name or description shall be immediately preceded by an adjective indicating the true country or locality of origin printed in such a manner as to be substantially as conspicuous as such name or description.

(ii) " fruit " includes rhubarb.

(iii) intoxicating liquor shall be deemed not to be derived from any fruit which is present therein only in insignificant quantities.

Savings

5.—(1) This Part of this Order shall not apply as respects—

(*a*) any food described in the First Schedule to this Order to the extent therein mentioned;

(*b*) any assortment of foods packed for sale as a meal and ready for consumption without cooking, heating or other preparation.

(2) Paragraph (2) and subparagraph (3) (*a*) of Article 4 shall not apply to any food consisting of one ingredient packed in advance by a retailer in a wrapper or container on the premises where it is to be sold by him, provided that this exemption shall not apply if the wrapper or container or any label given with the food bears any words referring in any way to the food other than such as are necessary to identify the food or to indicate the price and quantity thereof.

(3) Paragraph (2) of Article 4 shall not apply to any food consisting of two or more ingredients which is packed in advance by a retailer in a wrapper or container on the premises where it is sold by him.

(4) Where any food is pre-packed in a wrapper or container containing less than one-half of an ounce or less than one-half of a fluid ounce, as the case may be, and owing to insufficient space on the wrapper or container it is not reasonably practicable for all the particulars specified in paragraphs (2) and (3) of Article 4 to appear on the label, it shall only be necessary to specify such of those particulars as it is reasonably practicable to specify, and the particulars required by paragraph (3) shall be specified first.

PART III

Labelling of pre-packed food sold otherwise than by retail

6.—(1) Every seller who delivers any pre-packed food pursuant to a sale otherwise than by retail shall either—

(*a*) deliver the food labelled in the manner prescribed in Part II of this Order in relation to a retail sale of such food ; or

(*b*) deliver the food unlabelled and furnish to the purchaser not later than 14 days after the delivery an invoice or other document containing a statement of such particulars as may be necessary to enable a retail trader to comply with the provisions of paragraphs (3) and (4) of Article 4 of this Order.

For the purposes of this paragraph pre-packed food shall be regarded as unlabelled only if no words or marking referring in any way to the food appear on the wrapper or container or on any label printed thereon or attached thereto, save that the food shall not be regarded as labelled merely by reason that the wrapper or container has been marked at the time of packing with such words or other marking as are reasonably necessary to identify the goods.

(2) The preceding paragraph of this Article shall not apply in the case of any food specified in paragraph (1) (*b*) of Article 5 of this Order or in Table B in the First Schedule to this Order.

PART IV

Special requirements as to labelling of certain foods

7.—(1) No person shall sell or have in his possession for sale any canned or frozen peas which have been dried, soaked or otherwise processed prior to canning or freezing which are described in a label attached to or printed on the wrapper or container—

(*a*) as " peas ", unless the word " peas " wherever it appears on the label is immediately preceded by the word " processed " printed in such a manner as to be substantially as conspicuous as the word " peas " ;

(*b*) as being " fresh ", " garden " or " green ", or by the use of any word which may indicate either directly or by ambiguity, omission or inference, that the peas are other than peas which have been dried, soaked or otherwise processed prior to canning or freezing.

(2) No person other than a pharmacist or an authorised seller of poisons shall sell or have in his possession for sale any pre-packed concentrated acetic acid or solution of acetic acid, whether coloured or not, containing more than 15 per cent. weight in volume of acetic acid unless—

(*a*) it is described as "Concentrated solution of acetic acid (X) per cent." the description to be completed by inserting at (X) the appropriate figure, and

(*b*) there appears on the main label in red type not less than $\frac{1}{8}$th inch in height upon a light coloured ground the words "Dangerous—not to be used unless diluted".

(3) No person shall sell or have in his possession for sale any pre-packed coffee mixture which is described in a label attached to or printed on the wrapper or container—

(*a*) as "french coffee" unless the words "french coffee" wherever they appear are immediately followed by the words "coffee and chicory mixture" printed in such a manner as to be substantially as conspicuous as the words "french coffee";

(*b*) as "viennese coffee" unless the words "viennese coffee" wherever they appear are immediately followed by the words "coffee with fig seasoning" or "coffee with fig flavouring" printed in such a manner as to be substantially as conspicuous as the words "viennese coffee".

