1977 No. 196

FOOD AND DRUGS

Composition and Labelling

Condensed Milk and Dried Milk Regulations (Northern Ireland) 1977

Made	*7th July* 1977
Coming into operation—	
Regulations 1, 2 *and* 16 . .	*5th September* 1977
Regulation 15	1*st July* 1980
Remainder	1*st July* 1978

The Department of Health and Social Services(**a**) in exercise of the powers conferred on it by sections 4, 7, 68 and 68A(**b**) of the Food and Drugs Act (Northern Ireland) 1958(**c**) and of every other power enabling it in that behalf and after consultation with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Condensed Milk and Dried Milk Regulations (Northern Ireland) 1977, and shall come into operation as respects regulations 1, 2 and 16 on 5th September 1977 and as respects the remainder on 1st July 1978 except for regulation 15, which shall come into operation on 1st July 1980.

Interpretation

2.—(1) In these regulations

"the Act" means the Food and Drugs Act (Northern Ireland) 1958;

"the Community" means the European Economic Community;

"condensed milk" means milk, partly skimmed milk or skimmed milk or any combination thereof, whether with or without the addition of cream, dried milk or sucrose, which has been concentrated by the partial removal of water, but does not include dried milk;

"condensed milk product" means any food specified in column 2 of Part I of Schedule 1 as read with paragraphs 1 and 2 of that Part, but does not include any product which contains such a food as an ingredient and which is sold, consigned or delivered as a compound product;

"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;

"Department" means the Department of Health and Social Services;

(a) *See* S.R. & O. (N.I.) 1964 No. 205 (p. 937) art. 5 and Sch. 2 Part I and 1973 c. 36 s. 40 and Sch. 5 para. 8
(b) Added by S.R. & O. (N.I.) 1972 No. 363 (p. 1767)
(c) 1958 c. 27 (N.I.)

"district council" means a council established under the Local Government Act (Northern Ireland) 1972(**d**);

"dried milk" means milk, partly skimmed milk or skimmed milk or any combination thereof, whether with or without the addition of cream, which has been concentrated to the form of powder, granule or solid by the removal of water;

"dried milk product" means any food specified in column 2 of Part II of Schedule 1 as read with paragraph 1 of that Part, but does not include any product which contains such a food as an ingredient and which is sold, consigned or delivered as a compound product;

"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;

"instant preparation", in relation to any dried milk product, means a product capable of rapid dispersal in water;

"lactate" means lactic acid and lactate calculated as lactic acid;

"lactose" has the meaning assigned to it by the Specified Sugar Products Regulations (Northern Ireland) 1976(**e**);

"milk" means cows' milk;

"permitted anti-caking agent" means any anti-caking agent in so far as its use in food is permitted by the Miscellaneous Additives in Food Regulations (Northern Ireland) 1974(**f**), as amended(**g**);

"permitted antioxidant" means any antioxidant in so far as its use in food is permitted by the Antioxidant in Food Regulations (Northern Ireland) 1974(**h**), as amended(**i**);

"permitted emulsifier" means any emulsifier in so far as its use in food is permitted by the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1975(**j**), as amended(**i**);

"permitted miscellaneous additive" means any acid, anti-caking agent, anti-foaming agent, base, buffer, firming agent, glazing agent, humectant, liquid freezant, packaging gas, propellent, release agent or sequestrant in so far as its use in food is, in each case, permitted by the Miscellaneous Additives in Food Regulations (Northern Ireland) 1974, as amended;

"reserved description", as respects any condensed milk product or dried milk product, means a description specified in relation to that product in column 1 of Part I or Part II of Schedule 1, and the use of any such description shall be construed as meaning the condensed milk product or dried milk product specified in relation to that description in column 2, as read with paragraphs 1 and 2, of Part I of Schedule 1, or in column 2, as read with paragraph 1, of Part II of that Schedule;

(**d**) 1972 c. 9 (N.I.)
(**e**) S.R. 1976 No. 165, Sch. 1
(**f**) S.R. 1974 No. 196 (I, p. 831)
(**g**) S.R. 1975 No. 275 (II, p. 1285)
(**h**) S.R. 1974 No. 197 (I, p. 868)
(**i**) There is no amendment which relates expressly to the subject matter of these regulations
(**j**) S.R. 1975 No. 278 (II, p. 1323)

"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 to a manufacturer for the purposes of his manufacturing business, and "sale by retail" and "sold by retail" shall be construed accordingly;

"sterilised" means sterilised by any heat treatment including ultra heat treatment;

"sucrose" means semi-white sugar, sugar or white sugar or extra white sugar as defined by the Specified Sugar Products Regulations (Northern Ireland) 1976;

"sweetened condensed milk product" means sweetened condensed milk, sweetened condensed partly skimmed milk or sweetened condensed skimmed milk as described in Schedule 1;

"unsweetened condensed milk product" means unsweetened condensed high-fat milk, evaporated milk, unsweetened condensed milk, unsweetened condensed partly skimmed milk or unsweetened condensed skimmed milk as described in Schedule 1;

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

(2) Any reference to a label borne on a container shall be construed as including a reference to any legible marking on the container however effected.

