STATUTORY INSTRUMENTS

1962 No. 1926 (S. 94)

FOOD AND DRUGS

COMPOSITION AND LABELLING—SCOTLAND

The Preservatives in Food (Scotland) Regulations 1962

Made - - - -	30*th August* 1962
Laid before Parliament	6*th September* 1962
Coming into Operation	7*th September* 1962

In exercise of the powers conferred upon me by sections 4, 7 and 56 of the Food and Drugs (Scotland) Act 1956(a), 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 (insofar as the regulations relate to the labelling, marking or advertising of food), I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Preservatives in Food (Scotland) Regulations 1962 and shall come into operation on 7th September 1962.

Interpretation

2.—(1) In these regulations unless the context otherwise requires—

"the Act" means the Food and Drugs (Scotland) Act 1956;

"bread" includes the following, and any part of any of the following, that is to say, rolls, baps, fancy loaves, milk loaves, malt loaves and fruit loaves;

"canned food" means food in a hermetically sealed container which has been sufficiently heat processed to destroy any Clostridium Botulinum in that food or container or which has a pH. of less than 4·5;

"catering business" includes the business or undertaking of an inn, public-house, hotel, restaurant, café, tea-shop, buffet, coffee-stall or any place of refreshment open to the public, or of a club, boarding house, apartment house, refreshment contractor, school feeding centre, staff dining room or canteen; and the word "caterer" shall be construed accordingly;

"compounded food" means food containing two or more ingredients;

"container" includes any form of packaging of food for sale as a single item whether by way of wholly or partly enclosing the food or by way of attaching the food to some other article, and in particular includes a wrapper or confining band;

"deterioration", in relation to food, means deterioration due to the action of bacteria, yeasts or moulds;

"dock" includes any harbour, moorings, wharf, pier, jetty or other works on or at which food can be shipped or unshipped and any warehouse, transit shed or other premises used in connection therewith for

(a) 4 & 5 Eliz. 2, c. 30.

the temporary storage or loading for dispatch of food which is unshipped or to be shipped;

"flavouring syrup" means a solution of carbohydrate sweetening matter containing sufficient distinctive flavouring to provide, after dilution with milk or water, a drink with that distinctive flavour;

"flavouring emulsion" means an emulsion of the selected flavouring in a suitable liquid;

"flour confectionery" includes cake, bun loaves, cholas bread, pastry (cooked or uncooked) and ready-made puddings (other than canned puddings and Christmas puddings) but does not include biscuits or any product containing a filling that has as an ingredient any meat or fish;

"food" means food intended for sale for human consumption and includes—

(*a*) cream and any food containing milk, and

(*b*) drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products;

but does not include—

(i) water, live animals or birds, or

(ii) articles or substances used only as drugs;

"intoxicating liquor" means any exciseable liquor as defined in the Licensing (Scotland) Act 1959(a);

"jam" includes fruit jelly prepared in the way in which jam is prepared, marmalade and jelly marmalade;

"mince" means uncooked meat which has been minced;

"permitted antioxidant" means any antioxidant inasmuch as its use is permitted by the Antioxidant in Food (Scotland) Regulations 1958(b);

"permitted colouring matter" means any colouring matter inasmuch as its use is permitted by the Colouring Matter in Food (Scotland) Regulations 1957(c);

"permitted emulsifier" and "permitted stabiliser" mean respectively any emulsifier and stabiliser, inasmuch as its use is permitted by the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1962(d);

"permitted preservative" means any preservative specified in column 2 of Schedule 1 or, subject to the provisions of paragraph (3) of this regulation, a preservative specified in column 2 of Schedule 2;

"pre-packed" means made up in advance ready for retail sale in or on a container; and on any premises where food of any description is so made up, or is kept or stored for sale after being so made up, any food of that description found made up in or on a container shall be deemed to be pre-packed unless the contrary is proved;

"preparation", in relation to food, includes manufacture and any form of treatment; and "preparation for sale" includes packaging and wrapping;

"preservative" means any substance which is capable of inhibiting, retarding or arresting the process of fermentation, acidification or other deterioration of food or of masking any of the evidence of putrefaction but does not include—

(*a*) any permitted antioxidant;

(a) 7 & 8 Eliz. 2. c. 51.
(b) S.I. 1958/1467 (1958 I, p. 1167).
(c) S.I. 1957/1123 (1957 I, p. 1003).
(d) S.I. 1962/779 (1962 I, p. 766).

