

EMERGENCY POWERS (DEFENCE)

Food (Labelling)

THE LABELLING OF FOOD (No. 2) ORDER, 1944.

DATED DECEMBER 28, 1944.

In exercise of the powers conferred upon him by Regulation 2 of the Defence (Sale of Food) Regulations, 1943(a), and of all other powers him enabling, the Minister of Food hereby makes the following Order:—

1.—(1) In this Order—

Inter-
pretation.

“ The Minister ” means the Minister of Food.

“ Advertisement ” includes any notice, circular, label, wrapper or other document, and any public announcement made orally or by any means of producing or transmitting light or sound.

“ Food ” means any article used as food or drink for human consumption and includes any substance which is intended for use in the composition or preparation of food, any flavouring, sweetening matter or condiment, and any colouring matter intended for use in food, and an article shall not be deemed not to be food by reason only that it is also capable of being used as a medicine.

“ Food imported on government account ” means food imported into the United Kingdom the property in which was at the time of importation vested in, or which was at that time consigned directly to, His Majesty or a government department, or a person acting as agent for His Majesty or a government department, in connection with any of the purposes specified in sub-section (1) of section one of the Emergency Powers (Defence) Act, 1939.

“ Pre-packed ” means packed or made up in advance ready for retail sale in a wrapper or container, and—

(a) where any food packed or made up in a wrapper or container is found on any premises where such food is packed, kept or stored for sale, the food shall be deemed to be pre-packed unless the contrary is proved, and it shall not be sufficient proof of the contrary to show that the food had not been labelled in accordance with the provisions of this Order;

(b) the expression “ pre-packed ” shall be construed accordingly.

“ Public Analyst ” has the same meaning as in the Food and Drugs Act, 1938. 1 & 2 Geo. 6.
c. 56.

“ Retail sale ” means any sale to a person buying otherwise than for the purpose of re-sale, but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business.

(2) Any reference in this Order to a label marked on a wrapper or container shall be construed as including a reference to any legible marking on the wrapper or container however effected.

(3) Where any food is referred to in this Order, any description or definition of that food in any other Order of the Minister for the time being in force shall, unless a contrary intention appears, apply for the purposes of this Order and if such food is described or defined in an Order of the Minister regulating prices and also in any other Order of the Minister, only the description or definition mentioned in the first-mentioned Order shall apply for the purposes of this Order.

(4) References in this Order to any Order or Regulations shall be construed as referring to that Order or those Regulations as amended by any subsequent Order or Regulations whether made before or after the making of this Order and, if any Order or Regulations referred to in this Order is or are replaced by any such subsequent Order or Regulations the references shall be construed as referring to that subsequent Order or those subsequent Regulations.

Require-
ments as to
the retail
sale of pre-
packed
food.

2.—(1) Subject to the provisions of this Article and to the exemptions specified in the First Schedule to this Order, no person shall sell by retail or display for sale by retail any pre-packed food, unless there appears on a label marked on or securely attached to the wrapper or container a true statement as to the matters hereafter mentioned in this Article.

The said statement shall be clearly legible and shall appear conspicuously and in a prominent position on the label, and if the food is pre-packed in more than one wrapper or container, the label shall be marked on or attached to the innermost wrapper or container and, if it is not clearly legible through the outermost wrapper or container, a label bearing a like statement shall be marked on or securely attached to, or be clearly legible through, the outermost wrapper or container. For the purposes of this provision, a "liner" (that is to say, a plain immediate wrapping which under ordinary conditions of use would not be removed from the next outer wrapper or container) shall not be counted as a wrapper or container.

(2) The said statement must specify the name of either the packer or the labeller of the food and an address at which such person carries on business:

Provided that—

- (a) where the food is packed or labelled on behalf of or on the instructions of another person and such other person carries on business at an address in the United Kingdom, the statement may specify the name and the said address of that other person instead of the name and address of the packer or labeller, as the case may be;
- (b) it shall be sufficient if instead of the particulars specified in this paragraph there appears prominently on the label a trade mark (other than a certification trade mark) of which there is in the Trade Marks Register kept under the authority of the Trade Marks Act, 1938, a subsisting entry in respect of such food, and if there is associated therewith on the label the words "Registered Trade Mark".

1 & 2 Geo. 6.
c. 22.

