The Food Standards (Meat Paste) (Amendment) Order, 1951

1951 No. 2242

Made - - - -	19*th December*, 1951
Laid before Parliament	19*th December*, 1951
Coming into Operation	7*th March*, 1952

The Minister of Food, in pursuance of the powers conferred upon him by Regulation 2 of the Defence (Sale of Food) Regulations, 1943(a), as continued in force by the Emergency Laws (Continuance) Order, 1951(b), and of all other powers him enabling in that behalf, hereby orders as follows:—

1. This Order shall come into operation on the 7th day of March, 1952, and may be cited as the Food Standards (Meat Paste) (Amendment) Order, 1951.

2. The Food Standards (Meat Paste) Order, 1951(c), shall be amended by deleting paragraph (2) of Article 1 thereof (which applied the standard to sales by a manufacturer and sales by wholesale only).

G. Lloyd-George,
Minister of Food.

Dated the 19th day of December, 1951.

EXPLANATORY NOTE

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

This amending Order, which comes into force on the 7th March, 1952, provides that the Food Standards (Meat Paste) Order, 1951, shall apply in relation to all sales. At present the Order applies only in relation to sales by manufacturers and sales by wholesale.

The Pre-Packed Food (Weights and Measures: Marking) (Amendment) Order, 1951

1951 No. 996

Made - - - -	4*th June*, 1951
Laid before Parliament	5*th June*, 1951
Coming into Operation	1*st July*, 1951

The Board of Trade, in pursuance of the powers conferred upon them by Regulation 2 of the Defence (Sale of Food) Regulations, 1943(a), as amended

(a) S.R. & O. 1943 (No. 1553) II, p. 70 and S.R. & O. 1945 (No. 1454) II, p. 95.
(b) S.I. 1951 No. 2117, p. 1 above. (c) S.I. 1951 No. 1457, p. 20 above.

by the Transfer of Functions (Sale of Food) Order, 1950(a), and as continued in force by the Emergency Laws (Continuance) Order, 1950(b), hereby order as follows:—

Amendment of the Pre-Packed Food (Weights and Measures : Marking) Order, 1950

1. The Pre-Packed Food (Weights and Measures : Marking) Order, 1950(c), shall have effect subject to the following amendments:—

(1) after Article 2 there shall be inserted the following Article—

"*Loose labels inserted within wrappers or containers*

2A. A label not actually attached to a wrapper or container in which food is pre-packed but inserted within the wrapper or container or, where more than one wrapper or container is used, within the outer one shall be deemed for the purposes of this Order to be securely attached thereto if it is inserted in such a manner that it cannot be removed without first breaking open the wrapper or container or, as the case may be, the outer one." ;

(2) for Article 4 there shall be substituted the following Article:—

"*Defences*

4.—(1) In any proceedings for an infringement of Article 1 or 2 of this Order in respect of an inaccuracy in any statement either of the quantity of pre-packed food contained in any wrapper or container or of the aggregate weight of any wrapper or container and the food contained therein (whether such statement is marked upon the wrapper or container or a label attached thereto or is contained in an invoice or other document) it shall be a defence for the person charged to prove:—

(*a*) that the infringement was due to a bona fide mistake or accident or to other causes beyond his control and that he took all reasonable precautions and exercised all due diligence to prevent the infringement ; or

(*b*) that the statement was accurate when it was marked upon the wrapper, container or label or, as the case may be, included in the invoice or other document and that the whole of any subsequent inaccuracy therein was due to evaporation and that he had exercised due care and take all reasonable precautions to avoid such inaccuracy ; or

(*c*) that in relation to the case all the following conditions are fulfilled, that is to say:—

(i) that he purchased that food in the United Kingdom from another person carrying on there the business of supplying food of that description and that it was then packed in the wrapper or container in which it was at the time of the infringement and that such wrapper or container had not been opened since the food was acquired from that other person ; and

(ii) that the statement of quantity or aggregate weight in respect of which the infringement is alleged was marked on the wrapper, container or label or, as the case may be, included in the invoice or other document when he received it from that other person ; and

(a) S.I. 1950 (No. 1044) I, p. 1274. (b) S.I. 1950 (No. 1770) III, p. 3.
(c) S.I. 1950 (No. 1125) III, p. 42.

