

1961/85



THE FOOD AND DRUG REGULATIONS 1946,
AMENDMENT NO. 13

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 26th day of July 1961

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, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Food and Drug Regulations 1946, Amendment No. 13, 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 29 of the principal regulations, as amended by regulation 14 of the Food and Drug Regulations 1946, Amendment No. 1, and by regulation 6 of the Food and Drug Regulations 1946, Amendment No. 11, is hereby further amended by inserting in the third proviso thereto, after the words "flavoured non-fermented beverages", the words "flavoured milk".

*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. 1949/158
 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
 Amendment No. 11: S.R. 1956/29
 Amendment No. 12: S.R. 1959/110

See also the Food and Drug Temporary Regulations 1946 (S.R. 1946/162), regulations 5, 7, 8, 9, and 11 of which were revoked by S.R. 1947/152, 1949/158, 1950/138, and 1956/29.

3. Regulation 30 of the principal regulations, as substituted by regulation 7 of the Food and Drug Regulations 1946, Amendment No. 11, and amended by regulation 5 of the Food and Drug Regulations 1946, Amendment No. 12, is hereby further amended by inserting in paragraph (d) of clause (1),—

- (a) Under the heading "Red Shades", the words "773 Erythrosine":
- (b) Under the heading "Orange Shades", the words "Citrus Red No. 2 (for colouring orange skins only)".

4. Clause (3) of regulation 49B of the principal regulations, as inserted by regulation 7 of the Food and Drug Regulations 1946, Amendment No. 12, is hereby amended—

- (a) By inserting in their appropriate alphabetical order the following items:
 - "Delnav..... Fruit..... 2·8
 - "Gusathion..... Fruit..... 2":
- (b) By omitting the figures "2·5" where they appear after the words "Dioldrin..... Meat, fat of", and substituting the word "Nil":
- (c) By inserting, after the words "Dioldrin..... Dairy products..... Nil", the words "Dioldrin..... Cereals and cereal products 1".

5. Regulation 72 of the principal regulations, as amended by regulation 8 of the Food and Drug Regulations 1946, Amendment No. 11, and regulation 10 of the Food and Drug Regulations 1946, Amendment No. 12, is hereby further amended by adding to clause (4) the words "Diabetic jam may contain a harmless calcium salt if the proportion of added calcium does not exceed 200 parts per million. To diabetic jam the preservative substance sorbic acid may be added in proportion not exceeding 1,000 parts per million."

6. (1) Regulation 78 of the principal regulations, as amended by regulation 4 of the Food and Drug Regulations 1946, Amendment No. 8, and regulation 9 of the Food and Drug Regulations 1946, Amendment No. 11, is hereby further amended by revoking clause (7) and substituting the following clause:

"(7) To bacon the preservative substance boric acid may be added in a proportion not exceeding 550 parts per million."

(2) The said regulation 4 of the Food and Drug Regulations 1946, Amendment No. 8, is hereby consequentially revoked.

7. Regulation 83 of the principal regulations, as amended by regulation 10 of the Food and Drug Regulations 1946, Amendment No. 11, is hereby further amended by revoking clause (1), and substituting the following clause:

"(1) Sausage meat and saveloy meat shall be chopped or minced meat with or without salt, sugar, spices, herbs, dried milk, and wholesome farinaceous substance. Sausage meat or saveloy meat shall contain not less than 75 parts per cent of meat and not less than one and seven-tenths parts per cent of nitrogen in organic combination."

8. Regulation 100 of the principal regulations, as amended by regulation 12 of the Food and Drug Regulations 1946, Amendment No. 3, is hereby further amended by revoking clause (6), and substituting the following clause:

“(6) In connection with the labelling of containers for pasteurised milk, the following provisions shall apply:

- “(a) There shall be legibly embossed on any bottle or written in the label on any package containing pasteurised milk or in the label attached to such container the word ‘Pasteurised’ or alternatively the words ‘Pasteurised Milk’ in lettering as specified in regulation 25 hereof of not less than $\frac{1}{4}$ in. Alternatively, the words specified in the foregoing provisions of this paragraph shall be legibly written or embossed in lettering as specified in regulation 25 hereof of not less than $\frac{1}{12}$ in. on the disc, cap, or device used for sealing each bottle or container. After the 31st day of March 1963 there shall also appear on such disc, cap, or sealing device on each bottle or container the date in the month on which the bottle or container was filled with pasteurised milk or the date of the next succeeding day:
- “(b) There shall be legibly written in lettering as specified in regulation 25 hereof of not less than 1 in. on a label attached to every container of not less than 2 gallons capacity used in the sale or distribution of pasteurised milk the word ‘Pasteurised’ or the words ‘Pasteurised Milk’:
- “(c) There shall appear on every container containing pasteurised milk the name and address of the packer:
“Provided that the name and address of the packer may be embossed on the disc, cap, or device used for sealing each bottle or container of pasteurised milk:
- “(d) No words or marking other than the words required by paragraphs (a) and (c) of this clause shall be written on the disc, cap, or device used for sealing any bottle or container of pasteurised milk:
- “(e) The requirements of paragraph (c) of this clause as to the statement of the address of the packer on a package containing pasteurised milk shall be deemed to be satisfied in the case of an address appearing on the disc, cap, or other device used for sealing any bottle containing pasteurised milk, if the name of the town alone is specified thereon either separately or in the trading name of the packer:
- “(f) The requirement of paragraph (b) of regulation 12 hereof as to the statement of the net contents shall be deemed to be satisfied in the case of a glass bottle if the statement of net contents is embossed on the side of the bottle.”

9. Regulation 100A of the principal regulations, as inserted by regulation 11 of the Food and Drug Regulations 1946, Amendment No. 11, is hereby amended by adding to clause (2) the words “and in all other respects the labelling of containers of baby milk shall comply with the requirements of regulation 100 hereof for pasteurised milk”.

10. Regulation 100B of the principal regulations, as inserted by regulation 11 of the Food and Drug Regulations 1946, Amendment No. 11, is hereby amended by adding to clause (2) the words “and in all other respects the labelling of containers of homogenised milk shall comply with the requirements of regulation 100 hereof for pasteurised milk”.

11. Regulation 103 of the principal regulations, as amended by regulation 5 of the Food and Drug Regulations 1946, Amendment No. 9, is hereby amended by adding the following headings and clause:

"FLAVOURED MILK

"(3) In connection with flavoured milk, the following provisions shall apply:

- "(a) Flavoured milk shall be composed of milk to which may be added cream, ice cream, potable water, citric acid, tartaric acid, other wholesome foodstuffs, and harmless colouring and flavouring substances:
- "(b) Flavoured milk shall contain not less than 2 parts per cent of milk fat and not less than 8 parts per cent of milk solids other than milk fat:
- "(c) Flavoured milk shall be homogenised in that there shall be no visible cream line after the flavoured milk has been standing for not less than 24 hours:
- "(d) Flavoured milk shall be pasteurised by either of the methods described for pasteurised milk under regulation 100 hereof, and no ingredient shall be added after pasteurising:
- "(e) Flavoured milk shall be free from living coliform bacilli:
"Provided that a parcel of flavoured milk shall be deemed to be free from living coliform bacilli if upon examination of a portion thereof containing one-tenth of a millilitre, no living coliform bacilli are found therein:

"Labelling

- "(f) There shall be written, in lettering as specified in regulation 25 hereof of not less than $\frac{1}{8}$ in. in the label borne on every package containing flavoured milk, the words 'Flavoured Milk' or the name of the constituent flavour conjoined with the word 'Milk'; and these words shall form the first line of the label and shall be in a position equally prominent with that of any other matter marked on or attached to the package, and no other words shall appear in the same line:
- "(g) After the 31st day of March 1963 there shall also be shown on the package containing flavoured milk, in lettering as specified in regulation 25 hereof of not less than $\frac{1}{8}$ in., the date in the month on which the package was filled with flavoured milk or the date of the next succeeding day:
- "(h) There shall also appear on the package containing flavoured milk the name and address of the packer:
- "(i) When flavoured milk is packed in bottles the labelling requirements of these regulations will be deemed to be satisfied if the statement of net contents as required by regulation 12 (b) hereof is embossed on the side of the bottle:
- "(j) When flavoured milk is packed in bottles, the labelling requirements of this regulation, and the requirement of regulation 12 (c) hereof shall be deemed to be satisfied if the particulars so required appear on the disc, cap, or device used for sealing each bottle, and in such a case the words 'flavoured milk' or the alternative description permitted in paragraph (f) of this clause may appear in lettering of not less than $\frac{1}{12}$ in.:
- "(k) In the case of metal foil caps embossing may be used to show the name and address of the packer and the date on which the bottle was filled with flavoured milk:

“(1) The requirement of this clause as to the statement of the address of the packer on a package containing flavoured milk shall be deemed to be satisfied in the case of an address appearing on the disc, cap, or other device used for sealing any bottle containing flavoured milk if the name of the town alone is specified thereon either separately or in the trading name of the packer:

(m) No words or marking other than those required by paragraph (f) of this clause and by regulation 29 hereof shall be written on the disc, cap, or device used for sealing any bottle of flavoured milk.”