PART V

Special requirements as to labelling of certain liquors

8. No person shall sell or have in his possession for sale any liquor described in a label attached to or printed on the wrapper or container—

(*a*) in the case of intoxicating liquor, by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor is, or resembles, wine obtained by the fermentation in the district of its origin of the juice of freshly gathered grapes, or is a substitute for or has the flavour of such wine, unless it is derived from fruit, and, in so far as it is derived from fruit, is derived exclusively from grapes;

(*b*) in the case of intoxicating liquor which is not derived from fruit or which is wholly or partly derived from fruit other than grapes, by the use of the word "wine", unless that word is immediately preceded in identical lettering by a word or words accurately specifying the description of fruit or fruit product or other saccharine material used:

Provided that nothing in this sub-paragraph shall prevent the use of the description "Ginger Wine" or "Orange Wine" for products wholly or partly derived from fruit other than grapes;

(*c*) by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor is, or resembles a sweetened liqueur or is a substitute for or has the flavour of a sweetened liqueur unless it is a suitably flavoured compounded spirit which has been rendered sweet and viscous only by the addition of sucrose, dextrose or invert sugar and not by the use of any other ingredient;

(*d*) by any words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor is a mixture containing spirits or is a cocktail or resembles or is a substitute for or has the flavour of a cocktail, unless it contains not less than 40 per cent. proof spirit and either

the Customs duty or Excise duty chargeable on spirits has been paid in respect of not less than 50 per cent. of the alcohol content of the liquor—

Provided that nothing in this sub-paragraph shall prevent the use of the description "Advocaat" for a product consisting of spirits, eggs, sugar and flavouring and containing not less than 30 per cent. proof spirit, or "Black Beer and Rum" for a product consisting of a mixture of black beer and rum and containing not less than 20 per cent. proof spirit;

Provided also that, so long as no name or description usually associated with a cocktail containing spirits or with a sweetened liqueur is used, nothing shall prevent the use of the description—

(i) "Wine Cocktail" for a product which is derived from wine obtained by the fermentation in the district of its origin of the juice of freshly gathered grapes and which contains not less than 35 per cent. proof spirit, or

(ii) "British Wine Cocktail" or the words "wine cocktail" immediately preceded by the name of the fruit or fruits or other saccharine material from which the product is derived, for a product which is made from wine other than that referred to in the preceding sub-paragraph and which contains not less than 24 per cent. proof spirit, or

(iii) "Alcoholic Cordial" for a suitably flavoured compounded spirit which has been rendered sweet and viscous only by the addition of sucrose, dextrose or invert sugar and not by the use of any other ingredient and which contains not less than 10 per cent. proof spirit, or

(iv) "Alcoholic Cordial" for a suitably flavoured compounded spirit which has been rendered sweet and viscous only by the addition of sucrose, dextrose or invert sugar and not by the use of any other ingredient and which contains not less than 5 per cent. proof spirit if there appears on each bottle conspicuously and in bold type the following declaration or such other declaration substantially to the like effect as may be allowed by the Minister, namely:—

"This Alcoholic Cordial is authorised to be sold containing not less than 5 per cent. proof spirit on condition that it is sold only for the purpose of mixing with spirits to be consumed on licensed premises";

(v) "Bitters" for any bitters containing not less than 15 per cent. proof spirit;

(vi) "Non-Alcoholic Fruit (or Vegetable) Juice Cocktail" for a non-alcoholic product consisting of not less than 80 per cent. undiluted fruit or vegetable juice and ready for consumption without dilution;

(*e*) in the case of cider or perry which has been artificially aerated, by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor resembles or is a substitute for, or has the character of champagne;

(*f*) in the case of spirits the alcohol content of which is less than 65 per cent. proof spirit, by the name brandy, gin, rum or whisky, unless such name is immediately preceded by the word "diluted" or such other qualification as the Minister may approve, printed in such a manner as to be substantially as conspicuous as the name applied—

Provided that this requirement shall not apply to brandy, the alcohol content of which has fallen below 65 per cent. proof spirit only through maturing in cask;

(*g*) by any name or words calculated to indicate either directly or by ambiguity, omission or inference that the liquor has properties which make it beneficial for invalids or has tonic, restorative or medicinal properties, unless—

(i) the liquor contains a substance or substances other than alcohol added in such quantity as to confer such properties, and

(ii) the description is accompanied by a statement of the approximate percentage present of such substance or substances:

Provided that this paragraph shall not apply to a soft drink described in a label by the name "Indian Tonic Water" or "Quinine Tonic Water" which contains not less than ½ grain of quinine (calculated as quinine sulphate B.P.) per pint.

