STATUTORY INSTRUMENTS

1982 No. 1359

FOOD

MILK AND DAIRIES

The Milk (Special Designation) (Amendment) Regulations 1982

Made - - - -	*22nd September* 1982
Laid before Parliament	*1st October* 1982
Coming into Operation—	
All regulations except regulation 7	*1st January* 1983
Regulation 7	*1st July* 1983

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Social Services and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 35 and 123 of the Food and Drugs Act 1955 (**a**), and now vested in them (**b**), and of all other powers enabling them in that behalf, hereby make the following regulations, after consultation in accordance with section 123(6) of the said Act with such organisations as appear to them to be representative of interests substantially affected by the regulations:—

Title, commencement and interpretation

1.—(1) These regulations may be cited as the Milk (Special Designation) (Amendment) Regulations 1982 and shall come into operation—

(a) as respects all regulations except regulation 7 on 1st January 1983, and

(b) as respects regulation 7 on 1st July 1983.

(2) Except in this regulation and in regulation 2 of these regulations, any reference in these regulations to a numbered regulation or schedule shall be construed as a reference to the regulation or schedule so numbered in the Milk (Special Designation) Regulations 1977 (**c**).

Amendment of the Milk (Special Designation) Regulations 1977

2. The Milk (Special Designation) Regulations 1977 shall be further amended—

(a) as from 1st January 1983 in accordance with regulations 3 to 6, 8 and 9 of these regulations, and

(b) as from 1st July 1983 in accordance with regulation 7 of these regulations.

Amendment of regulation 6(1)

3. In regulation 6(1) for the words "and IV" there shall be substituted the words ", IV and V".

(**a**) 1955 c.16 (4 & 5 Eliz.2). (**b**) S.I. 1968/1699, 1978/272.
(**c**) S.I. 1977/1033, amended by S.I. 1980/488, 1863.

Amendment of Schedule 2, Part I

4. For Part I of Schedule 2 there shall be substituted the Part set out in Schedule 1 to these regulations.

Amendment of Schedule 2, Part II

5. For condition 6(3) of Part II of Schedule 2 there shall be substituted the following:—

"(3) Every container in which the milk is transported, exposed or offered for sale shall be marked or labelled with the particulars specified in Part V of this Schedule unless the milk is intended for export to any place outside the United Kingdom.".

Amendment of Schedule 2, Part III

6. For condition A5 of Part III of Schedule 2 there shall be substituted the following:—

"**5.** Every bottle in which the milk is transported, exposed or offered for sale shall be marked or labelled with the particulars specified in Part V of this Schedule unless the milk is intended for export to any place outside the United Kingdom.".

Amendment of Schedule 2, Part IV

7. For Condition A5(3) of Part IV of Schedule 2 there shall be substituted the following:—

"(3) Every container of milk treated by the ultra high temperature method shall be marked or labelled with the particulars specified in Part V of this Schedule unless the milk is intended for export to any place outside the United Kingdom.".

Insertion of Schedule 2, Part V

8. After Part IV of Schedule 2 there shall be inserted the Part set out in Schedule 2 to these regulations.

Amendment of Schedule 5, Part I

9.—(1) For paragraph 2(1)*(b)* of Part I of Schedule 5 there shall be substituted the following:—

"*(b)* one member shall be—

(i) in the case of a licence relating to milk produced in England, a person appointed by the Minister from a panel of persons nominated jointly by the Milk Marketing Board and the National Farmers' Union, and

(ii) in the case of a licence relating to milk produced in Wales, a person appointed by the Minister from a panel of persons, each member of the panel being nominated either jointly by the Milk Marketing Board and the National Farmers' Union or jointly by the Milk Marketing Board and the Farmers' Union of Wales;".

(2) After paragraph 3 of Part I of Schedule 5 there shall be inserted the following:—

"**4.** In this Part of this Schedule—

"the Minister" means—

(a) where the issue referred to the tribunal is in respect of a licence relating to premises in England, the Minister of Agriculture, Fisheries and Food;

(b) where the issue referred to the tribunal is in respect of a licence relating to premises in Wales, the Secretary of State for Wales; and

"the Secretary of State" means the Secretary of State for Social Service.".

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th September 1982.

L.S.

Peter Walker,
Minister of Agriculture, Fisheries and Food.

21st September 1982.

Norman Fowler,
Secretary of State for Social Services.

22nd September 1982.

Michael Roberts,
Parliamentary Under-Secretary of State for Wales.

Regulation 4

SCHEDULE 1

NEW PART I OF SCHEDULE 2 TO THE MILK (SPECIAL DESIGNATION) REGULATIONS 1977

PART I.—UNTREATED

Special conditions subject to which licences to use the special designation "Untreated" are granted

A. *Conditions applicable to producers' licences only*

1. Where an animal shows evidence of any disease which is likely to affect the milk injuriously, it shall be segregated from the rest of the herd or removed from the herd, as the case may require, and while segregated or after removal the special designation shall not be used in relation to its milk.