(3) All proportions mentioned are proportions calculated by weight and, unless the context otherwise requires, are calculated on the total weight of the product.

(4) Any reference to a specified proportion of a permitted miscellaneous additive, a permitted antioxidant or a permitted emulsifier shall be construed as if the miscellaneous additive, antioxidant or emulsifier were present in its anhydrous form.

(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.

Exemptions

3.—(1) The following provisions shall not apply to any condensed milk or dried milk—

(*a*) manufactured before 1st July 1978; or

(*b*) sold, consigned or delivered for exportation to any place outside the United Kingdom; or

(*c*) supplied under Government contracts for consumption by Her Majesty's forces or supplied for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(k).

(2) The following provisions, other than the provisions of regulations 4, 10 and 11, shall not apply to any condensed milk or dried milk specially prepared for infant feeding and bearing on a label on its container a clear statement that such food is intended for consumption by infants and no statement to the effect that such food is intended for consumption by any other class of person.

(k) 1952 c. 67

General restrictions on the use of reserved descriptions

4. A person shall not—

(*a*) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, or

(*b*) publish, or be a party to the publication of, any advertisement for food,

which bears or includes any reserved description or any derivative thereof or any word or description substantially similar thereto unless—

(i) such food is a condensed milk product or dried milk product to which the reserved description relates, or

(ii) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is an ingredient of that food, or

(iii) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not a condensed milk product or dried milk product and does not contain one.

Labelling and description of condensed milk and dried milk products

5.—(1) Subject to paragraph (5), a person shall not sell, consign or deliver pursuant to a sale, any condensed milk product or dried milk product in a container unless there appears on a label marked on, or securely attached to, the container a true statement in compliance with this regulation.

(2) The said statement shall specify a reserved description and the name or trade name and the address or registered office of the manufacturer or packer of the product, or of a seller thereof established within the Community.

(3) The said statement shall, in relation to any condensed milk product or dried milk product referred to in any of the following sub-paragraphs and which has a net weight of not less than 20 grammes, also include any declaration specified in that sub-paragraph for that product:—

(*a*) for any dried milk product with not less than 1.5 per centum milk fat and containing added lecithins in accordance with regulation 9(*c*), a declaration of such addition and, if the product is an instant preparation, a declaration that the product is an instant preparation;

(*b*) for any condensed milk product containing not less than 1.0 per centum milk fat and any dried milk product containing not less than 1.5 per centum milk fat, a declaration of the milk fat content or minimum milk fat content expressed as a percentage;

(*c*) for any condensed milk product, a declaration of the milk solids not fat content or minimum milk solids not fat content expressed as a percentage;

(*d*) for any dried milk product, a declaration of the drying process;

(*e*) for any condensed milk sold by retail, or consigned or delivered pursuant to a sale by retail, a declaration containing instructions for dilution or suggestions for usage;

(*f*) for any dried milk product sold by retail, or consigned or delivered pursuant to a sale by retail, a declaration containing instructions for dilution, and for any such dried milk product which contains not less than 1.5 per centum milk fat, a declaration of the milk fat content of the product after dilution;

(*g*) for any condensed milk product subjected to ultra heat treatment and aseptically packed, the declaration "UHT" or "ultra heat treated";

(*h*) for any condensed milk product containing not more than 4.5 per centum milk fat and any dried milk product containing less than 26.0 per centum milk fat, when in either case sold by retail, or consigned or delivered pursuant to a sale by retail, on or before 31st December 1980, the declaration "not to be used for babies except under medical advice";

(*i*) for any dried milk product containing any added permitted anti-caking agent in accordance with regulation 9(*d*), the declaration "for use in vending machines only".

(4) Any declaration specified in paragraph (3)(*a*), (*b*), (*c*) or (*d*) for a condensed milk product or dried milk product shall be so situated as to be simultaneously visible together with the reserved description of that product to an intending purchaser under normal conditions of purchase or use and any such declaration specified in paragraph (3)(*a*) shall be in immediate proximity to the reserved description.