(iii) that at the time of the infringement he had no reason to believe that this Order was being infringed in relation to that food:

Provided that a person shall not in any proceedings be entitled to avail himself of the defence provided by sub-paragraph (*c*) above unless within fourteen days of the service of the summons in those proceedings he has sent to the prosecutor a copy of the wrapper, container, invoice or other document, as the case may be, upon which he intends to rely 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.

(2) The person by whom any such wrapper, container, invoice or other document is alleged to have been delivered or furnished shall be entitled to appear at the hearing of the proceedings and to give evidence.

(3) Where the defendant is a servant of the person who purchased the food with such wrapper or container or to whom such invoice or other document was furnished 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." ;

(3) sub-paragraph (*c*) of paragraph (2) of Article 7 shall be deleted ;

(4) the definition of " food imported on government account " in Article 11 shall be deleted ;

(5) in the First Schedule (which prescribes the requirements with respect to the proper marking of wrappers and containers)—

(i) for paragraph 3 there shall be substituted the following paragraph—

" 3.—(*a*) Subject to the provisions of sub-paragraph (*b*) of this paragraph, the statement shall be marked upon a plain background and in distinct contrast thereto, that is to say, shall be in dark characters on a light background or in light characters on a dark background.

(*b*) In the case of food packed in a metal, plastic or glass container or a container made otherwise than of metal, plastic or glass but having a metal, plastic or glass stopper, lid or other sealing device the statement may be marked upon the metal, plastic or glass but not elsewhere by means of embossed characters whether they are in distinct colour contrast to the background or not." ;

(ii) for paragraph 10 there shall be substituted the following paragraph—

" 10.—(*a*) A statement of measure when marked upon a metal, plastic or glass container by means of embossed characters pursuant to paragraph 3 (*b*) of this Schedule shall be expressed in terms of the appropriate denomination of measure and the number of units thereof preceded by the word " contents " (e.g. contents 10 fl. oz.) or the words " minimum contents " (e.g. minimum contents 10 fl. oz.).

(*b*) A statement of measure marked otherwise than by means of embossed characters upon a metal, plastic or glass container pursuant to paragraph 3 (*b*) of this Schedule shall be expressed either in terms of the appropriate denomination of measure together with the number of units thereof without more or in terms of the appropriate denomination of measure and the number of units thereof preceded by the word " contents " (e.g. contents 10 fl. oz.) or the words " minimum contents " (e.g. minimum contents 10 fl. oz.)." ;

(6) in the Second Schedule (which sets out the articles of food in respect of which the requisite statement of minimum quantity is to be in terms of number and not weight)—

(i) the item " whole nutmegs " shall be deleted ;

(ii) for the item " Corn on cob vacuum-packed without added liquid " there shall be substituted the item " Corn on cob packed without added liquid " ;

(iii) the following item shall be added—
" shell eggs." ;

(7) in the Third Schedule (which describes the food to which the Order does not apply)—

(i) for the item " Biscuits when sold or to be sold by the packet or by the piece at a price not exceeding 3d. per packet or piece " there shall be substituted the item " Biscuits when sold or to be sold by the packet or the piece less than 4 oz. in weight." ;

(ii) for the item " Fish not packed in cans or glass containers " there shall be substituted the following item—

" Fish packed in a wrapper or container of cellulose film the weight of which does not exceed—

(*a*) where the aggregate weight of the fish and the wrapper or container is not more than 3 lb., 4½ drams per pound of the fish contained therein ;

(*b*) where the aggregate weight of the fish and the wrapper or container is more than 3 lb. but not more than 7 lb., 3½ drams per pound of the fish contained therein." ;

(iii) the following items shall be added—
" Iced lollies.
Whole roasted chickens.".

Citation and Commencement

2. This Order may be cited as the Pre-Packed Food (Weights and Measures: Marking) (Amendment) Order, 1951, and shall come into operation on the 1st day of July, 1951.

Dated this 4th day of June, 1951.

Hervey Rhodes,
Parliamentary Secretary to the
Board of Trade.

