STATUTORY INSTRUMENTS

1972 No. 1041

TRADE DESCRIPTIONS

The Trade Descriptions (Origin Marking) (Eggs) Order 1972

Made - - -	7*th July* 1972
Laid before Parliament	19*th July* 1972
Coming into Operation	14*th August* 1972

Whereas the requirements imposed by this order are confined to goods produced outside the United Kingdom being goods of a description in the case of which the Secretary of State for Trade and Industry is, in accordance with section 10(1) of the Trade Descriptions Act 1968(**a**) (hereinafter referred to as "the Act"), satisfied that the interest of persons in the United Kingdom to whom goods of that description are supplied will be sufficiently protected if the requirements are so confined, and in accordance with that section the said Secretary of State is also satisfied that the order is compatible with the international obligations of the United Kingdom:

And whereas in accordance with section 38(3)(*a*) of the Act the said Secretary of State published on 6th January 1972 notice of his intention to make the order and of the place where copies of the proposed order were to be obtained and has consulted with such organisations as appear to him to be representative of interests substantially affected by the order:

And whereas by virtue of section 38(3)(*b*) of the Act the order is made with such modification of the proposed order as the said Secretary of State thinks appropriate having regard to representations received by him:

And whereas by virtue of section 38(2) of the Act this order, which extends to the United Kingdom, is required to be made by the said Secretary of State acting jointly with the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for Northern Ireland (all of whom are hereinafter collectively referred to as "the Ministers"):

Now, therefore, the Ministers acting jointly in exercise of the powers conferred on them by sections 8 and 38 of the Act, and of all other powers enabling them in that behalf, hereby make the following order:—

Extent, citation and commencement

1. This order shall extend to the United Kingdom, may be cited as the Trade Descriptions (Origin Marking) (Eggs) Order 1972 and shall come into operation on 14th August 1972.

(**a**) 1968 c. 29.

Interpretation

2.—(1) In this order—

"container" includes any form of packaging of eggs, whether by way of wholly or partly enclosing the eggs or by way of attaching the eggs to some other article and in particular includes any box, case or receptacle of any kind and any wrapper or confining band;

"eggs" means hen eggs in shell produced outside the United Kingdom;

"indication of origin" means a definite indication of the country of origin in which the eggs were produced expressed as a noun or an adjective;

"prepacked" means made up in advance ready for supply by retail in or on a container; and on any premises where eggs are so made up or are kept or stored for supply after being so made up, any eggs found made up in or on a container shall be deemed to be prepacked unless the contrary is proved; and it shall not be sufficient proof of the contrary to show that the container has not been marked in accordance with the requirements of this order.

(2) The Interpretation Act 1889(**a**) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(3) Any reference in this order to a numbered article shall be construed as a reference to the article bearing that number in this order and any reference to the Schedule shall be construed as a reference to the Schedule to this order.

Restriction on the supply of eggs

3. No person shall supply or offer to supply any eggs in the course of any trade or business unless the relevant provisions of article 4 are complied with in relation to those eggs.

Requirements as to marking

4.—(1) In the case of any supply of, or any offer to supply, eggs, whether by retail or not, an indication of origin shall be marked—

(*a*) conspicuously and durably, and

(*b*) clearly and legibly,

in ink on the shell of each egg in letters not less than 2 millimetres in height.

(2) In the case of any supply of, or any offer to supply, otherwise than by retail, eggs which are in or on a container whether prepacked or not, an indication of origin shall also be marked, in accordance with the provisions of the Schedule, on, or on a label securely attached to, that container; and where the eggs are in or on more than one container, each such container shall be so marked.

(3) In the case of any supply of, or any offer to supply, by retail, eggs which are prepacked, an indication of origin shall also be marked, in accordance with the provisions of the Schedule, on, or on a label securely attached to, the container in or on which the eggs are prepacked.

Limerick,
Parliamentary Under Secretary of State for Trade,
Department of Trade and Industry.

3rd July 1972.

(**a**) 1889 c. 63.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th July 1972.

(L.S.)

James Prior,
Minister of Agriculture, Fisheries and Food.

Gordon Campbell,
Secretary of State for Scotland.

6th July 1972.

William Whitelaw,
Secretary of State for Northern Ireland.

7th July 1972.

THE SCHEDULE

Article 4(2) and (3)

Requirements as to Marking

1. Any indication of origin referred to in Article 4(2) and (3)—

   (*a*) shall be clear and legible;

   (*b*) shall be in a conspicuous position in which it will be readily discernible and easily read by an intending purchaser under normal conditions of purchase;

   (*c*) shall not be interrupted by other written or pictorial matters where such interruption might mislead such a purchaser as to the origin of the eggs;

   (*d*) shall not be in any way hidden or obscured or reduced in conspicuousness by any other matter, whether pictorial or not.

2. The letters in each word in any indication of origin—

   (*a*) shall be in characters of uniform colour and size, save that the initial letter of any word may be taller than any other letter in that word and the letters in any preposition, conjunction or participle may be shorter than the letters in any other word;

   (*b*) shall appear on a contrasting ground, so however that where there is no ground other than such as is provided by a transparent prepacked container and the contents of that container are visible behind the letters, those contents shall be taken to be the ground for the purposes of this paragraph.

3. For the purposes of this Schedule—

   (*a*) the height of any lower case letter shall be taken to be the x-height thereof, disregarding any ascender or descender thereof;

   (*b*) any requirement that letters or characters shall be of uniform height, colour or size shall be construed as being subject to the saving that any inconsiderable variation in height, colour or size, as the case may be, may be disregarded.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order which comes into operation on 14th August 1972 prohibits the supply in the United Kingdom of imported hen eggs in shell unless they are marked with an indication of their country of origin.

If imported eggs are prepacked for retail sale, or are supplied in or on containers for non-retail sale, the country of origin must also be indicated on the containers.

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