STATUTORY INSTRUMENTS

1975 No. 1596 (S. 227)

FOOD AND DRUGS

COMPOSITION AND LABELLING

The Miscellaneous Additives in Food (Scotland) Amendment Regulations 1975

Made - - - -	*25th September* 1975
Laid before Parliament	*13th October* 1975
Coming into Operation	*3rd November* 1975

In exercise of the powers conferred on me by sections 4, 7 and 56 of the Food and Drugs (Scotland) Act 1956**(a)**, as amended by section 4(1) of, and paragraph 3(1) of Schedule 4 to, the European Communities Act 1972**(b)**, and of all other powers enabling me in that behalf, and after consultation with such organisations as appear to me to be representative of interests substantially affected by these regulations and after reference to the Scottish Food Hygiene Council under section 25 of the said Act of 1956 (in so far as the regulations relate to the labelling, marking, advertising or description of food), I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Miscellaneous Additives in Food (Scotland) Amendment Regulations 1975, and shall come into operation on 3rd November 1975.

(2) In these regulations "the 1974 Regulations" means the Miscellaneous Additives in Food (Scotland) Regulations 1974**(c)** and "the 1970 Regulations" means the Labelling of Food (Scotland) Regulations 1970**(d)**, as amended**(e)**.

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

Amendment of the 1974 Regulations

2.—(1) In this regulation a reference to a numbered regulation or schedule is a reference to the regulation or schedule so numbered in the 1974 Regulations.

(2) Regulation 2(1) shall be amended by deleting the words " 'local authority' has the meaning assigned to it by section 26 of the Act;"

(3) The following regulation shall be substituted for Regulation 7:—

"**7.**—(1) The Regional or Islands Council of any area shall enforce and execute the provisions of these regulations within their area.

(a) 1956 c. 30.
(b) 1972 c. 68.
(c) S.I. 1974/1338 (1974 II, p. 5059).
(d) S.I. 1970/1127 (1970 II, p. 3559).
(e) There is no amendment which relates expressly to the subject matter of these regulations.
(f) 1889 c. 63.

(2) Notwithstanding the preceding paragraph the District and Islands Council of any area shall enforce and execute the provisions of section 9 of the Act."

(4) Part I of Schedule 1 shall be amended—

(*a*) by inserting immediately after the item relating to ammonium ferric citrate, green the following item:—

"Column 1	Column 2
Name of Miscellaneous Additive	Serial Number
Dichlorodifluoromethane	—";

(*b*) by substituting for the item relating to ammonium, sodium, potassium and calcium polyphosphates the following item:—

"Column 1	Column 2
Name of Miscellaneous Additive	Serial Number
Ammonium, sodium, potassium and calcium polyphosphates including sodium and potassium polyphosphates	— E450(*c*)".

(5) Part II of Schedule 1 shall be amended—

(*a*) by inserting immediately after the specific purity criteria applicable to ammonium ferric citrate, green the following specific purity criteria:—

"*Dichlorodifluoromethane*

Description	Clear, colourless liquefied gas.
Content	Not less than 99·97 per centum CCl_2F_2.
Trichlorofluoromethane CCl_3F Dichlorofluoromethane $CHCl_2F$ Chlorodifluoromethane $CHClF_2$ Chlorotrifluoromethane $CClF_3$	Not more than 290 mg. per kg. singly or in combination.
Other organic compounds	Not more than 10 mg. per kg.
Non volatile matter (after evaporation at 0°C.)	Not more than 0·01 per centum.";

(*b*) by substituting for the heading to the specific purity criteria applicable to ammonium, sodium, potassium and calcium polyphosphates the following heading:—

"*Ammonium, sodium, potassium and calcium polyphosphates including E450(c) sodium and potassium polyphosphates*".

(6) Schedule 2 shall be amended by inserting immediately after the item relating to chocolate confectionery the following item—

"Column 1	Column 2	Column 3
Specified Food	Permitted Miscellaneous Additive	Except where otherwise stated, milligrams per kilogram not exceeding
Frozen food	Dichlorodifluoromethane	100 (determined when the food is fully thawed at and to 20°C.)."

Amendment of the 1970 Regulations

3.—(1) In this regulation a reference to a numbered regulation or schedule is a reference to the regulation or schedule so numbered in the 1970 Regulations.

(2) The following regulation shall be inserted after regulation 18:—

"**18A.**—(1) No person shall sell by retail, pre-packed, any food which has been frozen with dichlorodifluoromethane unless the statement 'contact frozen with permitted liquid freezant' or the statement 'contact frozen with permitted dichlorodifluoromethane' appears in or in immediate proximity to the appropriate designation or common or usual name which appears on the label in compliance with the provisions of regulation 5:

Provided that the word 'permitted' may be omitted from either of the said statements.

(2) No person shall sell by retail any food which has been frozen with dichlorodifluoromethane and is not pre-packed unless either the statement 'contact frozen with permitted liquid freezant' or the statement 'contact frozen with permitted dichlorodifluoromethane' appears on a ticket displayed on or in immediate proximity to that food and so as to be clearly visible to an intending purchaser:

Provided that the word 'permitted' may be omitted from either of the said statements.

(3) No person shall deliver pursuant to a sale otherwise than by retail any food which has been frozen with dichlorodifluoromethane unless he notifies the purchaser at or before delivery that the food has been so frozen."

(3) Regulation 28(1) shall be amended by inserting after the words and figures "any statement required by regulation 15" the figures and letter "18 A".

(4) Schedule 5 shall be amended by inserting after paragraph 12 the following paragraph:—

"**12A.** The letters of the words in any statement required by regulation 18A(1) shall be not less than 2 millimetres in height."

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

New St. Andrew's House
Edinburgh.
25th September 1975.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations come into operation on 3rd November 1975 and amend the Miscellaneous Additives in Food (Scotland) Regulations 1974. They—

(*a*) substitute a revised description of the polyphosphates permitted by the 1974 Regulations, separately identifying the sodium and potassium forms and specifying their serial number;

(*b*) add to the list of permitted miscellaneous additives the liquid freezant dichlorodifluoromethane and prescribe specific purity criteria for this substance;

(*c*) impose a limit on the amount of dichlorodifluoromethane which may be present in or on frozen food;

(*d*) amend the wording of Regulation 7 to comply with the new local government provisions.

The Regulations also further amend the Labelling of Food (Scotland) Regulations 1970 to require the labelling of food which has been frozen with dichlorodifluoromethane and to prescribe the manner of that labelling.

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