

1970 No. 108 (S.4)

FOOD AND DRUGS**COMPOSITION AND LABELLING****The Cheese (Scotland) Regulations 1970**

<i>Made</i>	- - -	<i>28th January 1970</i>
<i>Laid before Parliament</i>		<i>30th January 1970</i>
<i>Coming into Operation</i>		<i>31st January 1970</i>

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 are made in exercise of the powers conferred by the said section 7), I hereby make the following regulations :—

PART I**PRELIMINARY***Citation and commencement*

1. These regulations may be cited as the Cheese (Scotland) Regulations 1970, and shall come into operation on 31st January 1970.

Interpretation

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

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

“cheese” means the fresh or matured product intended for sale for human consumption, which is obtained as follows—

(a) in the case of any cheese other than whey cheese—

(i) by coagulating any or a combination of any of the following substances, namely milk, cream, skimmed milk, partly skimmed milk, concentrated skimmed milk, reconstituted dried milk and butter milk, and

(ii) partially draining the whey resulting from any such coagulation ;

(b) in the case of whey cheese—

(i) by concentrating whey with or without the addition of milk and milk fat, and moulding such concentrated whey, or

(ii) by coagulating whey with or without the addition of milk and milk fat ;

(a) 1956 c. 30.

“cheese spread” means cheese which has been subjected to a process of melting and mixing with milk products other than cheese, with or without the addition of emulsifying salts ;

“compound product” means food which consists of a combination of two or more foods and which does not contain less than 10 per cent. cheese, processed cheese or cheese spread or any mixture of two or more of them, as a percentage of the compound product, but does not include any pie, pudding, cake, confectionery, biscuit, Welsh rarebit or any product similar to Welsh rarebit ;

“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 ;

“emulsifying salts” means the sodium, potassium, calcium or ammonium salts of citric, phosphoric, polyphosphoric and tartaric acid ;

“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 ;

“hard cheese” means cheese other than soft cheese, whey cheese, processed cheese or cheese spread ;

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

“processed cheese” means cheese which has been subjected to a process of melting and mixing with or without the addition of emulsifying salts ;

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

“sell by retail” means sell to a person buying otherwise than for the purpose of re-sale, but does not include selling to a caterer for the purposes of his catering business, or selling to a manufacturer for the purposes of his manufacturing business ;

“soft cheese” means cheese which is readily deformed by moderate pressure, but does not include whey cheese, processed cheese or cheese spread, and any reference to soft cheese includes a reference to cream cheese or curd cheese ;

“starter” means a living culture in milk, cream, skimmed milk, partly skimmed milk, concentrated skimmed milk, reconstituted dried milk, or butter milk, of lactic-acid-producing bacteria ;

“whey cheese” means the product obtained by one or other of the processes referred to in paragraph (b) of the foregoing definition of “cheese” ; and other expressions have the same meaning as in the Act.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act 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 total weight of the cheese.

(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 purpose 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 purchasers 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.

(7) Any reference in these regulations to a numbered regulation shall, unless the reference is to a regulation of specified regulations, be construed as a reference to the regulation bearing that number in these regulations.

Exemptions

3. The following provisions of these regulations shall not apply, except in so far as they relate to advertisements other than labels or wrappers, in relation to any cheese, processed cheese, cheese spread or compound product sold, consigned or delivered for—

- (a) exportation to any place outside the United Kingdom ; or
- (b) consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(a) ; or
- (c) use by a manufacturer for the purposes of his manufacturing business.

PART II

COMPOSITION AND DESCRIPTION OF CHEESE, PROCESSED CHEESE AND CHEESE SPREAD

Composition and description of hard cheese

4.—(1) Any hard cheese sold, consigned or delivered under the name of a variety specified in column 1 of Schedule 1 to these regulations, whether or not such cheese was manufactured in the United Kingdom, shall comply with the percentages for milk fat and water set out respectively in columns 2 and 3 of the said Schedule opposite the name of such cheese.