(3) The said statement must also specify—

- (a) in the case of a food consisting of one ingredient the appropriate designation of the ingredient;
- (b) in the case of a food made of two or more ingredients the common or usual name (if any) of the food and the appropriate designation

of each ingredient, and, unless the quantity or proportion of each ingredient is specified, the ingredients shall be specified in the order of the proportion in which they were used, the ingredient used in the greatest proportion (by weight) being specified first:

Provided that—

- (i) it shall not be necessary to state that the food contains water;
- (ii) where a food contains an ingredient which is made from two or more constituents, the appropriate designations of those constituents shall be so specified and it shall not be necessary to specify the appropriate designation of that ingredient.

For the purposes of this paragraph "appropriate designation" means a name or description, being a specific and not a generic name or description, calculated to indicate to a prospective purchaser the true nature of the ingredient or constituent to which it is applied.

(4) The said statement must also specify the minimum quantity of the food in the wrapper or container expressed in terms either of net weight or of measure:

Provided that in any case where the weight of the wrapper or container is permitted by section four of the Sale of Food (Weights and Measures) Act, 1926, to be included in the weight purported to be sold and complies with the requirements of that section, it shall be a sufficient compliance with this paragraph if the statement specifies the minimum weight of the food with its wrapper or container.

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Geo. 5.
c. 63.

(5) Paragraphs (1) to (4) of this Article shall not apply—

- (a) to any food packed in advance by a retailer in a wrapper or container on the premises where it is sold by him, provided that the exemption contained in this sub-paragraph shall not apply if the wrapper or the container or any label given with the food bears any words referring in any way to the food other than such as are necessary to identify the food or to indicate the quantity or price thereof;
- (b) to any food imported on government account which is still contained in the wrapper or container in which it was so imported;
- (c) to any food packed specially for consumption by His Majesty's Forces or the Forces of any of His Majesty's Allies or Co-belligerents;
- (d) to any assortment of foods packed for sale as a meal and ready for consumption without cooking, heating or other preparation;
- (e) to any food intended at the time of sale for export from the United Kingdom or for use as ships' stores.

(6) Where any food is pre-packed in a wrapper or container containing less than one-half of an ounce or less than one-half of a fluid ounce, as the case may be, and owing to insufficient space on the wrapper or container it is not reasonably practicable for all the particulars specified in paragraphs (2) to (4) of this Article to appear on the label, it shall only be necessary to specify such of those particulars as it is reasonably practicable to specify, and they shall be specified in the following order of priority, that is to say, the particulars required by paragraph (3) shall be specified first, and the particulars required by paragraph (4) shall be specified next.

Requirements as to sales of pre-packed food otherwise than by retail.

3.—(1) Every seller who delivers any pre-packed food pursuant to a sale otherwise than by retail shall either—

- (a) deliver the food labelled in the manner prescribed by Article 2 of this Order in relation to a retail sale of such food; or
- (b) deliver the food unlabelled and furnish to the purchaser not later than 14 days after the delivery an invoice or other document containing a statement of such particulars as may be necessary to enable a retail trader to comply with the provisions of paragraphs (3) and (4) of Article 2 of this Order.

For the purposes of this paragraph pre-packed food shall be regarded as unlabelled only if no words or marking referring in any way to the food appear on the wrapper or container or on any label printed thereon or attached thereto, save that the food shall not be regarded as labelled merely by reason that the wrapper or container has been marked at the time of packing with such words or other marking as are reasonably necessary to identify the goods.

(2) The preceding paragraph of this Article shall not apply in the case of any food specified in paragraph (5) of Article 2 of this Order or in Table B in the First Schedule to this Order.

Defacing of labels.

4. No person shall remove, add to, alter, deface or render illegible any statement upon a label printed on or attached to a wrapper or container in pursuance of Articles 2, 3 or 5 of this Order:

Provided that it shall be a defence in any proceedings for an infringement of this Article for the defendant to prove either—

- (a) that the food was in his possession at the time of the infringement otherwise than for sale; or
- (b) that he acted without intent to deceive.

Special requirements where presence of vitamins or minerals claimed.

