1966 No. 1051

FOOD AND DRUGS

COMPOSITION AND LABELLING

The Salad Cream Regulations 1966

Made - - -	10*th August* 1966
Laid before Parliament	23*rd August* 1966
Coming into Operation	19*th September* 1966

The Minister of Agriculture, Fisheries and Food and the Minister of Health, acting jointly, in exercise of the powers conferred on them by sections 4, 7, 123 and 136(2) of, and paragraph 2(2) of Schedule 12 to, 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 (insofar as the regulations relate to the labelling, marking or description of food):—

Citation and commencement

1. These regulations may be cited as the Salad Cream Regulations 1966; and shall come into operation on 19th September 1966.

Interpretation

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

"the Act" means the Food and Drugs Act 1955;

"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;

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

(*a*) water, live animals or birds,

(*b*) fodder or feeding stuffs for animals, birds or fish, or

(*c*) articles or substances used only as drugs;

"food and drugs authority" has the meaning assigned to it by section 83 of the Act;

"human consumption" includes use in the preparation of food for human consumption;

"permitted additive" means any colouring matter, antioxidant, emulsifier, stabiliser or preservative, as the case may be, inasmuch as its use in salad

(**a**) 4 & 5 Eliz. 2. c. 16.

cream is permitted by the appropriate regulations mentioned in the Schedule to these regulations;

"salad cream" means any smooth, thick, stable emulsion of vegetable oil, water, whole egg or egg yolk and an acidifying agent, with or without the addition of one or more of the following substances, namely vinegar, lemon juice, salt, spices, sugar, milk, milk products, mustard, edible starch whether modified or not, edible gums and other minor ingredients and permitted additives, and the expression includes mayonnaise, but does not include horse-radish sauce, horse-radish cream, ice cream, imitation cream or mustard sauce sold as such;

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

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

(2) The Interpretation Act 1889(**a**) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament, and as if these regulations and the order hereby revoked were Acts of Parliament.

(3) All percentages mentioned in these regulations are percentages calculated by weight and, unless a contrary intention is expressed, are calculated on the weight of the product as sold.

(4) Any reference in these regulations to a label borne on a container shall be construed as including a reference to any legible marking on the container however effected.

(5) 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, and references to purchasing and purchaser shall be construed accordingly.

(6) Any reference in these regulations to any other regulations shall be construed as a reference to such regulations as amended by any subsequent regulations.

Exemptions

3. The provisions of these regulations shall not apply in relation to—

(*a*) any salad cream sold for exportation to any place outside the United Kingdom; or

(*b*) any salad cream supplied under Government contracts for consumption by Her Majesty's Forces or for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(**b**); or

(*c*) any salad cream sold to a manufacturer for the purposes of his manufacturing business or to a caterer for the purposes of his catering business.

Composition of salad cream

4.—(1) Any salad cream sold, consigned or delivered shall contain not less than 25 per cent. edible vegetable oil, and not less than 1.35 per cent. egg yolk solids:

Provided that this regulation shall not apply in relation to any salad cream which is sold, consigned or delivered in a container bearing a label on which

(**a**) 1889 c. 63. (**b**) 1952 c. 67.

there appears, as the name of such salad cream, a true description of the nature of such salad cream, and such description does not include the word "salad", "cream", or "mayonnaise", and the word "salad", "cream" or "mayonnaise" is not included in any description appearing on such label as the name of such salad cream.

(2) No person shall sell, consign or deliver, as the case may be, any salad cream in contravention of this regulation.

General requirements as to composition and description

5.—(1) No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing any salad cream for which compositional requirements are specified in these regulations unless the food complies with the appropriate requirements as to composition set out in these regulations in relation to that salad cream.

(2) Where a person sells any food to a purchaser in response to a request for any kind of salad cream for which compositional requirements are specified in these regulations, he shall be deemed to sell salad cream of that kind and conforming to the compositional requirements for salad cream of that kind which are specified in these regulations in relation to that salad cream unless he clearly notifies the purchaser at the time of sale that the food is not of that kind.