(2) Any hard cheese sold, consigned or delivered, other than hard cheese to which the foregoing paragraph of this regulation applies, shall satisfy either the requirements of sub-paragraph (a) or the requirements of sub-paragraph (b) following, except that the appropriate description or declaration need be borne by any hard cheese sold, consigned or delivered otherwise than in a container only when such cheese is sold by retail—

- (a) such cheese shall bear one of the following descriptions and comply with the following compositional requirements for cheese of such description, namely—
 - (i) “full fat hard cheese”, if the cheese contains not less than 48 per cent. milk fat in the dry matter and not more than 48 per cent. water ;
 - (ii) “medium fat hard cheese”. if the cheese contains less than 48 per

(a) 1952 c. 67.

cent. and not less than 10 per cent. milk fat in the dry matter, and not more than 48 per cent. water ;

- (iii) "skimmed milk hard cheese", if the cheese contains less than 10 per cent. milk fat in the dry matter, and not more than 48 per cent. water ; or

(b) such cheese shall bear a true declaration of either—

- (i) the minimum percentage milk fat content in the dry matter, and the maximum percentage water content, or

- (ii) the minimum percentage milk fat content,

so however that as respects any sale, consignment or delivery on or after 1st January 1973 of any hard cheese bearing such a declaration, that declaration shall be in such of the following forms as is appropriate:—

(aa) "x% fat in dry matter" and "y% moisture", and the declaration shall be completed by inserting at "x" and "y" respectively the percentages described in sub-paragraph (b)(i) of this paragraph ;

(ab) "x% fat", and the declaration shall be completed by inserting at "x" the percentage described in sub-paragraph (b)(ii) of this paragraph.

(3) No person shall sell, consign or deliver, as the case may be, any hard cheese in contravention of this regulation.

Composition and description of soft cheese

5.—(1) Any soft cheese sold, consigned or delivered under the name of a variety specified in column 1 of Schedule 1 to these regulations whether or not such cheese was manufactured in the United Kingdom, shall comply with the percentages for milk fat and water set out respectively in columns 2 and 3 of the said Schedule opposite the name of such cheese.

(2) Any soft cheese sold, consigned or delivered, other than soft cheese to which the foregoing paragraph of this regulation applies and other than cheese which bears one of the descriptions specified in paragraph (3) of this regulation and complies with the compositional requirements so specified in relation to that description, shall bear one of the following descriptions, and comply with the following compositional requirements for cheese of such description except that the appropriate description need be borne by any soft cheese sold, consigned or delivered otherwise than in a container only when such cheese is sold by retail—

(a) "full fat soft cheese", if the cheese contains not less than 20 per cent. milk fat, and not more than 60 per cent. water ;

(b) "medium fat soft cheese", if the cheese contains less than 20 per cent. but not less than 10 per cent. milk fat, and not more than 70 per cent. water ;

(c) "low fat soft cheese", if the cheese contains less than 10 per cent. but not less than 2 per cent. milk fat, and not more than 80 per cent. water ;

(d) "skimmed milk soft cheese", if the cheese contains less than 2 per cent. milk fat, and not more than 80 per cent. water.

(3) Any soft cheese sold, consigned or delivered, as "cream cheese" shall contain not less than 45 per cent. milk fat, and bear the description "cream cheese":

Provided that if such cheese contains not less than 65 per cent. milk fat, it may bear the description "double cream cheese".

(4) No person shall sell, consign or deliver, as the case may be, any soft cheese in contravention of this regulation.

Composition and description of whey cheese

6.—(1) Any whey cheese sold, consigned or delivered shall bear one of the following descriptions and comply with the following compositional requirements for cheese of such description, except that the appropriate description need be borne by any whey cheese sold, consigned or delivered otherwise than in a container only when such cheese is sold by retail—

- (a) "full fat whey cheese", if the cheese contains not less than 33 per cent. milk fat in the dry matter;
- (b) "whey cheese", if the cheese contains less than 33 per cent. and not less than 10 per cent. milk fat in the dry matter;
- (c) "skimmed whey cheese", if the cheese contains less than 10 per cent. milk fat in the dry matter.

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

Composition and description of processed cheese

7.—(1) Any processed cheese sold, consigned or delivered under a description containing the word "processed" with the name of a variety of cheese specified in column 1 of Schedule 1 to these regulations, whether or not such processed cheese was manufactured in the United Kingdom, shall either—

- (a) comply with the percentages for milk fat and water set out respectively in columns 2 and 3 of the said Schedule opposite the name of such cheese, except that processed Cheddar cheese shall contain not less than 48 per cent. milk fat in the dry matter, and not more than 43 per cent. water; or
- (b) comply with the provisions of paragraph (2) of this regulation.

