

Serial Number 1949/158

**THE FOOD AND DRUG REGULATIONS 1946,
AMENDMENT NO. 3**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 19th day of
October, 1949

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. 3.

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 1st day of November, 1949.

4. Regulation 12 of the principal regulations as amended by Regulation 6 of the Food and Drug Regulations 1946, Amendment No. 1, is hereby further amended by adding to paragraph (e) thereof the following proviso :—

“ Provided further that a statement of the name and address of any person not usually resident in New Zealand shall not satisfy this requirement unless the food is wholly manufactured and packed outside New Zealand.”

5. Regulation 14 of the principal regulations as amended by Regulation 6 of the Food and Drug Regulations 1946, Amendment No. 1, is hereby further amended by adding to paragraph (c) thereof the following proviso :—

“ Provided further that a statement of the name and address of a person not usually resident in New Zealand shall not satisfy this requirement unless the drug is wholly manufactured and packed outside New Zealand.”

6. Regulation 20 of the principal regulations as amended by Regulation 10 of the Food and Drug Regulations 1946, Amendment No. 1, is hereby further amended as follows :—

(a) By revoking the item—

“ (33) Food supplied in bulk for resale ” :

(b) By adding the following item—

“ (35) Yeast in packages (but not dried yeast).”

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

Amendment No. 1 : Statutory Regulations 1947, Serial number 1947/152, page 526.

Amendment No. 2 : Statutory Regulations 1948, Serial number 1948/147, page 463.

7. Regulation 50 of the principal regulations is hereby amended by adding the following paragraph :—

“(e) In the case of sugar, or any flour or meal prepared from cereals or vegetables, any sack or bag that has previously been used for any purpose, unless such sack or bag has been properly cleansed by washing :

“ Provided that a sack or bag may be used more than once for packing flour or meal without washing if—

“(i) It is in a sound condition :

“(ii) It is subjected after its last use as a container for flour or meal to a dry process of cleaning approved by a Medical Officer of Health ; and

“(iii) The surface of the sack or bag in contact with the flour has not been exposed to contamination.”

8. Regulation 67 of the principal regulations as amended by Regulation 15 of the Food and Drug Regulations 1946, Amendment No. 1, is hereby further amended by inserting, next following the word “substances” where it first occurs in clause (2) thereof, the words “suitable for and intended for use as a dessert and not otherwise standardized by these regulations.”

9. Regulation 90 of the principal regulations is hereby amended by adding the following clause :—

“(5) The requirement of clause (2) of this regulation shall not apply to eggs produced in Australia and imported direct from that country.”

10. Regulation 91 of the principal regulations is hereby amended by revoking the words “‘water glass’ or other chemical substance”, and substituting the words “the application of any substance which seals the pores of the shells”.

11. Regulation 99 of the principal regulations is hereby amended by adding the following heading and clause :—

“ *Labelling*

“(3) The requirement of paragraph (e) of Regulation 12 as to the statement of an address on a package containing milk shall be deemed to be satisfied in the case of an address appearing on the disk, cap, or other device used for sealing any bottle containing milk if the name of the town alone is specified thereon either separately or in the trading name of the seller.”

12. Regulation 100 of the principal regulations is hereby amended as follows :—

(a) By revoking in paragraph (a) of clause (6) thereof the expression “12-point lettering”, and substituting the expression “6-point lettering”:

(b) By revoking the word “and” where it first occurs in paragraph (c) of the said clause (6) thereof, and by inserting in the said paragraph (c), next following the word and figures “Regulation 12”, the words “any single letters and figures for identification purposes”:

(c) By adding to the said clause (6) thereof the following paragraph :—

“(d) The requirement of paragraph (e) of Regulation 12 as to the statement of an address on a package containing pasteurized milk shall be deemed to be satisfied in the case of an address appearing on the disk, cap, or other device used for sealing any bottle containing pasteurized milk if the name of the town alone is specified thereon either separately or in the trading name of the seller.” :

(d) By adding the following additional clause :—

“(7) Wherever in these regulations there is a reference to ‘milk’ as an ingredient which shall or may be included in any foodstuff, such reference shall be deemed to be a reference also to ‘pasteurized milk’”.