5.—(1) Subject to the provisions of this Article no person shall—

- (a) give with any food sold by him a label, whether attached to or printed on the wrapper or container or not, which makes a general claim that vitamins or minerals are present in the food;
- (b) have in his possession for sale any pre-packed food which bears such a label as aforesaid; or
- (c) publish, or be a party to the publication of an advertisement of any food which makes any such general claim as aforesaid;

unless the food contains, in the case of a claim as to vitamins, one or more of the substances specified in the first column of Part I of the Second Schedule to this Order or, in the case of a claim as to minerals, one or more of the substances specified in the first column of Part II of that Schedule, and the label or advertisement, as the case may be, specifies in the manner prescribed in the said Schedule the minimum quantity of every such substance contained in each ounce or fluid ounce of the food:

(2) Subject to the provisions of this Article no person shall—

- (a) give with any food sold by him a label, whether attached to or printed on the wrapper or container or not, which claims or in any way suggests that any particular substance or substances specified in the first column of the Second Schedule to this Order is or are present in the food;

(b) have in his possession for sale any pre-packed food, which bears such a label as aforesaid; or

(c) publish, or be a party to the publication of, an advertisement of any food which makes any such claim or suggestion as aforesaid;

unless the label or advertisement, as the case may be, specifies in the manner prescribed in the said Schedule the minimum quantity of every such substance contained in each ounce or fluid ounce of the food:

Provided that the requirements of this paragraph shall not apply in relation to a substance specified in Part II of the said Schedule if the only claim or suggestion that the substance is present in a food is contained in a statement of the ingredients of that food made on the label thereof in order to comply with the provisions of Articles 2 or 3 of this Order.

(3) The provisions of this Article shall not apply to—

(a) fruit and vegetables, including fruit and vegetables which have been preserved by freezing or by gas or cold storage or by any other method of storage, but excluding fruit or vegetables which have been canned or bottled or preserved otherwise than as aforesaid;

(b) liquid cow's milk (not including condensed milk);

(c) shell eggs;

(d) fish of any description, including shell fish and processed fish, but not including canned or bottled fish or any manufactured product containing fish;

(e) any food served by a caterer as a meal or part of a meal in the course of his catering business.

(4) In any proceedings for an offence against this Article 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.

(5) In any such proceedings as aforesaid against the manufacturers, producers or importers of the advertised food, it shall rest on the defendant to prove that he did not publish and was not a party to the publication of, the advertisement.

(6) In any proceedings for an offence against this Article in respect of a failure to specify the required particulars in an advertisement of any food, it shall be a defence for the defendant to prove that he took all reasonable steps to secure, by the pre-packing of the food, that it would not be sold without a label specifying these particulars.

(7) This Article shall be without prejudice to the requirements of Articles 2 and 3 of this Order.

(8) This Article, except so far as it relates to advertisements, shall not apply—

(a) to any food imported on Government account which is still contained in the wrapper or container in which it was so imported;

(b) to any food packed specially for consumption by His Majesty's Forces or the Forces of any of His Majesty's Allies or Co-belligerents;

(c) to any food intended for export from the United Kingdom or for use as ship's stores.

Infringe-
ments in
respect of
weight or
measure.

6.—(1) In any proceedings for an infringement of Articles 2 or 3 of this Order in respect of the weight or measure of any pre-packed articles of food the court shall disregard any inconsiderable variation in the weight or measure of a single article, and shall have regard to the average weight or measure of a reasonable number of other articles of the same kind (if any) sold by the defendant, or in his possession for the purpose of sale, on the same occasion, and generally to all the circumstances of the case.

(2) In any proceedings for an infringement of Articles 2 or 3 of this Order in respect of the weight or measure of any pre-packed articles of food it shall be a defence for the defendant to prove either—

- (a) that the offence was due to a bona fide mistake or accident or to other causes beyond his control and that he took all reasonable precautions and exercised all due diligence to prevent the offence; or
- (b) that the alleged deficiency was due to unavoidable evaporation and that due care and precaution had been taken to avoid such deficiency.

Defences.

7.—(1) Where in any prosecution a person is charged with an infringement of Articles 2, 3 or 5 of this Order in respect of the sale or displaying or possession for sale of any pre-packed food and the alleged offence relates to the inaccuracy or omission of any particular required to be shown on a label marked on or attached to a wrapper or container or otherwise given with the food pursuant to any of the said Articles or in a statement furnished by the defendant pursuant to the said Article 3, it shall be a defence for him to prove—

- (a) that he purchased the food in the wrapper or container in which he sold it from a person carrying on business at an address in the United Kingdom, and that the wrapper or container had remained unopened;
- (b) that such particular was shown on or omitted from (as the case may be) the label when the food was purchased by him or shown on or omitted from (as the case may be) a statement furnished to him in respect of that food pursuant to the said Article 3; and
- (c) that at the time of the alleged infringement he had no reason to believe that this Order was being infringed.