(2) Any processed cheese sold, consigned or delivered, other than any processed cheese to which the foregoing paragraph of this regulation applies, shall satisfy either the requirements of sub-paragraph (a) or the requirements of sub-paragraph (b) following, except that the appropriate description or declaration need be borne by any processed cheese sold, consigned or delivered otherwise than in a container only when such processed cheese is sold by retail—

- (a) such processed cheese shall bear one of the following descriptions, and comply with the following compositional requirements for processed cheese of such description, namely—
 - (i) "full fat processed cheese", if the processed cheese contains not less than 48 per cent. milk fat in the dry matter, and not more than 48 per cent. water;
 - (ii) "medium fat processed cheese", if the processed cheese contains less than 48 per cent. and not less than 10 per cent. milk fat in the dry matter, and not more than 48 per cent. water;
 - (iii) "skimmed milk processed cheese", if the processed cheese contains less than 10 per cent. milk fat in the dry matter, and not more than 48 per cent. water; or
- (b) such processed cheese shall bear a true declaration of either—

- (i) the minimum percentage milk fat content in the dry matter and the maximum percentage water content, or
- (ii) the minimum percentage milk fat content,

so however that as respects any sale, consignment or delivery on or after 1st January 1973 of any processed cheese bearing such a declaration, that declaration shall be in such of the following forms as is appropriate:—

- (aa) “x% fat in dry matter” and “y% moisture”, and the declaration shall be completed by inserting at “x” and “y” respectively the percentages described in sub-paragraph (b)(i) of this paragraph;
- (ab) “x% fat”, and the declaration shall be completed by inserting at “x” the percentage described in sub-paragraph (b)(ii) of this paragraph.

(3) Any processed cheese sold, consigned or delivered which is a mixture of cheese of two or more varieties shall either conform to one of the compositional requirements of paragraph (2)(a) of this regulation and bear the appropriate description specified therein for such processed cheese or bear one of the declarations specified in paragraph (2)(b) of this regulation.

(4) The name of a variety of cheese, used in the preparation of a processed cheese, may be inserted between the words “processed” and “cheese” in the appropriate description required by paragraphs (2)(a) and (3) of this regulation.

(5) No person shall sell, consign or deliver, as the case may be, any processed cheese in contravention of this regulation.

Composition and description of cheese spread

8.—(1) Any cheese spread sold, consigned or delivered shall contain not less than 20 per cent. milk fat and not more than 60 per cent. water; and shall bear the description “cheese spread” or “cheese food”, with or without the name of the variety or description of cheese used as a constituent of such cheese spread inserted immediately before the words “cheese spread” or “cheese food”, except that such description need be borne by cheese spread sold, consigned or delivered otherwise than in a container only when such cheese spread is sold by retail.

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

Compound products

9.—(1) Any cheese, processed cheese or cheese spread for which compositional requirements are specified in these regulations and which is used as an ingredient of a compound product, shall comply with the compositional requirements so specified for such cheese, processed cheese or cheese spread.

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

General requirements as to composition and description

10.—(1) No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing any cheese, processed cheese, cheese spread or compound product respectively for which compositional requirements are specified in these regulations if the food does not comply with the appropriate requirements as to composition set out in these regulations in relation to that cheese, processed cheese, cheese spread or compound product.

(2) Where a person sells any food to a purchaser in response to a request for any kind of cheese, processed cheese, cheese spread or compound product for which compositional requirements are specified in these regulations, he shall be deemed to sell cheese, processed cheese, cheese spread or a compound product of that kind and under such a description as is specified in these regulations in relation to that kind of cheese, processed cheese, cheese spread or compound product unless he clearly notifies the purchaser at the time of sale that the cheese, processed cheese, cheese spread or compound product is not of that kind.

