

**DRAFT RULES AND ORDERS, 1925.****PUBLIC HEALTH, ENGLAND.**

*Draft, dated February 17, 1925, of the Public Health (Preservatives, etc., in Food) Regulations, 1925, proposed to be made by the Minister of Health.*

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The Minister of Health, in the exercise of the powers conferred upon him by the Public Health Act, 1875, (a) the Public Health (London) Act, 1891, (b) the Public Health Act, 1896, (c) the Public Health (Regulations as to Food) Act, 1907, (d) and the Butter and Margarine Act, 1907, (e) and of every other power enabling him in that behalf, hereby makes the following Regulations, with the consent of the Commissioners of Customs and Excise, so far as they apply to the Officers of Customs and Excise, that is to say:—

**PART I.**

1. These Regulations may be cited as the Public Health (Preservatives, etc., in Food) Regulations, 1925, and shall come into operation on the      day of      ,      .

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

“The Minister” means the Minister of Health;

“Local Authority” means any local authority authorised to appoint an analyst for the purposes of the Sale of Food and Drugs Acts, 1875 to 1907, and “public analyst” means an analyst so appointed;

“Officer of Customs and Excise” includes any person acting under the authority of the Commissioners of His Majesty’s Customs and Excise;

“Food” means food intended for human consumption;

“Cream” means that portion of milk rich in milk-fat which has been separated by skimming or otherwise and is intended for human consumption;

(a) 38–9 V. c. 55.

(b) 54–5 V. c. 76.

(c) 59–60 V. c. 20.

(d) 7 E. 7. c. 32.

(e) 7 E. 7. c. 21.

"Preservative" means any substance which is capable of inhibiting, retarding or arresting the process of fermentation, acidification, or other decomposition of food or of masking any of the evidences of any such process or of neutralising the acid generated by any such process; but does not include common salt (sodium chloride), saltpetre (sodium or potassium nitrate), sugars, acetic acid or vinegar, alcohol or potable spirits, spices, essential oils or any substance added to food by the process of curing known as smoking;

"Thickening substance" means sucrate of lime, gelatine, starch paste or any other substance, which when added to cream is capable of increasing its viscosity, but does not include cane or beet sugar;

"Sulphur dioxide" includes sulphites, and "benzoic acid" includes benzoates;

"Sell" includes expose or offer for sale or deposit in any place for the purposes of sale, or despatch or deliver to any purchaser, broker or agent; and "sale" shall be construed accordingly.

"Importer" includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of or in anywise entitled to the custody or control of any article of food brought from a place situate outside Great Britain, Ireland, the Channel Islands and the Isle of Man; and "import" shall be construed accordingly;

(2) Percentages shall be calculated by weight.

(3) Sulphites shall be calculated as sulphur dioxide ( $\text{SO}_2$ ) and benzoates as benzoic acid ( $\text{C}_6\text{H}_5\text{COOH}$ ).

(4) The Interpretation Act, 1889, (a) applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

## PART II.

3. The Local Authority shall enforce and execute this Part of these Regulations, and for this purpose shall make such enquiries and take such other steps as may seem to them to be necessary for securing the due observance of this Part of the Regulations in their district.

4. (1) No person shall manufacture for sale or sell any article of food which contains—  
(a) any added preservative, except in the cases and in the proportions specified in Part I. of the First Schedule to these Regulations; or

(b) any of the colouring matters specified in Part II. of the said Schedule.

(2) No person shall sell any of the articles of food specified in paragraph (1) of the Second Schedule to these Regulations which contains any preservative unless such article is labelled in accordance with the Rules set out in that Schedule:

Provided that this provision shall not apply where the article of food is sold in a hotel, restaurant or other such place for consumption on the premises.

(3) No person shall sell cream which contains any thickening substance.

5. (1) No person shall sell any article which is recommended in any mark or label placed thereon or on its receptacle or container for use as a preservative of, or colouring matter for, any article of food or is described or referred to in any such mark or label in terms likely to lead to its being so used,—

(i) if such use would be contrary to these Regulations; and

(ii) if in the case of a preservative, its receptacle or container is not labelled in accordance with the Rules set out in the Second Schedule to these Regulations.

(2) No person shall on or in connection with the sale of any article or in any advertisement, circular or notice relating thereto recommend it for use as a preservative of, or colouring matter for, any article of food, or describe or refer to it in terms likely to lead to its being so used, if such use would be contrary to these Regulations.

(3) No person shall sell any article which is recommended in any such mark or label as aforesaid for use as a thickening substance for cream or is described or referred to in any such mark or label in terms likely to lead to its being so used, and no person shall on or in connection with the sale of any article or in any advertisement circular or notice relating thereto recommend it for use as a thickening substance for cream or describe or refer to it in terms likely to lead to its being so used.