(*b*) any permitted colouring matter;

(*c*) any permitted emulsifier or permitted stabiliser;

(*d*) common salt (sodium chloride);

(*e*) lecithin, sugars or tocopherols;

(*f*) nicotinic acid or its amide;

(*g*) vinegar or acetic acid, lactic acid, ascorbic acid, citric acid, malic acid, phosphoric acid, polyphosphoric acid or tartaric acid or the calcium, potassium or sodium salts of any of the acids specified in this sub-paragraph;

(*h*) glycerol, alcohol or potable spirits, iso-propyl alcohol, propylene glycol, monoacetin, diacetin or triacetin;

(*j*) herbs or hop extract;

(*k*) spices or essential oils when used for flavouring purposes;

(*l*) any substance added to food by the process of curing known as smoking;

(*m*) carbon dioxide, nitrogen or hydrogen when used in the packing of food in hermetically sealed containers;

(*n*) nitrous oxide when used in the making of whipped cream;

"processing", in relation to food, includes curing by smoking and any treatment or process resulting in a substantial change in the natural state of the food but does not include boning, paring, grinding, cutting, cleaning or trimming;

"raw peeled potatoes" includes chips, sliced potatoes, diced potatoes and potatoes which have undergone the culinary process known as "blanching";

"raw fish" means any fish which has not undergone any processing but does not include crustacea or molluscs;

"retail sale" and "sale by retail" mean respectively any sale to a person buying otherwise than for the purpose of re-sale, but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business;

"saccharin" means the substance defined as such in the edition of the British Pharmacopoeia current for the time being;

"sausage" and "sausage meat" mean a mixture of raw meat, cereals and condiments and includes hamburgers, lamburgers, beefburgers and similar products;

"Schedule 1", "Schedule 2", "Schedule 3" and "Schedule 4" mean respectively, Schedule 1, Schedule 2, Schedule 3 and Schedule 4 to these regulations;

"sell" includes offer or expose for sale or have in possession for sale; and "sale" shall be construed accordingly;

"smoking" includes using any smoke solution derived from fresh non-impregnated wood;

"soft drink" means any liquid suitable or intended for use, either without or after dilution, as drink for human consumption; and includes—

(*a*) any fruit juice drink, and any fruit squash, crush or cordial;

(*b*) soda-water, Indian or quinine tonic water, and any artificially carbonated water whether flavoured or unflavoured;

(*c*) ginger beer and any herbal or botanical beverage;

but does not include—

(i) water (except as aforesaid);

(ii) water from natural springs, either in its natural state or with added mineral substances;

(iii) fruit juice, sweetened or unsweetened, whether concentrated (or frozen) or not;

(iv) milk or any preparation of milk;

(v) tea, coffee, dandelion coffee, cocoa or chocolate, or any preparation of tea, coffee, dandelion coffee, cocoa or chocolate;

(vi) any egg product;

(vii) any cereal product except—

(*aa*) flavoured barley-water and liquid products used in the preparation of barley-water, and

(*ab*) cereal products containing alcohol that are not intoxicating liquor;

(viii) meat, yeast or vegetable extracts, soup or soup mixtures, or any similar product;

(ix) tomato or other vegetable juices, or any preparation of any such juice or juices;

(x) intoxicating liquor;

(xi) any other unsweetened drink except soda-water;

For the purposes of this definition a product shall not be deemed not to be a soft drink by reason only of the fact that it is capable of being used as medicine;

"specified food" means any food of a description specified in column 1 of Schedule 1;

"storage" in relation to food, means storage at, in or upon any farm, dock, vehicle, warehouse, fumigation chamber, cold store, or any barge or ship whilst, in either case, in any port or harbour in Scotland;

"sugar" means the product usually known as sugar in commercial usage, consisting principally of sucrose;

"sweetened" means containing any added saccharin, sugar or other carbohydrate sweetening matter or polyhydric alcohol; and "unsweetened" shall be construed accordingly;

and other expressions have the same meaning as in the Act.

(2) Percentages and parts per million shall be calculated by weight.

(3) Any preservative specified in column 2 of Schedule 2, if calculated as, may be used in place of, the preservative specified in relation thereto in column 1 of that Schedule; and any reference in these regulations to any preservative specified in column 1 of that Schedule shall be construed accordingly.

