STATUTORY INSTRUMENTS

# 1966 No. 1573 (S.123)

# FOOD AND DRUGS

## The Milk (Special Designations) (Scotland) Amendment Order 1966

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| *Made - - -* | *9th December* 1966 |
| *Laid before Parliament* | *21st December* 1966 |
| *Coming into Operation* | *9th January* 1967 |

In exercise of the powers conferred on me by section 3 of the Milk and Dairies (Amendment) Act 1922 (a), as enacted in section 10 of the Milk Act 1934(b), and by sections 10 and 11 of the Milk (Special Designations) Act 1949(c), and of all other powers enabling me in that behalf, I hereby make the following order:—

*Citation and commencement*

**1.** This order may be cited as the Milk (Special Designations) (Scotland) Amendment Order 1966 and shall come into operation on 9th January 1967.

*Interpretation*

**2.**—(1) In this order "the principal order" means the Milk (Special Designations) (Scotland) Order 1965(d).

(2) The Interpretation Act 1889(e) applies for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

*Amendment of the Milk (Special Designations) (Scotland) Order* 1965

**3.** The principal order shall be amended as follows:—

(1) In article 2(1)—

(*a*) at the end of the definition of "dealer" there shall be added:—
"(*d*) a holder of a licence to treat milk by the ultra high temperature method who sells the milk so treated by him by wholesale only and only at or from the premises where the milk is so treated and who sells no other milk;" ;

(*b*) there shall be added the following definition:—
" 'licence to treat milk by the ultra high temperature method' means a licence authorising the holder thereof to use the special designation 'ultra heat treated' in relation to milk treated by the ultra high temperature method by him in accordance with the provisions of Part III of schedule 3 to this order and sold by him by wholesale at or from the premises where it is so treated;".

(2) In article 3(1) for the words "and 'Sterilised' " there shall be substituted the words " 'Sterilised' and 'Ultra Heat Treated'.".

(a) 1922 c. 54. (b) 1934 c. 51. (c) 1949 c. 34. (d) S.I. 1965/253 (1965 I, p. 617). (e) 1889 c. 63.

(3) For sub-paragraph (*c*) of paragraph (1) of article 5 there shall be substituted the following sub-paragraph:—

"(*c*) for a pasteuriser's licence, a steriliser's licence or a licence to treat milk by the ultra high temperature method to the local authority of the area in which are situated the premises where the milk in relation to which the applicant intends to use the special designation will be pasteurised, sterilised or treated by the ultra high temperature method as the case may be; and".

(4) In article 5(2) for the words "or a steriliser's licence" there shall be substituted the words "a steriliser's licence or a licence to treat milk by the ultra high temperature method."

(5) At the end of article 10 there shall be added:—
"and (*d*) in the case of a licence authorising the use of the special designation 'Ultra Heat Treated' to such of the special conditions set out in Part III of schedule 3 to this order as are applicable thereto.".

(6) In article 15(2)(b) for the words "or a steriliser's licence" there shall be substituted the words "a steriliser's licence or a licence to treat milk by the ultra high temperature method".

(7) In the heading to schedule 3 for the words "Pasteurised and Sterilised Milk" there shall be substituted the words "Pasteurised, Sterilised and Ultra Heat Treated Milk".

(8) After Part II of schedule 3 there shall be added the Part set out in schedule 1 to this order.

(9) After Part IV of schedule 5 there shall be added the Part set out in schedule 2 to this order.

(10) In schedule 7—

(*a*) in footnote (*d*) to Form D for the words "and 'Sterilised'." there shall be substituted the words " 'Sterilised' and 'Ultra Heat Treated'.";

(*b*) after Form E there shall be added the forms set out in schedule 3 to this order.

*William Ross*,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

9th December 1966.

## SCHEDULE 1

## PART III

SPECIAL CONDITIONS SUBJECT TO WHICH LICENCES AUTHORISING THE USE OF THE SPECIAL DESIGNATION "ULTRA HEAT TREATED" ARE GRANTED.

A. Conditions applying to a licence to treat milk by the ultra high temperature method.

**1.** The milk shall be treated by the ultra high temperature method, that is to say retained at a temperature of not less than 270°F. (132.2°C.) for not less than one second.

**2.** Any apparatus in which the milk is to be heated to and maintained at a temperature of not less than 270°F. (132.2°C.) shall be provided with a device which shall automatically divert the flow of any milk which is not raised to the authorised temperature.