PART VI

Special requirements where presence of vitamins or mineral or tonic properties claimed

Vitamins and minerals

9.—(1) Subject to the provisions of this Article no person shall—

(*a*) give with any food sold by him a label, whether attached to or printed on the wrapper or container or not, which makes a general claim that vitamins or minerals are present in the food;

(*b*) have in his possession for sale any pre-packed food which bears such a label as aforesaid; or

(*c*) publish, or be a party to the publication of, an advertisement of any food which makes any such general claim as aforesaid;

unless the food contains, in the case of a claim as to vitamins, one or more of the substances specified in the first column of Part I of the Second Schedule to this Order or, in the case of a claim as to minerals, one or more of the substances specified in the first column of Part II of that Schedule, and the label or advertisement, as the case may be, specifies in the manner prescribed in the said Schedule the minimum quantity of every such substance contained in each ounce or fluid ounce of the food and when the minimum quantity of the food in the container is stated by weight the minimum quantity of every such substance per ounce shall be specified and when the minimum quantity of the food in the container is stated by volume the minimum quantity of every such substance per fluid ounce shall be specified.

(2) Subject to the provisions of this Article no person shall—

(*a*) give with any food sold by him a label, whether attached to or printed on the wrapper or container or not, which claims or in any way suggests that any particular substance or substances specified in the first column of the Second Schedule to this Order is or are present in the food;

(*b*) have in his possession for sale any pre-packed food, which bears such a label as aforesaid ; or

(*c*) publish, or be a party to the publication of, an advertisement of any food which makes any such claim or suggestion as aforesaid ;

unless the label or advertisement, as the case may be, specifies in the manner prescribed in the said Schedule the minimum quantity of every such substance contained in each ounce or fluid ounce of the food and when the minimum quantity of the food in the container is stated by weight the minimum quantity of every such substance per ounce shall be specified and when the minimum quantity of the food in the container is stated by volume the minimum quantity of every such substance per fluid ounce shall be specified :

Provided that the requirements of this paragraph shall not apply in relation to a substance specified in Part II of the said Schedule if the only claim or suggestion that the substance is present in a food is contained in a statement of the ingredients of that food made on the label thereof in order to comply with the provisions of Part II or III of this Order.

(3) The provisions of this Article shall not apply to—

(*a*) fruit and vegetables, including fruit and vegetables which have been preserved by freezing or by gas or cold storage or by any other method of storage, but excluding fruit or vegetables which have been canned or bottled or preserved otherwise than as aforesaid ;

(*b*) liquid cow's milk (not including condensed milk) ;

(*c*) shell eggs ;

(*d*) fish of any description, including shell fish and processed fish, but not including canned or bottled fish or any manufactured product containing fish ;

(*e*) any food served by a caterer as a meal or part of a meal in the course of his catering business.

(4) Nothing in this Article shall in relation to butter prohibit the giving of a label or the publishing of an advertisement which correctly and truthfully claims that the butter in respect of which the claim is made is a natural source of Vitamin A notwithstanding that the minimum quantity of Vitamin A contained therein is not specified.

(5) In any proceedings for an offence against this Article in relation to the publication of an advertisement, it shall be a defence for the defendant 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.

(6) In any such proceedings as aforesaid against the manufacturers, producers or importers of the advertised food, it shall rest on the defendant to prove that he did not publish and was not a party to the publication of, the advertisement.

(7) In any proceedings for an offence against this Article in respect of a failure to specify the required particulars in an advertisement of any food, it shall be a defence for the defendant to prove that he took all reasonable steps to secure, by the pre-packing of the food, that it would not be sold without a label specifying these particulars.

(8) This Article shall be without prejudice to the requirements of Parts II and III of this Order.

Tonic Properties

10. No person shall sell or have in his possession for sale any food which is described in a label attached to or printed on the wrapper or container by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the food has tonic properties by reason only that such food contains (*a*) alcohol, (*b*) sugars or other carbohydrates, (*c*) protein or substances prepared from the hydrolysis of protein, or (*d*) caffeine or other purine derivatives.

