

1956/29



THE FOOD AND DRUG REGULATIONS 1946, AMENDMENT
NO. 11

C. W. M. NORRIE, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 7th day of March 1956

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Food and Drugs Act 1947, the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Food and Drug Regulations 1946, Amendment No. 11, and shall be read together with and deemed part of the Food and Drug Regulations 1946* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the fourteenth day after the date of their notification in the *Gazette*.

2. Regulation 13 of the principal regulations, as substituted by regulation 7 of the Food and Drug Regulations 1946, Amendment No. 1†, is hereby amended by adding to clause (3) the words "or milk, or eggs, or fresh fruit, or fresh vegetables".

3. The principal regulations are hereby amended by revoking regulation 19, and the heading thereto, and substituting the following heading and regulation:

*S.R. 1946/136

- Amendment No. 1: S.R. 1947/152
- Amendment No. 2: (*Revoked by S.R. 1951/68*)
- Amendment No. 3: S.R. 1949/138
- Amendment No. 4: S.R. 1950/102
- Amendment No. 5: S.R. 1950/138
- Amendment No. 6: S.R. 1951/68
- Amendment No. 7: (*Revoked by S.R. 1951/240*)
- Amendment No. 8: S.R. 1951/240
- Amendment No. 9: S.R. 1954/2
- Amendment No. 10: S.R. 1955/19

See also the Food and Drug Temporary Regulations 1946 (S.R. 1946/162), (*regulations 7, 8, 9, and 11 of which were revoked by S.R. 1947/152, 1949/158, and 1950/138*)

†S.R. 1947/152

"EXEMPTIONS FROM PROVISIONS AS TO LABELLING

"19. (1) Nothing in regulation 11 or regulation 12 hereof, or in any of the consequential provisions of these regulations, shall apply to any package of food, if the food is of the nature, quality, quantity, origin, or brand demanded by the purchaser and is of any of the following kinds, namely:

"(a) Any food weighed, counted, or measured in the presence of the purchaser:

"(b) Bread, not being bread crumbs:

"(c) Any food (not being butter, tea, coffee, cocoa, or a preparation of cocoa, or a mixture of coffee and chicory) in a package packed on retail premises for ready sale thereon and not subject to special labelling provisions under these regulations, and sold in response to a demand by the customer for a specified quantity of that food.

"(2) Where on retail premises any person sells any food in a package, being a package packed on the retail premises, in such a manner that the customer may himself select the package of food, the following provisions shall apply:

"(a) Every package of the food shall be sealed:

"(b) If the food is enclosed in a package of transparent flexible material, the particulars required by regulations 11 and 12 hereof may be written on a label inserted inside the package, if the label is not less than three square inches in area and if the statements on the label are clearly visible to the purchaser:

"(c) Nothing in paragraph (a) of regulation 12 hereof shall apply to any package of which the container is composed wholly of transparent material, and which contains bacon, pearl barley, biscuits, brawn, candied peel, cheese, confectionery (except medicated confectionery), dates, dried fruit (mixed), figs, frankfurts, ham (cooked), honeycomb, lentils, lima beans, luncheon sausage, macaroni, nuts, peas (dried), poultry, prunes, black puddings, white puddings, rice, sago, sausages, saveloys, tongue (pressed), or vermicelli:

"(d) Nothing in paragraph (e) of regulation 12 hereof shall apply.

"(3) For the purposes of clause (2) of this regulation a package shall be deemed to be sealed when, in the case of a plastic material, it has been completely sealed by heat or by other means, or, in the case of a paper bag, the open end has been folded over and the folds have been secured in position by gummed paper or other effective means."

4. Regulation 20 of the principal regulations is hereby amended by adding the following paragraph:

"(37) Confectionery in any package containing less than two ounces."

5. Regulation 21 of the principal regulations is hereby amended by adding the following clause:

"(4) Nothing in clause (1) of this regulation shall be deemed to prohibit a statement in the label on any package of a food setting out the average weight, average measure, or average volume of the contents of the package, where the statement is additional to a statement of the net weight, net measure, or net volume."

6. Regulation 29 of the principal regulations is hereby amended by inserting in the first proviso, after the words "jelly crystals", the word "liqueurs".