Permitted ingredients in cheese, processed cheese and cheese spread

11. No person shall sell, consign or deliver any cheese, processed cheese or cheese spread which contains any ingredient other than the substances mentioned in the definition of "cheese", "processed cheese" or "cheese spread" as the case may be, in regulation 2(1), water, such preservatives in such amounts as are permitted by the Preservatives in Food (Scotland) Regulations 1962(a), any mould characteristic of the variety of cheese concerned and any or all of the following ingredients where appropriate in relation to the kind of cheese specified, namely:—

- (a) Hard cheese may contain common salt (sodium chloride), calcium chloride, calcium hydroxide, starter, rennet, carotene and annatto;
- (b) The rind of hard cheese may contain any colouring matter permitted by the Colouring Matter in Food (Scotland) Regulations 1966(b);
- (c) Soft cheese and whey cheese may contain the ingredients mentioned in paragraph (a) of this regulation, alginic acid, calcium alginate, sodium alginate, carrageen, edible gums, edible starches (whether modified or not), flavourings and lecithin;
- (d) Processed cheese and cheese spread may contain—
 - (i) the ingredients mentioned or referred to in paragraph (c) of this regulation;
 - (ii) emulsifying salts;
 - (iii) any colouring matter permitted by paragraphs 1 to 4 of Part III of Schedule 1 to the Colouring Matter in Food (Scotland) Regulations 1966; and
 - (iv) lactic acid and citric acid;
- (e) Hard sage cheese may contain—
 - (i) the ingredients mentioned in paragraph (a) of this regulation;
 - (ii) sage; and
 - (iii) any green colouring matter permitted by paragraph 3 of Part III of Schedule 1 to the Colouring Matter in Food (Scotland) Regulations 1966;
- (f) Soft sage cheese may contain—
 - (i) the ingredients mentioned or referred to in paragraph (c) of this regulation;
 - (ii) sage; and
 - (iii) any green colouring matter mentioned or referred to in paragraph 3 of Part III of Schedule 1 to the Colouring Matter in Food (Scotland) Regulations 1966;
- (g) Sage cheese spread may contain the ingredients mentioned or referred to in paragraph (d) of this regulation and sage.

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

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

PART III

LABELLING AND ADVERTISEMENT

Labelling and advertisement of cheese, processed cheese, cheese spread and compound products

12.—(1) No person shall sell, consign or deliver any cheese, processed cheese or cheese spread in a container unless such container bears a label on which there appears the appropriate description or declaration specified in regulation 4, 5, 6, 7 or 8 for such cheese, processed cheese or cheese spread:

Provided that in the case of hard cheese, soft cheese or processed cheese which complies with regulation 4(1), 5(1) or 7(1) as the case may be, the label may bear instead of such description or declaration—

- (a) in the case of hard cheese or soft cheese, the name of the variety of such cheese, or
- (b) in the case of processed cheese, the word “processed” with the name of the variety of such processed cheese.

(2) No person shall sell by retail any cheese, processed cheese or cheese spread otherwise than in a container unless there appears on a ticket placed on or in immediate proximity to such cheese, processed cheese or cheese spread so as to be clearly visible to an intending purchaser, the appropriate description or declaration specified in regulation 4, 5, 6, 7 or 8 for such cheese, processed cheese or cheese spread:

Provided that in the case of hard cheese, soft cheese or processed cheese which complies with regulation 4(1), 5(1) or 7(1), as the case may be, the ticket may bear instead of such description or declaration—

- (a) in the case of hard cheese or soft cheese, the name of the variety of such cheese, or
- (b) in the case of processed cheese, the word “processed” with the name of the variety of such processed cheese.

(3) No person shall sell, consign or deliver any compound product in a container unless such container bears a label on which there appears as part of the description of such product the appropriate description or declaration specified in regulation 4, 5, 6, 7 or 8 for the cheese, processed cheese or cheese spread present in such compound product together with a true description of any other food, except an ingredient permitted by regulation 11, present in such compound product:

Provided that in the case of any hard cheese, soft cheese or processed cheese which complies with regulation 4(1), 5(1) or 7(1), as the case may be, the label may bear instead of such description or declaration—

- (a) in the case of hard cheese or soft cheese, the name of the variety of such cheese, or
- (b) in the case of processed cheese, the word “processed” with the name of the variety of such processed cheese.