2. A record shall be kept of all animals segregated from the rest of the herd or removed from the herd in pursuance of the foregoing condition showing the reason for the segregation or removal, and, in the case of removal, the manner in which the animal has been disposed of.

3. The milk in relation to which the special designation is used shall be placed by the licensed producer in containers at the place of production and shall be sold in those containers.

4. Every container of milk in relation to which the special designation is used shall be tightly closed and securely fastened—

(a) in the case of a bottle, with a cap overlapping the lip of the bottle or in some other suitable manner approved by the licensing authority, and

(b) in the case of a container other than a bottle, in a suitable manner approved by the licensing authority.

B. *Conditions applicable to untreated milk distributors' licences only*

1. Every licensed untreated milk distributor shall sell milk received only from any licensed producer named in the untreated milk distributor's licence and prepacked by the producer in containers which have a capacity not exceeding 2 pints.

2. Every licensed untreated milk distributor shall sell the milk in the containers in which he receives it with the bottle caps or other fastenings unbroken.

C. *Conditions applicable to producers' licences and untreated milk distributors' licences*

1. Every container of milk shall be marked or labelled with the particulars specified in Part V of this Schedule unless the milk is intended for export to any place outside the United Kingdom.

2. The milk in relation to which the special designation is used shall come from an accredited herd.

3. The milk in relation to which the special designation is used shall not at any stage have been treated by heat or in any manner likely to affect its nature or qualities.

4. The milk shall be produced, handled, treated, stored and distributed, as the case may be, under such conditions that—

(a) any sample of milk in relation to which the special designation is used, and

(b) any sample of milk from the herd in respect of which a licence authorising the use of the special designation is in force (whether the designation is used in relation to that milk or not), if the sample is taken before the milk has been placed in containers for delivery to the consumer or while it is in the possession of the producer,

shall, if the sample has been taken, transported and kept in accordance with Part I of Schedule 3 to these regulations, satisfy the test prescribed in Part II of that Schedule.

5. Every container in which milk is sold to consumers shall be of a type approved by the licensing authority, and be closed and fastened in a manner satisfactory to that authority.

SCHEDULE 2 Regulation 8

NEW PART V OF SCHEDULE 2 TO THE MILK (SPECIAL DESIGNATION) REGULATIONS 1977

PART V.—LABELLING

Special conditions subject to which all licences to use special designations are granted

General labelling requirement

1. Subject to the following provisions of this Part of this Schedule, the particulars with which containers of milk must be marked or labelled pursuant to Condition C1 of Part I of this Schedule, Condition 6(3) of Part II of this Schedule, Condition A5 of Part III of this Schedule or Condition A5(3) of Part IV of this Schedule are—

(a) the name of the milk;

(b) an indication of minimum durability;

(c) (i) in the case of milk in relation to which the special designation "Untreated" is used, the name and address of the licensed producer, and

(ii) in all other cases, the name or business name and an address or registered office of the producer or packer, or of a seller established within the European Economic Community;

(d) particulars of the place of origin or provenance of the milk if failure to give such particulars might mislead a purchaser to a material degree as to the true origin or provenance of the milk; and

(e) in the case of milk in relation to which the special designation "Untreated" is used, the words "Raw Unpasteurised Milk".

Name of the milk

2.—(1) The name of the milk shall be "Milk" qualified by the special designation in respect of which the licence is granted, except that the letters "U.H.T." may be used instead of the special designation "Ultra Heat Treated".

(2) The name may be further qualified by other words which make it more precise, and any such other words may (but need not) appear between the special designation (or the letters "U.H.T.") and the word "Milk".

Indication of minimum durability

3.—(1) Subject to the following sub-paragraphs of this Condition, the minimum durability of milk shall be indicated by—

(a) the words "best before" followed by the date up to and including which the milk can reasonably be expected to retain its specific properties if properly stored, and

(b) any storage conditions which need to be observed if the milk is to retain its specific properties until that date.

(2) The date in the indication of minimum durability shall be expressed in terms of a day, month and year, in that order, except that—

(a) in the case of milk which can reasonably be expected to retain its specific properties for three months or less, it may be expressed in terms of a day and month only, and

(b) in the case of milk which can reasonably be expected to retain its specific properties for more than three months, it may be expressed in terms of a month and year only, if the words "best before" are replaced by the words "best before end".

(3) The date up to and including which milk can reasonably be expected to retain its specific properties if properly stored may appear on the labelling of the milk separately from the words "best before" or "best before end", as the case may be, provided that those words are followed by a reference to the place where the date appears.

(4) In the case of milk which is intended for consumption within six weeks of being packed, the minimum durability of the milk may be indicated by—

(a) the words "sell by"—

(i) followed (subject to sub-paragraph (5) of this Condition) by the latest recommended date of sale of the milk, expressed in terms of a day and month, and

(ii) immediately preceded or immediately followed by an indication of the period from the date of purchase for which the milk can reasonably be expected to retain its specific properties if properly stored, and

(b) any storage conditions which need to be observed if the milk is to retain its specific properties for the period referred to in paragraph *(a)*(ii) of this sub-paragraph.

