22. OILS AND FATS

The Oils and Fats (No. 2) Order, 1949

1949 No. 2291

Made - - - -	*8th December*, 1949
Laid before Parliament	*10th December*, 1949
Coming into Operation	*1st January*, 1950

In exercise of the powers conferred upon him by Regulations 55, 55AA and 55AB of the Defence (General) Regulations, 1939, as having effect by virtue 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 him enabling, the Minister of Food hereby makes the following Order:—

PART I

Interpretation

1. In this Order:

" The Minister " means the Minister of Food.

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

" Cooking Fats " means any fat or mixture of oils and fats fit for human food or for use in the manufacture, preparation or treatment of human food, having a melting point which when determined by the method specified in the Fourth Schedule to this Order is not less than 30 degrees centigrade; but does not include dripping, premier jus, lard, margarine, butter, vegetarian butter, cocoa butter, horse fat, technical tallow, or any unrendered animal fat.

" Dripping " means unbleached, unadulterated fat:—

(*a*) produced from, or by the rendering or processing of, the fat or bones of sheep or oxen;

(*b*) of a sweet taste;

(*c*) of a sweet smell;

(*d*) untreated by any chemical process; and

(*e*) containing not less than 99 per cent. saponifiable matter and not more than 1.5 per cent. free fatty acids; but does not include imported premier jus.

" First-hand sale " in relation to dripping and home-produced lard, means a sale by the manufacturer thereof to a wholesaler.

" Horse fat " means unbleached, unadulterated oil or fat:—

(*a*) produced from, or by the rendering or processing of, the fat or bones of horses slaughtered for human consumption on premises licensed for such slaughter;

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45-46.
(b) 10 & 11 Geo. 6. c. 55.

(*b*) of a sweet taste;

(*c*) of a sweet smell;

(*d*) untreated by any chemical process; and

(*e*) containing not less than 99 per cent. saponifiable matter and not more than 1.5 per cent. free fatty acids.

"Lard" means rendered fat derived from a pig and having a melting point which when determined by the method specified in the Fourth Schedule to this Order is not less than 25 degrees centigrade, but (except for the purpose of Articles 2 and 9 of this Order) does not include unrefined or unbleached hog grease.

"Margarine" includes any vegetarian butter other than peanut butter or paste or sunflower butter or paste; it does not include cocoa butter.

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

"Petroleum" has the meaning assigned to it by the Control of Petroleum Order, 1944, as amended(a).

"Sale by retail" means a sale to a person buying otherwise than for the purpose of re-sale, but does not include a sale to a trade-user.

"Sale by wholesale" means any sale other than a sale at first-hand or a sale by retail; provided that for the purpose of Articles 2 and 9 of this Order it shall include a sale at first-hand.

"Technical Tallow" means any fat, grease or oil, other than horse fat, premier jus, oleo oil, beef or mutton stearine, neatsfoot oil, or dripping, separated or substantially separated by any process from the tissue or bones or from both tissue and bones of any quadruped animal other than the pig, and includes any mixture (other than any mixture containing more than 25 per cent. of mineral oil) of such fat, grease or oil with any other fat, grease or oil.

"Trade-user" means any person using any oil or fat in the course of his business in the manufacture, preparation, or treatment of any article other than an oil or fat.

"Vegetarian butter" means any soft fatty paste fit for human consumption consisting of vegetable oils or fats or a mixture of both, and containing also other material derived from oilseeds, nuts or kernels.

PART II

Control

Licences

2. Subject as hereinafter provided, except under and in accordance with the terms of a licence granted under this Order, a person shall not—

(*a*) engage in the obtaining of oil by crushing, expelling, extraction or by any other process from any of the oilseeds, nuts and kernels specified in the First Schedule to this Order;

(*b*) engage in the refining, bleaching, deodorising, hardening or finishing of any of the oils and fats or mixtures of oils and fats specified in the Second Schedule to this Order;

(*c*) use otherwise than for, or in the manufacture of, human or animal food, or treat or permit to be treated in such a manner as to render it

(a) S.R. & O. 1944 (No. 171) II, p. 1364 as amended by S.I. 1948 (No. 1420) II, p. 966.

unfit or less fit for human or animal food, any of the oils and fats and mixtures of oils and fats specified in Parts I and III of the Second Schedule to this Order; provided that the restrictions imposed by this paragraph shall not apply to the use or treatment of any oils, fats or mixtures of oils and fats for medical or pharmaceutical purposes;