PART VII

Miscellaneous

Defacing of labels

11. No person shall remove, add to, alter, deface or render illegible any statement upon a label printed on or attached to a wrapper or container in pursuance of any provision of this Order:

Provided that it shall be a defence in any proceedings for an infringement of this Article for the defendant to prove either—

(*a*) that the food was in his possession at the time of the infringement otherwise than for sale; or

(*b*) that he acted without intent to deceive.

Defences

12.—(1) Where in any prosecution a person is charged with an infringement of any provision of this Order in respect of the sale or displaying or possession for sale of any pre-packed food and the alleged offence relates to the inaccuracy or omission of any particular required to be shown on a label marked on or attached to a wrapper or container or otherwise given with the food pursuant to any of the said provisions or in a statement furnished by the defendant pursuant to Article 6, it shall be a defence for him to prove—

(*a*) that he purchased the food in the wrapper or container in which he sold it from a person carrying on business at an address in the United Kingdom, and that the wrapper or container had remained unopened;

(*b*) that such particular was shown on or omitted from (as the case may be) the label when the food was purchased by him or shown on or omitted from (as the case may be) a statement furnished to him in respect of that food pursuant to the said Article 6; and

(*c*) that at the time of the alleged infringement he had no reason to believe that this Order was being infringed:

Provided that a person shall not be entitled to avail himself of the defence provided by this Article unless within fourteen days of the service of the summons he has sent to the prosecutor a copy of the label or statement upon which he intends to rely with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it and has also sent a like notice of his intention to that person.

(2) The person by whom any such label or statement is alleged to have been given shall be entitled to appear at the hearing and to give evidence.

(3) Where the defendant is a servant of the person who purchased the article with such a label or statement he shall be entitled to rely on the provisions of this Article in the same way as his employer would have been entitled to do if he had been the defendant.

Right of defendant to summon person responsible for offence

13.—(1) A person against whom proceedings are brought in respect of an infringement of this Order shall, upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have any person to whose act or default he alleges that the contravention of the provisions in question was due brought before the court in the proceedings, and, if, after the contravention has been proved, the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence, and, if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.

(2) Where a defendant seeks to avail himself of the provisions of the preceding paragraph—

(*a*) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence ;

(*b*) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) Where it appears to the Minister or other authority entitled to bring proceedings for an infringement of this Order, that an offence has been committed, in respect of which proceedings might be taken for an infringement of this Order against some person and the Minister or other authority is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the first-mentioned person could establish a defence under paragraph (1) of this Article, he or they may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first-mentioned person.

In any such proceedings the defendant may be charged with and, on proof that the contravention was due to his act or default, be convicted of, the offence with which the first-mentioned person might have been charged, and shall be liable on conviction to the like punishment as might have been inflicted on the first-mentioned person if he had been convicted of the offence.

Certificate of public analyst

14.—(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 head (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 a 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.

PART VIII

Savings, Application and Revocation

Savings

15.—(1) Nothing in this Order shall relieve any person from complying with the provisions of any Act of Parliament, Order in Council, order, regulation or byelaw for the time being in force.

(2) This Order, except so far as it relates to advertisements, shall not apply—

(*a*) to any food imported on Government account which is still contained in the wrapper or container in which it was so imported;

(*b*) to any food packed for consumption by Her Majesty's Forces or the Forces of any of Her Majesty's Allies or co-belligerents;

(*c*) to any food intended at the time of sale for export from the United Kingdom or for use as ships' stores.

Application to Scotland

16. This Order shall in its application to Scotland have effect subject to the following modifications:—

(*a*) for any reference to a summons, a hearing and a defendant there shall be respectively substituted references to a complaint, a diet and a person accused;

(*b*) "public analyst" has the same meaning as in the Food and Drugs (Adulteration) Act, 1928(**a**);

(*c*) for Article 13 there shall be substituted the following Article:—

"13. Where an offence has been committed in respect of which proceedings might be taken for an infringement of this Order against some person and the offence was due to an act or default of some other person, then, whether proceedings are or are not taken against the first-mentioned person, that other person may be charged with and convicted of the offence, and shall be liable on conviction to the like punishment as might have been inflicted on the first-mentioned person if he had been convicted of the offence."

