THE SCHEDULE

STANDARD FOR TOMATO KETCHUP, CATSUP, SAUCE AND RELISH

1. The standard for tomato ketchup, catsup, sauce and relish shall be as follows:—

(*a*) Tomato ketchup, catsup, sauce and relish shall contain not less than six per cent. by weight of tomato solids derived from clean and wholesome tomatoes or from tomato puree, or its equivalent, made from clean and wholesome tomatoes.

(*b*) The tomatoes, tomato puree or its equivalent or the tomato ketchup, catsup, sauce or relish shall be so strained, with or without heating, as to exclude seeds or other coarse or hard substances.

(*c*) Tomato ketchup, catsup, sauce and relish shall contain no fruit or vegetables other than tomatoes except onions, garlic and spices added for flavouring purposes.

2. No tomato ketchup, catsup, sauce or relish shall contain copper in excess of 50 parts of copper per million parts of the dried total solids.

EXPLANATORY NOTE

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

This Order, which should be read with the Food Standards (General Provisions) Order, 1944 (as amended), prescribes a standard for tomato ketchup, catsup, sauce and relish and prescribes a maximum limit for traces of copper therein.

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(3) MINERAL OIL IN FOOD

The Mineral Oil in Food Order, 1949

1949 No. 614

Made - - - -	*29th March,* 1949
Laid before Parliament	*30th March,* 1949
Coming into Operation	*9th April,* 1949

In exercise of the powers conferred upon him by Regulation 2 of the Defence (Sale of Food) Regulations, 1943(**a**) as having effect by virtue of the Emergency Laws (Miscellaneous Provisions) Act, 1947(**b**), and of all other powers him enabling, the Minister of Food hereby makes the following Order:—

1. In this Order—

"The Minister" means the Minister of Food.

"Mineral oil" means any hydrocarbon product, whether liquid, semi-liquid or solid, derived from any substance of mineral origin and includes liquid paraffins, white oils, petroleum jellies and hard paraffins.

"Sell" includes offer or agree to sell or expose for sale.

(**a**) S.R. & O. 1943 (No. 1553) II, p. 70; and 1945 (No. 1454) II, p. 95.
(**b**) 11 & 12 Geo. 6. c. 10.

2.—(1) Subject as hereinafter provided—

(*a*) no person shall use or permit to be used any mineral oil in the composition or preparation of any article of food intended for sale or sold for human consumption.

(*b*) no person shall sell or have in his possession for sale for human consumption any article of food containing any mineral oil.

(2) Nothing in this Article shall apply where the mineral oil contained in any article of food—

(*a*) does not exceed 0.2 parts by weight of mineral oil per 100 parts by weight of the article of food, and

(*b*) is due not to its inclusion as an ingredient in the article of food but to its use as a lubricant or greasing agent on some surface with which the article of food has necessarily to come into contact in the course of its preparation.

3. For the purposes of this Order—

(*a*) articles commonly used for human consumption shall if sold be presumed until the contrary is proved, to have been sold, or, as the case may be, to have been or to be intended for sale, for human consumption.

(*b*) any article commonly used for human consumption which is found on premises used for the preparation, storage or sale of that article shall be presumed, until the contrary is proved, to be intended for sale for human consumption.

4.—(1) In any proceedings in respect of an infringement of this Order the production by one of the parties of (i) a document purporting to be a certificate of a public analyst or the Government Chemist or (ii) a document supplied to him by the other party as being a copy of such a certificate shall be sufficient evidence of the facts stated therein, unless in the case mentioned under head (i) above the other party requires that the person making the analysis shall be called as a witness.

(2) In any such proceedings—

(*a*) if the prosecution intends to produce a certificate of a public analyst or the Government Chemist, a copy of such certificate shall be served with the summons ; and

(*b*) if a defendant intends to produce a certificate of a public analyst or the Government Chemist, or to require that the person making the analysis shall be called as a witness, he shall give to the other party at least three clear days' notice of his intention,

and if any of these requirements is not complied with, the court may if it thinks fit, adjourn the hearing on such terms as it deems proper.

5.—(1) A person against whom proceedings are brought in respect of an infringement of this Order shall, upon information duly laid by him and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have any person to whose act or default he alleges that the contravention of the provisions in question was due brought before the court in the proceedings, and if, after the contravention has been proved, the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence, and, if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.

(2) Where a defendant seeks to avail himself of the provisions of the preceding paragraph—

(*a*) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence ;

(*b*) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) Where it appears to the Minister or other authority entitled to bring proceedings for an infringement of this Order, that an offence has been committed in respect of which proceedings might be taken for an infringement of this Order against some person and the Minister or other authority is reasonably satisfied that the offence of which complaint is made was due to the act or default of some other person and that the first-mentioned person could establish a defence under paragraph (1) of this Article, he or they may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first-mentioned person.

In any such proceedings the defendant may be charged with and, on proof that the contravention was due to his act or default, be convicted of, the offence with which the first-mentioned person might have been charged.