(5) Where the minimum durability of milk is indicated in the manner permitted by sub-paragraph (4) of this Condition, the latest recommended date of sale may appear on the labelling of the milk separately from the words "sell by", provided that those words are followed by a reference to the place where the date appears.

Field of vision

4.—(1) Where a container of milk is required to be marked or labelled with an indication of minimum durability, that indication shall appear in the same field of vision as the particulars specified in Condition 1*(a)* and *(e)* of this Part of this Schedule.

(2) Where a container of milk is required by the Weights and Measures Acts 1963 to 1979 (a) or by any statutory instrument made thereunder to be marked or labelled with an indication of net quantity, that indication shall appear in the same field of vision as the particulars specified in Condition 1*(a)* and *(e)* of this Part of this Schedule and, if the container is also required to be marked or labelled with an indication of minimum durability, in the same field of vision as the indication of minimum durability.

Manner of marking or labelling

5.—(1) The particulars with which containers of milk are required to be marked or labelled in accordance with this Part of this Schedule shall be easy to understand, clearly legible and indelible, and the said particulars shall be marked in a conspicuous place in such a way as to be easily visible.

(2) The said particulars shall not in any way be hidden, obscured or interrupted by any other written or pictorial matter.

(3) Where the container is a bottle, the said particulars may, subject to sub-paragraph (4) of this Condition, appear on the bottle cap.

(4) The particulars specified in Condition 1*(e)* of this Part of this Schedule shall appear in coloured lettering and, if the container is a bottle, shall appear elsewhere than on the cap.

Exemptions

6.—(1) Bottles intended for re-use need not be marked or labelled with any of the particulars specified in Condition 1 of this Part of this Schedule except the particulars specified in Condition 1*(a)*, *(d)* and *(e)* and, in the case of milk in relation to which the special designation "Untreated" is used, the address of the licensed producer.

(2) Any container of milk whose largest surface has an area of less than ten square centimetres need not be marked or labelled with any of the particulars specified in Condition 1 of this Part of this Schedule except the particulars specified in Condition 1*(a)*, *(b)*, *(d)* and *(e)* and, in the case of milk in relation to which the special designation "Untreated" is used, the address of the licensed producer.

(3) The container of any milk which—

(a) is sold at a catering establishment for immediate consumption there, and

(a) 1963 c.31, 1976 c.77, 1979 c.45.

(b) is sold as one individual portion, and

(c) is intended as an accompaniment to another food,

need not be marked or labelled with any of the particulars specified in Condition 1 of this Part of this Schedule except the particulars specified in Condition 1*(a)*, *(d)* and *(e)* and, in the case of milk in relation to which the special designation "Untreated" is used, the address of the licensed producer.

(4) The container of any milk which is prepacked for direct sale need not be marked or labelled with any of the particulars specified in Condition 1 of this Part of this Schedule except the particulars specified in Condition 1*(a)*, *(d)* and *(e)* and, in the case of milk in relation to which the special designation "Untreated" is used, the address of the licensed producer.

Definitions

7. In this Part of this Schedule—

"catering establishment" means a restaurant, canteen, club, public house, school, hospital or other establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer for immediate consumption;

"prepacked for direct sale", in relation to milk, means put into containers on the premises where the milk is produced by the person owning or having control of the herd from which the milk is produced for sale by him on those premises or from a vehicle used by him; and

"ultimate consumer" means any person who buys otherwise than—

(a) for the purpose of resale,

(b) for the purposes of a catering establishment, or

(c) for the purposes of a manufacturing business.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Milk (Special Designation) Regulations 1977 ("the 1977 regulations"), which apply to England and Wales only, so as to implement, so far as concerns whole milk, Council Directive No. 79/112/EEC (OJ No. L33, 8.2.79, p.1) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer (apart from the provisions of that directive relating to presentation and net quantity).

In implementation of the directive the regulations—

(a) require containers of milk, subject to certain exceptions, to be marked or labelled with—
the name of the milk,
an indication of minimum durability,
the name and address of the producer or packer or of a seller established within the European Economic Community, and
in certain cases, particulars of the place of origin of the milk;

(b) specify requirements as to the manner of marking or labelling of containers of milk; and

(c) make consequential amendments to the 1977 regulations

(regulations 2, 3 and 5 to 8 and Schedules 1 and 2). The exceptions include bottles intended for re-use, which are exempt from the requirement to be marked or labelled with an indication of minimum durability and, in most cases, from the name and address requirement. The regulations retain the requirement for untreated milk to be marked or labelled with the words "Raw Unpasteurised Milk".

The regulations also re-enact with amendments the special conditions subject to which licences to use the special designation "Untreated" are granted (regulations 2 and 4 and Schedule 1). The principal changes are in the conditions relating to the marking or labelling of containers of untreated milk.

Amendments are also made to the manner in which tribunals are constituted under Schedule 5 to the 1977 regulations (regulations 2 and 9).

The regulations come into operation on 1st January 1983, apart from regulation 7, dealing with ultra heat treated milk, which comes into operation on 1st July 1983.

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