(5) Notwithstanding the requirement in paragraph (1) that the said statement shall appear on a label marked on, or securely attached to, the container, in the case of a sale otherwise than by retail, or a consignment or delivery pursuant to such a sale, of a condensed milk product or dried milk product in a container of a net weight of not less than 20 kilogrammes, any of those parts of the statement which are specified in paragraph (3)(*a*), (*b*), (*c*), (*d*) and (*g*) may, as an alternative, be contained in a document accompanying the product.

Manner of marking or labelling

6.—(1) Any statement required by regulation 5 to appear on a label marked on, or securely attached to, the container of any condensed milk product or dried milk product—

(*a*) shall be clear, legible and indelible;

(*b*) shall be in a conspicuous position on the label marked on, or securely attached to, the container in such a manner that it will be readily discernible and easily read by an intending purchaser or consumer under normal conditions of purchase or use;

(*c*) shall not be interrupted by any other written or pictorial matter where such interruption might mislead the purchaser or consumer as to the nature of the condensed milk product or dried milk product;

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

(2) The height of the letters in any statement referred to in paragraph (1) shall be such as is not calculated by any undue or insufficient prominence to mislead as to the nature, substance or quality of the condensed milk product or dried milk product to which that statement relates.

(3) If any condensed milk product or dried milk product is packaged in more than one container, any label which by virtue of any of these regulations is required to be marked on, or securely attached to, the container shall either be marked on, or securely attached to, the outermost container or be readily discernible and easily read through, or notwithstanding, the outermost container.

Restriction on retail sales of condensed milk and dried milk

7. A person shall not sell by retail, or consign or deliver pursuant to a sale by retail, any condensed milk other than a condensed milk product or any dried milk other than a dried milk product.

Preparation of condensed milk and dried milk products

8. A person shall not use as an ingredient in the preparation of any condensed milk product or dried milk product, any milk, partly skimmed milk, skimmed milk, cream or dried milk or any combination thereof, which has not been subjected to heat treatment at least equivalent to pasteurisation, unless that condensed milk product or dried milk product is itself subjected to such heat treatment during its preparation.

Permitted additional ingredients in condensed milk and dried milk products

9. A person shall not sell, consign or deliver pursuant to a sale, any condensed milk product or dried milk product which contains any added ingredient:

Provided that—

(*a*) any condensed milk product or dried milk product specified in column 1 of Part I of Schedule 2 may contain any added permitted miscellaneous additive of the description specified in relation thereto in column 2 of that Part in the proportion and subject to any restriction specified in relation thereto in columns 3 and 4 respectively thereof;

(*b*) any dried milk product specified in column 1 of Part II of Schedule 2 may contain any added permitted antioxidant of the description and in the proportion specified in relation thereto in columns 2 and 3 respectively of that Part;

(*c*) any dried milk product which contains not less than 1.5 per centum milk fat may contain not more than 0.5 per centum of the added permitted emulsifier lecithins E322;

(*d*) any dried milk product intended for use in vending machines may contain not more than 1.5 per centum of any added permitted anticaking agent;

(*e*) any sweetened condensed milk product may contain not more than 0.02 per centum added lactose;

(*f*) any condensed milk product or dried milk product may contain any added vitamin.

Penalties and enforcement

10.—(1) If any person contravenes or fails to comply with any of the foregoing provisions he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

(2) Each district council shall enforce and execute such provisions in its area.

(3) The requirements of section 47(3) of the Act (which requires notice to be given to the Department of intention to institute proceedings for an offence against any provisions of these regulations relating to the labelling, advertising or description of food) shall not apply as respects any proceedings instituted by a council for an offence against any such provisions of these regulations.

Defences

11.—(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 defendant 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.

(2) Where in any proceedings against the manufacturer or importer of any condensed milk product, dried milk product or other food the court is satisfied that an advertisement has been published in terms which could constitute an offence against these regulations, the manufacturer or importer shall be guilty of such offence unless he proves that he did not publish, and was not party to the publication of, the advertisement.

