
 STATUTORY INSTRUMENTS

1968 No. 263 (S. 23)

FOOD AND DRUGS

COMPOSITION AND LABELLING—SCOTLAND

The Solvents in Food (Scotland) Regulations 1968

<i>Made</i> - - - -	21st February 1968
<i>Laid before Parliament</i>	4th March 1968
<i>Coming into Operation</i>	3rd November 1969

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 (in so far 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 Solvents in Food (Scotland) Regulations 1968 and shall come into operation on 3rd November 1969.

Interpretation

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

“the Act” means the Food and Drugs (Scotland) Act 1956;

“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;

“flavouring” includes flavouring essence and flavouring extract and means any product consisting of a flavouring agent and such other substances, if any, the use of which in food is not forbidden and which are reasonably necessary to produce a solid, a solution or an emulsion, but no other ingredient or ingredients;

“flavouring agent” means any sapid or odorous substance capable of imparting and primarily intended to impart a specific and distinctive taste or odour to food, but does not include herbs, spices, onions, garlic, salt, fruit juices, soft drinks, fruit acids, acetic acid, any carbohydrate material, any purine derivative, any preparation of yeast, coffee, chicory, or any substances prepared by the hydrolysis of protein-containing materials;

“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;

“human consumption” includes use in the preparation of food for human consumption;

“natural food substance” means any substance, suitable for use as food and commonly used as food, which is wholly a natural product, whether or not that substance has been subjected to any process or treatment ;

“permitted antioxidant” means any antioxidant inasmuch as its use is permitted by the Antioxidant in Food (Scotland) Regulations 1967(a) ;

“permitted artificial sweetener” means any artificial sweetener inasmuch as its use is permitted by the Artificial Sweeteners in Food (Scotland) Regulations 1967(b) ;

“permitted bleaching agent” means any bleaching agent inasmuch as its use is permitted by the Bread and Flour (Scotland) Regulations 1963(c) ;

“permitted colouring matter” means any colouring matter inasmuch as its use is permitted by the Colouring Matter in Food (Scotland) Regulations 1966(d) ;

“permitted emulsifier” means any emulsifier inasmuch as its use is permitted by the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1962(e) ;

“permitted improving agent” means any improving agent inasmuch as its use is permitted by the Bread and Flour (Scotland) Regulations 1963 ;

“permitted preservative” means any preservative inasmuch as its use is permitted by the Preservatives in Food (Scotland) Regulations 1962(f), as amended (b) ;

“permitted solvent” means any solvent described in schedule 1 to these regulations which complies with the specification specified in relation thereto in that schedule and includes any such solvent when it has been subsequently diluted with water ;

“permitted stabiliser” means any stabiliser inasmuch as its use is permitted by the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1962 ;

“propellent” means carbon dioxide or any inert gas or low boiling point liquid which, when added to food in a suitable container, is capable of expelling the food from the container without the application of external pressure to the food ;

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

“solvent” means any liquid substance, not being a natural food substance and the primary use of which is not as a flavouring, which is capable of the extraction and dissolution of food and is generally used to facilitate the incorporation of ingredients in food but does not include water, lactic acid, acetic acid, any propellent, any permitted antioxidant, permitted colouring matter, permitted emulsifier, permitted stabiliser, permitted preservative, permitted artificial sweetener, permitted bleaching agent or permitted improving agent ;

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

(2) The Interpretation Act 1889(g) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(a) S.I. 1967/105 (1967 I, p. 205).

(c) S.I. 1963/1461 (1963 II, p. 2589).

(e) S.I. 1962/779 (1962 I, p. 766).

(b) S.I. 1967/1203 (1967 II, p. 3526).

(d) S.I. 1966/1384 (1966 III, p. 3715).

(f) S.I. 1962/1926 (1962 II, p. 2371).

(g) 1889 c. 63.

(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.

(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.

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(a), 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(b); 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.

Exemption

4. The following provisions of these regulations shall not apply to any food containing any solvent, or to any solvent, intended at the time of sale, consignment, delivery or importation, as the case may be, for exportation to any place outside the United Kingdom.

Sale of solvents and food containing any solvent

5.—(1) No person shall sell, consign, deliver or import into Scotland, for use as an ingredient in the preparation of food, any solvent which is not a permitted solvent.

(2) No food shall contain any solvent which is not a permitted solvent and no person shall sell, consign, deliver or import into Scotland any food which does not comply with this regulation.

Advertisement of solvents

6. No person shall publish, or be a party to the publication of, any advertisement for any solvent which is not a permitted solvent with a view to its use as an ingredient in the preparation of food.