**3.**—(1) Such indicating and recording thermometers as the local authority shall reasonably consider necessary shall be installed in suitable places in the apparatus in which the milk is treated by the ultra high temperature method so as to indicate the temperatures to which the milk is heated.

(2) The records of recording thermometers shall be marked with graduations adequately spaced to give clear readings, and they shall be dated and shall be preserved for a period of not less than 3 months.

**4.** Milk shall not be treated by the ultra high temperature method in unlicensed premises and shall not, except with the permission of the Secretary of State, be treated by the ultra high temperature method more than once before retail sale.

**5.** Milk previously subjected to heat treatment shall not, except with the permission of the Secretary of State, be treated by the ultra high temperature method.

**6.**—(1) Milk which is treated by the ultra high temperature method shall immediately after such treatment be put into the sterile containers in which it is to be supplied to the consumer. Such containers shall be filled and sealed at the premises at which the treatment has been carried out with such aseptic precautions as will ensure the protection of the milk from risk of contamination and shall remain sealed until delivery to the consumer.

(2) Every container in which milk treated by the ultra high temperature method is transported, exposed or offered for sale shall be so closed and securely fastened, either with a cap overlapping the lip of the container or in some other suitable manner approved by the local authority, that the container is airtight.

(3) (*a*) Every cap closing a container of milk treated by the ultra high temperature method shall be conspicuously and legibly labelled or marked with the words "Ultra Heat Treated Milk" or "U.H.T. Milk" and shall also bear the address of the premises at which the milk was put into the container. Such cap may bear also the name of the holder of the licence who has treated the milk.

(*b*) Except with the approval of the local authority the cap shall bear no other words.

(*c*) If there is no cap on which the wording can suitably be placed, it shall be placed within a surrounding line in a prominent position elsewhere upon the container, and the foregoing provisions shall apply to the words within the surrounding line in the same way as they apply to words on the cap.

**7.** Any sample of milk taken after it has been treated by the ultra high temperature method but before delivery to the consumer shall, on being tested in accordance with the provisions of Part V of schedule 5 to this order, be found to contain not more than 1,000 bacteria per millilitre.

B. Conditions applying to a dealer's licence and a dealer's supplementary licence.

**8.** Paragraphs 6 and 7 of this Part of this schedule shall apply to a dealer's licence and a dealer's supplementary licence as they apply to a licence to treat milk by the ultra high temperature method.

**9.** The holder of the licence shall use the special designation "Ultra Heat Treated" only in relation to milk to which the said special designation was used in connection with its sale or delivery to him or in relation to which he is authorised by a licence to treat milk by the ultra high temperature method to use the said special designation.

## SCHEDULE 2

## PART V

### PROVISIONS AS TO THE TESTING OF SAMPLES OF MILK TREATED BY THE ULTRA HIGH TEMPERATURE METHOD BY MEANS OF THE PETRI PLATE COUNT TEST.

**1.** In testing samples of milk treated by the ultra high temperature method for bacterial count the following paragraphs shall be complied with.

*Culture Medium*

**2.** Bacterial count. The medium to be used shall be yeastrel milk agar either compounded in the laboratory or prepared in accordance with the manufacturer's directions from a granular desiccated medium and shall have the following composition:—

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| Yeastrel | 3.0 grams |
| Peptone | 5.0 grams |
| Agar | 15.0 grams |
| Milk (fresh or spray dried, skim or whole milk) | 10.0 ml. |
| Distilled water | to 1 litre |

Where the medium is compounded in the laboratory it shall be filtered through a pulp-paper filter.

The medium shall be sterilised either by autoclaving at 15 lb. pressure for 20 minutes or in a steamer for 30 minutes on 3 successive days. The final reaction of the medium at room temperature shall be *p*H7.2.

*Dilutions*

**3.** Quarter-strength Ringer's solution shall be used. The composition of full strength Ringer's solution shall be—

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|---|---|
| Sodium chloride | 9.00 grams |
| Potassium chloride | 0.42 grams |
| Anhydrous calcium chloride | 0.24 grams |
| Sodium bicarbonate | 0.20 grams |
| Distilled water | 1,000 ml. |

Add 1 part of the above solution to 3 parts of distilled water. Fill into test tubes or bottles and sterilise by auto-claving at 15 lb. pressure for 15 minutes. The quantity to be filled into the container before sterilisation must be predetermined to allow for evaporation losses during sterilisation.

Alternatively, sterile tubes and bottles may be filled aseptically with measured quantities of sterile quarter-strength Ringer's solution.