(*d*) sell by wholesale any cooking fats, margarine, lard, any of the oilseeds, nuts and kernels specified in the First Schedule to this Order, or any of the oils, fats and mixtures specified in Parts I and II of the Second Schedule to this Order other than rape seed oil; provided that the restriction imposed by this paragraph so far as it relates to the sale of petroleum shall not apply to any person who holds a licence valid for the time being granted to him under the Control of Petroleum Order, 1944, as amended(a), to dispose of petroleum, or who is exempted from the obligation to hold such a licence by virtue of Article 8 (1) of the said Order as amended;

(*e*) engage in the manufacture of any margarine, cooking fats or lard, provided that any person licensed to produce bacon under the Bacon (Control and Prices) Order, 1944 as amended(b), may engage in the manufacture of lard on the licensed premises and any person licensed to sell meat by retail under the Food (Licensing of Retailers) Order, 1948, as amended(c) may engage in the manufacture of lard on the licensed premises from materials supplied to that person by or on behalf of the Minister for the purposes of his retail business.

Permits

3.—(1) Subject as hereinafter provided, except under and in accordance with the terms of a buying permit issued for the purposes of this Order by or on behalf of the Minister, no trade-user shall obtain or agree or offer or attempt to obtain, and no person shall supply or agree or offer or attempt to supply to a trade-user any cocoa butter, neatsfoot oil, unrendered animal fat, or any of the oils, fats and mixtures specified in the Second Schedule to this Order, other than lard, or any mixture containing more than 25 per cent. of mineral oil.

(2) A person who uses any oil or fat in the course of his business for the manufacture, preparation, or treatment of any oil or fat shall not use any of the oils, fats and mixtures specified in paragraph (1) of this Article obtained by him for the purpose of that business, for the manufacture or preparation of any article other than an oil or fat.

(3) Notwithstanding the prohibition imposed by paragraph (1) of this Article, a trade-user may obtain without a permit:—

(*a*) cocoa butter for use by him in the preparation of pharmaceutical products other than cosmetics; and

(*b*) neatsfoot oil, and any of the oils, fats and mixtures specified in Part II of the Second Schedule to this Order for use by him otherwise than in the manufacture, preparation or treatment of food for human consumption.

(4) Where cocoa butter shall have been obtained by a trade-user without a permit, he shall not use it except in the preparation of pharmaceutical products other than cosmetics, and where neatsfoot oil, or any of the oils, fats and mixtures specified in Part II of the Second Schedule to this Order shall have been so obtained by a trade-user, he shall not use it in the manufacture, preparation, or treatment of food for human consumption.

(a) S.R. & O. 1944 (No. 171) II, p. 1364 as amended by S.I. 1948 (No. 1420) II, p. 966.
(b) S.R. & O. 1944 (No. 164) II, p. 622 as amended by S.I. 1948 (No. 183) II, p. 508.
(c) S.I. 1948 (Nos. 2234 and 2585) II, p. 408–14.

(5) Where any oil or fat or mixture of oils and fats is authorised under this Order to be obtained for any purpose specified on the relevant buying permit or on the application therefor, or on any other document issued in connection therewith, it shall not be used except for that purpose.

Restriction on use of tallow

4. A person shall not buy, obtain, sell or supply any technical tallow or rendered pig fat other than lard, or any emulsion of technical tallow or rendered pig fat with any other substance, for use as human food or in the manufacture or preparation of human food, or for the greasing of tins, trays, or other utensils used in the cooking or preparation of human food and shall not so use any such article.

PART III

Maximum Prices

Maximum Prices

5. A person shall not buy or sell any dripping or lard at a price exceeding the maximum price applicable in accordance with the provisions of the Third Schedule to this Order, and a person shall not make any charge in addition to the maximum price in any case except as provided in Part III of the said Schedule.

Wrappers or Containers

6. When lard is sold weighed in a wrapper or container the weight of the lard sold shall for the purposes of this Order be deemed to include the weight of the wrapper or container if that weight does not exceed 2½ drams per lb. of the lard sold.

Artificial transactions

7. A person shall not in connection with the sale or disposition or proposed sale or disposition of any dripping or lard enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

PART IV

General

Warranties

8.—(1) Where in any prosecution a person is charged with an infringement of Article 4 of this Order in that he sold or used any technical tallow contrary to the provisions of that Article it shall be a defence for that person to prove :—

(*a*) that he bought the product in question with a written warranty to the effect that it was dripping ; and

(*b*) that he had no reason to believe at the time of the commission of the alleged offence that the product was otherwise than as warranted.