6. The Medical Officer of Health, and any person authorised by him or by the Local Authority in writing, may procure a sample of any article to which these Regulations apply, and for that purpose shall have all the powers of procuring samples conferred by the Sale of Food and Drugs Acts, 1875 to 1907, and those Acts shall apply as if the officer or other person were an officer authorised to procure samples thereunder; and where an analysis is required for the purposes of these Regulations, the provisions of section 14 of the Sale of Food and Drugs Act, 1875, (b) as amended by section 13 of the Sale of Food and Drugs Act, 1899, (c) shall apply.

(a) 52-3 V. c. 63.

(b) 38-9 V. c. 63.

(c) 62-3 V. c. 51.

7. Any officer authorised by the Minister and any officer of the Local Authority authorised by the Authority in writing shall have power to enter at all reasonable times any premises where articles to which these Regulations apply are prepared, packed, labelled or stored and to inspect any process carried on therein and to take samples of any such article or of any substance used or capable of being used in the preparation of any such article and of any labels designed to be affixed to any such article or to any package or other receptacle containing such article.

### PART III.

8. (1) Subject to any directions given by the Commissioners of Customs and Excise after consultation with the Minister, the Officers of Customs and Excise shall have power to enforce and execute this Part of these Regulations and may take such samples as may be necessary of consignments of imported articles to which these Regulations apply.

(2) Where an Officer of Customs and Excise takes a sample for the purpose of analysis he shall send the sample or a portion thereof to the Government Chemist, and either the officer or the Government Chemist shall send a portion of the sample to the importer.

9. The Port Sanitary Authority or the Council of any borough or urban or rural district which includes or abuts on any part of a Customs port which part is not within the jurisdiction of a Port Sanitary Authority shall also be an authority for enforcing and executing this Part of these Regulations, and the provisions of the second paragraph of the last preceding Article shall apply, with the substitution of the Medical Officer of Health of a Port Sanitary Authority or of such Council and persons authorised by him or them in writing for the officer of Customs and Excise and of a public analyst for the Government Chemist.

10. If, in any case, the Commissioners of Customs and Excise or a Port Sanitary Authority or other authority executing this Part of these Regulations are of opinion that an offence against this Part of these Regulations has been committed, they shall communicate to the Minister for his information the name of the importer and such other facts as they may possess or may obtain as to the destination of the consignment.

11. No person shall import into England or Wales—

- (i) any article of food intended for sale which contains any added preservative except in such proportions as are permissible under Part I. of the First Schedule to these Regulations or which contains any of the colouring matters specified in Part II. of the said Schedule; or
- (ii) any cream intended for sale which contains any thickening substance.

### PART IV.

12. The provisions of these Regulations with respect to prohibiting any preservative or colouring matter or thickening substance in articles of food and requiring the labelling of certain articles of food and of articles sold as preservatives shall not apply in the case of any article which is intended to be exported or re-exported.

13. (1) In any proceedings under these Regulations the certificate of the Government Chemist or the public analyst, as the case may be, of the result of the chemical examination of a sample shall be sufficient evidence of the facts therein stated unless the defendant requires that the person who made the examination be called as a witness.

(2) In any proceedings under these Regulations, where the fact that any article has been dealt with contrary to these Regulations has been proved, if the respondent desires to rely upon the exceptions or provisions contained in these Regulations with reference to such articles being sold for consumption on the premises or being intended for export or re-export, it shall be incumbent upon him to prove that the article was so sold or was intended for export or re-export.

14. A person shall, if so required, give to any officer of Customs and Excise or of any local authority who is acting in the execution of these Regulations all reasonable assistance in his power, and shall, in relation to anything within his knowledge, furnish any such officer with all information which he may reasonably require for the purposes of these Regulations, and shall produce for inspection all such books as the officer may reasonably require for the purposes of ascertaining the persons for whom or places from which any article to which these Regulations apply has been obtained and to whom and where it has been consigned or otherwise.

15. The Public Health (Milk and Cream) Regulations, 1912, the Public Health (Milk and Cream) Regulations, 1912, Amendment Order, 1917, and so much of the Public Health (Imported Food) Regulations, 1925, as relates to paragraph (f) of the First Schedule thereto are hereby revoked, but without prejudice to any proceedings begun or other action taken in pursuance of any of those Regulations.

*The First Schedule.***PART I.—ARTICLES OF FOOD WHICH MAY CONTAIN PRESERVATIVES AND NATURE AND PROPORTION OF PRESERVATIVE IN EACH CASE:—**

- (1) The articles of food specified in the first column of the following table may contain sulphur dioxide in proportions not exceeding those specified in the second column:—

Food.	Maximum proportion of sulphur dioxide.
1. Sausages .. .. .	3 grains per pound.
2. Jam .. .. .	0·3 grain per pound.
3. Fruit and fruit pulp, not dried .. .. .	5 grains per pound.
4. Dried fruit .. .. .	7 grains per pound.
5. Beer and cider .. .. .	5 grains per gallon.
6. Alcoholic wines .. .. .	3 grains per pint.
7. Non-alcoholic wines and cordials: fruit juices, sweetened or unsweetened .. .. .	3 grains per pint.