Amendment of the Labelling of Food Regulations (Northern Ireland) 1970

12. The Labelling of Food Regulations (Northern Ireland) 1970(**l**), as amended(**m**), shall be further amended as follows:—

(*a*) by inserting in regulation 2(1) after the definitions of chocolate product and cocoa product the following definitions:—

" 'condensed milk' and 'dried milk' have the meanings respectively assigned to them by the Condensed Milk and Dried Milk Regulations (Northern Ireland) 1977;";

(*b*) by adding at the end of regulation 4 the following paragraph:—

"(7) The provisions of Part II of these regulations shall not apply to any condensed milk or dried milk manufactured after 30th June 1978 other than any condensed milk or dried milk specially prepared for infant feeding and bearing on a label on its container a clear statement that such food is intended for consumption by infants and no statement to the effect that such food is intended for consumption by any other class of person.";

(*c*) by substituting for paragraph (*ac*) of the proviso to regulation 21(1)(iii) the following paragraph:—

"(*ac*) to any milk food intended for consumption by infants and the protein content of which is approximately similar to the protein content of human milk.";

(*d*) by inserting in item 4 of Schedule 2 after the entry "condensed milk" in column 1 and after the entry "dried milk" in that column the words "manufactured before 1st July 1978";

(*e*) by adding at the end of item 6 column 1 of Schedule 2 immediately after the entry "Chocolate products" the following entry:—

"Condensed milk and dried milk".

Amendment of the Condensed Milk Regulations (Northern Ireland) 1961

13. The Condensed Milk Regulations (Northern Ireland) 1961(**n**), as amended(**o**), shall be further amended by inserting in regulation 3 after the words "to any condensed milk" the words "which is manufactured after 30th June 1978,".

(**l**) S.R. & O. (N.I.) 1970 No. 80 (p. 339)
(**m**) S.R. & O. (N.I.) 1972 No. 318 (p. 1516), S.R. 1976 No. 183 and S.R. 1976 No. 212
(**n**) S.R. & O. (N.I.) 1961 No. 31 (p. 142)
(**o**) There is no amendment which relates expressly to the subject matter of these regulations

Amendment of the Dried Milk Regulations (Northern Ireland) 1965

14. The Dried Milk Regulations (Northern Ireland) 1965(**p**), as amended(**o**), shall be further amended by inserting after regulation 3(1)(*c*) the following sub-paragraph:—

"(*d*) in relation to any dried milk manufactured after 30th June 1978.".

Revocation of the Condensed Milk Regulations (Northern Ireland) 1961 and the Dried Milk Regulations (Northern Ireland) 1965

15. The Condensed Milk Regulations (Northern Ireland) 1961, as amended, and the Dried Milk Regulations (Northern Ireland) 1965, as amended, are hereby revoked.

Transitional arrangements

16. The Condensed Milk Regulations (Northern Ireland) 1961, as amended, the Dried Milk Regulations (Northern Ireland) 1965, as amended, and Part II of the Labelling of Food Regulations (Northern Ireland) 1970, as amended, shall not apply to any sale or delivery of any condensed milk product or dried milk product manufactured before 1st July 1978 which is already complying with the requirements of these regulations or in relation to any label, ticket, notice or advertisement which is so complying.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 7th July 1977.

(L.S.) *G. Buchanan*
Assistant Secretary

(**p**) S.R. & O. (N.I.) 1965 No. 44 (p. 224)

SCHEDULE 1

PART I Regulation 2(1)

Condensed Milk Products and their Reserved Descriptions

Column 1	Column 2
Reserved descriptions	*Condensed milk products*
Unsweetened condensed high-fat milk	Condensed milk, which has been sterilised, containing not less than 15.0 per centum milk fat and not less than 26.5 per centum total milk solids.
Evaporated milk	Condensed milk, which has been sterilised, containing not less than 9.0 per centum but not more than 15.0 per centum milk fat and not less than 31.0 per centum total milk solids.
Unsweetened condensed milk	Condensed milk, which has been sterilised, containing not less than 7.5 per centum but not more than 15.0 per centum milk fat and not less than 25.0 per centum total milk solids.
Unsweetened condensed partly skimmed milk	Condensed milk, which has been sterilised, containing:— (i) in the case of a sale by retail, not less than 4.0 per centum but not more than 4.5 per centum milk fat and not less than 24.0 per centum total milk solids; (ii) in the case of a sale otherwise than by retail, not less than 1.0 per centum but not more than 7.5 per centum milk fat and not less than 20.0 per centum total milk solids.
Unsweetened condensed skimmed milk	Condensed milk, which has been sterilised, containing not more than 1.0 per centum milk fat and not less than 20.0 per centum total milk solids.
Sweetened condensed milk	Condensed milk with added sucrose containing:— (i) in the case of a sale by retail, not less than 9.0 per centum milk fat and not less than 31.0 per centum total milk solids; (ii) in the case of a sale otherwise than by retail, not less than 8.0 per centum milk fat and not less than 28.0 per centum total milk solids.

