1957 No. 1880

The Pre-Packed Food (Weights and Measures: Marking) Regulations, 1957

Made - - - -	31*st October*, 1957
Laid before Parliament	6*th November*, 1957
Coming into Operation	1*st January*, 1958

The Board of Trade, in pursuance of the powers conferred upon them by sub-sections (1) and (2) of Section 7 and Section 123 of the Food and Drugs Act, 1955(a), and sub-sections (1) and (2) of Section 7 and Section 56 of the Food and Drugs (Scotland) Act, 1956(b), and all other powers in that behalf enabling them, hereby make the following Regulations:—

Sale of Pre-Packed Food by Retail. Marking of Wrappers and Containers

1.—(1) Except in the case of pre-packed food to which paragraph (2) of this Regulation applies, no person shall sell by retail or have in his possession for sale by retail any pre-packed food unless the wrapper or container in which it is packed or a label securely attached thereto is properly marked, that is to say, marked in accordance with the appropriate requirements set out in the First Schedule hereto, with a true statement of the minimum quantity of the food contained therein expressed in terms:—

(*a*) in the case of any article of food described in the Second Schedule hereto, of the number thereof;

(*b*) in any other case, of net weight only, of measure only or of both net weight and measure.

(2) No person shall sell by retail or have in his possession for sale by retail any pre-packed food described in Part I or II of the Third Schedule hereto which is packed—

(*a*) in the case of food described in Part I of that Schedule, in a wrapper or container the weight of which does not exceed 2½ drams per pound of the food contained therein;

(*b*) in the case of food described in Part II of that Schedule, in a wrapper or container not exceeding in weight—

(i) where the aggregate weight of the food and the wrapper or container does not exceed 3 lb., 4½ drams per pound of the food contained therein;

(ii) where the aggregate weight of the food and the wrapper or container exceeds 3 lb., but does not exceed 7 lb., 3½ drams per pound of the food contained therein;

(iii) where the aggregate weight of the food and the wrapper or container exceeds 7 lb., 3 drams per pound of the food contained therein;

unless, in any such case, the wrapper or container in which it is packed or a label securely attached thereto is properly marked with a true statement of either the minimum quantity of the food contained therein expressed in terms of net weight or the minimum aggregate weight of the wrapper or container and the food contained therein.

(a) 4 & 5 Eliz. 2. c. 16. (b) 4 & 5 Eliz. 2. c. 30.

(3) Nothing in paragraphs (1) and (2) of this Regulation shall apply to the sale by retail or the possession for sale by retail at any premises of any food which is pre-packed by the retailer at those premises and is made up for sale in quantities of two ounces, four ounces, eight ounces, one pound or multiples of one pound.

(4) Nothing in paragraph (1) of this Regulation shall apply to the sale by retail or the possession for sale by retail at any premises of any food which is not described in either the Second or the Third Schedule hereto and is of a quantity less than one ounce or one fluid ounce, as the case may be, and is pre-packed in a wrapper or container of such size and shape that it is not reasonably practicable to mark it as provided in the said paragraph (1).

Sale of Pre-Packed Food otherwise than by Retail. Marking of Wrappers and Containers. Furnishing of Particulars

2. Every person who, for the purposes of a sale thereof otherwise than by retail, delivers or causes to be delivered any pre-packed food shall deliver that food or cause it to be delivered packed in a wrapper or container which is marked, or to which wrapper or container is securely attached a label which is marked, in accordance with the provisions of Regulation 1 as if it were being sold by retail:

Provided that this Regulation shall not apply to pre-packed food delivered on sale to a wholesaler if within fourteen days of such delivery the person delivering or causing to be delivered the pre-packed food furnishes to the buyer an invoice or other document containing a statement of the minimum quantity of food so delivered or, as the case may be, of the minimum aggregate weight of the wrapper or container and the food contained therein sufficient in all respects to enable the buyer to comply with the appropriate requirements of Regulation 1.

Loose Labels inserted within Wrappers or Containers

3. 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 these Regulations 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.

Offences

4.—(1) If any person contravenes or fails to comply with any of these Regulations he shall be guilty of an offence against that Regulation.

(2) A person guilty of an offence against any of these Regulations shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both, and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

Safeguards to Traders and Defence of Warranty

5.—(1) Sub-sections (1), (2) and (3) of Section 12 of the Sale of Food (Weights and Measures) Act, 1926(a), (which provide certain safeguards to traders) shall apply in the case of proceedings for offences against these Regulations in like manner as they apply in the case of proceedings under that Act and accordingly the provisions of those sub-sections shall have effect for the purposes of these Regulations subject to the following modifications and adaptations:—

(a) 16 & 17 Geo. 5. c. 63.

