1962 No. 1531

FOOD AND DRUGS

MILK AND DAIRIES

The Milk and Dairies (Preservatives) Regulations 1962

Made - - - -	17*th July* 1962
Laid before Parliament	25*th July* 1962
Coming into Operation	26*th July* 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 29 and 123 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 (Preservatives) Regulations 1962; and shall come into operation on 26th July 1962.

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

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

"deterioration", in relation to food, means deterioration due to the action of bacteria, yeasts or moulds;

"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;

"preservative" means any substance which is capable of inhibiting, retarding or arresting the process of fermentation, acidification or other deterioration of food or of masking any of the evidence of putrefaction but does not include—

(*a*) common salt (sodium chloride);

(*b*) lecithin, sugars or tocopherols;

(*c*) nicotinic acid or its amide;

(*d*) vinegar or acetic acid, lactic acid, ascorbic acid, citric acid, malic acid, phosphoric acid, polyphosphoric acid or tartaric acid or the calcium, potassium or sodium salts of any of the acids specified in this sub-paragraph;

(*e*) glycerol, alcohol or potable spirits, iso-propyl alcohol, propylene glycol, monoacetin, diacetin or triacetin;

(*f*) herbs or hop extract;

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

(*g*) spices or essential oils when used for flavouring purposes ;

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

(2) 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.

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

(4) 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 preservative to milk.

(2) No person shall sell any milk to which any preservative has been added.

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) 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 12th July 1962.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Official Seal of the Minister of Health on 17th July 1962.

(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 preservative to milk and the sale of any milk to which such an addition has been made.