(4) These regulations shall not apply to any food or preservative intended for exportation to any place outside the United Kingdom.

(5) Any reference in these regulations to any other regulations shall be construed as a reference to those regulations as amended by any subsequent regulations and if any regulations referred to in these regulations

are replaced by any subsequent regulations the reference shall be construed as a reference to those subsequent regulations.

(6) For the purposes of these regulations, the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food.

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

Enforcement

3.—(1) The local authority of any area shall, subject to the provisions of the next following paragraph, enforce and execute the provisions of these regulations within their area.

(2) Where any part of the area of a local authority lies within the area of a port local authority such of the functions of the local authority under these regulations in relation to any food imported into that part shall, in so far as these functions fall to be exercised by the port local authority by virtue of any order made under section 172 of the Public Health (Scotland) Act 1897(b), be exercised by that port local authority.

(3) In this regulation "local authority" means the council of a county or of a large burgh within the meaning of the Local Government (Scotland) Act 1947(c); and any small burgh within the meaning of that Act shall, for the purposes of these regulations, be included in the county in which it is situated; and "port local authority" includes a joint port local authority.

Sale etc. of food containing a preservative

4.—(1) Save as hereinafter provided, no food shall contain any added preservative:

Provided that—

(*a*) any specified food may contain permitted preservative of the description and in the proportion specified in relation thereto in columns 2 and 3 respectively of Schedule 1;

(*b*) any specified food and any food intended for use in the preparation of a specified food (but excluding fruit and fruit pulp containing sulphur dioxide and intended for manufacturing purposes and any pre-packed food) may, on importation into Scotland or on a sale other than a retail sale or on consignment or delivery pursuant to such a sale, contain permitted preservative of a description appropriate to the specified food in accordance with Schedules 1 and 2 in any proportion if, as the case may be, the seller gives to the importer on or before importation or to the buyer on or before sale a document containing an accurate statement of the description and the maximum quantity of all such preservative present in the food in the form specified in paragraphs 5 and 6 of Schedule 3;

(*c*) any specified food in relation to which two or more permitted preservatives are specified in Schedule 1 may contain an admixture of those preservatives if, when the quantity of each such preservative present in that food is expressed as a percentage of the maximum quantity of that preservative appropriate to that food in accordance with that Schedule, the sum of those percentages does not exceed one hundred;

(a) 52 & 53 Vict. c. 63. (b) 60 & 61 Vict. c. 38.
(c) 10 & 11 Geo. 6. c. 43.

(*d*) any food may contain, in any proportion not exceeding five parts per million, formaldehyde derived from any wet strength wrapping containing any resin based on formaldehyde or from any plastic food container or utensil manufactured from any resin of which formaldehyde is a condensing component;

(*e*) the skin, but not the flesh, of a banana may contain nystatin;

(*f*) bacon or ham may contain sodium nitrate, sodium nitrite, potassium nitrate or potassium nitrite;

(*g*) cooked or uncooked pickled meat may contain sodium nitrate or potassium nitrate;

(*h*) cheese, clotted cream or any canned food may contain nisin;

(*j*) any food may contain sodium nitrate, sodium nitrite, potassium nitrate or potassium nitrite introduced in the preparation of that food by the use of any bacon or ham containing any of the said preservatives or by the use of any cooked or uncooked pickled meat containing sodium nitrate or potassium nitrate;

(*k*) any food may contain nisin introduced in the preparation of that food by the use of any cheese, clotted cream or canned food containing nisin;

(*l*) this regulation shall not apply to any food containing any preservative inasmuch as that preservative is naturally present in that food.

(2) No person shall sell, consign or deliver, or import into Scotland any food which does not comply with this regulation.

5. Nothing in the last foregoing regulation shall prohibit the presence in any compounded food of any permitted preservative introduced in the preparation of that food by the use of one or more specified foods (other than fruit and fruit pulp intended for manufacturing purposes and any unfermented grape juice product intended for sacramental use) if that permitted preservative—

(*a*) may under these regulations be present in any specified food used in the compounded food, and

(*b*) is present in the compounded food in no greater proportion, in relation to the quantity of the specified food used, than the proportion specified in relation to that specified food in column 3 of Schedule 1:

Provided that—

(i) if the said specified food or foods may under these regulations contain sulphur dioxide, the compounded food may contain sulphur dioxide in a quantity not exceeding that introduced by the use of any such specified food or fifty parts per million, whichever is the greater;

(ii) the quantity of ortho-phenylphenol introduced in the preparation of a compounded food by the use of any melon shall not exceed ten parts per million of the weight of the melon so used.