(i) for references therein to proceedings under that Act there shall be substituted references to proceedings for offences against these Regulations;

(ii) in the said sub-section (1)—

(*a*) for the words "deficiency of weight or measure of any pre-packed article or of bread" there shall be substituted the words "inaccuracy in any statement of quantity marked upon a wrapper, container or label";

(*b*) for the words "weight or measure" where they occur for the second and third times there shall be substituted the word "quantity";

(*c*) the words "or delivery" shall be omitted;

(iii) in the said sub-section (2)—

(*a*) for the words "deficiency of weight, measure or number" there shall be substituted the words "inaccuracy in any statement of quantity marked upon a wrapper, container or label or contained in an invoice or other document or an omission to mark any wrapper, container or label with such a statement or to furnish an invoice or other document containing such a statement";

(*b*) for the words "such deficiency" wherever they occur there shall be substituted the words "such inaccuracy or omission";

(iv) in the said sub-section (3)—

(*a*) for the words "deficiency in the weight of any article of food delivered to a purchaser" there shall be substituted the words "inaccuracy in any statement of quantity marked upon a wrapper, container or label";

(*b*) for the word "deficiency" where it occurs for the second and third times there shall be substituted the word "inaccuracy".

(2) The provisions of Section 115 of the Food and Drugs Act, 1955, and, in relation to Scotland, of Section 46 of the Food and Drugs (Scotland) Act, 1956, (which prescribe the conditions under which a warranty may be pleaded as a defence) shall apply in relation to contraventions of Regulation 2 of these Regulations in like manner as they apply in relation to contraventions of Regulation 1 and, accordingly, the provisions of sub-section (1) of each of those Sections shall have effect for the purposes of these Regulations subject to the following modifications and adaptations:—

(i) after the words "possession for the purpose of sale" there shall be inserted the words "or delivering";

(ii) after the word "sold", wherever it occurs, there shall be inserted the word "delivered".

Savings

6.—(1) Nothing in these Regulations shall relieve any person from complying with the provisions of any Act of Parliament, Order in Council, order, regulation or bye-law for the time being in force.

(2) Nothing in these Regulations shall apply to:

(*a*) the sale of food in Great Britain to a caterer or a manufacturer of food for the purposes of his catering or, as the case may be, manufacturing business; or

(*b*) the delivery, sale or possession for sale in Great Britain of:—

(i) any food described in the Fourth Schedule hereto; or

(ii) any food which is being purchased for export or for use as ships' stores, being food in respect of which the seller shall have notice in writing from the buyer at or before the time of delivery that it is being so purchased; or

(iii) any pre-packed food consisting of an assortment of articles of food packed for sale as a meal and ready for consumption without being cooked, heated or otherwise prepared; or

(iv) any food for consumption by Her Majesty's Forces or any visiting force, being food specially pre-packed for such consumption.

Enforcement by Local Authorities

7. These Regulations shall be enforced and executed in the area of a local authority for the purposes of the Weights and Measures Acts, 1878 to 1936, by that authority.

Application to Scotland

8. These Regulations in their application to Scotland shall have effect as if:—

(*a*) for the reference in the Fourth Schedule hereto to intoxicating liquor there were substituted a reference to exciseable liquor;

(*b*) for the references in the Fourth Schedule hereto to the instruments set out in column 1 of the following table there were respectively substituted references to the appropriate instruments set out and numbered correspondingly in column 2 of that table:—

Column 1	Column 2
1. Public Health (Condensed Milk) Regulations, 1923 to 1953(a).	1. Public Health (Condensed Milk) (Scotland) Regulations, 1931 to 1953(c).
2. Public Health (Dried Milk) Regulations, 1923 to 1948(b).	2. Public Health (Dried Milk) Regulations (Scotland), 1931, as amended by the Public Health (Condensed and Dried Milk) Amendment Regulations (Scotland), 1943(d).

(a) S.R. & O. 1923/509, 1927/1092, 1943/896; S.I. 1948/1122 (Rev. VIII, p. 28: 1923, p. 894; 1927, p. 457; 1943 I, p. 288; 1948 I, p. 1226), S.I. 1953/1609 (1953 I, p. 815).

(b) S.R. & O. 1923/1323, 1927/1093, 1943/896; S.I. 1948/1123 (Rev. VIII, p. 42: 1923, p. 900; 1927, p. 459; 1943 I, p. 288; 1948 I, p. 1227).

(c) S.R. & O. 1931/116, 1943/1061 (Rev. VIII, p. 35: 1931, p. 1103; 1943 I, p. 289), S.I. 1953/1618 (1953 I, p. 816).

(d) S.R. & O. 1931/1, 1943/1061 (Rev. VIII, p. 47: 1931, p. 1111; 1943 I, p. 289).