7. The principal regulations are hereby further amended by revoking regulation 30, and substituting the following regulation:

"30. (1) The following substances, and no others, shall be deemed to be harmless colouring substances within the meaning and for the purposes of these regulations:

"(a) Caramel, prepared solely from sugar:

"(b) Cochineal:

"(c) The following vegetable colours: annatto, carotene, chlorophyll, flavine, saffron, and turmeric:

"(d) The following synthetic colouring substances, namely:

"*Red Shades*—

"— Ponceau SX.

"57 Red 6B.

"179 Carmoisine.

"184 Amaranth.

"185 Ponceau 4R.

"225 Red FB.

"692 Acid Magenta II.

"*Orange Shades*—

"26 Orange RN, for colouring sausage skins only.

"*Yellow Shades*—

"640 Tartrazine.

"— Sunset Yellow FCF.

"*Green Shades*—

"737 Green S.

"*Blue Shades*—

"672 Blue VRS.

"1180 Indigo Carmine.

"*Violet Shade*—

"698 Violet 5BN.

"*Brown Shades*—

"— Brown FK.

"— Chocolate Brown.

"(2) The numbers in the margin opposite the names of the synthetic colouring substances specified in paragraph (d) of clause (1) of this regulation refer to the numbers allotted in Rowe's Colour Index, being the colour index edited by F. M. Rowe and published in 1924 by the Society of Dyers and Colourists, England."

8. Regulation 72 of the principal regulations is hereby amended by adding the following headings and clauses:

"DIABETIC FOODS

"(3) To any food that is sold as a diabetic food there may be added saccharin in a proportion not exceeding 0.01 parts per cent.

DIABETIC JAM

“(4) Jam, suitable for diabetic patients, shall be a product containing fruit to which may be added all or any of the following things, namely, pectin, gum, gelatine, citric acid, tartaric acid, saccharin, and a harmless colouring substance.

Labelling of Diabetic Jam

“(5) The label borne on every package containing diabetic jam shall contain the words “Diabetic [*here state the name of the fruit*] Jam”, and shall also contain a statement of the several ingredients contained in the jam.”

9. Regulation 78 of the principal regulations is hereby amended by adding to clause (4) the words “To manufactured meat there may be added sodium phosphate or potassium phosphate in a proportion not exceeding 0.5 parts per cent calculated as sodium phosphate”.

10. (1) Regulation 83 of the principal regulations is hereby amended by revoking clause (1), and substituting the following clause:

“(1) Sausage meat or saveloy meat shall be chopped or minced meat, with or without salt, sugar, spices, herbs, dried milk, and wholesome farinaceous substances. It shall contain not less than 75 parts per cent of meat of which not more than 27 parts per cent (calculated on the meat) may be fat.”

(2) The said regulation 83 is hereby further amended by inserting, after clause (2), the following clause:

“(2A) To sausage meat or saveloy meat there may be added sodium phosphate or potassium phosphate in a proportion not exceeding 0.5 parts per cent calculated as sodium phosphate.”

(3) Regulation 5 of the Food and Drug Temporary Regulations 1946* is hereby revoked.

11. The principal regulations are hereby further amended by inserting, after regulation 100, the following headings and regulations:

“BABY MILK

“100A. (1) Baby milk shall be pasteurized milk that contains not less than $3\frac{1}{4}$ parts per cent and not more than $3\frac{1}{2}$ parts per cent of milk fat. It shall be prepared in the following manner:

“(a) If the milk contains more than $3\frac{1}{4}$ parts per cent of milk fat, a portion of the fat shall be removed by separation and the resulting skim milk shall be remixed with the bulk milk:

“(b) After the addition of the skim milk, the milk shall be pasteurized and immediately cooled to 50° F or less, and thereafter filled into sterile containers of a capacity not greater than one quart, and the containers shall be sealed:

“(c) Baby milk shall contain not less than $8\frac{1}{2}$ parts per cent of solids-not-fat, and its bacterial condition shall be that prescribed for pasteurized milk.

Labelling

“(2) There shall be written in the label attached to every package containing baby milk the words ‘Baby Milk’.