Column 1	Column 2
Reserved descriptions	*Condensed milk products*
Sweetened condensed partly skimmed milk	Condensed milk with added sucrose containing:— (i) in the case of a sale by retail, not less than 4.0 per centum but not more than 4.5 per centum milk fat and not less than 28.0 per centum total milk solids; (ii) in the case of a sale otherwise than by retail, not less than 1.0 per centum but not more than 8.0 per centum milk fat and not less than 24.0 per centum total milk solids.
Sweetened condensed skimmed milk	Condensed milk with added sucrose containing not more than 1.0 per centum milk fat and not less than 24.0 per centum total milk solids.

1. Not more than 0.3 per centum of the milk solids not fat content of any product specified in column 2 of this Schedule shall consist of lactate.

2. Not more than 25.0 per centum of the total milk solids content of any product specified in column 2 of this Schedule shall be derived from dried milk.

PART II

Dried Milk Products and their Reserved Descriptions

Column 1	Column 2
Reserved descriptions	*Dried milk products*
Dried high-fat milk High-fat milk powder	Dried milk containing not less than 42.0 per centum but not more than 65.0 per centum milk fat and not more than 5.0 per centum water.
Dried whole milk Whole milk powder	Dried milk containing not less than 26.0 per centum but not more than 42.0 per centum milk fat and not more than 5.0 per centum water.
Dried partly skimmed milk Partly skimmed milk powder	Dried milk containing not less than 1.5 per centum but not more than 26.0 per centum milk fat and not more than 5.0 per centum water.
Dried skimmed milk Skimmed milk powder	Dried milk containing not more than 1.5 per centum milk fat and not more than 5.0 per centum water.

1. Not more than 0.3 per centum of the milk solids not fat content of any product specified in column 2 of this Schedule shall consist of lactate.

SCHEDULE 2 Regulation 9

PART I

Permitted miscellaneous additives content of condensed milk products and dried milk products

Column 1	Column 2	Column 3	Column 4
Condensed milk products and dried milk products	*Permitted miscellaneous additive*	*Except where otherwise stated parts per centum not exceeding—*	*Restriction*
1. Any unsweetened condensed milk product which has a total milk solids content not exceeding 28.0 per centum, other than one mentioned in item 3 of this Part	Sodium hydrogen carbonate or Potassium hydrogen carbonate or Sodium dihydrogen citrate E331 or *tri*Sodium citrate E331 or Potassium dihydrogen citrate E332 or *tri*Potassium citrate E332 or Sodium dihydrogen orthophosphate E339(*a*) or *di*Sodium hydrogen orthophosphate E339(*b*) or *tri*Sodium orthophosphate E339(*c*)	0.2	The total added phosphate content calculated as P_2O_5 shall not exceed 0.1 per centum

Column 1	Column 2	Column 3	Column 4
Condensed milk products and dried milk products	*Permitted miscellaneous additive*	*Except where otherwise stated parts per centum not exceeding—*	*Restriction*
	or Potassium dihydrogen orthophosphate E340(*a*) or *di*Potassium hydrogen orthophosphate E340(*b*) or *tri*Potassium orthophosphate E340(*c*) or Calcium chloride or Calcium chloride anhydrous or *di*Sodium dihydrogen diphosphate E450(*a*) or *tetra*Sodium diphosphate E450(*a*) or *tetra*Potassium diphosphate E450(*a*) or any combination of two or more of these permitted miscellaneous additives		

2. Any unsweetened condensed milk product which has a total milk solids content exceeding 28.0 per centum, other than one mentioned in item 4 of this Part	Any permitted miscellaneous additive specified in column 2 of item 1 of this Part	0.3	The total added phosphate content calculated as P_2O_5 shall not exceed 0.15 per centum
3. Any unsweetened condensed milk product which has a total milk solids content not exceeding 28.0 per centum and which has been subjected to ultra heat treatment and is aseptically packaged	Any permitted miscellaneous additive specified in column 2 of item 1 of this Part or *penta*Sodium triphosphate E450(*b*) or *penta*Potassium triphosphate E450(*b*) or Sodium polyphosphate E450(*c*) or Potassium polyphosphate E450(*c*) or any combination of two or more of these permitted miscellaneous additives	0.2	The total added phosphate content calculated as P_2O_5 shall not exceed 0.1 per centum