(*d*) for the references to the Public Health (Preservatives, etc., in Food) Regulations, 1925 to 1948, to the Public Health (Preservatives, etc., in Food) Regulations, 1925(**b**), and to paragraph 1 of the Second Schedule to the Public Health (Preservatives, etc., in Food) Regulations, 1925, there shall be respectively substituted references to the Public Health (Preservatives, etc., in Food) Regulations, (Scotland), 1925 to 1940, to the Public Health (Preservatives, etc., in Food) Regulations (Scotland), 1925(**c**), and to paragraph 1 of the Second Schedule to the Public Health (Preservatives, etc., in Food) Regulations (Scotland), 1925; and for the reference to the Public Health (Condensed Milk) Regulations, 1923 to 1948, there shall be substituted a reference to the Public Health (Condensed Milk) Regulations (Scotland) 1931(**d**).

Application to Northern Ireland

17. This Order shall, in its application to Northern Ireland, have effect subject to the following modifications:—

(*a*) the expression "Department of Her Majesty's Government" shall include a Department of the Government of Northern Ireland;

(**a**) 18 & 19 Geo. 5, c. 31.
(**b**) S.R. & O. 1925/775; Rev. VIII, p. 95; 1925, p. 1375.
(**c**) S.R. & O. 1925/814; Rev. VIII, p. 107; 1925, p. 1404.
(**d**) S.R. & O. 1931/116; Rev. VIII, p. 35; 1931, p. 1103.

(*b*) for any reference to the Government Chemist there shall be substituted a reference to the Government Chemist for Northern Ireland;

(*c*) the expression "public analyst" means a public analyst appointed under the Sale of Food and Drugs Acts (Northern Ireland), 1875 to 1939;

(*d*) for the references to the Public Health (Preservatives, etc., in Food) Regulations, 1925 to 1948, to the Public Health (Preservatives, etc., in Food) Regulations, 1925, and to paragraph 1 of the Second Schedule to those Regulations, there shall be substituted references to the Public Health (Preservatives, etc., in Food) (Northern Ireland) Regulations, 1927 to 1940, to the Public Health (Preservatives, etc., in Food) (Northern Ireland) Regulations, 1927, and to the provisions thereof corresponding to paragraph 1 of the said Second Schedule;

(*e*) for the reference to the Public Health (Condensed Milk) Regulations, 1923 to 1948, there shall be substituted a reference to the Public Health (Condensed Milk) Regulations, 1925 and 1927 (S.R. & O. (N.I.) 1925/169; and 1927/157).

Revocation

18. Save as hereinafter provided the Labelling of Food Order, 1950(**a**) as amended(**b**), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof:

Provided that the provisions of that Order referred to in Column 1 of the Third Schedule to this Order shall remain in force until the date specified in relation thereto in Column 2 of the said Schedule and until such date shall be read as one, mutatis mutandis, with the provisions of this Order for the time being in operation.

G. Lloyd-George,
Minister of Food.

Dated the 25th day of March, 1953.

THE FIRST SCHEDULE

Foods Exempt or Partly Exempt from Part II of the Order

The foods specified in Column 1 of Table A below shall be exempt from such of the provisions of Part II of the Order as are specified in Column 2 of the Table, to the extent shown in Column 3 of the Table.

Table A

Column 1 Description of Food	Column 2 Provision of Part II from which exempt	Column 3 Extent of exemption
1. Any food specified in Table B below, when pre-packed for sale as such.	The whole Part	Wholly exempt.
2. Compound Cooking Fat. Margarine (not including vegetarian butter). National flour. Sugar. Yeast.	Article 4 (2)	Wholly exempt.

(**a**) S.I. 1950/1061; 1950 III, p. 19. (**b**) S.I. 1952/549; 1952 I, p. 957.