"HOMOGENIZED MILK

"100B. (1) Homogenized milk shall be milk that contains not less than $3\frac{1}{4}$ parts per cent and not more than $3\frac{1}{2}$ parts per cent of milk fat and has been homogenized and subsequently pasteurized. It shall be prepared in the following manner:

"(a) If the milk contains more than $3\frac{1}{4}$ parts per cent of milk fat, a portion of the fat shall be removed by separation and the resulting skim milk shall be remixed with the bulk milk:

"(b) After the addition of the skim milk, the milk shall be homogenized and thereafter immediately pasteurized; and immediately after pasteurization it shall be cooled to 50°F or less and filled into sterile containers:

"(c) Homogenized milk shall contain not less than $8\frac{1}{2}$ parts per cent of solids-not-fat, and its bacterial condition shall be that prescribed for pasteurized milk. There shall be no visible cream line after the homogenized milk has been standing for not less than twenty-four hours.

Labelling

"(2) There shall be written in the label attached to every package containing homogenized milk the word 'Homogenized'.

12. Regulation 106 of the principal regulations is hereby amended by revoking clause (2) and the heading to that clause.

13. Regulation 123 of the principal regulations is hereby amended by omitting from clause (2) the words "not more than 19 parts per centum of the starch natural to cocoa", and substituting the words "no added starch".

14. (1) Regulation 147 of the principal regulations is hereby amended by inserting in clause (4), after the word "Fruit", where it occurs at the beginning of the clause, the words ", except preserved cherries and preserved strawberries,".

(2) The said regulation 147, as amended by regulation 17 of the Food and Drug Regulations 1946, Amendment No. 3,* is hereby further amended by adding the following headings and clauses:

"PRESERVED CHERRIES

"(10) Preserved cherries shall be cherries which have been preserved in sugar or in syrup, with or without the addition of harmless colouring substances.

"PRESERVED STRAWBERRIES

"(11) Preserved strawberries shall be ripe strawberries preserved in syrup, with or without the addition of harmless colouring substances."

15. (1) Regulation 148 of the principal regulations is hereby amended by revoking clause (1), and substituting the following clause:

"(1) Jam and conserve (or preserve) shall be products obtained by boiling one kind of sound fruit or fruit pulp with sugar, with or without the addition of glucose. They shall contain not less than 66 parts per cent of soluble solids. They shall not contain any other added substance except spice:

Provided that pectin may be added to jam or conserve made from apricots, cherries, figs, loganberries, nectarines, peaches, pears, pineapple, raspberries, or strawberries.”

(2) The said regulation 148 is hereby further amended by omitting from clause (3) the words “in 18-point lettering”, in both places where those words occur.

(3) The said regulation 148 is hereby further amended by adding the following clause:

“(4) The word “pure” shall not appear on any package containing jam or conserve to which pectin has been added.”

16. Regulation 149 of the principal regulations is hereby amended as follows:

(a) By omitting from clause (1) the words “or apple juice or gooseberry juice”, and substituting the words “or pectin”:

(b) By omitting from clause (2) the words “in 18-point lettering”:

(c) By revoking the proviso to clause (2).

17. (1) Regulation 179 of the principal regulations is hereby amended by revoking clause (1), as substituted by regulation 10 of the Food and Drug Regulations 1946, Amendment No. 9,* and substituting the following clause:

“(1) For the purposes of this regulation and of regulation 180 hereof,—

“‘The British Pharmacopoeia’ means the edition of the British Pharmacopoeia published in the United Kingdom in September 1953:

“‘The British Pharmaceutical Codex’ means the 1954 edition of the British Pharmaceutical Codex:

“‘The New Zealand Formulary’ means the publication known as the New Zealand Formulary, published in 1953 by direction of the Minister of Health.”

(2) Regulation 10 of the Food and Drug Regulations 1946, Amendment No. 9, is hereby consequentially revoked.

18. Regulation 180 of the principal regulations is hereby amended by adding to clause (5) the words “or a container of clear glass which is separately enclosed in an opaque carton”.

19. Regulation 186B of the principal regulations, as substituted by regulation 2 of the Food and Drug Regulations 1946, Amendment No. 6†, is hereby amended by revoking clause (12).

20. The principal regulations are hereby further amended by inserting, after the said regulation 186B, the following heading and regulation:

“TEETHING POWDERS

“186c. No person shall sell any teething powder containing any mercury or any compound of mercury.”

21. The Sixth Schedule to the principal regulations, as substituted by regulation 3 of the Food and Drug Regulations 1946, Amendment No. 6, is hereby amended by adding the following clause:

“3. Cortisone and its salts.”

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

[This note is not part of the regulations, but is intended to indicate their general effect.]

These regulations make miscellaneous amendments to the Food and Drug Regulations 1946.

