Serial Number 1947/152

NEW ZEALAND

THE FOOD AND DRUG REGULATIONS 1946, AMENDMENT NO. 1

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 3rd day of October, 1947

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

REGULATIONS

1. These regulations may be cited as the Food and Drug Regulations 1946, Amendment No. 1.

2. These regulations shall be read together with and form part of the Food and Drug Regulations 1946* (hereinafter called the principal regulations).

3. These regulations shall come into force on the 15th day of October, 1947.

4. Expressions used in the principal regulations or in these regulations shall, unless the contrary intention appears, henceforth have the same meanings as in the Food and Drugs Act, 1947.

5. Regulation 4 of the principal regulations is amended by inserting therein, next following the definition of "the Act," the following definitions:—

"'Bulk container' means a container in which more than one duly labelled package and its contents are placed and in which the package and its contents are not intended to be retained when the package or the contents thereof are sold by way of retail:

"'Extra wrapper' means (*a*) an interior wrapper of frail material used only to facilitate packing and not intended to serve or adequate to serve as the sole container of the contents of a package, and (*b*) transparent wrapping material on which no words or devices are printed and which encloses some other package."

* Statutory Regulations 1946, Serial number 1946/136, page 327.

6. Regulations 11, 12, and 14 of the principal regulations are amended by adding thereto respectively the following words: "Provided that this regulation shall not apply to a bulk container or an extra wrapper".

7. Regulation 13 of the principal regulations is revoked, and the following substituted:—

"13. (1) Except as hereinafter in this regulation provided, there shall not be marked on or attached to packages containing any food a statement as to the presence in that food of vitamins or minerals.

"(2) Notwithstanding the foregoing provisions of this regulation, there may be marked on or attached to a package containing food a statement as to the presence in that food of vitamins or minerals if there is written in the label borne on the package a statement setting out separately in respect of each such vitamin the amount thereof in international units or in milligrams in a stated quantity of the food, and separately in respect of each such mineral the amount present in parts per centum.

"(3) This regulation shall not apply to a package containing only butter or cheese."

8. Regulation 15 of the principal regulations is revoked, and the following substituted:—

"15. (1) Except as hereinafter in this regulation provided, there shall not be marked on or attached to packages containing any drug a statement as to the presence in that drug of vitamins.

"(2) Notwithstanding the foregoing provisions of this regulation, there may be marked on or attached to a package containing a drug a statement as to the presence in that drug of vitamins if there is written in the label borne on the package a statement setting out separately in respect of each such vitamin the amount thereof in international units or in milligrams in a stated quantity of the drug."

9. Regulation 16 of the principal regulations is amended by revoking clauses (1) and (2) thereof, and substituting the following:—

"(1) All the particulars required by Regulations 12, 13, 14, and 15 hereof shall appear together in one label, and in one panel of that label, except that all or any of the particulars specified in paragraph (*e*) of Regulation 12, in paragraph (*c*) of Regulation 14, in clause (1) of Regulation 187, and in paragraphs (*b*) and (*c*) of clause (3) of Regulation 188 may appear in one other label or panel of the label.

"(2) Upon the label or panel of a label where the particulars appear which are required by the last preceding clause hereof to appear together there shall be no word or words other than words required by Regulations 12, 13, 14, and 15."

10. Regulation 20 of the principal regulations is amended by adding thereto the following additional item:—

"(34) Ice-cream, milk-ices, and ices."

11. Regulation 24 of the principal regulations is amended by deleting the words "or for some ingredient or component part of which" in clause (2).

12. Regulation 25 of the principal regulations is amended by revoking clause (7) thereof, and substituting the following:—

"(7) All lettering shall appear in a colour contrasting strongly with its background, and the colour of the lettering in any particular word, phrase, sentence, or statement separately required by these regulations shall be uniform throughout such respective word, phrase, sentence, or statement."

13. Regulation 27 of the principal regulations is amended by inserting, after the word " syrup " on each occasion where that word appears in clauses (4) and (5), the words " beverage flavour ".

14. Regulation 29 of the principal regulations is amended by revoking the second proviso thereto (referring to caramel), and substituting the following :—

" Provided also that the statement that it is artificially coloured shall not be required when caramel is lawfully added to an article of food as a colouring substance and no other colouring substance is added to the article."

15. Regulation 67 of the principal regulations is amended by adding thereto the following additional headings and clauses :—

" THICKENING SUBSTANCES

" (5) For the purposes of these regulations alginic acid and sodium alginate shall be deemed to be wholesome foodstuffs.

" *Labelling*

" (6) In the label borne on a package containing alginic acid or sodium alginate no claim shall be made that such substance contains or comprises a substance derived from the sea or from seaweed or that such substance possesses health-giving properties.