Labelling of solvents

7. No person shall sell, consign or deliver any permitted solvent in a container, for use as an ingredient in the preparation of food, unless such container bears a label which complies with the requirements specified in schedule 2 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 5(2) of these regulations to sell, consign, deliver or import into Scotland, that food may be treated for the purposes 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.

Penalties

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 6 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.

Defences

10.—(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 accused 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 alteration in the substance of that advertisement.

(2) In any proceedings against the manufacturer or importer of any solvent for use as an ingredient in the preparation of food, or of any food having any solvent in it or on it, for an offence against these regulations in relation to the publication of an advertisement, it shall rest on the accused to prove that he did not publish, and was not a party to the publication of, the advertisement.

Application of various sections of the Act

11.—(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.

Amendment of the Salad Cream (Scotland) Regulations 1966

12. The Salad Cream (Scotland) Regulations 1966(a) shall be amended as follows:—

(a) in regulation 2(1) thereof, in the definition of “permitted additive”, there shall be inserted after the word “stabiliser” the word “solvent”;

(b) at the end of the schedule thereto there shall be added the following:—

Regulations	Reference
“The Solvents in Food (Scotland) Regulations 1968.	S.I. 1968/263 ”

William Ross,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

21st February 1968.

Regulation 2(1)

SCHEDULE 1

PERMITTED SOLVENTS

Name	Specification
Ethyl Alcohol (Ethanol) ...	As set out in the British Pharmacopoeia 1963 at page 28.
Ethyl Acetate	British Standard 553: 1965.
Diethyl Ether (Solvent Ether)	As set out in the British Pharmacopoeia 1963 at pages 308 and 309.
Glycerol	British Standard 2625: 1964.
Glycerol mono - acetate (Monoacetin)	It shall have a boiling point of 158°C. at 165 mm. Hg. and shall be of a standard of purity consistent with good manufacturing practice.
Glycerol di-acetate (Diacetin)	<p>Relative Density: 1.180-1.195 g/ml. at 20°C.</p> <p>Ash: 0.02% w/w max. Acidity: 0.3% w/w max. Ester Content: 85-95% w/w calculated as $C_3H_5(OH)(COOCH_3)_2$. Sulphates: 0.05% w/w max. calculated as SO_4. Chlorides: 0.05% w/w max. calculated as Cl.</p> <p>Ash, acidity, ester content, sulphates and chlorides shall be determined by the methods set out in British Standard 1594: 1950.</p>
Glycerol tri-acetate (Tri-acetin)	<p>Relative Density: 1.156-1.166 g/ml. at 20°C.</p> <p>Refractive Index: 1.430-1.434 at 20°C. for sodium D line. Water: 0.2% w/w max. Ash: 0.02% w/w max. Total Acidity: 0.05% w/w max. calculated as CH_3COOH. Ester Content: 98.0-100% calculated as $(CH_3COO)_3C_3H_5$. Colour: 15 Hazen Units.</p> <p>Water, ash, total acidity and ester content shall be determined by the methods set out in British Standard 1997: 1962. Colour shall be determined by the method set out in British Standard 4117: 1967.</p>
iso-Propyl Alcohol	As set out in the British Pharmacopoeia 1963 at page 431.
Propylene Glycol	As set out in the British Pharmacopoeia 1963 at page 681.

Regulation 7

SCHEDULE 2

LABELLING OF SOLVENTS

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

Food Solvent (X) (Y)

The declaration shall be completed by inserting at (X) a correct description of the solvent present and at (Y) a correct description of any other substance present in the preparation in the container and, where more than one such substance is present, such substances shall be declared in the order of the proportion in which they were present at the time of sale by the manufacturer, the substance present in the greatest proportion by weight being specified first.

2. Any declaration required by paragraph 1 of this schedule shall be printed distinctly and legibly in dark type upon a light-coloured ground or in light 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 such surrounding line. The words and figures in the declaration shall be of uniform size and colour and the ground within the said surrounding line shall be of uniform colour, provided that the initial letter in any such word may be larger than the other letters in that word.

3. Any label required by regulation 7 of these regulations 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 be either a part of any main label or a separate label placed in close proximity thereto.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations, which apply to Scotland only, relate to solvents used in relation to food—that is to say, liquid products which facilitate the incorporation of soluble ingredients into food, and

- (a) prohibit the sale or importation of any solvent which is not specified in schedule 1 or of any food containing such a solvent (regulation 5 and schedule 1);
- (b) prohibit the advertisement of any solvent which is not a permitted solvent and impose requirements as to the labelling of permitted solvents (regulations 6 and 7 and schedule 2);
- (c) provide that where food is certified by a public analyst as containing any solvent 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);
- (d) do not apply to food or solvents intended for export (regulation 4).