Labelling of food containing a preservative

6.—(1) Subject to the provisions of this regulation, no person shall sell, consign or deliver any food mentioned in paragraph 1 of Schedule 3 which contains any added preservative specified in Schedule 1 as permissible in the case of such food except in a container bearing a label in accordance with the provisions of Schedule 3 unless, in the case of a retail sale, a notice to the effect that the food contains preservative is exhibited in a conspicuous place so as to be easily readable by a customer.

(2) Where in accordance with the last foregoing paragraph a container is required to bear such a label and such container is wrapped in paper or any other wrapper through which the label on the container is not clearly readable the outermost wrapper shall on any exposure or offer for sale by retail bear a label as if it were the container to which that paragraph applies.

(3) Nothing in this regulation shall apply as respects any sale of any specified food for immediate consumption on or at the premises of the seller or in or at any stall or mobile refreshment vehicle.

Sale, labelling and advertising of preservatives

7.—(1) No person shall sell any substance which is recommended in any mark or label placed on its container for use as a preservative in food unless that container bears a label in accordance with the provisions of Schedule 3.

(2) Where in accordance with the last foregoing paragraph a container is required to bear such a label and such container is wrapped in paper or any other wrapper through which the label on the container is not clearly readable the outermost wrapper shall on any exposure or offer for sale by retail bear a label as if it were the container to which that paragraph applies.

(3) No person shall sell or advertise for sale with a view to its use in the preparation of food—

(*a*) any preservative other than a permitted preservative;

(*b*) any permitted preservative in such a manner as to be likely to lead to its use contrary to these regulations.

Condemnation of food

8. Where any food is certified by a public analyst as being food which it is an offence against regulation 4 hereof to sell, consign or deliver, or import into Scotland, that food may be treated for the purpose of section 9 of the Act (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption:

Provided that this regulation shall not apply in relation to any food which contains no added preservative other than a permitted preservative.

Penalties and defences

9.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence under these regulations.

(2) Any person who is guilty of an offence under these regulations shall be liable—

(*a*) on summary conviction to—

(i) a fine not exceeding £100 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment; and

(ii) in the case of a continuing offence, to a further fine not exceeding £10 for every day during which the offence is continued; or

(*b*) on conviction on indictment to—

(i) a fine not exceeding £500 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment; and

(ii) in the case of a continuing offence, to a further fine not exceeding £50 for every day during which the offence is continued.

(3) In any proceedings for an offence against these regulations in relation to the publication of an advertisement, it shall be a defence for the person charged to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business and did not himself make, or cause to be made, any material alterations in the substance of that advertisement.

(4) In any proceedings for an offence against regulation 4 hereof it shall be a defence for the person charged to prove that the presence in any food of any preservative other than a permitted preservative or the presence of a permitted preservative in any food other than a specified food, as the case may be, is solely due to the use of that preservative in food storage:—

(*a*) as an acaracide, fungicide, insecticide or rodenticide, for the protection, in each case, of food whilst in storage ; or

(*b*) as a sprout inhibitor or depressant otherwise than in a place where food is packed for retail sale.

Application of various sections of the Act

10.—(1) Sections 41 (2) and (5) (which relates to proceedings), 42 (1), (2) and (3) (which relates to evidence of certificates of analysis), 44 (which relates to the power of a court to require analysis by the Government Chemist), 46 (2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 47 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken under the Act included references to proceedings, or a prosecution as the case may be, taken for an offence against these regulations and in addition as if—

(*a*) in the case of section 44 (1) of the Act, the reference therein to section 41 (5) of the Act included a reference to said section 41 (5) as applied by these regulations ; and

(*b*) in the case of section 47 (1) and (2) of the Act, the references therein to an offence against the Act included references to an offence against these regulations.

(2) Section 41 (4) of the Act shall apply for the purposes of these regulations as if the reference therein to section 47 of the Act included a reference to said section 47 as applied by these regulations.