Provided that a person shall not be entitled to avail himself of the defence provided by this Article unless within fourteen days of the service of the summons he has sent to the prosecutor a copy of the label or statement upon which he intends to rely with a notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it and has also sent a like notice of his intention to that person.

(2) The person by whom any such label or statement is alleged to have been given shall be entitled to appear at the hearing and to give evidence.

(3) Where the defendant is a servant of the person who purchased the article with such a label or statement he shall be entitled to rely on the provisions of this Article in the same way as his employer would have been entitled to do if he had been the defendant.

Right of
defendant
to summon
person
responsible
for offence.

8.—(1) A person against whom proceedings are brought in respect of an infringement of this Order shall, upon information duly laid by him and on giving to the prosecution not less than three clear days' notice

of his intention, be entitled to have any person to whose act or default he alleges that the contravention of the provisions in question was due brought before the court in the proceedings, and, if, after the contravention has been proved, the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence, and, if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.

(2) Where a defendant seeks to avail himself of the provisions of the preceding paragraph—

(a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence;

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) Where it appears to the Minister or other authority entitled to bring proceedings for an infringement of this Order, that an offence has been committed, in respect of which proceedings might be taken for an infringement of this Order against some person and the Minister or other authority is reasonably satisfied that the offence of which complaint is made was due to an act or default of some other person and that the first-mentioned person could establish a defence under paragraph (1) of this Article, he or they may cause proceedings to be taken against that other person without first causing proceedings to be taken against the first-mentioned person.

In any such proceedings the defendant may be charged with and, on proof that the contravention was due to his act or default, be convicted of, the offence with which the first-mentioned person might have been charged, and shall be liable on conviction to the like punishment as might have been inflicted on the first-mentioned person if he had been convicted of the offence.

9.—(1) In any proceedings in respect of an infringement of this Order, the production by one of the parties of (i) a document purporting to be a certificate of a public analyst or the Government Chemist or (ii) a document supplied to him by the other party as being a copy of such a certificate shall be sufficient evidence of the facts stated therein, unless in the case mentioned under head (i) above the other party requires that the person making the analysis shall be called as a witness.

Certificate
of public
analyst.

(2) In any such proceedings—

(a) if the prosecution intends to produce a certificate of a public analyst or the Government Chemist, a copy of such certificate shall be served with the summons; and

(b) if a defendant intends to produce a certificate of a public analyst or the Government Chemist, or to require that the person making the analysis shall be called as a witness, he shall give to the other party at least three clear days' notice of his intention,

and if any of these requirements is not complied with, the court may if it thinks fit, adjourn the hearing on such terms as it deems proper.

Enforcement by Weights and Measures Authorities.

10. Proceedings in the area of a local authority for the purposes of the Weights and Measures Acts, 1878-1936, for an infringement of this Order in respect of the weight or measure of any pre-packed food may be instituted in England by that authority.

Saving for other Orders, Acts, etc.

11. Nothing in this Order shall relieve any person from complying with the provisions of any other Order or with the provisions of any Act of Parliament, Order in Council, regulation or bye-law for the time being in force, and in particular, where any provisions as to the labelling of food appear in any other Order of the Minister, it shall be necessary to comply with the provisions both of such other Order and of this Order.

Application to Scotland.

12. This Order shall in its application to Scotland have effect subject to the following modifications:—

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c. 31.

(a) for any reference to a summons and a defendant there shall be respectively substituted references to a complaint and a person accused;

(b) "public analyst" has the same meaning as in the Food and Drugs (Adulteration) Act, 1928;

(c) for Article 8 there shall be substituted the following Article:—

"8. Where an offence has been committed in respect of which proceedings might be taken for an infringement of this Order against some person and the offence was due to an act or default of some other person, then, whether proceedings are or are not taken against the first-mentioned person, that other person may be charged with and convicted of the offence, and shall be liable on conviction to the like punishment as might have been inflicted on the first-mentioned person if he had been convicted of the offence."