Column 1	Column 2	Column 3
3. Spices— (*a*) when pre-packed for sale as such, other than spices consisting of a single ingredient; (*b*) when forming an ingredient of some other food. Any deodorised fatty oil, whether hydrogenated or not, when forming an ingredient of some other food. Colourings, when forming an ingredient of some other food. Emulsifying salts (sodium citrate, sodium phosphates and sodium tartrate) when forming an ingredient of some other food. Vine fruits (muscatels, raisins, sultanas and currants) when forming an ingredient of some other food other than a beverage. Nuts when forming an ingredient of some other food. Prepared purified starch when forming an ingredient of some other food. Synthetic cream when forming an ingredient of some other food. Herbs, when forming an ingredient of some other food but not exceeding one per cent. by weight of such food. Fish when forming an ingredient of fish products.	Article 4 (3)	Exempt to the extent that they may be designated as spices, edible oil or edible fat, colourings, emulsifying salts, vine fruits, nuts, edible starch, synthetic cream, herbs or fish (as the case may be) without further specification as to their common or usual name or as to composition.
4. Colourings, when pre-packed for sale as such.	Article 4 (3)	Exempt to the extent that the colouring ingredients may be designated without further specification— (*a*) unless of synthetic origin, as " colour ", or (*b*) if of synthetic origin, as " synthetic colour " or " artificial colour ".
5. Flavourings, as defined at the foot of this Table— (*a*) when pre-packed for sale as such, other than flavourings consisting of a single ingredient;	Article 4 (3)	Exempt to the extent that the ingredients need not be specified.
(*b*) when forming an ingredient of some other food.	Article 4 (3)	Exempt to the extent that they may be designated either as " flavourings " or as " flavouring essences " or by their common or usual name without further specification as to composition.

Column 1	Column 2	Column 3
6. Speciality flour whether pre-packed for sale as such or forming an ingredient of some other food.	Article 4 (3)	Exempt to the extent that ingredients or constituents which for the purposes of the Flour Order, 1952(a), as amended(b), are authorised ingredients of national flour or "M" flour need not be specified, if they are present only in quantities not greater than those in which they are customarily present in national flour or "M" flour.
7. Preservatives as defined in the Public Health (Preservatives, etc., in Food) Regulations, 1925— (*a*) pre-packed for sale as such, or (*b*) forming an ingredient of one of the foods specified in paragraph 1 of the Second Schedule to those Regulations.	Article 4 (3)	Wholly exempt but the label must comply with the requirements of the Public Health (Preservatives, etc., in Food) Regulations, 1925–1948.
8. Any food specified in Column 1 of Table C below, pre-packed for sale as such, for which requirements as regards composition are laid down in the Order specified in relation thereto in Column 2 of that Table, in so far as such food complies as regards composition with such requirements. Any of the following, when pre-packed for sale as such:— Beef sausages, pork sausages, slicing sausages, beef sausage meat and pork sausage meat (other than canned). Biscuits (as defined in Article 2 (1)). Cheese (including processed cheese, blue vein, soft, curd or cream cheese, and cheese made from milk other than cow's milk). Compound Cooking Fat. Condensed milk as defined by the Public Health (Condensed Milk) Regulations, 1923 to 1948. Custard powder and Blancmange powder.	Article 4 (3)	Exempt to the extent that the ingredients need not be specified.

(a) S.I. 1952/749; 1952 III, p. 3147. (b) S.I. 1952/2041; 1952 III, p. 3168.

Column 1	Column 2	Column 3
8.—*cont.* Fruit and vegetables (including vegetable salad in mayonnaise) canned in the United Kingdom. Macaroni or spaghetti (cooked, in tomato sauce) canned in the United Kingdom. Margarine (not including vegetarian butter). National Flour. Spa Waters, Seltzer Waters, Potash Water and Lithia Water. Thick Mixed Fruit Sauces. Worcester Sauce, and similar thin sauces. Any preparation which is the subject of a monograph in the 1948 or any later issue of the British Pharmacopoeia, including the Addenda thereto, or in the formulary section of the 1949 or any later issue of the British Pharmaceutical Codex, including supplements thereto.	Article 4 (3)	Exempt to the extent that the ingredients need not be specified.
9. Any of the following, when forming an ingredient of some other food:— Any food specified in entry No. 8 in this column or in Table B below. Breadcrumbs, Ruskcrumbs and Rusk. Intoxicating Liquor. " M " flour. Macaroni and similar products Tomato ketchup, catsup, sauce or relish.	Proviso (ii) to Article 4 (3)	Exempt to the extent that it may be designated by its appropriate designation without specifying the appropriate designation of its constituents.