(4) No person shall sell by retail any compound product otherwise than in a container unless there appears on a ticket placed on or in immediate proximity to such compound product so as to be clearly visible to an intending purchaser as the description of such compound product, the appropriate description or declaration specified in regulation 4, 5, 6, 7 or 8 for the cheese, processed cheese or cheese spread present in such compound product together with a true des-

cription of any other food, except an ingredient permitted by regulation 11, present in such compound product:

Provided that in the case of hard cheese, soft cheese or processed cheese which complies with regulation 4(1), 5(1) or 7(1), as the case may be, the ticket may bear instead of such description or declaration—

- (a) in the case of hard cheese or soft cheese, the name of the variety of such cheese, or
- (b) in the case of processed cheese, the word “processed” with the name of the variety of such processed cheese.

(5) Notwithstanding the provisions of regulations 4, 5, 6, 7 and 8 and the preceding paragraphs of this regulation, the appropriate description of any cheese, processed cheese or cheese spread may include, if penicillium moulds have produced blue-green veining in such cheese, processed cheese or cheese spread the word “blue-veined”, or if such cheese, processed cheese or cheese spread contains sage, the word “sage”.

13.—(1) Any advertisement for cheese, processed cheese or cheese spread shall include such one of the descriptions specified in regulation 4, 5, 6, 7 or 8 or such one of the declarations specified in regulation 4 or 7, as the case may be, as is appropriate to that cheese, processed cheese or cheese spread:

Provided that in the case of hard cheese, soft cheese or processed cheese which complies with regulation 4(1), 5(1) or 7(1), as the case may be, the advertisement may include instead of such description or declaration—

- (a) in the case of hard cheese or soft cheese, the name of the variety of such cheese, or
- (b) in the case of processed cheese, the word “processed” with the name of the variety of such processed cheese.

(2) Any cheese, processed cheese or cheese spread which is the subject of any description contained in any advertisement in accordance with the foregoing paragraph of this regulation shall comply with the compositional requirements specified in regulation 4, 5, 6, 7 or 8 for cheese, processed cheese or cheese spread of such description.

(3) Any advertisement for any compound product shall include the description of such compound product specified in regulation 12(3) and (4) and the compound product so described shall comply with the compositional requirements specified in regulation 9.

(4) Notwithstanding the provisions of regulations 4, 5, 6, 7 and 8 and paragraph (1) of this regulation, the description of any cheese, processed cheese or cheese spread may include, if penicillium moulds have produced blue-green veining in such cheese, processed cheese or cheese spread the word “blue-veined”, or if such cheese, processed cheese or cheese spread contains sage, the word “sage”.

(5) No person shall publish or be a party to the publication of any advertisement which does not comply with this regulation.

Requirements as to marking on labels on containers and on tickets

14.—(1) As respects any sale, consignment or delivery on or before 31st December 1972, all letters, words or numerals required by virtue of regulation 12 to appear on a label on a container or on a ticket respectively shall conform to the requirements set out in paragraph 1 of Schedule 2 to these regulations.

(2) As respects any sale, consignment or delivery on or after 1st January 1973, all letters, words or numerals required by virtue of regulation 12 to appear on a label on a container or on a ticket respectively shall conform to the requirements set out in paragraph 2 of the said Schedule 2.

Labelling and advertisement of cream cheese

15. No person shall—

- (a) give with any cheese sold by him, or display with any cheese offered or exposed by him for sale any label, whether attached to or printed on the container or not, which bears any words or pictorial device, or
- (b) publish, or be a party to the publication of, any advertisement for cheese which includes any words or pictorial device, or
- (c) use on, or in connection with, the sale of cheese any description, being words, a device or a description which are or is calculated to indicate either directly or indirectly that such cheese contains cream or is made from cream, unless such cheese complies with the compositional requirement for cream cheese which is specified in regulation 5(3).

PART IV

ADMINISTRATION AND GENERAL

Enforcement

16.—(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.

Penalties

17.—(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

(a) 1897 c. 38.

(b) 1947 c. 43.

- (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

18.—(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 cheese, processed cheese, cheese spread or of any compound product 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

19.—(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.

Revocation

20.—(1) The Cheese (Scotland) Regulations 1966(a) and the Cheese (Scotland) (Amendment) Regulations 1967(b) are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations

(a) S.I. 1966/98 (1966 I, p. 210).