(d) for the references to the Public Health (Preservatives, etc., in Food) Regulations, 1925 to 1940, to the Public Health (Preservatives, etc., in Food) Regulations, 1925, and to paragraph 1 of the Second Schedule to the Public Health (Preservatives, etc., in Food) Regulations, 1925, there shall be respectively substituted references to the Public Health (Preservatives, etc., in Food) Regulations (Scotland), 1925 to 1940(a), to the Public Health (Preservatives, etc., in Food) Regulations (Scotland), 1925, and to paragraph 1 of the Second Schedule to the Public Health (Preservatives, etc., in Food) Regulations (Scotland), 1925; for the reference to the Public Health (Condensed Milk) Regulations, 1923 and 1927, there shall be substituted a reference to the Public Health (Condensed Milk) Regulations (Scotland), 1931(b), and for the reference to the Public Health (Dried Milk) Regulations, 1923 and 1927, there shall be substituted a reference to the Public Health (Dried Milk) Regulations (Scotland), 1931(c).

Application to Northern Ireland.

13.—(1) This Order shall, in its application to Northern Ireland, have effect subject to the following modifications:—

(a) the expression "Department of His Majesty's Government" shall include a Department of the Government of Northern Ireland;

(a) S.R. & O. 1925 (No. 814) p. 1404; 1926 (No. 1603) p. 1188; 1927 (No. 623) p. 462; and 1940 (No. 649) I, p. 896.

(b) S.R. & O. 1931 (No. 116) p. 1103.

(c) S.R. & O. 1931 (No. 1) p. 1111.

- (b) the proviso to paragraph (4) of Article 2 shall apply as if the Sale of Food (Weights and Measures) Act, 1926, extended to Northern Ireland; 16 & 17
Geo. 5.
c. 63.
- (c) for any reference to the Government Chemist there shall be substituted a reference to the Government Chemist for Northern Ireland;
- (d) the expression " public analyst " means a public analyst appointed under the Sale of Food and Drugs Act (Northern Ireland), 1875 to 1939;
- (e) for the references to the Public Health (Preservatives, etc., in Food) Regulations, 1925 to 1940, to the Public Health (Preservatives, etc., in Food) Regulations, 1925, and to paragraph 1 of the Second Schedule to those Regulations, there shall be substituted references to the Public Health (Preservatives, etc., in Food) (Northern Ireland) Regulations, 1927 to 1940, to the Public Health (Preservatives, etc., in Food) (Northern Ireland) Regulations, 1927(a), and to the provisions thereof corresponding to paragraph 1 of the said Second Schedule;
- (f) for the reference to the Public Health (Condensed Milk) Regulations, 1923 and 1927, there shall be substituted a reference to the Public Health (Condensed Milk) Regulations, 1925 and 1927 (S.R. & O. (N.I.) 1925 No. 169 and 1927 No. 151);
- (g) for the reference to the Public Health (Dried Milk) Regulations, 1923 and 1927, there shall be substituted a reference to the Public Health (Dried Milk) Regulations, 1925 and 1927 (S.R. & O. (N.I.) 1925 No. 168 and 1927 No. 152).
- (2) Proceedings for an infringement of this Order in respect of the weight or measure of any pre-packed food may be instituted in Northern Ireland by the Ministry of Commerce.

14.—(1) The provisions of this Order are subject to any direction which may at any time be given by or on behalf of the Minister, and to any licences or authorisations which may be granted by or on behalf of the Minister under this Order. Directions
and
licences.

(2) Every person holding a licence or authorisation granted under this Order shall comply with every condition imposed by such licence or authorisation.

15. Infringements of this Order are offences against the Defence (Sale of Food) Regulations, 1943. Infringe-
ments.

16. The Labelling of Food Order, 1944(b), is hereby revoked. Revocation

17.—(1) The provisions of this Order shall come into force on the days specified in the Third Schedule to this Order. Commence-
ment and
citation.

(2) This Order may be cited as the Labelling of Food (No. 2) Order, 1944.

By Order of the Minister of Food.

H. L. French,
Secretary to the Ministry of Food.

Dated the 28th day of December, 1944.

(a) S.R. & O. (N.I.) 1927 (No. 18) p. 150.

(b) S.R. & O. 1944 No. 738.