Interpretation

9.—(1) In these Regulations:—

"pre-packed" means packed or made up in advance ready for retail sale in a wrapper or container; and where any food packed or made up in a wrapper or container is found on any premises where such food is packed, kept or stored for sale the food shall be deemed to be pre-packed unless the contrary is proved and it shall not be sufficient proof of the contrary to show that the wrapper or container had not been marked in accordance with these Regulations;

"sale by retail" means a sale to a person buying otherwise than for the purpose of resale, and cognate expressions shall be construed accordingly;

"visiting force" means a force which is a visiting force for the purpose of any of the provisions of the Visiting Forces Act, 1952(a).

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of these Regulations in like manner as it applies to the interpretation of an Act of Parliament and as if these Regulations and the Orders and Regulations hereby revoked were Acts of Parliament.

Revocation, Citation and Commencement

10.—(1) The Pre-Packed Food (Weights and Measures: Marking) Order, 1950(c), the Pre-Packed Food (Weights and Measures: Marking) (Amendment) Order, 1951(d), and the Pre-Packed Food (Weights and Measures: Marking) (Amendment No. 2) Regulations, 1956(e), are hereby revoked.

(2) These Regulations may be cited as the Pre-Packed Food (Weights and Measures: Marking) Regulations, 1957, and shall come into operation on the 1st day of January, 1958.

Dated this 31st day of October, 1957.

J. K. Vaughan-Morgan,
Minister of State, Board of Trade.

FIRST SCHEDULE

REQUIREMENTS WITH RESPECT TO THE PROPER MARKING OF WRAPPERS AND CONTAINERS

The requirements to be complied with for the proper marking of any wrapper or container in pursuance of Regulation 1 are the following:—

1. The statement of quantity in terms of weight, measure or number and the statement of aggregate weight shall be marked in legible characters in a prominent place upon the wrapper or container or label where, in each case, it can be easily read and, in the case of food pre-packed in more than one wrapper or container, the marking shall be so placed (whether upon an inner or an outer wrapper or container or upon both or upon a label securely attached to one or the other or to both) that it can be easily read without detaching or unwrapping any of the wrappers or containers.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67. (b) 52 & 53 Vict. c. 63,
(c) S.I. 1950/1125 (1950 III, p. 42). (d) S.I. 1951/996 (1951 III, p. 22).
(e) S.I. 1956/1201 (1956 I, p. 1010).

2.—(*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:

Provided that, where by reason of the transparency of the wrapper, container or label, the contents thereof are visible, the said contents shall be deemed to be the background for the purposes of this paragraph.

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

3. A statement of any quantity in terms of metric weight or measure shall be accompanied in close proximity thereto by a statement of that quantity in terms of its equivalent in imperial weight or measure.

4. Designations of weight or measure shall be stated in full or in the corresponding abbreviated form specified below but not otherwise:—

Designations in full	*Abbreviations*
Hundredweight	cwt.
Pound	lb.
Ounce	oz.
Dram	dr.
Grain	gr.
Gram	grm. or g.
Kilogram	kilog. or kg.
Gallon	gal.
Quart	qt.
Pint	pt.
Fluid ounce	fl. oz.
Fluid drachm	fl. dr.
Minim	min.
Litre	lit. or l.
Millilitre	ml.

5. A statement of any weight, measure or number shall not be qualified by any words, figures or other marks importing any approximation or modification in such statement (e.g. "approximately", "about", "when packed").

6. Where the weight to be indicated is the aggregate weight of the wrapper or container and the food contained therein, the designation of weight and the number of units thereof shall be followed or preceded by the word "gross" or by the words "gross weight".

7. A statement of measure on a container which is marked on the container itself, whether pursuant to paragraph 2 (*b*) of this Schedule or otherwise, shall be expressed in terms of the appropriate designation 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.).

SECOND SCHEDULE

Cereal biscuit breakfast food.
Corn on cob packed without added liquid.
Fruit preservative tablets.
Rennet tablets.
Saccharin tablets.
Shell eggs.
Soft drink tablets.
Sweetening tablets.
Vanilla pods.

THIRD SCHEDULE

PART I

Butter.
Compound cooking fat.
Lard.
Margarine.
Suet.

PART II

Cornflour.
Dried apples (including dried apple rings)
Dried apricots.
Dried beans.
Dried currants.
Dried dates.
Dried figs.
Dried muscatels.
Dried nectarines.
Dried peaches.
Dried pears (including dried pear rings).
Dried peas.
Dried prunes.
Dried raisins.
Dried sultanas.
Flour of wheat, rye, maize, pea or bean, including self-raising flour and cake flour.
Macaroni and similar products or substitutes.
Oatmeal.
Poultry (including any part thereof).
Rice.
Rolled oats.
Sago.
Semolina (including flavoured semolina and coloured semolina).
Soya flour.
Sugar.
Tapioca.

PART III

Chocolate powder.
Cocoa.
Cocoa powder.
Coffee beans.
Ground coffee (including chicory mixtures).
Potatoes.
Tea.