- (2) The articles of food specified in the first column of the following table may contain benzoic acid in proportions not exceeding those specified in the second column:—

Food.	Maximum proportion of benzoic acid.
1. Coffee extract .. .. .	3 grains per pound.
2. Non-alcoholic wines and cordials: fruit juices, sweetened or unsweetened .. .. .	5 grains per pint.
3. Sweetened mineral waters and brewed ginger beer	1 grain per pint.

Provided that no article of food may contain both sulphur dioxide and benzoic acid.

**PART II.—COLOURING MATTERS WHICH MAY NOT BE ADDED TO ARTICLES OF FOOD.***1. Metallic Colouring Matters.*

Compounds of any of the following metals:—

Antimony, Arsenic, Cadmium, Chromium, Copper, Mercury, Lead, Zinc.

*2. Vegetable Colouring Matter.*

Gamboge.

*3. Coal Tar Colours.*

Number in Colour Index of Society of Dyers and Colourists, 1924.	Name.	Synonyms.
7	Picric Acid	Carbazotic Acid.
8	Victoria Yellow	Saffron Substitute; Dinitrocresol.
9	Manchester Yellow	Naphthol Yellow; Martius Yellow.
12	Aurantia	Imperial Yellow.
151	Orange II	Mandarin G. extra; Tropaeolin 000 No. 2.
724	Aurine	Rosolic Acid; Yellow Coralline.

*The Second Schedule.***LABELLING OF ARTICLES OF FOOD CONTAINING PRESERVATIVE AND OF PRESERVATIVES.**

1. The articles of food containing preservative to which the Rules as to labelling set out in this Schedule apply are—

(a) Sausages; (b) Jam; (c) Coffee extract.

2. (1) Any of the said articles of food containing preservative shall be enclosed in a wrapper or container on which is printed the following declaration or such other declaration substantially to the like effect as may be allowed by the Minister:—

(a)	CONTAIN(S)
(b)	PRESERVATIVE.

2. The declaration shall be completed by inserting at (a) "These Sausages" or This "Jam," or "This Coffee Extract," and by inserting at (b) "Sulphur Dioxide" or "Benzoic Acid," as the case may require.

3. (1) The declaration on the label of an article sold as a preservative shall be in the following form or in such other form substantially to the like effect as may be allowed by the Minister:—

THIS PRESERVATIVE CONTAINS  
(a) PER CENT. OF SULPHUR DIOXIDE.

(2) Where the preservative contains benzoic acid the words "Benzoic Acid" shall be substituted for the words "Sulphur Dioxide."

(3) The declaration shall be completed by inserting at (a) in words and figures, excluding fractions (*e.g.* "seventy (70)") the true percentage of the sulphur dioxide or benzoic acid present in the article.

4. The prescribed declaration shall in each case be printed in dark block type upon a light coloured ground within a surrounding line and no other matter shall be printed within such surrounding line. The type used shall be not less than one quarter of an inch in height.

5. The label shall, in addition, bear the name and address of the manufacturer of the article or of the dealer or merchant in Great Britain for whom it is manufactured.

6. The label shall be securely affixed to the wrapper or container so as to be clearly visible. If there is attached to the wrapper or container a label bearing the name, trade mark, or design representing the brand of the article the prescribed declaration shall be printed as part of such label.

7. No comment on or explanation of the prescribed declaration (other than any direction as to use in the case of a preservative) shall be placed on the wrapper or container.

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The Commissioners of Customs and Excise hereby consent to the foregoing Regulations so far as they apply to the officers of Customs and Excise.

*Note.*—The Public Health Act, 1896, provides by sub-section (3) of Section 1 that if any person wilfully neglects or refuses to obey or carry out, or obstructs the execution of any regulations made under any of the enactments mentioned in that Act, he shall be liable to a penalty not exceeding £100, and, in the case of a continuing offence, to a further penalty not exceeding £50 for every day during which the offence continues.

The power of making regulations under the Public Health Act, 1896, and the enactments mentioned in that Act, is enlarged by the Public Health (Regulations as to Food) Act, 1907.

The Butter and Margarine Act, 1907, provides by sub-section (3) of Section 7 that any person who manufactures, sells, or exposes or offers for sale or has in his possession for the purpose of sale, any butter, margarine or milk-blended butter which contains a preservative prohibited by a Regulation under the Section or an amount of a preservative in excess of the limit allowed by any such Regulation shall be guilty of an offence under the Act. Under Section 11 of the Act any person guilty of an offence under the Act is liable for a first offence to a fine not exceeding £20 and for a second offence to a fine not exceeding £50, and for a third or any subsequent offence to a fine not exceeding £100, and in cases where imprisonment can be inflicted under Section 17 of the Sale of Food and Drugs Act, 1899, to such imprisonment as is authorised by that Section.

By Section 5 of the Butter and Margarine Act, 1907, the importation of any butter, margarine, or milk-blended butter which contains a preservative prohibited by any Regulation made under the Act, or an amount of a preservative in excess of the limit allowed by any such Regulation, is made an offence under Section 1 of the Sale of Food and Drugs Act, 1899.

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