(b) S.I. 1967/93 (1967 I, p. 196).

were an Act of Parliament and as if the regulations revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

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

St. Andrew's House,
Edinburgh.
28th January 1970.

Regulations 4, 5 and 7

SCHEDULE 1

Column 1	Column 2	Column 3
Variety of Cheese	Minimum Percentage of Milk Fat in the Dry Matter	Maximum Percentage of Water Calculated on the total Weight of the Cheese
Cheddar	48	39
Blue Stilton	48	42
Derby	48	42
Leicester	48	42
Cheshire	48	44
Dunlop	48	44
Gloucester	48	44
Double Gloucester	48	44
Caerphilly	48	46
Wensleydale	48	46
White Stilton	48	46
Lancashire	48	48
Edam	40	46
Loaf Edam	40	46
Baby Edam	40	47
Baby Loaf Edam	40	47
Gouda	48	43
Baby Gouda	48	45
Danablu	50	47
Danbo	45	46
Havarti	45	50
Samsoe	45	44
Emmental or Emmentaler	45	40
Gruyère or Greyerzer or Gruviera	45	38

Column 1	Column 2	Column 3
Variety of Cheese	Minimum Percentage of Milk Fat in the Dry Matter	Maximum Percentage of Water Calculated on the total Weight of the Cheese
Tilsiter or Tilsit or Tylzycki	45	47
Limburger	50	50
Saint Paulin	40	56
Svecia	45	41
Provolone	45	47

Regulation 14

SCHEDULE 2

REQUIREMENTS AS TO MARKING ON LABELS
ON CONTAINERS AND ON TICKETS

1. As respects any sale, consignment or delivery on or before 31st December 1972, every letter, word or numeral appearing on a label on a container, or on a ticket, which is required so to appear by virtue of regulation 12 shall—

- (a) be clearly legible;
- (b) appear in a prominent position on the label or ticket;
- (c) be printed in a dark colour upon a light-coloured ground or in a light colour upon a dark-coloured ground;
- (d) be of uniform colour and size, except that the initial letter in any such word may be larger than the other letters in that word:

Provided that the requirements of this sub-paragraph shall not have effect in relation to the sale, consignment or delivery, as the case may be, of any compound product.

2. As respects any sale, consignment or delivery on or after 1st January 1973—

- (a) every letter, word or numeral appearing on a label on a container, or on a ticket, which is required so to appear by virtue of regulation 12 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:

Provided that, in the case of a compound product this requirement shall apply only in respect of such letters, words or numerals as describe the cheese, processed cheese or cheese spread, as the case may be, present in such compound product;

- (b) any declaration required by regulation 4(2)(b) or 7(2)(b) shall be so situated as to be in immediate proximity to and simultaneously visible together with the name of the cheese, processed cheese or cheese spread to an intending purchaser under normal conditions of purchase and use.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which apply to Scotland only, re-enact with amendments the Cheese (Scotland) Regulations 1966, as amended, and come into operation on 31st January 1970.

The Regulations—

- (a) specify requirements for the composition and description of cheese including hard cheese, soft cheese (including cream cheese), whey cheese, processed cheese and cheese spread (Regulations 4, 5, 6, 7, 8 and Schedule 1) amended to prescribe compositional standards for additional varieties of cheese or processed cheese sold under varietal names (Regulations 4, 5, 7 and Schedule 1);
- (b) apply compositional requirements for cheese, processed cheese or cheese spread sold as part of a compound product (Regulation 9);
- (c) specify the permitted ingredients in cheese, processed cheese and cheese spread, amended to include calcium hydroxide as a permitted ingredient (Regulation 11);
- (d) specify requirements for the labelling and advertisement of cheese, processed cheese, cheese spread and compound products (Regulations 12, 13, 14 and 15);
- (e) provide for certain amendments to the requirements for the labelling of cheese, processed cheese, cheese spread and compound products to take effect on and after 1st January 1973 (Regulations 4, 7, 14(2) and Schedule 2, paragraph 2).

The Regulations do not apply, except in so far as they relate to advertisements, to cheese, processed cheese, cheese spread and compound products intended for export, for consumption by a visiting force or for use for manufacturing purposes (Regulation 3).

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