Revocation

11.—(1) The regulations specified in column 1 of Schedule 4 are hereby revoked to the extent respectively specified in column 3 of that Schedule.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if any regulations revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
30th August 1962

SCHEDULE 1

Regulations 2 (1) and 4

ARTICLES OF FOOD WHICH MAY CONTAIN PRESERVATIVE AND THE NATURE AND PROPORTION OF PRESERVATIVE IN EACH CASE

Column 1 Specified Food	Column 2 Permitted Preservative	Column 3 Parts per Million Not exceeding—
Beer	Sulphur dioxide	70
Bread	Propionic acid	3,000 (calculated on the weight of the flour)
Cabbage, dehydrated	Sulphur dioxide	2,500
Candied peel or cut and drained (syruped) peel	Sulphur dioxide	100
Cheese	Sorbic acid	1,000
Cheese, other than Cheddar or Cheshire type cheese or soft cheese.	Sodium nitrate or sodium nitrite	100 10
Cider	Sulphur dioxide	200
Coffee (or coffee and chicory) extract, liquid.	Benzoic acid or methyl para-hydroxybenzoate or propyl para-hydroxybenzoate	450 450 450
Coffee extract, solid	Sulphur dioxide	150
Colouring matter, if in the form of a solution of a permitted colouring matter.	Benzoic acid or sorbic acid	2,000 1,000
Drinking chocolate concentrate.	Benzoic acid or methyl para-hydroxybenzoate or propyl para-hydroxybenzoate	700 700 700
Fish, raw	Terracyclines	5
Flavouring emulsions	Sulphur dioxide or benzoic acid	350 800
Flavouring syrups	Sulphur dioxide or benzoic acid	350 800
Flour confectionery	Propionic acid or sorbic acid	1,000 1,000
Flour intended for use in the manufacture of biscuits.	Sulphur dioxide	200
Fruit, citrus	Diphenyl or ortho-phenylphenol	100 70
Fruit, crystallised or glacé	Sulphur dioxide	100
Fruit, dried (including raisins and sultanas).	Sulphur dioxide	2,000
Fruit or fruit pulp (other than tomato pulp) intended for manufacturing purposes.	Sulphur dioxide	3,000
Fruit, fresh:		
Apples	Ortho-phenylphenol	10
Pears	Ortho-phenylphenol	10
Pears	Copper carbonate	3 (of copper)
Pineapples	Ortho-phenylphenol	10
Melons	Ortho-phenylphenol	125
Peaches	Ortho-phenylphenol	20
Fruit juices, sweetened or unsweetened whether concentrated or not.	Sulphur dioxide or benzoic acid	350 800

Column 1 Specified Food	Column 2 Permitted Preservative	Column 3 Parts per Million Not exceeding—
Fruit (other than fresh fruit) or fruit pulp not otherwise specified in this schedule.	Sulphur dioxide ... ... or benzoic acid	350 800
Gelatin	Sulphur dioxide	1,000
Ginger, dry root	Sulphur dioxide	150
Grape juice products (unfermented, intended for sacramental use).	Sulphur dioxide and either ... benzoic acid ... ... or methyl para-hydroxybenzoate or propyl para-hydroxybenzoate...	70 2,000 2,000 2,000
Horseradish, fresh grated ...	Sulphur dioxide ... ... or methyl para-hydroxybenzoate or propyl para-hydroxybenzoate...	100 250 250
Jam, including preserves sold for special dietetic purposes.	Sulphur dioxide	100
Marzipan	Sorbic acid	1,000
Meat, pickled, cooked ...	Sodium nitrite	200
Meat, pickled, uncooked ...	Sodium nitrite	500
Mince but that only during the months of June, July, August and September in any year.	Sulphur dioxide	450
Pectin, liquid	Sulphur dioxide	250
Perry	Sulphur dioxide	200
Pickles	Sulphur dioxide ... ... or methyl para-hydroxybenzoate or propyl para-hydroxybenzoate...	100 250 250
Potatoes, raw, peeled ...	Sulphur dioxide	50
Potatoes, dehydrated ...	Sulphur dioxide	550
Rennet, liquid	Benzoic acid ... ... or methyl para-hydroxybenzoate or propyl para-hydroxybenzoate...	2,000 2,000 2,000
Sauces	Sulphur dioxide ... ... or methyl para-hydroxybenzoate or propyl para-hydroxybenzoate...	100 250 250
Sausages or sausage meat ...	Sulphur dioxide	450
Silicone anti-foam emulsion	Benzoic acid ... ... or sorbic acid	2,000 1,000
Soft drinks for consumption after or without dilution containing carbohydrate in no less a quantity than the appropriate minimum quantity prescribed in respect of added sugar in Part II of the Schedule to the Food Standards (Soft Drinks) Order 1953 (a), as amended (b).	Sulphur dioxide ... ... or benzoic acid	350 800
Soft drinks for consumption after dilution not otherwise specified in this Schedule including comminuted citrus bases for the preparation of soft drinks.	Sulphur dioxide ... ... or benzoic acid	350 800

(a) S.I. 1953/1828 (1953 I, p. 696). (b) S.I. 1954/1089 (1954 I, p. 808).