(2) The warranty shall not be a defence to the proceedings unless the defendant has within seven 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 he 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 product under the warranty he shall be entitled to rely upon 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 give evidence.

(5) For the purpose of this Article a statement on any label printed on or affixed to any wrapper or container or a statement in an invoice or similar document shall be deemed to be a written warranty.

Records

9.—(1) Every person carrying on any undertaking in the course of which he sells by wholesale any of the oilseeds, nuts and kernels specified in the First Schedule to this Order or any of the oils and fats or mixtures of oils and fats specified in the Second Schedule to this Order other than rape seed oil, shall keep or cause to be kept an accurate record of:—

(*a*) every purchase and sale by him thereof, the record to include:

(i) the name and address of the person from whom the article was purchased or to whom it was sold;

(ii) the quantity and description of the article purchased or sold; and

(iii) the price paid or charged.

(*b*) the stocks thereof held by him from time to time.

(2) Every person carrying on any undertaking in the course of which he sells dripping or lard by retail shall keep or cause to be kept an accurate record of every purchase thereof by him, the record to include:—

(*a*) the name and address of the person from whom the dripping or lard was purchased;

(*b*) the quantity purchased; and

(*c*) the price paid or charged.

(3) Every person licensed under paragraph (*a*), (*b*), (*c*) or (*e*) respectively of Article 2 of this Order shall keep or cause to be kept an accurate record showing his dealings in any of the articles or commodities in respect of which he is licensed.

(4) Every person required by this Article to keep any record shall retain it for at least one year from the date of the transaction to which it relates or in the case of a record of stocks, from the date when he took delivery thereof.

(5) The retention by any person of any invoice or a copy of an invoice shall, in relation to the particulars mentioned in that document, be a sufficient compliance by that person with the provisions of this Article.

Invoices

10. Every person who sells by wholesale any dripping or lard shall furnish the buyer with an invoice for each sale, showing the price charged, and stating separately any charge additional thereto made in accordance with Part III of the Third Schedule to this Order.

Certificates

11.—(1) In any proceedings in respect of an infringement of this Order and in which the composition or quality of any substance is in question, 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 days' clear 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.

(3) In this Article "public analyst" has, in relation to England and Wales, the meaning assigned to it by the Food and Drugs Act, 1938, in relation to Scotland the meaning assigned to it by the Foods and Drugs (Adulteration) Act, 1928, and, in relation to Northern Ireland, the meaning assigned to it by the Sale of Food and Drugs Act (Northern Ireland) 1875 and 1939; and "Government Chemist" means in relation to Northern Ireland, the Government Chemist for Northern Ireland.

Infringements

12. Infringements of this Order are offences against the Defence (General) Regulations, 1939.

Directions, Licences and Authorisations

13.—(1) The provisions of this Order are subject to—

(*a*) any directions which may at any time be given by or on behalf of the Minister, or in respect of Northern Ireland, by or on behalf of the Minister or the Ministry of Agriculture for Northern Ireland, in relation to the articles to which this Order applies; and

(*b*) any licence or authorisation which may be granted under this Order by or on behalf of the Minister, or in respect of Northern Ireland by or on behalf of the Minister or the said Ministry:

and the Minister hereby delegates to the said Ministry the function of giving or granting any such direction, licence or authorisation in respect of Northern Ireland.

(2) Every person holding a licence or authorisation granted under this Order shall comply with every condition imposed by that licence or authorisation.

14.—(1) The Oils and Fats Order, 1949(**a**), is hereby revoked, but without prejudice to any proceedings in respect of any contravention thereof: provided that any licence, authorisation, permit or other document granted or issued under the said Order or having effect as though granted or issued under that Order and subsisting immediately before the coming into force of this Order shall continue to have effect as though granted or issued under this Order.

(2) Every person shall notwithstanding the revocation of the said Order retain any record required to be kept by him thereunder until the expiration of one year from the date of the transaction to which it relates.

15. This Order shall come into force on the 1st day of January, 1950, and may be cited as the Oils and Fats (No. 2) Order, 1949.

Dated the 8th day of December, 1949.

John Strachey,
Minister of Food.

(a) S.I. 1949 No. 894.