Note:—For the purposes of entry No. 5 above, the expression " flavouring " means any product which complies with the following conditions:—

(*a*) it must have aromatic properties;

(*b*) where it is an ingredient of any food it shall have been added primarily for flavouring purposes and where it is packed for sale as such it shall be intended for use primarily for such purposes; and

(*c*) it shall consist of an essential oil, natural gum, gum resin, oleo-resin, a chemical having flavouring property, or any vegetable extractive, or a mixture of any of these, and it may also contain one or more of the following (but no other) ingredients:—

(i) fruit juices;

(ii) such other substances as are reasonably necessary to produce a solid a solution or an emulsion from the aforementioned ingredients;

but the expression shall be deemed not to include any preparation of yeast, coffee or chicory, any soft drink, or any substance prepared by the hydrolysis of protein-containing materials.

TABLE B

(Foods wholly exempt from Part II of the Order when pre-packed for sale as such and partly exempt when forming an ingredient of some other food.)

Beer brewed in the United Kingdom.
Bread (not including breadcrumbs).
Butter and milk blended butter.
Flour confectionery (as defined in Article 2 (1)).
Fresh fruit and vegetables (other than potatoes) not including fruit or vegetables which are bottled, frozen, dried or otherwise processed but so that for this purpose cleaning or removal of extraneous or inedible matter shall not be regarded as processing.
Liquid cow's milk (other than condensed milk).
Meat puddings (other than canned) and meat pies.
Single toffee apples.
Sugar confectionery, chocolate and chocolate confectionery.
Whole cooked beetroots.

TABLE C

Foods of which the ingredients need not be specified in accordance with paragraph (3) of Article 4 of this Order in so far as they are pre-packed for sale as such but are governed as regards composition by the Order specified in Column 2 and must comply therewith as regards composition.

Column 1	Column 2
Any food for which a standard is prescribed by an Order under Regulation 2 of the Defence (Sale of Food) Regulations, 1943, other than tomato ketchup, catsup, sauce or relish.	The Order prescribing the standard.
Soft drinks	The Soft Drinks Order, 1947(a), as amended(b).
Standard saccharin tablets	The Saccharin Order, 1949(c).
Sweetening tablets	

THE SECOND SCHEDULE

PART I

VITAMINS

Column 1	Column 2
Substance	To be calculated as:
Group 1	
Vitamin A	International units of vitamin A.
Group 2	
Carotene	International units of vitamin A, on the basis that 0·6 micrograms of betacarotene is equivalent to one international unit of vitamin A.

(a) S.R. & O. 1947/2756; 1947 II, p. 994.
(b) S.I. 1948/1291; 1951/137: 1948 II, p. 754; 1951 III, p. 422.
(c) S.I. 1949/945; 1949 II, p. 538.

Column 1	Column 2
Substance	To be calculated as:
Group 3	
Vitamin B_1	Milligrams of aneurin hydrochloride.
Aneurin	
Aneurin hydrochloride	
Thiamin	
Thiamin hydrochloride	
Group 4	
Vitamin B_2	Milligrams of riboflavin.
Riboflavin	
Group 5	
Nicotinic acid, nicotinic acid amide and their active derivatives	Milligrams of nicotinic acid or the chemically equivalent quantity of nicotinic acid in milligrams.
Niacin	
Niacinamide	
Nicotinamide	
Group 6	
Vitamin C	Milligrams of ascorbic acid.
Ascorbic acid	
Group 7	
Vitamin D	International units of vitamin D.
Group 8	
Vitamin D_2	International units of vitamin D.
Calciferol	
Group 9	
Vitamin D_3	International units of vitamin D.

The quantity of any substance specified in the first column of the above Table must be calculated in the manner prescribed in relation thereto in the second column, but it shall not be necessary to specify this quantity in terms of the substance named in the second column. It shall be sufficient if such quantity is specified together with a reference to any of the substances in the same group as named in the first column, as if all the names in the group were synonymous. Carotene may be referred to either as Carotene or as vitamin A; vitamin D_2, Calciferol and vitamin D_3 may be referred to as such or as vitamin D.

Part II

Minerals

Column 1	Column 2
Substance	To be calculated and specified as:
Calcium	Milligrams of calcium.
Iodine	Micrograms of iodine.
Iron	Milligrams of iron.
Phosphorus	Milligrams of phosphorus.

