STATUTORY INSTRUMENTS

1982 No. 1358

FOOD

MILK AND DAIRIES

The Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) (Amendment) Regulations 1982

Made - - - - -	*22nd September* 1982
Laid before Parliament	*1st October* 1982
Coming into Operation	*1st January* 1983

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Social Services and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 29 and 123 of the Food and Drugs Act 1955**(a)**, and now vested in them**(b)**, and of all other powers enabling them in that behalf, hereby make the following regulations, after consultation in accordance with section 123(6) of the said Act with such organisations as appear to them to be representative of interests substantially affected by the regulations:—

Title, commencement and interpretation

1.—(1) These regulations may be cited as the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) (Amendment) Regulations 1982 and shall come into operation on 1st January 1983.

(2) Any reference in these regulations to a numbered regulation or schedule shall be construed as a reference to the regulation or schedule so numbered in the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) Regulations 1973**(c)**.

Amendment of the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) Regulations 1973

2. The Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) Regulations 1973 shall be amended in accordance with the following provisions of these regulations.

Amendment of regulation 4

3. In regulation 4 the words "Part I, II or III respectively of" shall be deleted.

(a) 1955 c. 16 (4 & 5 Eliz. 2).
(b) S.I. 1968/1699, 1978/272.
(c) S.I. 1973/1064.

Insertion of regulation 8

4. After regulation 7 there shall be inserted the following regulation:—

"**8.** In any proceedings for an offence against these regulations in respect of an act committed after 31st December 1982 and before 1st July 1983 in relation to semi-skimmed milk or skimmed milk which has been subjected to treatment by the ultra high temperature method it shall be a defence for the defendant to prove that the matters constituting the offence would not have constituted an offence against these regulations if these regulations had not been amended by the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) (Amendment) Regulations 1982.".

Amendment of Schedule 3

5.—(1) In paragraph 3 of Part I of Schedule 3 for the words "two fluid ounces" there shall be substituted "60 ml".

(2) In paragraph 1(1)(b) of Part III of Schedule 3 for "3 oz. sample bottle" there shall be substituted "sample bottle with a capacity of at least 80 ml".

(3) In paragraph 1(a) of Part V of Schedule 3 for "1 fl. oz." there shall be substituted "28 ml".

(4) In paragraph 1(b) of Part V of Schedule 3 after the word "tubes" there shall be inserted the words "conforming to either British Standard 625:1959 or British Standard 3218: 1982, nominal size 150/16,".

(5) For paragraph 2(f) of Part V of Schedule 3 there shall be substituted the following:—

"(f) The medium shall be distributed in 5 ml quantities in test tubes conforming to either British Standard 625: 1959 or British Standard 3218: 1982, nominal size 150/16, or in 28 ml McCartney bottles and autoclaved at 121°C for 15 minutes.".

(6) In paragraph 6(c) of Part V of Schedule 3 for "1 oz." there shall be substituted "28 ml".

Amendment of Schedule 4

6. For Schedule 4 there shall be substituted the schedule set out in the Schedule to these regulations.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th September 1982.

L.S.

Peter Walker,
Minister of Agriculture, Fisheries and Food.

Norman Fowler,
21st September 1982. Secretary of State for Social Services.

Michael Roberts,
22nd September 1982. Parliamentary Under-Secretary of State for Wales.

SCHEDULE Regulation 6

NEW SCHEDULE 4 TO THE MILK AND DAIRIES (SEMI-SKIMMED AND SKIMMED MILK) (HEAT TREATMENT AND LABELLING) REGULATIONS 1973

SCHEDULE 4 Regulation 4

Requirements as to Labelling of Containers of Heat Treated Semi-skimmed and Skimmed Milk

General labelling requirement

1. Subject to the following provisions of this Schedule, every container in which milk which has been pasteurised, sterilised or treated by the ultra high temperature method is sold shall be marked or labelled with—

(*a*) the name of the semi-skimmed milk or skimmed milk;

(*b*) an indication of minimum durability;

(*c*) the name or business name and an address or registered office of the milk processor or packer, or of a seller established within the European Economic Community; and

(*d*) particulars of the place of origin or provenance of the semi-skimmed milk or skimmed milk if failure to give such particulars might mislead a purchaser to a material degree as to the true origin or provenance of the semi-skimmed milk or skimmed milk;

unless the semi-skimmed milk or skimmed milk is intended for export to any place outside the United Kingdom.

