1968. No. 3 **[C]**

FOOD AND DRUGS

Composition and Labelling

Margarine

REGULATIONS, DATED 10TH JANUARY 1968, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTIONS 4, 7 AND 68 OF THE FOOD AND DRUGS ACT (NORTHERN IRELAND) 1958.

The Ministry of Health and Social Services, in exercise of the powers conferred upon it by sections 4, 7 and 68 of the Food and Drugs Act (Northern Ireland) 1958(a), having consulted with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Margarine Regulations (Northern Ireland) 1968 and shall come into operation on 4th January 1971.

Interpretation

2.—(1) In these regulations—

"the Act" means the Food and Drugs Act (Northern Ireland) 1958;

"container" includes any form of packaging of food for sale as a single item, whether by way of wholly or partly enclosing the food or by way of attaching the food to some other article, and in particular includes a wrapper or confining band;

"margarine" means the food usually known as margarine, being a plasticised emulsion of edible oils and fats with water or skimmed milk, with or without the addition of vitamins A and D, sodium chloride, sugars and other minor ingredients and permitted additives;

"permitted additive" means any colouring matter, antioxidant, emulsifier, stabiliser, preservative or solvent, as the case may be, inasmuch as its use in margarine is permitted by the appropriate regulations mentioned in Schedule 1;

"sell" includes offer or expose for sale or have in possession for sale, and "sale" and "sold" shall be construed accordingly;

"sell by retail" means sell to a person buying otherwise than for the purpose of re-sale, and "sold by retail" shall be construed accordingly;

"vitamin A" means vitamin A present as such or as its esters and includes beta-carotene on the basis that 0.75 micrograms of beta-carotene shall be regarded as equivalent to 1.0 international unit of Vitamin A;

"vitamin D" means the anti-rachitic vitamins.

(2) All percentages mentioned in these regulations are percentages calculated by weight.

(3) Any reference in these regulations to a label borne on a container shall be construed as including a reference to any legible marking on the container however effected.

(a) 1958. c. 27.

(4) For the purposes of these regulations, the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food, and references to purchasing and purchaser shall be construed accordingly.

Exemptions

3. The following provisions of these regulations shall not apply in relation to any margarine—

(*a*) sold, consigned or delivered for exportation to any place outside the United Kingdom; or

(*b*) supplied under Government contracts for consumption by Her Majesty's Forces or supplied for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(**b**); or

(*c*) sold, consigned or delivered to a manufacturer for the purposes of his manufacturing business or to a caterer for the purposes of his catering business.

Continuation in force of regulations 10 to 14 of the Labelling of Food Regulations (Northern Ireland) 1961

4. Until regulations 10, 11, 12, 13 and 14 of Part IV of the Labelling of Food Regulations (Northern Ireland) 1961(**c**) are revoked in accordance with regulation 13(2), regulations 8 and 10, insofar as they relate to a label, ticket or notice, shall not apply in relation to any label, ticket or notice which conforms to the requirements of regulations 10, 11, 12, 13 and 14 of the said Part IV.

Composition of margarine

5.—(1) Any margarine sold, consigned or delivered—

(*a*) shall contain not less than 80 per cent. of fat of which not more than one tenth calculated by weight may be fat derived from milk, and

(*b*) shall not contain more than 16 per cent. of water.

(2) No person shall sell, consign or deliver, as the case may be, any margarine in contravention of this regulation.

Vitamin content of margarine

6.—(1) Any margarine sold by retail shall contain in every ounce of such margarine—

(*a*) not less than 760 international units and not more than 940 international units of vitamin A, and

(*b*) not less than 80 international units and not more than 100 international units of vitamin D,

and a proportionate amount in any part of an ounce.

(2) No person shall sell by retail any margarine in contravention of this regulation.

General requirements as to composition and description

7.—(1) No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing any margarine for which compositional requirements are specified unless the food complies with the appropriate compositional requirements set out in relation to that margarine.

(**b**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67. (**c**) S.R. & O. (N.I.) 1961, No. 160.

