STATUTORY INSTRUMENTS

1973 No. 1070

FOOD AND DRUGS
MILK AND DAIRIES

The Milk and Dairies (Milk Bottle Caps) (Colour) Regulations 1973

Made - - -	18*th June* 1973
Laid before Parliament	26*th June* 1973
Coming into Operation	1*st December* 1973

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Social Services, acting jointly, in exercise of the powers conferred on them by sections 29 and 123 of the Food and Drugs Act 1955(**a**) as read with the Secretary of State for Social Services Order 1968(**b**), 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:—

Commencement and citation

1. These regulations may be cited as the Milk and Dairies (Milk Bottle Caps) (Colour) Regulations 1973, and shall come into operation on 1st December 1973.

Interpretation

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

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

"bottle" means any container which is closed and fastened by a cap of aluminium foil, but does not include a container which is closed and fastened by any other means;

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

"milk" means cows' milk intended for sale or sold for human consumption but does not include cream, or separated, dried, condensed or evaporated milk, or butter milk;

"milk description" means, in relation to milk, any description specified in column 1 of the Schedule to these regulations and includes, in each case where appropriate, that description expressed by the same words in a different order.

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

(**a**) 4 & 5 Eliz. 2. c. 16.
(**b**) S.I. 1968/1699 (1968 III, p. 4585).
(**c**) 1889 c. 63.

Labelling of milk bottles

3. No person shall sell or offer or expose for sale any milk contained in a bottle which is labelled with any milk description (whether or not it is labelled in any other way or with any other words) unless—

(*a*) the bottle is so labelled in embossed lettering or in lettering of a colour specified in relation to that description in column 2 of the Schedule to these regulations or partly in embossed lettering and partly in lettering of such a colour, on a cap of the colour specified in relation thereto in column 3 of that Schedule; and

(*b*) any symbol, marking or lettering other than that of the milk description, which appears on the cap, is embossed or is of a colour specified in relation to that description in column 2 of the Schedule to these regulations or is partly embossed and partly of such a colour.

Penalties and enforcement

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.

Application of provisions of the Act

5.—(1) Sections 108(3) and (4) (which relate to prosecutions), 110(1), (2) and (3) (which relate to evidence of analysis), 112 (which relates to the power of a court to require analysis by the Government Chemist), 113 (which relates to a contravention due to some person other than the person charged), 115(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 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 subsection (4) of section 108 included a reference to that subsection as applied by these regulations.

(2) Paragraph (*b*) of the proviso to section 108(1) 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 on 13th June 1973.

(L.S.)

Joseph Godber,
Minister of Agriculture, Fisheries and Food.

Keith Joseph,
Secretary of State for Social Services.

18th June 1973.

SCHEDULE regulations 2(1) and 3

Column 1 Milk Description	Column 2 Colour of Lettering	Column 3 Colour of Cap
Pasteurised Channel Islands Pasteurised Jersey Pasteurised Guernsey Pasteurised South Devon (whether or not the bottle is also labelled "Homogenised")	Black Silver	Gold
Pasteurised Homogenised	Black Silver	Red
Pasteurised Kosher (whether or not the bottle is also labelled with any of the following words:— "Channel Islands", "Jersey", "Guernsey", "South Devon", "Homogenised")	Black	Blue and Silver Stripes
Pasteurised Kedassia (whether or not the bottle is also labelled with any of the following words:— "Channel Islands", "Jersey", "Guernsey", "South Devon", "Homogenised")	Black	Purple and Silver Stripes
Pasteurised (except where it forms part of one of the foregoing milk descriptions)	Black	Silver
Untreated Channel Islands Untreated Jersey Untreated Guernsey Untreated South Devon (whether or not the bottle is also labelled "Kosher" or "Kedassia")	Black Silver	Green with single gold stripe not exceeding 10 mm. in width
Untreated (except where it forms part of one of the foregoing milk descriptions and whether or not the bottle is also labelled "Kosher" or "Kedassia")	Black Silver	Green

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations apply to England and Wales only and come into operation on 1st December 1973. They prescribe the colours of caps and lettering which shall be used in labelling, with the descriptions specified in relation to those colours, milk which is sold in bottles.

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