Column 1 Specified Food	Column 2 Permitted Preservative	Column 3 Parts per Million Not exceeding—
Soft drinks for consumption without dilution not otherwise specified in this Schedule.	Sulphur dioxide ... ... or benzoic acid	70 160
Starches, prepared	Sulphur dioxide	100
Starch hydrolysed (solid) ...	Sulphur dioxide	70
Starch hydrolysed (syrup) ...	Sulphur dioxide	450
Sugar or sugar syrups ...	Sulphur dioxide	70
Tea extract, liquid	Benzoic acid ... ... or methyl para-hydroxybenzoate or propyl para-hydroxybenzoate...	450 450 450
Tomato pulp, paste or puree	Sulphur dioxide ... ... or methyl para-hydroxybenzoate or propyl para-hydroxybenzoate...	350 800 800
Vegetables, dehydrated (other than cabbage or potato).	Sulphur dioxide	2,000
Vinegar	Sulphur dioxide	70
Wine (including alcoholic cordials).	Sulphur dioxide	450

SCHEDULE 2

Regulations 2 (1) and (3)

Column 1 Preservative specified in Schedule 1	Column 2 Alternative form in which the preservative may be used (to be calculated as the preservative shown in column 1)
Sulphur dioxide	Sulphurous acid or any of its sodium, potassium or calcium salts
Benzoic acid	Sodium benzoate or potassium benzoate
Sodium nitrate	Potassium nitrate
Sodium nitrite	Potassium nitrite
Ortho-phenylphenol	Sodium ortho-phenylphenate
Methyl para-hydroxybenzoate ...	Sodium methyl para-hydroxybenzoate
Propyl para-hydroxybenzoate ...	Sodium propyl para-hydroxybenzoate
Sorbic acid	Sodium sorbate, potassium sorbate or calcium sorbate
Propionic acid	Sodium propionate or calcium propionate

Regulations 6 (1), 7 (1) and paragraph (*b*) of the proviso to regulation 4 (1)

SCHEDULE 3

LABELLING OF FOODS CONTAINING PRESERVATIVE, LABELLING OF PRESERVATIVES AND STATEMENTS ABOUT FOODS CONTAINING EXCESS AMOUNTS OF PERMITTED PRESERVATIVES

1. The foods containing preservatives to which the rules as to labelling set out in paragraphs 2 and 3 of this Schedule apply are sausages, sausage meat, liquid coffee (or coffee and chicory) extract, liquid tea extract, pickles and sauces, and (where the proportion of benzoic acid exceeds 800 parts per million) unfermented grape juice products intended for sacramental use.

2.—(1) Each container to which regulation 6 (1) relates shall bear a label on which is printed clearly and conspicuously a true statement in the form of the following declaration:—

(X) CONTAIN(S) PRESERVATIVE(S)

(2) The declaration shall be completed by inserting at (X) the word "This" or "These" followed by the common or usual name of the food.

3. In the case of any unfermented grape juice product intended for sacramental use to which these rules apply, the words "and is not intended for use as a beverage" shall be added to the declaration.

4.—(1) Each container to which regulation 7 (1) relates shall bear a label on which is printed clearly and conspicuously a true statement in the form of the following declaration:—

THIS PRESERVATIVE CONTAINS (X) PER CENT OF (Y) (X) PER CENT OF (Y)

(2) The declaration shall be completed by inserting at (X) in words and figures (for example, "seventy (70)"), the percentage by weight correct to the nearest whole digit, of each and every preservative present in the substance in the container and at (Y) a correct description of the preservative to which such percentage relates:

Provided that in any such declaration the words "parts per million" may be substituted for "per cent" and in any such case, the words and figures to be inserted at (X) shall be the number of parts per million by weight of each and every preservative present in the substance in the container.