EXEMPTIONS FROM LABELLING PROVISIONS FOR FOODS

Regulation 2: Under regulation 13 of the principal regulations, statements on packages of any food as to the presence in the food of vitamins or minerals are permitted only if certain particulars are given; but those restrictions do not apply to packages containing butter or cheese. The amendment made by this regulation extends the exemption so that in future there will be no restrictions on statements as to the presence of vitamins or minerals on packages of butter, cheese, milk, eggs, fresh fruit, or fresh vegetables.

Regulation 3: This regulation re-enacts and extends the exemptions from the labelling requirements of regulations 11 and 12 of the principal regulations, so far as they apply to food. The main changes deal with food packed and sold on retail premises in such a way that the customer may select his own package of food. Every such package must be sealed. If the sealed package is of transparent flexible material, the label containing the required particulars may be placed inside the package, so long as the label is not less than 3 square inches in area and the statements on it are clearly visible to the purchaser. The description of a food need not be stated on a label if the sealed package is of transparent material and contains any one of certain specified foods. The name and address of the manufacturer or seller need not be stated on the label. There are requirements as to sealing in the case of plastic materials and paper bags.

Regulation 4: A statement as to weight, number, volume, or measure is not required in a label on a package of confectionery containing less than 2 ounces.

Regulation 5: Where, pursuant to the principal regulations, a label states the net weight, measure, or volume of the contents of a package of food, it may also state the average weight, measure, or volume.

Regulation 6: Liqueurs are exempted from the requirement that the addition of colouring or flavouring substances must be indicated on the label.

STANDARDS FOR FOODS

Regulation 7: A new list of harmless colouring substances permitted by the principal regulations is substituted for the former list.

Regulation 8 permits the addition of 0.01 per cent of saccharin to a diabetic food. It also prescribes the standard and labelling requirements for diabetic jam.

Regulation 9 permits the addition to manufactured meat of not more than 0.5 per cent of sodium phosphate or potassium phosphate (calculated as sodium phosphate).

Regulation 10 restores the former provision that sausage meat or saveloy meat must contain at least 75 per cent of meat. (This proportion was temporarily reduced to 65 per cent by the Food and Drug Temporary Regulations 1946.) It also contains a new provision that the proportion of meat must not include more than 27 per cent of fat. It also permits the addition of not more than 0.5 per cent of sodium phosphate or potassium phosphate (calculated as sodium phosphate).

Regulation 11 prescribes standards and labelling requirements for baby milk and homogenized milk, and lays down the procedure for their preparation.

Regulation 12 revokes the provision requiring reduced cream to be sold only in hermetically sealed containers.

Regulation 13 revokes the provision that cocoa paste may contain not more than 19 per cent of the starch natural to cocoa, so that there is now no limit. It also prohibits the addition of starch to cocoa paste.

Regulation 14 prescribes standards for preserved cherries and preserved strawberries.

Regulation 15 prescribes new standards for jam and conserve. It also revokes the provision that 18-point lettering must be used in the label to describe jam, conserve, or marmalade and to specify the fruit from which it is made, so that now the ordinary requirement of 6-point lettering will apply (by reason of regulation 16 (3) of the principal regulations). It also prohibits the use of the word "pure" in any label on a package containing jam or conserve to which pectin has been added.

Regulation 16 permits the addition of pectin to mixed jam. It also revokes the provision that 18-point lettering must be used in the label to specify the fruits from which it is made, so that now the ordinary requirement of 6-point lettering will apply (by reason of regulation 16 (3) of the principal regulations).

DRUGS

Regulation 17 adopts for the purposes of the principal regulations the standards laid down in the 1953 edition of the British Pharmacopoeia, the British Pharmaceutical Codex of 1954, and the New Zealand Formulary of 1953.

Regulation 18 permits the packing and storage of fish-liver oil in a clear glass container which is separately enclosed in an opaque carton.

Regulation 19 revokes the provision requiring chemists to report to a Medical Officer of Health any prescriber who defaults in giving proper written confirmation of prescriptions given orally for certain drugs.

Regulation 20 prohibits the sale of teething powders containing mercury or compounds of mercury.

Regulation 21 adds cortisone and its salts to the list of drugs to which restrictions on retail sale, dispensing, and prescribing apply.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 8 March 1956.

These regulations are administered in the Department of Health.