THE FIRST SCHEDULE

Oilseeds

Castor Seed.
Copra.
Cotton Seed.
Gingelly (Sesame Seed).
Ground Nuts (Undecorticated).
Ground Nuts (Decorticated).
Illipe Nuts.
Kapok Seed.
Linseed.
Niger Seed.
Palm Kernels.
Rape Seed.
Shea Nuts.
Soya Beans.
Sunflower Seed.

THE SECOND SCHEDULE

Part I

Any of the following oils, fats and mixtures in any state of manufacture whether crude, refined, deodorised, hardened, pressed or bleached, not being margarine, cooking fats or technical tallow as defined in Article 1 of this Order:—

Coconut Oil.
Cotton Seed Oil.
Gingelly (Sesame) Oil.
Ground Nut Oil.
Herring Oil.
Illipe Oil.
Kapok Seed Oil.
Maize Oil.
Palm Oil.
Palm Kernel Oil.
Pilchard Oil.
Seal Oil.
Shea Butter or Oil.
Soya Bean Oil.
Sunflower Seed Oil.
Whale Oil.

Any residue arising from the refining of any of the above oils and fats.

Any mixture of any two or more of the above oils, fats and residues and any mixture of any one or more of the above oils, fats and residues with any other oil.

Part II

Any of the following oils, fats and mixtures in any state of manufacture whether crude, refined, deodorised, hardened, pressed or bleached, not being margarine, cooking fats or technical tallow as defined in Article 1 of this Order:—

Castor Oil.
Linseed Oil.
Niger Seed Oil.
Perilla Seed Oil.
Rape Seed Oil.

Any residue arising from the refining of any of the above oils and fats.

Any mixture of any two or more of the above oils, fats and residues and any mixture of any one or more of the above oils, fats and residues with any other oil.

Part III

Dripping.
Lard.
Oleo Oil.
Premier Jus.
Stearine (Beef or Mutton).

THE THIRD SCHEDULE

Maximum Prices of Dripping and Lard

Part I—Maximum Prices of Dripping

	Maximum Price s.	d.
On a first-hand sale at the rate of per cwt.	119	9
On a sale by wholesale at the rate of per cwt.	125	3
On a sale by retail at the rate of per lb.	1	2½

All weights net

Part II—Maximum Prices of Lard	Maximum Price s.	d.
On a first-hand sale at the rate of per cwt.	90	0
On a sale by wholesale at the rate of per cwt.	95	6
On a sale by retail at the rate of per lb.	1	0

All weights net, except as provided in Article 6 of this Order

Part III—Permitted Additions to Maximum Prices

1. *Dripping*

No charge in addition to the above mentioned first-hand and wholesale prices shall be made for packing or containers or delivery except that the seller may make a reasonable charge for the cost of a returnable container supplied by him: provided that the sum charged shall be repaid by the seller to the buyer on return of that container to the seller in good condition, having regard to its condition when supplied and to fair wear and tear.

2. *Lard*

(i) Where lard (other than lard delivered to the seller packed in rolls, bricks or packets, and weighing not more than 1 lb.) is sold by wholesale in a quantity less than 28 lbs. the maximum price may be increased at a rate not exceeding 2s. 4d. per cwt.

(ii) The maximum prices of lard include all costs and charges of and incidental to packing, containers and delivery.

(iii) In calculating the retail price of any lard, any fraction of a farthing shall be regarded as one farthing.

THE FOURTH SCHEDULE

Method of Determining Melting Points

For the purpose of this Order, melting points shall be determined with the apparatus and by the method of determining "drop points" specified in British Standard No. 894, dated April, 1940—"British Standard Specification for the Determination of the Flow and Drop Points of Fats and Allied Substances (Apparatus and Method of Use)", as amended by Amendment No. 1 to British Standard No. 894, dated February, 1947; provided that for the purpose of Section B of the said British Standard, as amended, the cup referred to therein shall be filled, at a room temperature, with the fat to be treated without the application of heat to the sample.

EXPLANATORY NOTE

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

This Order revokes and replaces the Oils and Fats Order, 1949, with various amendments. The principal amendments are—

(*a*) Licences are no longer required to manufacture or to sell by wholesale dripping, premier jus, stearine (beef or mutton), oleo oil or technical tallow;

(*b*) Licences are no longer required to sell by wholesale rape seed oil;

(*c*) Maximum price restrictions on sales of technical tallow have been removed.