5.—(1) The statement to which paragraph (*b*) of the proviso to regulation 4 (1) relates shall be printed clearly and conspicuously in the form of the following declaration:—

(X) CONTAINS NOT MORE THAN (Y) PER CENT OF (Z) (Y) PER CENT OF (Z) AND IS/ARE NOT FOR RETAIL SALE

(2) The declaration shall be completed by inserting at (X) the word "This" or "These" followed by the common or usual name of the food, at (Y) in words and figures (for example, "seventy (70)"), the maximum percentage by weight, correct to the nearest whole digit, of each and every preservative present in the food and at (Z) a correct description of the preservative to which such percentage relates:

Provided that in any such declaration the words "parts per million" may be substituted for "per cent" and in any such case, the words and figures to be inserted at (Y) shall be the number of parts per million by weight of each and every preservative present in the food.

6. Each declaration prescribed in this Schedule shall be printed distinctly and legibly in dark block type upon a light-coloured ground or in light block type upon a dark-coloured ground, the type being not less than one-eighth of an inch in height, within a surrounding line and no other matter shall be printed within that surrounding line. The type shall be of uniform size and colour and the ground within the said surrounding line shall be of uniform colour.

7. Each label to which this Schedule refers shall be securely affixed to or be part of the wrapper or container and in any case shall be so placed as to be clearly visible and shall either be part of any main label or a separate label placed in close proximity thereto.

Regulation 11

SCHEDULE 4

Column 1 Regulations revoked	Column 2 References	Column 3 Extent of revocation
The Public Health (Preservatives, etc., in Food) Regulations (Scotland) 1925.	S.R. & O. 1925/814 (Rev. VIII, p. 107: 1925 p. 1404) ...	The whole regulations
The Public Health (Preservatives, etc., in Food) Amendment Regulations (Scotland) 1926.	S.R. & O. 1926/1603 (Rev. VIII, p. 107: 1926 p. 1188)...	The whole regulations
The Public Health (Preservatives, etc., in Food) Amendment Regulations (Scotland) 1927.	S.R. & O. 1927/623 (Rev. VIII, p. 107: 1927 p. 462) ...	The whole regulations
The Public Health (Preservatives, etc., in Food) Amendment Regulations (Scotland) 1940.	S.R. & O. 1940/649 (Rev. VIII, p. 107: 1940 I, p. 896)...	The whole regulations
The Public Health (Preservatives, etc., in Food) (Scotland) Amendment (No. 2) Regulations 1953.	S.I. 1953/1859 (1953 I, p. 820)	The whole regulations
The Colouring Matter in Food (Scotland) Regulations 1957...	S.I. 1957/1123 (1957 I, p. 1003)	Regulation 4 and Schedule 4
The Public Health (Preservatives, etc., in Food) (Scotland) Amendment Regulations 1958.	S.I. 1958/1329 (1958 I, p. 1179)	The whole regulations
The Public Health (Preservatives, etc., in Food) (Scotland) Amendment (No. 2) Regulations 1958.	S.I. 1958/2217 (1958 I, p. 1180)	The whole regulations

EXPLANATORY NOTE

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

These regulations which apply to Scotland only, re-enact with amendments the Public Health (Preservatives etc. in Food) (Scotland) Regulations 1925 to 1958. The principal changes are:—

(*a*) the list of permitted preservatives and of specified foods which may contain those preservatives has been extended (regulations 2 (3) and 4 and Schedules 1 and 2);

(*b*) specified foods may contain a mixture of permitted preservatives within certain limits (paragraph (*c*) of the proviso to regulation 4 (1));

(*c*) certain foods may contain permitted preservatives in excess of the limits specified in Schedule 1 if the food is covered by a statement in the prescribed form (paragraph (*b*) of the proviso to regulation 4 (1) and Schedule 3);

(*d*) any food may contain not more than five parts per million of formaldehyde derived solely from any resin used in the manufacture of wet strength papers or of plastic food containers or utensils (paragraph (*d*) of the proviso to regulation 4 (1));

(*e*) the skin, but not the flesh, of a banana may contain nystatin: and cheese, clotted cream and any canned food may contain nisin (paragraphs (*e*), (*h*), and (*k*) of the proviso to regulation 4 (1));

(*f*) the regulations provide that where certain food is certified by a public analyst as containing any preservative not permitted by the regulations, that food may be treated for the purpose of section 9 of the Food and Drugs (Scotland) Act 1956 as being unfit for human consumption (regulation 8).