(2) Where a person sells any food to a purchaser in response to a request for any kind of margarine for which compositional requirements are specified, he shall be deemed to sell margarine of that kind and conforming to the compositional requirements for margarine of that kind which are specified in relation to that margarine, unless he clearly notifies the purchaser at the time of sale that the food is not of that kind.

Labelling and advertisement of margarine

8. No person shall give with any margarine sold by him any label, whether attached to or borne on the container or not, or display with any margarine offered or exposed by him for sale any ticket or notice, being a label, ticket or notice, as the case may be, which—

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

(*b*) claims that the margarine contains or is made with cream or milk unless—

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

(ii) such claim is made in letters or figures all of which, other than initial letters, are of equal size;

(*c*) claims that the margarine contains butter unless—

(i) such claim states the minimum percentage of butter which the margarine contains, and

(ii) the letters of the word "butter" contained in any such claim are not taller than the letters of the word or the figures, as the case may be, which indicate such minimum percentage of butter;

(*d*) bears or includes any brand or descriptive name unless the word "margarine" appears in immediate proximity to such brand or descriptive name at least once, in accordance with the requirements set out in Schedule 2;

(*e*) bears or includes the word "butter", "cream" or "milk", or any word suggestive of butter, cream or milk, or any brand or descriptive name derived from the words "butter", "cream" or "milk" in letters taller than those used for the word "margarine":

Provided that the provisions of sub-paragraphs (*a*) to (*c*) shall not apply as respects any list of ingredients of the margarine appearing on a label attached to or borne on the container thereof in accordance with the provisions of regulation 5 of the Labelling of Food Regulations (Northern Ireland) 1968(**d**).

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

(*a*) when it is presented visually, the word "margarine" appears clearly and prominently at least once;

(**d**) S.R. & O. (N.I.) 1968, No. 1.

(*b*) when it is presented orally, the word "margarine" is spoken audibly and clearly at least once.

(2) No person shall publish, or be a party to the publication of any advertisement for margarine which includes any brand or descriptive name unless—

(*a*) when it is presented visually, the word "margarine" appears in accordance with the requirements set out in paragraph 2 of Schedule 2, at least once, immediately before or immediately after such brand or descriptive name;

(*b*) when it is presented orally, the word "margarine" is spoken audibly and clearly at least once, immediately before or immediately after such brand or descriptive name.

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

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

(*b*) claims that the margarine contains or is made with cream or milk unless—

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

(ii) such claim, if presented visually, is made in letters or figures all of which, other than initial letters, are of equal size;

(*c*) claims that the margarine contains butter unless—

(i) such claim states the minimum percentage of butter which the margarine contains, and

(ii) the letters of the word "butter" contained in any such claim, if presented visually, are not taller than the letters of the word or the figures, as the case may be, which indicate such minimum percentage of butter;

(*d*) includes the word "butter", "cream" or "milk", or any word suggestive of butter, cream or milk, or any brand or descriptive name derived from the words "butter", "cream" or "milk" in letters taller than those used for the word "margarine".

10. No person shall—

(*a*) give with any food sold by him, any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale, any ticket or notice, or

(*b*) publish, or be a party to the publication of any advertisement for any food,

being a label, ticket, notice or advertisement, as the case may be, which bears or includes the word "margarine" unless—

(i) such food complies with the appropriate compositional requirements specified in regulations 5 and 6, or

(ii) the word is used in such a context as to indicate clearly that the margarine to which it relates is an ingredient, with one or more others, of such food and such margarine complies with the compositional requirements specified in regulation 5, or

(iii) the word is used in such a context as to indicate explicitly or by clear implication that such food is not margarine and does not include any.

Penalties

11.—(1) If any person contravenes or fails to comply with any of the foregoing provisions he shall be guilty of an offence and shall be liable on summary conviction—

(*a*) to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment; and

(*b*) 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.

(2) The requirements of section 47(3) of the Act (which requires notice to be given to the Ministry of Health and Social Services of intention to begin a prosecution for an offence against any provisions of these regulations made under section 7 of the Act) shall not apply as respects any proceedings instituted by a health authority for an offence against any such provisions.

Defences

12.—(1) In any proceedings for an offence 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 and did not himself make or cause to be made any material alteration in the substance of the advertisement.

