

1990 No. 329

FOOD

COMPOSITION

Tryptophan in Food Regulations (Northern Ireland) 1990

Made 4th September 1990

Coming into operation 15th October 1990

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 6(1)(a) and (c) and 72 of the Food (Northern Ireland) Order 1989(a), it appearing to that Department to be necessary or expedient in the interests of the public health to make these Regulations, and of all other powers enabling it in that behalf and after consultation in accordance with Article 72(2) of that Order with such organisations as appear to it to be representative of interests substantially affected by these Regulations, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Tryptophan in Food Regulations (Northern Ireland) 1990 and shall come into operation on 15th October 1990.

(2) In these Regulations—

“the Order” means the Food (Northern Ireland) Order 1989;

“tryptophan” means dextrorotatory tryptophan, laevorotatory tryptophan, or racemic tryptophan, or any salt or peptide prepared from any of those forms,

and references to adding tryptophan to food—

(a) do not include references to adding food which contains only tryptophan occurring naturally in it to any other such food or to food which contains no tryptophan;

(b) but otherwise include references to adding food to which tryptophan has been added to any other food.

Prohibition on sale, etc. of food containing tryptophan

2.—(1) Subject to paragraph (4), the addition of tryptophan to food intended for sale for human consumption is prohibited.

(2) Subject to paragraph (4), the sale or offer for sale of food containing tryptophan is prohibited.

(3) The exposure for sale of food containing tryptophan is prohibited.

(4) Food containing tryptophan may be sold or offered for sale by a pharmacist or in the course of the activities of a hospital to a person in respect of whom there is an appropriate medical certificate or to someone acting on that person's behalf, and

(a) any person may add tryptophan to food intended for sale in those circumstances for human consumption; and

(b) any person may sell, or offer for sale, food containing tryptophan for the purposes of its being sold in those circumstances.

(5) Subject to paragraph (6), a person who contravenes paragraph (1), (2) or (3) commits an offence and shall be liable, on summary conviction, to a fine not exceeding £2,000.

(6) A pharmacist or a person acting in the course of the activities of a hospital who contravenes paragraph (2) by reason only that a document purporting to be the appropriate medical certificate is not genuine does not commit an offence if, having exercised all due diligence, he has reasonable cause to believe that the document was an appropriate medical certificate.

(7) In this regulation—

“appropriate medical certificate” means a certificate in writing given by a registered medical practitioner that a person requires food to which tryptophan has been added to treat a condition from which a registered medical practitioner has diagnosed him to be suffering;

“food containing tryptophan” means food intended for human consumption which does not comply with paragraph (1) in that tryptophan has been added to it otherwise than in accordance with paragraph (4)(a);

“hospital” includes a clinic, nursing home, or similar institution; and

“pharmacist” means a person lawfully conducting a retail pharmacy business within the meaning of section 69 of the Medicines Act 1968(a).

Certificate of public analyst

3.—(1) Where any food is certified by a public analyst as having had tryptophan added to it the food may be treated for the purposes of Article 11 of the Order (under which food may be seized) as being unfit for human consumption.

(2) In its application for the purposes of these Regulations, Article 11(3) of the Order shall have effect as if after “he shall” there were inserted “if he is satisfied that it is intended for sale in contravention of regulation 2(2) of the Tryptophan in Food Regulations (Northern Ireland) 1990”.

Sealed with the Official Seal of the Department of Health and Social Services on 4th September 1990.

(L.S.)

J. Scott

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which come into operation on 15th October 1990, prohibit the addition of tryptophan (an amino acid) to food intended for human consumption, and its consequent sale or supply (regulation 2(1) and (2)), subject to an exception for those who require the food on medical grounds (regulation 2(4)). These Regulations also prohibit the exposure for sale of food intended for human consumption containing added tryptophan (regulation 2(3)). Contravention of these prohibitions is made an offence (regulation 2(5) and (6)).

Regulation 3(2) applies procedural provisions of the Food (Northern Ireland) Order 1989 to the Regulations.