12. (1) Regulation 105 of the principal regulations, as amended by regulation 14 of the Food and Drug Regulations 1946, Amendment No. 3, is hereby further amended by adding to clause (1) the following additional proviso:

“Provided also that where pasteurised cream has been stored at a temperature of below 0°F (−18°C) it may, before sale, be heat treated on one additional occasion, in either of the manners hereinafter described as suitable for the pasteurisation of cream.”

(2) Regulation 105 of the principal regulations, as amended by regulation 14 of the Food and Drug Regulations 1946, Amendment No. 3, is hereby further amended by revoking clause (5), and substituting the following clause:

“(5) In connection with the labelling of containers for pasteurised cream, the following provisions shall apply:

“(a) There shall be legibly embossed on the bottle or written on the container containing pasteurised cream or in the label attached to the container the words ‘Pasteurised Cream’ in lettering as specified in regulation 25 hereof of not less than $\frac{1}{4}$ in. Alternatively the words specified in the foregoing provisions of this paragraph shall be legibly written or embossed in lettering as specified in regulation 25 hereof of not less than $\frac{1}{12}$ in. on the disc, cap, or device used for sealing each bottle or container. After the 31st day of March 1963 there shall also appear on such disc, cap, or sealing device on each bottle or container the date in the month on which the bottle or container was filled with pasteurised cream or the date of the next succeeding day:

“(b) There shall be legibly written in lettering as specified in regulation 25 hereof of not less than 1 in. in a label attached to every container of not less than 2 gallons capacity used in the sale or distribution of pasteurised cream the words ‘Pasteurised Cream’:

“(c) There shall appear on every container containing pasteurised cream the name and address of the packer:

“Provided that the name and address of the packer may be embossed on the disc, cap, or device used for sealing each bottle or container of pasteurised cream:

“Provided also that no words or marking other than the words required by paragraphs (a) and (c) of this clause shall be written on the disc, cap, or device used for sealing any bottle or container of pasteurised cream:

“(d) The requirement of paragraph (c) of this clause as to the statement of the address of the packer on a package containing pasteurised cream shall be deemed to be satisfied, in the case of an address appearing on the disc, cap, or other device used for sealing any bottle containing pasteurised cream, if the name of the town alone is specified thereon either separately or in the trading name of the packer:

“(e) The requirement of paragraph (b) of regulation 12 hereof as to statement of net contents shall be deemed to be satisfied in the case of a glass bottle if the statement of net contents is embossed on the side of the bottle.”

(3) Paragraphs (a), (b), and (c) of regulation 14 of the Food and Drug Regulations 1946, Amendment No. 3, are hereby consequentially revoked.

13. Regulation 111 of the principal regulations is hereby amended by omitting from clause (2) the words “‘Unfit for infants’ or, alternatively, the words ‘Not suitable as a baby food’”, and substituting the words “‘Suitable as an infant food only when medically recommended’”.

14. Regulation 124 of the principal regulations is hereby amended—
(a) By adding to clause (2) the words “or alternatively, not more than one part per cent of calcium silicate”:

(b) By inserting in clause (3), after the words “magnesium carbonate” in each place where they appear, the words “(or calcium silicate)”.

15. Regulation 140 of the principal regulations, as amended by regulation 16 of the Food and Drug Regulations 1946, Amendment No. 12, is hereby further amended by inserting after clause (2), the following heading and clause:

“COLOURED SUGAR CRYSTALS

“(2A) Sugar sold under the description ‘Coloured Sugar’, ‘Rainbow Sugar’, ‘Coffee Crystals’, or some other designation indicating a decorative product may contain a harmless colouring substance, but shall otherwise comply with the standard for granulated sugar.”