FOURTH SCHEDULE

FOOD TO WHICH THESE REGULATIONS DO NOT APPLY

Bacon.
Bath chaps.
Biscuits pre-packed for sale in a quantity less than 4 oz. in weight.
Bread (excluding breadcrumbs).
Cheese (including processed cheese, blue vein, soft curd or cream cheese and cheese made from milk other than cows' milk but excluding cheese spread).
Condensed milk, as defined in the Public Health (Condensed Milk) Regulations, 1923 to 1953.
Dried Milk, as defined in the Public Health (Dried Milk) Regulations, 1923 to 1948 (including sweetened or modified dried milk and compounded dried milk).

Fish packed in a wrapper or container, 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;
(*c*) where the aggregate weight of the fish and the wrapper or container is more than 7 lb., 3 drams per pound of the fish contained therein.

Fish cakes.

Flour confectionery.

Fresh fruit (including nuts) and vegetables (other than potatoes) which are not bottled, frozen or dried and which have not been subjected to any process other than a process of cutting, dicing, cleaning or the removal of extraneous or inedible matter.

Ham.

Honey in the comb.

Iced lollies and water ices.

Intoxicating liquor.

Meat pies and sausage rolls.

Meat puddings.

Meat sausages (including skinless sausages) which are not packed in metal, glass or rigid plastic containers.

Micro-biological preparations for addition to food.

Milk (excluding cream).

Single toffee apples.

Soft drinks (excluding flavoured milk drinks and soft drinks packed in metal containers).

Spa waters, Lithia water, Seltzer water and potash water.

Sugar confectionery, chocolate and chocolate confectionery.

Whole cooked beetroots.

EXPLANATORY NOTE

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

These Regulations, which come into operation on the 1st January, 1958 and apply to Great Britain, relate to the marking of wrappers or containers in which pre-packed food is sold or possessed for sale, and to the furnishing of particulars in invoices or other documents in the case of pre-packed food delivered on sale to a wholesaler.

The Regulations replace the Pre-Packed Food (Weights and Measures: Marking) Order, 1950, as amended, the provisions of which are substantially reproduced.

The following are the principal modifications:—

(*a*) Poultry has been added to the list of pre-packed articles of food (set out in the Third Schedule) which, subject to certain limitations on the weight of the wrapper or container, may be marked with the minimum aggregate weight of the wrapper or container and the food therein.

(*b*) The exemption from the Regulations of food pre-packed by a retailer for sale on his premises is limited to food pre-packed in certain specified quantities.

(*c*) The exemption from the Regulations of food sold in certain petty amounts no longer applies to articles of food specified in the Third Schedule, all of which, except poultry, are subject to the petty amounts provisions of Sections 8 and 13 of the Sale of Food (Weights and Measures) Act, 1926.

(*d*) The right to deliver pre-packed food unmarked, provided that an invoice or other document containing the requisite particulars is furnished to the buyer within fourteen days, is now only available to a person selling to a wholesaler.

(*e*) The requirements with respect to the proper marking of wrappers and containers specified in the First Schedule have been reduced and simplified.

(*f*) The Regulations do not apply to fish cakes, sausage rolls and water ices; nor do they apply to meat sausages which are not packed in metal, glass or rigid plastic containers.

The safeguards to traders contained in sub-sections (1), (2) and (3) of Section 12 of the Sale of Food (Weights and Measures) Act, 1926, are applied to offences against these Regulations. These safeguards, together with the defences contained in the Food and Drugs Act, 1955, (in Scotland, the Food and Drugs (Scotland) Act, 1956) substantially correspond to those contained in the Order of 1950.

The Regulations prescribe penalties for offences, including continuing offences.

FOOD HYGIENE

1957 No. 2157

The Food Hygiene (Amendment) Regulations, 1957

Made - - - -	12*th December*, 1957
Laid before Parliament	17*th December*, 1957
Coming into Operation	31*st December*, 1957

The Minister of Agriculture, Fisheries and Food and the Minister of Health, acting jointly, in exercise of the powers conferred on them by sections 13 and 123 of the Food and Drugs Act, 1955(a), and of all other powers enabling them in that behalf, hereby make the following regulations, after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations and reference to the Food Hygiene Advisory Council under section 82 of the said Act:—

Citation and commencement

1.—(1) These regulations may be cited as the Food Hygiene (Amendment) Regulations, 1957, and shall come into operation on the thirty-first day of December, 1957.

(2) These regulations shall be read as one with the Food Hygiene Regulations, 1955 to 1956, and those regulations and these regulations may be cited together as the Food Hygiene Regulations, 1955 to 1957.

Interpretation

2. The Interpretation Act, 1889(b), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(a) 4 & 5 Eliz. 2. c. 16. (b) 52 & 53 Vict. c. 63.