Name of the semi-skimmed milk or skimmed milk

2.—(1) The name of the semi-skimmed milk or skimmed milk shall be "Milk" qualified by—

(*a*) the expression "Semi-skimmed" or "Skimmed", as is appropriate, and

(*b*) the expression "Pasteurised", "Sterilised" or "Ultra Heat Treated" (or "U.H.T."), as is appropriate.

(2) The name may be further qualified by other words which make it more precise, and any such other words may (but need not) appear between the various parts of the name prescribed in sub-paragraph (1) of this paragraph.

Indication of minimum durability

3.—(1) Subject to the following sub-paragraphs of this paragraph, the minimum durability of semi-skimmed milk or skimmed milk shall be indicated by—

(*a*) the words "best before" followed by the date up to and including which the semi-skimmed milk or skimmed milk can reasonably be expected to retain its specific properties if properly stored, and

(*b*) any storage conditions which need to be observed if the semi-skimmed milk or skimmed milk is to retain its specific properties until that date.

(2) The date in the indication of minimum durability shall be expressed in terms of a day, month and year, in that order, except that—

(*a*) in the case of semi-skimmed milk or skimmed milk which can reasonably be expected to retain its specific properties for three months or less, it may be expressed in terms of a day and month only, and

(*b*) in the case of semi-skimmed milk or skimmed milk which can reasonably be expected to retain its specific properties for more than three months, it may be expressed in terms of a month and year only, if the words "best before" are replaced by the words "best before end".

(3) The date up to and including which semi-skimmed milk or skimmed milk can reasonably be expected to retain its specific properties if properly stored may appear on the labelling of the semi-skimmed milk or skimmed milk separately from the words "best before" or "best before end", as the case may be, provided that those words are followed by a reference to the place where the date appears.

(4) In the case of semi-skimmed milk or skimmed milk which is intended for consumption within six weeks of being packed, the minimum durability of the semi-skimmed milk or skimmed milk may be indicated by—

(*a*) the words "sell by"—

(i) followed (subject to sub-paragraph (5) of this paragraph) by the latest recommended date of sale of the semi-skimmed milk or skimmed milk, expressed in terms of a day and month, and

(ii) immediately preceded or immediately followed by an indication of the period from the date of purchase for which the semi-skimmed milk or skimmed milk can reasonably be expected to retain its specific properties if properly stored, and

(*b*) any storage conditions which need to be observed if the semi-skimmed milk or skimmed milk is to retain its specific properties for the period referred to in paragraph (*a*)(ii) of this sub-paragraph.

(5) Where the minimum durability of semi-skimmed milk or skimmed milk is indicated in the manner permitted by sub-paragraph (4) of this paragraph, the latest recommended date of sale may appear on the labelling of the semi-skimmed milk or skimmed milk separately from the words "sell by", provided that those words are followed by a reference to the place where the date appears.

Field of vision

4.—(1) Where a container of semi-skimmed milk or skimmed milk is required to be marked or labelled with an indication of minimum durability, that indication shall appear in the same field of vision as the particulars specified in paragraph 1(*a*) of this Schedule.

(2) Where a container of semi-skimmed milk or skimmed milk is required by the Weights and Measures Acts 1963 to 1979**(a)** or by any statutory instrument made thereunder to be marked or labelled with an indication of net quantity, that indication shall appear in the same field of vision as the particulars specified in paragraph 1(*a*) of this Schedule and, if the container is also required to be marked or labelled with an indication of minimum durability, in the same field of vision as the indication of minimum durability.