16. (1) The principal regulations are hereby amended by revoking regulation 145 as heretofore amended, and substituting the following regulation:

“145. (1) Ice cream shall be a foodstuff composed of milk (or dried or condensed or reconstituted milk) and cream (or reconstituted cream or butter) and sugar, with or without eggs, fruit, other foodstuffs not expressly forbidden, and harmless colouring and flavouring substances. Ice cream shall be sterilised by boiling, or be pasteurised by being kept at a temperature of not less than 156°F for 20 minutes or of not less than 165°F for 10 minutes and then frozen. It shall contain not less than 10 parts per cent of milk fat. It shall not contain any fat other than milk fat. After sterilisation or pasteurisation no substance shall be added to it, except that any fruit, fruit pulp, or fruit juice that has been treated by heat in the manner set out in this clause for ice cream, and has been stored in a sealed sterile container until used, may be added to the ice cream mix after the mix has been boiled or pasteurised before it is frozen:

Provided that pasteurisation shall not be required if the ice cream is made from dry ingredients of the nature described in the first part of this clause, and potable water, and the product is sold only on the premises where it is manufactured.

“(2) Frozen preparations which are sold as ‘Cream Freeze’ or under any other descriptive title in which the word ‘cream’ or any expression suggesting the presence of cream appears shall comply with the standard for ice cream prescribed by this regulation.

“(3) During the process of churning ice cream mix, the volume of air incorporated in the mix shall be such that the weight per unit volume of the ice cream in its frozen condition shall be not less than 5·1 calculated as pounds per gallon.

“(4) When fruit or confectionery is added to ice cream or ice cream is externally coated, this fruit, confectionery, or coating shall not be deemed to be part of the ice cream for the purpose of fat or density requirements.

“FROZEN CONFECTIONS

“(5) Frozen confections not complying with the standard for ice cream in respect of the nature or proportion of fat shall be any frozen preparation, with or without any wholesome fat and any of the ingredients permitted in ice cream, and shall otherwise comply with the standard for ice cream prescribed by this regulation.

“(6) Frozen confections which are sold as ‘Milk Blocks’ or under any other descriptive title in which the words ‘milk’ or ‘dairy’ are used or any other description which implies the presence of milk shall contain not less than 2 parts per cent of milk fat and shall contain no other fat.

“BACTERIAL CONTENT OF ICE CREAM AND FROZEN CONFECTIONS

“(7) Ice cream, and frozen confections shall not contain any living coliform bacilli:

“Provided that a parcel of ice cream or of a frozen confection shall be deemed to be free from living coliform bacilli if upon examination of a portion thereof containing one-tenth of a millilitre no living coliform bacilli are found therein.

“PROHIBITIONS

“(8) No person shall refill with ice cream or frozen confections for sale any package which is made wholly or in part of wood, paper, cardboard, or similar absorbent material.

“(9) No person shall sell any ice cream or frozen confection of which the nature or flavour is indicated by the name of any fruit or fruits, if the said ice cream or frozen confection is flavoured wholly or in part with any substance other than the fruit or fruits named, unless the said name is conjoined with the word ‘Imitation’ written in letters of the same size.”

(2) The following regulations are hereby consequentially revoked:

- (a) Regulation 9 of the Food and Drug Regulations 1946, Amendment No. 5:
- (b) Regulation 17 of the Food and Drug Regulations 1946, Amendment No. 12.

- (3) Regulation 168 of the principal regulations is hereby amended—
- (a) By inserting in clause (1), after the word “fruits”, the words “vegetable extracts or infusions or tinctures”;
 - (b) By inserting in clause (3), after the words “Flavoured Beverage” the words “or, if the beverage contains vegetable substances other than fruit derivatives, the words ‘Compound Beverage’”.

21. Regulation 179 of the principal regulations, as substituted by regulation 22 of the Food and Drug Regulations 1946, Amendment No. 12, is hereby amended by revoking clause (1), 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 1958; and includes the amendments and corrigenda thereto that have been published before the coming into force of these regulations:

“‘The *British Pharmaceutical Codex*’ means the 1959 edition of the British Pharmaceutical Codex.”

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 vary the requirements of the principal regulations governing diabetic jam, bacon, sausage meat, saveloy meat, flavoured milk, coloured sugar crystals, salt, oranges, fruit juice, compound syrups, compound non-fermented beverages, and flavoured non-fermented beverages. They also vary the requirements governing the labelling of containers for pasteurised milk, baby milk, homogenised milk, flavoured milk, and dried skim or separated milk. They also extend the list of permitted colouring substances, and extend and alter the list of permissible pesticide residues on food.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 27 July 1961.

These regulations are administered in the Department of Health.