EXPLANATORY NOTE

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

This Order, which comes into operation on the 1st July, 1951, amends the Pre-Packed Food (Weights and Measures: Marking) Order, 1950 (S.I. 1950 No. 1125). The principal changes are:—

(1) Loose labels indicating the minimum quantity of pre-packed food in wrappers or containers may now be used if the loose label is so inserted within the wrapper or container or, as the case may be, the outer one that it cannot be removed without first breaking open the wrapper or container.

(2) The defence available under Article 5 (1) (*b*) of the principal Order to a person charged with an infringement of Article 1 or 2 by omitting to mark pre-packed food with the requisite statement of quantity or weight is now by amendment of Article 4 available to a person charged with an infringement of Article 1 or 2 by marking pre-packed food with an inaccurate statement of quantity or weight.

(3) The requirements of the principal Order will henceforth apply to pre-packed food imported on government account.

(4) A statement of the quantity of food pre-packed in a metal, plastic or glass container or in a container not made of metal, plastic or glass but having a metal, plastic or glass lid or stopper may be marked on the container or, as the case may be, on the lid or stopper by means of embossed characters whether they be in distinct colour contrast to the background or not. In the case of a marking by means of embossed characters on a metal or glass container (but not upon a lid or stopper) the statement of the denomination of measure and the number of units thereof must be preceded by the word " contents ".

(5) The statement of minimum quantity in the case of pre-packed shell eggs is to be in terms of number and not weight.

(6) Biscuits packed for sale by the packet or piece weighing less than 4 oz., whole roasted chickens and iced lollies are not affected by the provisions of the principal Order. Fish packed in wrappers or containers of cellulose film is also exempt from marking if the weight of the container does not exceed $4\frac{1}{2}$ drams per pound of fish, in the case of a packet weighing not more than 3 lb., and $3\frac{1}{2}$ drams per pound of fish in the case of a packet weighing more than 3 lb. but not more than 7 lb. Hitherto biscuits were excluded when packed for sale by the packet or piece at a price not exceeding 3d. and fish when not packed in cans or glass containers.

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 (23rd February, 1946), *see* the Supplies and Services (Transitional Powers) Act, 1945 (9 & 10 Geo. 6. c. 10), the Orders in Council made thereunder, dated 20th December, 1945 (S.R. & O. 1945 (Nos. 1615 to 1630) II, pp. 45-46), and the Supplies and Services (Continuance) Order, 1951, dated 4th December, 1951 (S.I. 1951 No. 2116). The Orders in Council dated 20th December, 1945, schedule the Regulations so continued with adaptations and the Order dated 4th December, 1951, in effect, continues the operation of those Regulations until 10th December, 1952, by continuing the Supplies and Services (Transitional Powers) Act, 1945, to that date. The Regulations thus continued are subject to powers of H.M. in Council to revoke them in whole or in part or vary them. For extension of the powers under the Supplies and Services (Transitional Powers) Act, 1945, *see* the Supplies and Services (Extended Purposes) Act, 1947 (10 & 11 Geo. 6. c. 55).

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 19th), revised to 10th December, 1950, also includes the other codes of Defence Regulations and the relevant enactments applicable and remaining in force.]

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1. CONTINUANCE

The Supplies and Services (Continuance) Order, 1951

1951 No. 2116

Made - - - -	*4th December*, 1951
Laid before Parliament	*5th December*, 1951
Coming into Operation	*9th December*, 1951

At the Court at Buckingham Palace, the 4th day of December, 1951

Present,

The King's Most Excellent Majesty in Council

Whereas by section eight of the Supplies and Services (Transitional Powers) Act, 1945(**a**), the said Act was limited to expire on the tenth day of December, nineteen hundred and fifty, five years after the passing thereof, unless continued in force under that section:

And Whereas by an Order in Council(**b**) made under that section the said Act was continued in force for a further period of one year until the tenth day of December, nineteen hundred and fifty-one:

And Whereas it is provided by that section that if an Address is presented to His Majesty by each House of Parliament praying that the said Act should

(a) 9 & 10 Geo. 6. c. 10. (b) S.I. 1950 (No. 1769) III, p. 51.