(2) In any proceedings against the manufacturer or importer of any margarine or of any food containing margarine for an offence in relation to the publication of an advertisement, it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.

Revocation

13.—(1) The Food Standards (Butter and Margarine) Regulations (Northern Ireland) 1960(e) are hereby revoked.

(2) The definitions of margarine and margarine cheese in regulation 2(1), and regulations 10, 11, 12, 13 and 14 of the Labelling of Food Regulations (Northern Ireland) 1961 shall be revoked on 5th July 1971.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 10th day of January 1968.

(L.S.) *S. H. O'Fee,*
Assistant Secretary.

(e) S.R. & O. (N.I.) 1960, No. 187.

SCHEDULE 1 Regulation 2(1)

Regulations	References
The Colouring Matter in Food Regulations (Northern Ireland) 1966	S.R. & O. (N.I.) 1966, No. 243.
The Antioxidants in Food Regulations (Northern Ireland) 1966	S.R. & O. (N.I.) 1966, No. 288.
The Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1962	S.R. & O. (N.I.) 1962, No. 90.
The Preservatives in Food Regulations (Northern Ireland) 1962	S.R. & O. (N.I.) 1962, No. 173.
The Solvents in Food Regulations (Northern Ireland) 1967	S.R. & O. (N.I.) 1967, No. 282.

SCHEDULE 2 Regulations 8(*d*) and 9(2)(*a*)

Requirements as to marking on labels on containers, on tickets and notices and in advertisements

1.—(1) Where the word "margarine" appears on any label on a container, or on any ticket or notice, as the case may be, pursuant to regulation 8(*d*) every letter of such word shall—

(*a*) be clearly legible;

(*b*) appear in a prominent position on the label, ticket or notice;

(*c*) appear in a dark colour upon a light coloured ground or in a light colour upon a dark coloured ground;

(*d*) be of uniform colour and size, save that the initial letter of such word may be taller than any other letter therein;

(*e*) be of such size that the height of the shortest letter shall be not less than one half the height of the tallest letter, other than an initial letter, in any word of more than one letter appearing on any label on that container, or on that ticket or notice, as the case may be.

(2) For the purposes of this paragraph the height of any lower case letter shall be taken to be the x-height thereof, disregarding any ascender and descender thereof.

2. Where the word "margarine" is included in any advertisement pursuant to regulation 9(2)(*a*)—

(*a*) such word shall appear substantially as prominently as the brand or descriptive name to which it is in immediate proximity, and

(*b*) every letter in such word shall be of uniform size and colour on a ground of contrasting colour:

Provided that the initial letter of such word may be taller than any other letter therein.

EXPLANATORY NOTE

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

These regulations supersede the Food Standards (Butter and Margarine) Regulations (Northern Ireland) 1960 (insofar as they relate to margarine) and regulations 10, 11, 12, 13 and 14 of, and supporting definitions in, the Labelling of Food Regulations (Northern Ireland) 1961.

These regulations come into operation on 4th January 1971. The revocation of regulations 10, 11, 12, 13 and 14 of, and the supporting definitions in, the regulations of 1961 is, however, postponed until 5th July 1971 and until that date regulations 8 and 10 of these regulations, insofar as they relate to any label, ticket or notice, will not apply to any label, ticket or notice which conforms to the requirements of the said regulations 10, 11, 12, 13 and 14 (regulations 4 and 13(2)).

The regulations—

(*a*) specify requirements as to the fat, water, and vitamin content of margarine (regulations 5 and 6);

(*b*) specify requirements as to the wording of labels and on tickets and notices displayed with margarine and in advertisements for margarine (regulations 8 and 9 and paragraph 1 of Schedule 2);

(*c*) restrict the use of the words "butter", "cream" and "milk" on labels, tickets, notices and advertisements relating to the sale of margarine (regulations 8 and 9);

(*d*) specify requirements as to the use of the word "margarine" in advertisements for margarine (regulation 9 and paragraph 2 of Schedule 2).

The regulations do not apply to margarine sold for export or supplied for consumption by Her Majesty's Forces or a visiting force or sold to a manufacturer for the purposes of his manufacturing business or to a caterer for the purposes of his catering business (regulation 3).