" (7) In the label borne on a package containing a food or drug of which alginic acid or sodium alginate is an ingredient no claim shall be made that such food or drug or an ingredient thereof contains or comprises a substance derived from the sea or from seaweed or possesses health-giving properties unless, in addition to alginic acid and sodium alginate or either of them, it retains a substantial amount of some other substance derived from the sea or from seaweed other than common salt or, as the case may be, that it retains a substantial amount of some other substance by reason of containing which it may reasonably be claimed that the food or drug possesses special health-giving properties."

16. Regulation 136 of the principal regulations is amended by deleting the period at the end of clause (3) (referring to tomato sauce), and adding to that clause the words " except the permitted preservative ".

17. Regulation 146 of the principal regulations is amended by adding thereto the following clause :—

" (7) No person shall sell any vegetables containing any poisonous substance :

Provided that vegetables may contain not more than 7 parts per million of 2, 2-bis (p-chlorophenyl)-1, 1, 1-trichlorethane, also known as DDT, unavoidably present as a residue after spraying or dusting."

18. Regulation 153 of the principal regulations is amended—

(*a*) By inserting, after the word " solution " where that word first appears, the words " or a suspension prepared with a harmless emulsifying agent " ;

(*b*) By inserting, after the word " solution " where that word secondly appears, the words " or suspension ".

19. Regulation 156 of the principal regulations is amended by inserting, after the word " solution ", the words " or a suspension prepared with a harmless emulsifying agent ".

20. Regulation 162 of the principal regulations is amended by adding the following clause :—

" (4) Neither the word ' pure ', nor the word ' real ', nor any other word of similar import shall be borne on any package containing a compound syrup."

21. Regulation 168 of the principal regulations is amended by deleting from clause (1) the words " or with vegetable extracts or infusions ".

22. The principal regulations are amended by inserting, next following Regulation 168, the following heading and regulation :—

" COMPOUND NON-FERMENTED BEVERAGES

" 168A. (1) Compound non-fermented beverages for which no other standard is prescribed by these regulations shall be composed of potable water and sugar or glucose with vegetable extracts or infusions, with or without citric acid or tartaric acid, and with or without harmless colouring substances. Compound non-fermented beverages may be impregnated with carbon dioxide under pressure.

" *Preservative*

" (2) To compound non-fermented beverages the preservative substance sulphur dioxide (or sulphites calculated as sulphur dioxide) may be added in proportion not exceeding one grain to the pint or, alternatively, the preservative substance sodium benzoate in proportion not exceeding 4 grains to the pint.

" *Labelling*

" (3) There shall be written in 12-point lettering in the label borne on every package containing a compound non-fermented beverage the words ' Compound Beverage '. These words shall form the first line of the label, and no other word or words shall appear in the same line.

" (4) Neither the word ' pure ', nor the word ' real ', nor any other word of similar import shall be borne on any package containing a compound non-fermented beverage.

" (5) There shall be written in the label borne on every package containing a compound non-fermented beverage of which phosphoric acid or a phosphate is an ingredient a name or trade name conjoined with the word ' phosphate ', and such name or trade name and the word ' phosphate ' shall appear in letters of uniform size."

23. Regulation 170 of the principal regulations is amended by deleting the expression " 12-point lettering " in clause (3) thereof, and substituting the expression " 10-point lettering."

24. Regulation 177 of the principal regulations is amended by inserting the clause number " (1) " after the figures " 177 ", and adding the following clause :—

" (2) No person shall sell any package containing any alcoholic beverage, or any alcoholic beverage contained in a package, in the label borne on which appears, alone or in conjunction with some other word or words, the word ' Brandy ' or the word ' Whisky ' or the word ' Rum ' or the word ' Gin ', or any word resembling any of these words, unless the contents of the said package comply with the standard of strength for spirits prescribed by clause (1) of this regulation or unless first, the name of the spirit is followed by the word ' Liqueur ' in letters

of uniform size equal to that of the letters in which the name of the spirit appears, and, secondly, the alcoholic beverage complies with the standard for a liqueur prescribed in Regulation 178."

25. Regulation 178 of the principal regulations is amended by revoking clause (3) thereof, and substituting the following :—

" (3) No person shall sell any package containing any alcoholic beverage, or any alcoholic beverage contained in a package, in the label borne on which appears, either alone or in conjunction with some other word or words, the word ' Liqueur ' unless the contents of the said package comply with the standard for liqueurs prescribed by clause (1) of this regulation."

