STATUTORY INSTRUMENTS

1962 No. 721

FOOD AND DRUGS

MILK AND DAIRIES

The Milk and Dairies (Emulsifiers and Stabilisers) Regulations, 1962

Made - - - -	3*rd April*, 1962
Laid before Parliament	10*th April*, 1962
Coming into Operation	11*th April*, 1962

The Minister of Agriculture, Fisheries and Food and the Minister of Health, acting jointly, in exercise of the powers conferred on them by sections twenty-nine and one hundred and twenty-three of the Food and Drugs Act, 1955(a), and of all other powers enabling them in that behalf, hereby make the following regulations after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations:—

1. These regulations may be cited as the Milk and Dairies (Emulsifiers and Stabilisers) Regulations, 1962; and shall come into operation on the 11th day of April, 1962.

2.—(1) In these regulations, unless the context otherwise requires—

"the Act" means the Food and Drugs Act, 1955;

"emulsifier" and "stabiliser" mean respectively any substance, other than a natural food substance, which is capable—

(*a*) in the case of an emulsifier, of aiding the formation of, and

(*b*) in the case of a stabiliser, of maintaining,

the uniform dispersion of two or more immiscible substances, but do not in either case include agar, alginic acid, calcium alginate, sodium alginate, carrageen, edible gums, dextrin, pectin, calcium pectate, sodium pectate, calcium chloride, calcium lactate, lecithin, quillaia, proteins (whether hydrolysed or not), calcium caseinate, sodium caseinate, starches (whether modified or not), malt extract, sorbitol, or the sodium or potassium salts of any of the following, that is to say, acetic acid, carbonic acid, citric acid, lactic acid, malic acid, phosphoric acid, polyphosphoric acid or tartaric acid;

"food and drugs authority" has the meaning assigned to it by section 83 of the Act;

"human consumption" includes use in the preparation of food for human consumption;

"milk" means milk intended for sale or sold for human consumption, or intended for manufacture into products for sale for human consumption, and includes skimmed milk, but does not include cream, dried milk or condensed milk;

"natural food substance" means any substance, suitable for use as food and commonly used as food, which is wholly a natural product,

(a) 4 & 5 Eliz. 2. c. 16.

whether or not that substance has been subjected to any process or treatment;

"skimmed milk" includes separated milk or machine-skimmed milk, partly skimmed, separated or machine-skimmed milk and butter milk.

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(3) These regulations shall not apply to any milk intended for exportation to any place outside the United Kingdom.

3.—(1) No person shall add any emulsifier or any stabiliser to milk.

(2) No person shall sell any milk to which any addition has been made in contravention of paragraph (1) of this regulation.

4.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both, and, 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) Each food and drugs authority shall enforce and execute such provisions in their area.

5.—(1) Subsections (3) and (4) of section 108 (which relates to prosecutions), subsections (1), (2) and (3) of section 110 (which relates to evidence of analysis), sections 112 (which relates to the power of a court to require analysis by the Government Chemist) and 113 (which relates to a contravention due to some person other than the person charged), subsection (2) of section 115 (which relates to the conditions under which a warranty may be pleaded as a defence) and section 116 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution as the case may be, taken or brought for an offence under these regulations and as if the reference in the said section 112 to the said subsection (4) of section 108 included a reference to that subsection as applied by these regulations.

(2) Paragraph (*b*) of the proviso to subsection (1) of section 108 of the Act shall apply for the purposes of these regulations as if the reference therein to section 116 of the Act included a reference to that section as applied by these regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this twenty-third day of March, nineteen hundred and sixty-two.

(L.S.) *Christopher Soames,*

Minister of Agriculture, Fisheries and Food.

Given under the Official Seal of the Minister of Health this third day of April, nineteen hundred and sixty-two.

(L.S.) *J. Enoch Powell,*

Minister of Health.

(a) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

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

These regulations, which apply to England and Wales only, prohibit the addition of any emulsifier or stabiliser to milk and the sale of any milk to which such an addition has been made.

The regulations will come into operation on 11th April, 1962.