THE THIRD SCHEDULE

DATES OF REVOCATION OF PROVISIONS OF THE LABELLING OF FOOD ORDER, 1950, AS AMENDED

Column 1	Column 2
Provisions of the Order	Date of revocation
Paragraphs (5) and (6) of Article 2	1st July, 1953.
The exemption effected by the entry relating to British Pharmacopoeia and British Pharmaceutical Codex preparations in item 9 of Table A in the First Schedule to the Order	1st December, 1953.

THE FOURTH SCHEDULE

DATES OF OPERATION OF PROVISIONS OF THIS ORDER WHICH DO NOT COME INTO OPERATION ON 5TH APRIL, 1953

Column 1	Column 2
Provisions of the Order	Date of operation
Paragraphs (2) and (3) of Article 5	1st July, 1953.
Paragraph (3) of Article 7—	
(*a*) as respects food sold otherwise than by retail—	
(i) by the packer or labeller thereof or in his possession for sale otherwise than by retail	1st August, 1953.
(ii) by any other person or in his possession for sale otherwise than by retail	1st November, 1953.
(*b*) as respects food sold by retail or in the possession of any person for sale by retail	1st February, 1954.
The exemption effected by the entry relating to British Pharmacopoeia or British Pharmaceutical Codex preparations in item 8 of Table A in the First Schedule to the Order	1st December, 1953.

EXPLANATORY NOTE

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

This Order substantially re-enacts in a consolidated and revised form the Labelling of Food Order, 1950, and its amending Order. Certain new provisions have been introduced the principal ones being—

(*a*) to define biscuits and flour confectionery for the purpose of the exemption in the First Schedule (Article 2);

(*b*) to require retailers who pre-pack food consisting of two or more ingredients on the premises where it is to be sold to declare, on and after 1st July, 1953, the ingredients on labels (Article 4 (3));

(*c*) to permit the declaration on labels for intoxicating liquors to be printed in light block type on a dark ground or in dark block type on a light ground (Article 4 (4));

(*d*) to impose requirements as to the labelling of french coffee and viennese coffee (Article 7 (3)) such requirements to come into effect by stages on the dates specified in the Fourth Schedule;

(*e*) to permit emulsifying salts (as defined) and edible starch to be designated as such when forming an ingredient of some other food (Item 3 of Table A in the First Schedule);

(*f*) to exempt from the requirement to disclose ingredients those preparations specified in the 1948 British Pharmacopoeia and the 1949 British Pharmaceutical Codex (Item 8 of Table A in the First Schedule) such exemption to come into effect on 1st December, 1953;

(*g*) the exemption from the requirement to specify the ingredients of beef and pork sausages and sausage-meat and home-canned fruit and vegetables now appears under Item 8 of Table A in the First Schedule.

Save as otherwise mentioned above this Order comes into operation on 5th April, 1953.

1953 No. 1889

The Labelling of Food (Amendment) Order, 1953

Made - - - -	*22nd December*, 1953
Laid before Parliament	*23rd December*, 1953
Coming into Operation	*1st January*, 1954

The Minister of Food, in pursuance of the powers conferred upon him by Regulation 2 of the Defence (Sale of Food) Regulations, 1943(**a**), as continued in force by the Emergency Laws (Continuance) Order, 1953(**b**), and of all other powers him enabling in that behalf, hereby orders as follows:—

1. This Order shall come into operation on the 1st day of January, 1954, and may be cited as the Labelling of Food (Amendment) Order, 1953.

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

(*a*) by inserting in the first proviso to sub-paragraph (*d*) of Article 8 thereof after the words "containing not less than 30 per cent. proof spirit," the words "'Atholl Brose' for a product consisting of malt whisky, oatmeal, honey and cream, with or without other ingredients, and containing not less than 25 per cent. proof spirit,";

(*b*) by deleting from Table A of the First Schedule thereto—

(i) the reference to "National Flour" in column 1 of items 2 and 8;

(ii) item 6 relating to speciality flour;

(iii) the reference to "'M' flour" in column 1 of item 9;

(*c*) by deleting from Table C of the First Schedule thereto the items relating to soft drinks, standard saccharin tablets and sweetening tablets;

(a) S.R. & O. 1943/1553; 1945/1454: 1943 II, p. 70; 1945 II, p. 95.
(b) S.I. 1953/1768, p. 652 above. (c) S.I. 1953/536, p. 665 above.