Manner of marking or labelling

5.—(1) The particulars with which containers of semi-skimmed milk or skimmed milk are required to be marked or labelled in accordance with this Schedule shall be easy to understand, clearly legible and indelible and the said particulars shall be marked in a conspicuous place in such a way as to be easily visible.

(2) The said particulars shall not in any way be hidden, obscured or interrupted by any other written or pictorial matter.

(3) Where the container is a bottle, the said particulars may appear on the bottle cap.

Exemptions

6.—(1) Bottles intended for re-use need not be marked or labelled with any of the particulars specified in paragraph 1 of this Schedule except the particulars specified in paragraph 1(*a*) and (*d*).

(a) 1963 c. 31, 1976 c. 77, 1979 c. 45.

(2) Any container of semi-skimmed milk or skimmed milk whose largest surface has an area of less than ten square centimetres need not be marked or labelled with any of the particulars specified in paragraph 1 of this Schedule except the particulars specified in paragraph 1(*a*), (*b*) and (*d*).

(3) The container of any semi-skimmed milk or skimmed milk which—

(*a*) is sold at a catering establishment for immediate consumption there, and

(*b*) is sold as one individual portion, and

(*c*) is intended as an accompaniment to another food,

need not be marked or labelled with any of the particulars specified in paragraph 1 of this Schedule except the particulars specified in paragraph 1(*a*) and (*d*).

(4) The container of any semi-skimmed milk or skimmed milk which is prepacked for direct sale need not be marked or labelled with any of the particulars specified in paragraph 1 of this Schedule except the particulars specified in paragraph 1(*a*) and (*d*).

Definitions

7. In this Schedule—

"catering establishment" means a restaurant, canteen, club, public house, school, hospital or other establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer for immediate consumption;

"prepacked for direct sale", in relation to semi-skimmed milk or skimmed milk, means put into containers on the premises where the semi-skimmed milk or skimmed milk is produced by the person owning or having control of the herd from which the semi-skimmed milk or skimmed milk is produced for sale by him on those premises or from a vehicle used by him; and

"ultimate consumer" means any person who buys otherwise than—

(*a*) for the purpose of resale,

(*b*) for the purposes of a catering establishment, or

(*c*) for the purposes of a manufacturing business.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These regulations amend the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) Regulations 1973 ("the 1973 regulations"), which apply to England and Wales only, so as to implement, so far as concerns semi-skimmed milk and skimmed milk,—

(i) Council Directive No. 71/354/EEC (O.J. No. L.243, 29.10.71, p. 29; O.J./S.E. 1971 (III) p. 878), as amended by Council Directive No. 76/770/EEC (O.J. No. L.262, 27.9.76, p. 204) on the approximation of the laws of the Member States relating to units of measurements, and

(ii) Council Directive No. 79/112/EEC (O.J. No. L.33, 8.2.79, p. 1) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer (apart from the provisions of that directive relating to presentation and net quantity).

In implementation of Council Directive No. 71/354/EEC, as amended as aforesaid, the regulations substitute references to metric units for references to imperial units in the 1973 regulations (regulations 2 and 5).

In implementation of Council Directive No. 79/112/EEC the regulations—

(*a*) require containers of semi-skimmed milk and skimmed milk, subject to certain exceptions, to be marked or labelled with—

the name of the semi-skimmed milk or skimmed milk,

an indication of minimum durability,

the name and address of the processor or packer, or of a seller established within the European Economic Community, and

in certain cases, particulars of the place of origin of the semi-skimmed milk or skimmed milk;

(*b*) specify requirements as to the manner of marking or labelling of containers of semi-skimmed milk or skimmed milk; and

(*c*) make consequential amendments to the 1973 regulations (regulations 2 to 4 and 6 and the Schedule). The exceptions include bottles intended for re-use, which are exempt from the requirement to be marked or labelled with an indication of minimum durability and from the name and address requirement.

The regulations come into operation on 1st January 1983, but the effect of regulation 4 is that ultra heat treated semi-skimmed milk and ultra heat treated skimmed milk need not comply with the new requirements until 1st July 1983.

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