26. Regulation 186 of the principal regulations is amended by revoking clauses (1) to (5) inclusive, and substituting therefor the following clause :—

" (1) Penicillin shall conform to the description, characters, and tests prescribed in the British Pharmacopœia."

27. (1) The principal regulations are amended by inserting, next after Regulation 186, the following heading and regulation :—

" DUSTING POWDERS

" 186A. (1) For the purpose of this regulation the words ' dusting powder ' shall mean any powder which is intended only for application to the healthy skin, and shall include baby powders, body powders, face powders, and toilet powders.

" (2) No person shall sell any baby powder, or any dusting powder which is recommended for use on the skin of a baby, unless all talc and kaolin and other natural mineral ingredients contained in such powder have been sterilized by heating to a temperature of not less than 150° C. for a period of not less than one hour, and unless such ingredients and the powder have at all times thereafter been protected from contamination :

Provided that Purified Talc B.P.C. used as an ingredient in any such powder need not be heated as required in this clause.

" (3) No person shall sell any baby powder or any dusting powder which is recommended for use on the skin of a baby if such powder contains any bacterial spores or is found on bacteriological examination to contain *Clostridium tetani* or *Clostridium welchii* or *Bacillus anthracis*.

" *Labelling*

" (4) There shall be written in 6-point lettering in the label borne on every package containing a dusting powder the words ' This powder should not be applied to any broken skin surface or be used as a surgical dressing ' :

" Provided that this requirement shall not apply to a face powder if the only mineral ingredient is Purified Talc B.P.C. or if the talc, kaolin, or other mineral ingredient contained therein has been sterilized by heat in the manner described in clause (2) of this regulation and subsequently protected from contamination.

" (5) There shall be written in 6-point lettering in the label borne on every package containing a dusting powder that contains talc, kaolin, or any other natural mineral ingredient which has not been sterilized in accordance with the requirements of clause (2) of this regulation, the words :

" ' This powder has not been sterilized and should not be used on the skin of a baby.' "

(2) Regulation 11 of the Food and Drug Temporary Regulations 1946* is hereby revoked.

28. Regulation 187 of the principal regulations is revoked, and the following regulation substituted (under the heading "Proprietary Medicines"):—

"187. (1) No person shall—

"(*a*) Sell by retail any article consisting of or comprising a substance recommended for the prevention or treatment of any ailment, infirmity, or injury of the human body; or

"(*b*) Supply any such article as a sample for the purpose of inducing persons to buy retail the substance of which it consists or which it comprises:—

unless there is borne on the package containing the article, or on the article itself if there be no package, a label setting out—

"(i) The appropriate designation of the substance so recommended, or of each of the active constituents thereof, or of each of the ingredients of which it has been compounded; and

"(ii) In the case where the appropriate designation of each of the active constituents or the ingredients is written as aforesaid, the appropriate quantitative particulars of the constituents or ingredients.

"(2) In the last preceding clause—

"(*a*) The expression 'appropriate designation,' in relation to a substance, constituent, or ingredient means—

"(i) In a case where the substance, constituent, or ingredient is described in any of the monographs contained in the edition of the British Pharmacopœia or the British Pharmaceutical Codex which was last published in New Zealand before the date on which the article was sold or supplied, the designation or one of the designations set out at the head of that monograph;

"(ii) In a case where the substance, constituent, or ingredient is not so described, the accepted scientific name, or other name descriptive of the true nature of the substance, constituent, or ingredient.

"(*b*) The expression 'appropriate quantitative particulars', in relation to the active constituents or the ingredients of a substance, means:

"(i) The approximate percentage of each of those constituents or ingredients contained in the substance or the approximate quantity of each of those constituents or ingredients contained in the article sold or supplied; or

"(ii) In a case where the said article consists of or comprises a number of separate portions of the substance, either the approximate percentage or quantity aforesaid, or the approximate quantity of each of the constituents or ingredients contained in each portion.

"(3) The details required in labels by clause (1) of this regulation shall be clearly written in lettering of a uniform colour presenting a strong contrast to the background:

* Statutory Regulations 1946, Serial number 1946/162, page 441.

" Provided that with respect to the size and shape of the characters the lettering need not comply with the requirements of Regulations 16 and 25.

" (4) Clause (1) of this regulation shall not apply to :—

" (*a*) Any article made up and supplied for the use of a particular person, being an article prescribed by reference to the needs of that person :

" (*b*) Any article being a preparation included in the British Pharmacopœia or in the British Pharmaceutical Codex or for which a standard is prescribed by the New Zealand Formulary and not sold under any name but the name therein assigned to the article ".

W. O. HARVEY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette :* 9th day of October, 1947.
These regulations are administered in the Department of Health.
(H.–F. & D. 47/1.)