6.—(1) Where in any prosecution a person is charged with an infringement of this Order in respect of the sale of any food, it shall be a defence for him to prove—

(*a*) that he purchased the food to which the proceedings relate with a written warranty to the effect that such food could be sold without infringing this Order ; and

(*b*) that he had no reason to believe otherwise at the time of the commission of the alleged offence ; and

(*c*) that the food was then in the same state as when he purchased it.

(2) A warranty shall only be a defence to such proceedings if the defendant has within fourteen days of the service of the summons sent to the prosecutor a copy of the warranty with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it, and has also sent a like notice of his intention to that person.

(3) Where the defendant is a servant of the person who purchased the food under a warranty, he shall be entitled to rely on the provisions of this Article in the same way as his employer would have been entitled to do if he had been the defendant.

(4) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence.

7. This Order shall in its application to Scotland have effect subject to the following modifications :—

(*a*) for Article 5 there shall be substituted the following Article:—

5.—(1) Where a person charged with a contravention of any of the provisions of this Order proves to the satisfaction of the Court that he has used all due diligence to secure compliance with these provisions and that the offence was due to the act or default of some other person, the first-mentioned shall be acquitted of the offence.

(2) Where an offence has been committed in respect of which proceedings might be taken for an infringement of this Order against some person and the offence was due to an act or default of some other person, then, whether proceedings are or are not taken against the first-mentioned person, that other person may be charged with and convicted of the offence, and shall be liable on conviction to the like punishment as might have been inflicted on the first-mentioned person if he had been convicted of the offence.

(*b*) for the reference to a summons in paragraph (2) of Article 6 there shall be substituted a reference to a complaint.

8. This Order shall in its application to Northern Ireland have effect subject to the modification that for the references in Article 4 to the Government Chemist there shall be substituted a reference to the Government Chemist for Northern Ireland.

9. Proceedings in England and Northern Ireland for an infringement of this Order may be brought by the Food and Drugs Authority without the consent of the Minister.

10. Infringements of this Order are offences against the Defence (Sale of Food) Regulations, 1943.

11. This Order shall come into operation on the 9th day of April, 1949, and may be cited as the Mineral Oil in Food Order, 1949.

By Order of the Minister of Food.

Edith Summerskill,
Parliamentary Secretary.

Dated the 29th day of March, 1949.

EXPLANATORY NOTE

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

The Order prohibits the use of mineral oil in the composition or preparation of any food sold or intended for sale for human consumption but does not apply where any article of food contains not more than 0.2 parts by weight of mineral oil per 100 parts by weight of the article of food and its inclusion is due to its use as a lubricant or greasing agent on some surface with which the article of food has necessarily to come into contact in the course of its preparation.

SUPPLIES AND SERVICES

[NOTE.—For the continuance in force of certain Defence (General) Regulations, and other specified codes of Regulations, after the expiration of the Emergency Powers (Defence) Acts, 1939 to 1945 (Feb. 23, 1946), *see* the Supplies and Services (Transitional Powers) Act, 1945 (9 & 10 Geo. 6. c. 10), and the Orders in Council made thereunder, dated December 20, 1945 (S.R. & O. 1945 (Nos. 1615 to 1630) II, pp. 45-56), and the Supplies and Services (Extended Purposes) Act, 1947 (10 & 11 Geo. 6. c. 55). The Orders in Council schedule the Regulations so continued, with adaptations. The Regulations thus continued are subject to powers of H.M. in Council to revoke them in whole or in part or vary them.

Reprint of Regulations.—A reprint of the Defence (General) Regulations, 1939 (S.R. & O. 1939 (No. 927) I, p. 715), incorporating all current amendments, is periodically prepared in the Office of the Parliamentary Counsel and published by H.M. Stationery Office.

The last Edition (the 18th) revised to January 1, 1948, also includes the other codes of Defence Regulations and the relevant enactments applicable and remaining in force.]

1. *Defence (General) Regulations (Amendments).*

2. *Orders, &c., under Defence Regulations*, p. 22.
3. *Control Schemes Charges*, p. 710.

1. DEFENCE (GENERAL) REGULATIONS (AMENDMENTS)

The Defence Regulations (No. 2) Order, 1949

S.I. 1949/1202
Spent - see
S.I. 1954/1478.

1949 No. 1202

Made - - - -	30*th June*, 1949
Laid before Parliament	1*st July*, 1949
Coming into Operation—	
(*a*) *provisions other than Article* 2 (2)	1*st August*, 1949
(*b*) *Article* 2 (2)	1*st October*, 1949

At the Court at Buckingham Palace, the 30th day of June, 1949.

Present,

The King's Most Excellent Majesty in Council

His Majesty, in pursuance of section three of the Supplies and Services (Transitional Powers) Act, 1945(a), as extended by the Supplies and Services (Extended Purposes) Act, 1947(b), and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:—

1. Regulation fifty-six A of the Defence (General) Regulations, 1939 (which, relates to the control of building operations) shall be amended as follows:—

(*a*) for references in paragraphs (5) and (6) to the first three paragraphs of the Regulation there shall be substituted references to the first two paragraphs thereof;

(*b*) sub-paragraph (*b*) of paragraph (14) and sub-paragraph (*d*) of paragraph (15) shall be omitted.

(a) 9 & 10 Geo. 6. c. 10. (b) 10 & 11 Geo. 6. c. 55.