THE FIRST SCHEDULE

FOODS EXEMPT OR PARTLY EXEMPT FROM ARTICLE 2 OF THE ORDER

The foods specified in the first column of Table A below shall be exempt from such of the provisions of Article 2 of the Order as are specified in the second column of the Table, to the extent shown in the third column of the Table.

TABLE A

Column 1	Column 2	Column 3
Description of Food	Provision of Article 2 from which exempt	Extent of exemption
1. Any food specified in Table B below, when pre-packed for sale as such.	The whole Article.	Wholly exempt.
2. National flour Sugar Yeast Unfermented apple juice and soft drinks in solid, semi-solid or powder form.	Paragraph (2)	Wholly exempt.
3. Specified foods within the meaning of the Meat Products, Canned Soup and Canned Meat (Control and Maximum Prices) Order, 1944 (a), except meat paste or fish paste, ox or calf tongue and soup.	Paragraph (2)	Exempt so far as is necessary to enable the product to comply with proviso (ii) of Article 14 of the Order in Column 1.
4. Spices— (a) when pre-packed for sale as such, other than spices consisting of a single ingredient; (b) when forming an ingredient of some other food; Any deodorised fatty oil, whether hydrogenated or not, when forming an ingredient of some other food. Colourings, when forming an ingredient of some other food.	Paragraph (3)	Exempt to the extent that they may be designated as spices, colourings, edible oil or edible fat (as the case may be) without further specification as to their common or usual name or as to composition.
5. Colourings, when pre-packed for sale as such.	Paragraph (3)	Exempt to the extent that the colouring ingredients may be designated without further specification— (a) unless of synthetic origin, as "colour," or (b) if of synthetic origin, as "synthetic colour" or "artificial colour."

Column 1	Column 2	Column 3
<p>6. Flavourings, as defined at the foot of this Table—</p> <p>(a) when pre-packed for sale as such, other than flavourings consisting of a single ingredient ;</p> <p>(b) when forming an ingredient of some other food.</p>	<p>Paragraph (3)</p> <p>Paragraph (3)</p>	<p>Exempt to the extent that the ingredients need not be specified.</p> <p>Exempt to the extent that they may be designated either as "flavourings" or as "flavouring essences" or by their common or usual name without further specification as to composition.</p>
<p>7. Speciality flour whether pre-packed for sale as such or forming an ingredient of some other food.</p>	<p>Paragraph (3)</p>	<p>Exempt to the extent that ingredients or constituents which for the purposes of the Flour Order, 1944, are authorised ingredients of national flour or "M" flour need not be specified, if they are present only in quantities not greater than those in which they are customarily present in national flour or "M" flour.</p>
<p>8. Preservatives as defined in the Public Health (Preservatives, etc., in Food) Regulations, 1925—</p> <p>(a) pre-packed for sale as such, or</p> <p>(b) forming an ingredient of one of the foods specified in paragraph 1 of the Second Schedule to those Regulations.</p>	<p>Paragraph (3)</p>	<p>Wholly exempt but the label must comply with the requirements of the Public Health (Preservatives, etc., in Food) Regulations, 1925-1940.</p>
<p>9. Any food specified in Column 1 of Table C below if the food is pre-packed for sale as such and complies as regards composition with the requirements of the Order specified in relation thereto in Column 2 of that Table.</p> <p>Any of the following, when pre-packed for sale as such :—</p> <p>Biscuits</p> <p>Condensed milk as defined by the Public Health (Condensed Milk) Regulations, 1923 and 1927.</p> <p>Curry Powders</p> <p>National flour</p> <p>Pickles and sauces, other than salad cream, mayonnaise and sandwich spread.</p>	<p>Paragraph (3)</p>	<p>Exempt to the extent that the ingredients need not be specified.</p>

Column 1	Column 2	Column 3
<p>10. Any of the following, when forming an ingredient of some other food :— Any food specified in entry No. 9 in this column or in Table B below " M " flour Any preparation which is the subject of a monograph in the 1932 or any later issue of the British Pharmacopoeia, including the Addenda thereto, or in the formulary section of the 1934 or any later issue of the British Pharmaceutical Codex, including supplements thereto</p>	<p>Proviso (ii) to paragraph (3)</p>	<p>Exempt to the extent that it may be designated by its appropriate designation without specifying the appropriate designation of its constituents.</p>
<p>11. Biscuits when sold or to be sold by the packet or by the piece at a price not exceeding 3d. per packet or piece Condensed milk, as defined by the Public Health (Condensed Milk) Regulations, 1923 and 1927(a) Dried Milk, as defined by the Public Health (Dried Milk) Regulations, 1923 and 1927(b), including sweetened or modified dried milk, and compounded dried milk Standard saccharin tablets Sweetening tablets</p>	<p>Paragraph (4)</p>	<p>Wholly exempt.</p>