Column 1	Column 2	Column 3	Column 4
Condensed milk products and dried milk products	*Permitted miscellaneous additive*	*Except where otherwise stated parts per centum not exceeding—*	*Restriction*
4. Any unsweetened condensed milk product which has a total milk solids content exceeding 28.0 per centum and which has been subjected to ultra heat treatment and is aseptically packaged	Any permitted miscellaneous additive specified in column 2 of item 1 of this Part or *penta*Sodium triphosphate E450(*b*) or *penta*Potassium triphosphate E450(*b*) or Sodium polyphosphate E450(*c*) or Potassium polyphosphate E450(*c*) or any combination of two or more of these permitted miscellaneous additives	0.3	The total added phosphate content calculated as P_2O_5 shall not exceed 0.15 per centum and the added phosphate content derived from *penta*Sodium triphosphate, *penta*Potassium triphosphate, Sodium polyphosphate or Potassium polyphosphate or any combination of two or more thereof shall not exceed 0.1 per centum
5. Any sweetened condensed milk product	Any permitted miscellaneous additive specified in column 2 of item 1 of this Part	0.2	The total added phosphate content calculated as P_2O_5 shall not exceed 0.1 per centum

6. Any sweetened condensed milk product which contains added lactose in accordance with regulation 9(*e*)	*tri*Calcium diorthophosphate E341(*c*)	In such proportion that the amount of permitted miscellaneous additive does not exceed 10.0 per centum of the added lactose	
7. Any dried milk product	Any permitted miscellaneous additive specified in column 2 of item 1 of this Part	0.5	The total added phosphate content calculated as P_2O_5 shall not exceed 0.25 per centum and the total quantity of added Sodium hydrogen carbonate or Potassium hydrogen carbonate or any combination thereof shall not exceed 0.2 per centum, or, in the case of a product manufactured by the Hatmaker or Roller process and in the manufacture of which no other permitted miscellaneous additive specified in column 2 of item 1 of this Part has been used, 0.3 per centum

PART II

Permitted Antioxidant Content of Dried Milk Products

Column 1	Column 2	Column 3
Dried milk products	*Permitted antioxidant*	*Parts per centum not exceeding—*
Dried high-fat milk Dried whole milk Dried partly skimmed milk Dried skimmed milk	L—ascorbic acid E300 or sodium L—ascorbate E301 or ascorbyl palmitate E304 or any combination of two or more of these permitted antioxidants	0.05 (calculated as ascorbic acid)

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations, which supersede the Condensed Milk Regulations (Northern Ireland) 1961 and the Dried Milk Regulations (Northern Ireland) 1965, come into operation on 1st July 1978, except for regulations 1, 2 and 16 which come into operation on 5th September 1977 and regulation 15 which comes into operation on 1st July 1980. The regulations implement Council Directive No. 76/118/EEC (OJ No. L24, 30.1.76, p. 49) on the approximation of the laws of the Member States relating to certain partly or wholly dehydrated preserved milk for human consumption.

The regulations—

(*a*) prescribe definitions and reserved descriptions for condensed milk and dried milk products (regulation 2 and Schedule 1);

(*b*) subject to specified exceptions, prohibit the labelling and advertisement with reserved descriptions of food other than condensed milk and dried milk products to which those descriptions relate (regulation 4);

(*c*) require condensed milk and dried milk products when sold in containers to be labelled with reserved descriptions and specified declarations and prescribe the manner of marking and labelling to be employed (regulations 5 and 6);

(*d*) restrict retail sales of condensed milk and dried milk to condensed milk products and dried milk products as defined (regulation 7);

(*e*) require the milk ingredients used in the preparation of any condensed milk or dried milk product to have been subjected to a heat treatment at least equivalent to pasteurisation if the product itself is not so treated (regulation 8);

(*f*) subject to prescribed limits, specify the added ingredients permitted in condensed milk and dried milk products (regulation 9 and Schedule 2);

(*g*) make consequential amendments to the Labelling of Food Regulations (Northern Ireland) 1970, as amended (regulation 12);

(*h*) make temporary consequential amendments to, and revoke with effect from 1st July 1980, the Condensed Milk Regulations (Northern Ireland) 1961 and the Dried Milk Regulations (Northern Ireland) 1965 (regulations 13, 14 and 15).

The regulations do not apply to condensed milk and dried milk manufactured before 1st July 1978, intended for export or supplied for consumption by Her Majesty's forces or a visiting force; nor, subject to specified exceptions, do they apply to condensed milk and dried milk products specially prepared for infant feeding (regulation 3).