*Incubation of sample*

**4.** On arrival at the laboratory the sample shall be placed unopened in an incubator at a temperature of 30°C. ± 0.5°C. and be retained at that temperature for 24 hours.

*Technique of tests*

**5.**—(*a*) At the end of the 24 hours incubation period the sample shall be removed from the incubator, mixed thoroughly and the container opened with aseptic precautions. Immediately after opening the sample container approximately 10 ml. of the sample shall be transferred by means of a sterile pipette into a sterile McCartney bottle or other suitable container which shall then be closed and placed in a refrigerator capable of maintaining a temperature between 3°C. and 5°C.

(*b*) From the remainder of the sample 1 ml. of 1 in 10 dilution shall be plated. For each sample being tested not less than 2 plates shall be prepared.

(*c*) The Petri plate cultures prepared shall be incubated at 30°C. ± 0.5°C. for 48 hours.

*Examination of cultures*

**6.** All colonies (including "pin-point" colonies) on each plate shall be counted and the arithmetic mean count obtained. To facilitate counting it is desirable to use a counting chamber, a suitable lens and a tally counter. The result of the count shall be recorded as the number of bacteria per millilitre. If there is any doubt about the result, the test should be repeated using the sample in the McCartney bottle placed in the refrigerator.

*General precautions*

**7.**—(1) The sterility of the media and apparatus shall be tested by carrying out a blank test using sterile water in place of milk when each batch of samples is examined.

(2) Before the dilutions are prepared, the milk shall be thoroughly mixed by inverting the sample container 25 times.

(3) Each dilution shall be thoroughly mixed without vigorous shaking.

(4) In the preparation of the dilutions a separate sterile pipette shall be used for each dilution and for transferring the dilution to the Petri plate.

(5) The pipettes shall be straight-sided, of the "blow-out" type and plugged with cotton wool.

(6) Not more than 15 minutes shall elapse between the dilution of the milk and its admixture with the agar medium.

(7) The melted agar shall be cooled to 45°C. before it is poured into the Petri plates.

(8) If Petri plates are stacked in the incubator, so far as possible no stack shall consist of more than 6 Petri plates.

(9) The temperature of the incubator shall be frequently checked by means of a thermometer conforming to the British Standards Institution's specification and adjusted if necessary.

(10) Distilled Water: water prepared with a glass still or water of equal quality shall be used.

## SCHEDULE 3
## FORM F

The Milk (Special Designations) (Scotland) Order 1965 as amended

Licence authorising the use of the special designation "Ultra Heat Treated"

The $\frac{\text{Town}}{\text{County}}$ Council of the $\frac{\text{Burgh}}{\text{County}}$ of

hereby authorise of

to use the special designation "Ultra Heat Treated" in relation to milk which has been treated by the ultra high temperature method at

in accordance with the conditions prescribed in the Milk (Special Designations) (Scotland) Order as amended, and sold by wholesale at or from these premises.

This licence is not transferable and is subject to the conditions prescribed in the Milk (Special Designations) (Scotland) Order 1965 as amended and unless suspended or revoked will remain in force until

Dated this day of 19 .

Town
——— Clerk.
County

FORM G

The Milk (Special Designations) (Scotland) Order 1965 as amended
Dealer's licence authorising the use of the Special Designation "Ultra Heat Treated"

The Town / County Council of the Burgh / County of
hereby authorise
of
to use the special designation "Ultra Heat Treated" in relation to milk sold at or from and [treated by him by the ultra high temperature method there] (a) [purchased by him from a person who is authorised to use and has used the special designation "Ultra Heat Treated" in relation to that milk in connection with its sale or delivery to him] (a).

This licence is not transferable and is subject to the conditions prescribed in the Milk (Special Designations) (Scotland) Order 1965 as amended and unless suspended or revoked will remain in force until the thirty-first day of December 19 .

This licence is subject to the condition that the holder shall not use the said special designation otherwise than in relation to milk sold by him in the containers in which he received it, the caps or fastenings of the containers having remained unbroken.

This licence does not authorise the holder to use the said special designation in relation to milk sold by retail outside the area of the Local Authority.

Dated this day of 19 .

Town
——— Clerk.
County

(a) Strike out whichever words are not applicable.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This order which amends the Milk (Special Designations) (Scotland) Order 1965,—

(1) prescribes a new special designation "Ultra Heat Treated" in relation to milk which has been treated by the ultra high temperature method (article 3);

(2) prescribes special conditions subject to which licences to use the new special designation are granted (schedule 1), a test which must be satisfied (schedule 2) and forms of licence to authorise use of the new special designation (schedule 3).