Labelling and advertisement of salad cream

6. No person shall—

(*a*) give with any food sold by him, or display with any food offered or exposed by him for sale, any label, whether attached to or printed on the container or not, or

(*b*) publish, or be party to the publication of, any advertisement for food, being a label or advertisement which bears or includes, as the case may be, the description "salad cream" or "mayonnaise" unless such food is salad cream which complies with the compositional requirements specified in regulation 4 of these regulations:

Provided that this regulation shall not apply in relation to any such label or advertisement—

(i) if the description "salad cream" or "mayonnaise" is used in such a context, upon or in such label or advertisement, as the case may be, as to indicate that the salad cream is used as an ingredient of the food to which the label or advertisement refers, and

(ii) if such salad cream complies with the compositional requirements specified in regulation 4 of these regulations.

Regulation of use of description "salad dressing"

7. No person shall—

(*a*) give any label bearing the description "salad dressing", whether such label is attached to or printed on the container or not, with any smooth, thick, stable emulsion (other than any salad cream complying with the compositional requirements specified in regulation 4 of these regulations) capable of being used for any purpose for which salad cream is commonly used, and sold by him, or

(*b*) display any such label with any such emulsion offered or exposed by him for sale, or

(*c*) publish or be party to the publication of any advertisement including the description "salad dressing", for such emulsion.

Penalties and enforcement

8.—(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 and 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.

(2) Each food and drugs authority shall enforce and execute such provisions in their area.

(3) The requirement of section 109(3) of the Act (which requires notice to be given to the Minister of Agriculture, Fisheries and Food of intention to institute proceedings for an offence against any provisions of these regulations relating to the labelling, advertising or description of food) shall not apply as respects any proceedings instituted by a council for an offence against any such provisions of these regulations.

Defences

9.—(1) In any proceedings for an offence against these regulations in relation to the publication of an advertisement, it shall be a defence for the defendant 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.

(2) In any proceedings against the manufacturer or importer of salad cream for an offence against these regulations in relation to the publication of an advertisement, it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.

Applications of various sections of the Act

10.—(1) Sections 108(3) and (4) (which relate to prosecutions), 110(1), (2) and (3) (which relate to evidence of analysis), 112 (which relates to the power of a court to require analysis by the Government Chemist), 113 (which relates to a contravention due to some person other than the person charged), 115(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 116 (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 or brought under the Act included references to proceedings, or a prosecution as the case may be, taken or brought for an offence under these regulations and as if the reference in the said section 112 to subsection (4) of section 108 included a reference to that subsection as applied by these regulations.

(2) Paragraph (*b*) of the proviso to section 108(1) of the Act shall apply for the purposes of these regulations as if the reference therein to section 116 of the Act included a reference to that section as applied by these regulations.

Revocation

11. The Food Standards (Salad Cream and Mayonnaise) Order 1945(**a**) is hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th August 1966.

(L.S.) *Frederick Peart,*
Minister of Agriculture, Fisheries and Food.

Given under the Official Seal of the Minister of Health on 10th August 1966.

(L.S.) *Kenneth Robinson,*
Minister of Health.

SCHEDULE Regulation 2(1)

Regulations	References
The Colouring Matter in Food Regulations 1957	S.I. 1957/1066 (1957 I, p. 996).
The Antioxidant in Food Regulations 1958 ...	S.I. 1958/1454 (1958 I, p. 1161).
The Emulsifiers and Stabilisers in Food Regulations 1962...	S.I. 1962/720 (1962 I, p. 729).
The Preservatives in Food Regulations 1962 ...	S.I. 1962/1532 (1962 II, p. 1655).

EXPLANATORY NOTE

(This Note is not part of the regulations.)

These regulations, which apply to England and Wales only, come into operation on 19th September 1966 and supersede the Food Standards (Salad Cream and Mayonnaise) Order 1945.

The regulations specify compositional requirements regulating the amount of vegetable oil and egg yolk solids contained in salad cream (regulation 4), and requirements for the labelling and advertisement of salad cream (regulations 6 and 7).

The regulations do not apply to salad cream sold for export, to salad cream sold for consumption by Her Majesty's Forces or by a visiting force, or to salad cream sold to a manufacturer for the purposes of his manufacturing business or to a caterer for the purposes of his catering business (regulation 3).

(a) S.I. 1945/1177 (1945 II, p. 467).

(27/9/21477) (L. 2) K40 8/66 McC.

STATUTORY INSTRUMENTS

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