Note.—For the purposes of entry No. 6 above, the expression "flavouring" means any product which complies with the following conditions :—

- (a) it must have aromatic properties ;
- (b) where it is an ingredient of any food it shall have been added primarily for flavouring purposes and where it is packed for sale as such it shall be intended for use primarily for such purposes ; and
- (c) it shall consist of an essential oil, natural gum, gum resin, oleo-resin, a chemical having flavouring property, or any vegetable extractive, or a mixture of any of these, and it may also contain one or more of the following (but no other) ingredients :—

- (i) fruit juice ;
- (ii) such other substances as are reasonably necessary to produce a solid, a solution or an emulsion from the aforementioned ingredients ;

but the expression shall be deemed not to include any preparation of yeast, coffee or chicory, any soft drink, or any substance prepared by the hydrolysis of protein-containing materials.

(a) S.R. & O. 1923 (No. 509) p. 894, and 1927 (No. 1092) p. 457.

(b) S.R. & O. 1923 (No. 1323) p. 900, and 1927 (No. 1093) p. 459.

TABLE B

(Foods wholly exempt from Article 2 when pre-packed for sale as such and partly exempt when forming an ingredient of some other food)

Bread (not including breadcrumbs).
 Butter and milk blended butter.
 Cheese, including processed cheese, blue vein, soft curd or cream cheese and cheese made from milk other than cow's milk.
 Compound cooking fat.
 Flour confectionery.
 Intoxicating liquor, that is to say, spirits, wine, beer, porter, cider, perry and sweets and any fermented, distilled or spirituous liquor which cannot be lawfully sold without an excise licence.
 Liquid cow's milk (other than condensed milk).
 Margarine (not including vegetarian butter).
 Meat pies.
 Soft drinks, if specified in Part I of the First Schedule to the Soft Drinks Order, 1943(a).
 Still spa water.
 Sugar confectionery, chocolate and chocolate confectionery.

TABLE C

(Foods of which the ingredients need not be specified, but the food must comply as regards composition with the requirements of the Orders in Column 2)

Column 1	Column 2
Any food for which a standard is prescribed by an Order under Regulation 2 of the Defence (Sale of Food) Regulations, 1943	The Order prescribing the standard.
Canned fruit, if specified in Part I of the First Schedule to the Order in Column 2	The Canned Fruit and Vegetables Order, 1944(b).
Christmas puddings	Order, dated September 11, 1943, prescribing appointed days under the Manufactured and Pre-packed Foods (Control) Order, 1942, and granting a General Licence thereunder (S.R. & O. 1943 No. 1318)(c).
Fish cakes	The Fish Cakes (Maximum Prices) Order, 1943(d).
Meat or fish paste (canned or otherwise)	The Meat Products, Canned Soup and Canned Meat (Control and Maximum Prices) Order, 1944(e).
Meat roll or galantine (canned or otherwise)	
Canned ready or prepared meal	
Canned soup	The Saccharin (Control and Maximum Prices) Order, 1944(f).
Beef sausages, pork sausages, slicing sausage, beef sausage meat and pork sausage meat (other than canned)	
Standard saccharin tablets	
Sweetening tablets	

(a) S.R. & O. 1943 (No. 838) II, p. 1436.

(b) S.R. & O. 1944 No. 135.

(d) S.R. & O. 1943 (No. 1593) II, p. 1121.

(f) S.R. & O. 1944 No. 69.

(c) S.R. & O. 1943 (No. 1318) II, p. 798.

(e) S.R. & O. 1944 No. 763.

THE SECOND SCHEDULE

PART I

VITAMINS

Column 1	Column 2
Substance	To be calculated as—
Vitamin A <i>Group 1</i>	International units of vitamin A.
Carotene <i>Group 2</i>	International units of vitamin A, on the basis that 0.6 microgram of beta-carotene is equivalent to one international unit of vitamin A.
Vitamin B1 <i>Group 3</i> Aneurin Aneurin hydrochloride Thiamin Thiamin hydrochloride	Milligrams of aneurin hydrochloride.
Vitamin B2 <i>Group 4</i> Riboflavin	Milligrams of riboflavin.
Nicotinic acid, nicotinic acid amide and their active derivatives. <i>Group 5</i> Niacin Niacinamide Nicotinamide	Milligrams of nicotinic acid or the chemically equivalent quantity of nicotinic acid in milligrams.
Vitamin C <i>Group 6</i> Ascorbic acid	Milligrams of ascorbic acid.
Vitamin D <i>Group 7</i>	International units of vitamin D.
Vitamin D2 <i>Group 8</i> Calciferol	International units of vitamin D.
Vitamin D3 <i>Group 9</i>	International units of vitamin D.

The quantity of any substance specified in the first column of the above Table must be calculated in the manner prescribed in relation thereto in the second column, but it shall not be necessary to specify this quantity in terms of the substance named in the second column. It shall be sufficient if such quantity is specified together with a reference to any of the substances in the same group as named in the first column, as if all the names in the group were synonymous. Carotene may be referred to either as Carotene or as vitamin A; vitamin D2, Calciferol and vitamin D3 may be referred to as such or as vitamin D.

PART II

MINERALS

Column 1	Column 2
Substance	To be calculated and specified as—
Calcium	Milligrams of calcium.
Iodine	Micrograms of iodine.
Iron	Milligrams of iron.
Phosphorus	Milligrams of phosphorus.

THE THIRD SCHEDULE

DATE OF COMING INTO FORCE

Column 1	Column 2
Provision of the Order	Date of coming into force
Article 2	1st day of November, 1945.
Article 3—	
(a) as respects the delivery of any food pursuant to a sale by the packer or labeller of the food ;	1st day of May, 1945.
(b) as respects delivery pursuant to any other sale ;	1st day of August, 1945.
Paragraphs (1) and (2) of Article 5—	
(a) as respects advertisements (other than labels) ;	1st day of January, 1945.
(b) as respects food sold otherwise than by retail by the manufacturer thereof, or in his possession for sale otherwise than by retail ;	1st day of May, 1945.
(c) as respects food sold, or in the possession of a person for sale, by retail ;	1st day of November, 1945.
(d) in all other respects	1st day of August, 1945.
The remaining provisions of this Order ...	1st day of January, 1945.

EXPLANATORY NOTE

This Order revokes and re-enacts the provisions of the Labelling of Food Order, 1944 (S.R. & O. 1944 No. 738), and provides for postponement of the date of operation except so far as advertisements are concerned. The following are also among the amendments made:—

- (1) Pre-packed foods must be described in such a manner as to indicate their true nature. Where a complete quantitative disclosure of the ingredients is made, the order in which they are disclosed need no longer be that of the proportion in which they are used. (Article 2 (3).)
- (2) The statement of the minimum quantity of the food must be expressed in terms of net weight or of measure (not of number). (Article 2 (4).)
- (3) Foods packed in advance by retailers on the premises on which they are sold are exempt from the Order provided the label bears no words referring in any way to the food other than such as are reasonably necessary to identify the food or to indicate the quantity or price. (Article 2 (5) (a).)
- (4) When the presence of a mineral is disclosed as an ingredient, in accordance with the requirements of Article 2 (3), but no other claim or suggestion is made as to its presence, it is not necessary to declare the minimum quantity of the mineral present. (Article 5 (2).)
- (5) Liquid milk, shell eggs and fish (in addition to fruit and vegetables) are exempted from the requirements applicable to foods in which the presence of vitamins or minerals is claimed. (Article 5 (3).)

(6) There are a number of amendments to the First Schedule, which contains exemptions from the labelling provisions of the Order in relation to particular foods.

(7) The Second Schedule is amended to indicate the synonyms which may be used in declarations regarding vitamins in a food.

The Order comes into force—

(a) as respects advertisements, on 1st January, 1945;

(b) as respects sales by retail, on 1st November, 1945;

(c) as respects sales by manufacturers or packers, other than sales by retail, on 1st May, 1945;

(d) as respects other sales, on 1st August, 1945.

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