13. Regulation 104 of the principal regulations is hereby amended by adding the following heading and clause :—

“ *Labelling* ”

“(4) The requirement of paragraph (e) of Regulation 12 as to the statement of an address on a package containing cream shall be deemed to be satisfied in the case of an address appearing on the disk, cap, or other device used for sealing any bottle containing cream if the name of the town alone is specified thereon either separately or in the trading name of the seller.”

14. Regulation 105 of the principal regulations is hereby amended as follows :—

(a) By deleting in paragraph (a) of clause (5) thereof the expression “12-point lettering”, and substituting the expression “6-point lettering” :

(b) By revoking the word “and” where it first occurs in paragraph (c) of the said clause (5) thereof, and by inserting in the said paragraph (c), next following the words and figures “Regulation 12”, the words “any single letters and figures for identification purposes” :

(c) By adding to the said clause (5) thereof the following paragraph :—

“(d) The requirement of paragraph (e) of Regulation 12 as to the statement of an address on a package containing pasteurized cream shall be deemed to be satisfied in the case of an address appearing on the disk, cap, or other device used for sealing any bottle containing pasteurized cream if the name of the town alone is specified thereon either separately or in the trading name of the seller.” :

(d) By adding the following additional clause :—

“(6) Wherever in these regulations there is a reference to ‘cream’ as an ingredient which shall or may enter into the composition of any foodstuff, such reference shall be deemed to be a reference also to ‘pasteurized cream’”.

15. Regulation 119 of the principal regulations is hereby amended by adding to clause (1) thereof the following sentence : “Such process cheese shall not contain more than 42 parts per centum of water.”

16. Regulation 146 of the principal regulations as amended by Regulation 17 of the Food and Drug Regulations 1946, Amendment No. 1, is hereby further amended by adding the following headings and clauses:—

“ CANNED TOMATOES

“(8) To canned tomatoes there may be added calcium chloride or calcium sulphate in such proportion that the total calcium in the canned tomatoes does not exceed 500 parts per million.

“ *Labelling*

“(9) There shall be written on the label borne on every package containing canned tomatoes to which calcium chloride or calcium sulphate has been added the words ‘ Processed with calcium chloride ’ or ‘ Processed with calcium sulphate ’, as the case may be ”.

17. Regulation 147 of the principal regulations is hereby amended by adding the following clauses and headings:—

“(6) No person shall sell any fruit containing any poisonous substance :

“ Provided that fruit 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.

“ IMITATION CHERRIES

“(7) Imitation cherries shall be prepared from any wholesome vegetable substance with the addition of sugar and harmless flavouring and colouring substances.

“(8) No person shall sell any mixture of fruits, nuts, or other natural products to which has been added imitation or artificial cherries or any confectionery which contains a colouring substance.

“(9) There shall be written in 12-point lettering in the label borne on every package containing imitation cherries the words ‘ Imitation cherries ’ or, alternatively, the words ‘ Artificial cherries ’.”

18. Regulation 170 of the principal regulations as amended by Regulation 23 of the Food and Drug Regulations 1946, Amendment No. 1, is hereby further amended by inserting, next following the word “ water ” in clause (1) thereof, the words “ or other liquid ”.

19. Regulation 177 of the principal regulations is hereby amended by revoking clause (2) thereof as enacted by Regulation 24 of the Food and Drug Regulations 1946, Amendment No. 1, and substituting the following:—

“(2) No person shall sell any package containing any alcoholic beverage, or any alcoholic beverage contained in a package, if in the label borne on any such package there appears, whether 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 the alcoholic beverage complies with the standard for a liqueur prescribed in Regulation 178 and a statement appears showing the approximate percentage of proof spirit in the beverage :

“ Provided that the percentage so declared shall not differ from the actual percentage of proof spirit by more than one-tenth of the latter percentage.

“ The statement setting out the percentage of proof spirit contained in any such beverage shall appear immediately below the name of the beverage in the main portion of the label.”

20. Regulation 179 of the principal regulations is hereby amended by revoking the first paragraph of clause (1), and substituting the following paragraph :—

“ (1) For the purposes of Regulations 179 and 180 the British Pharmacopœia means the edition of the British Pharmacopœia published in the United Kingdom in September, 1948.”

21. Regulation 185 of the principal regulations is hereby amended by revoking the word “ date ” in clause (2) thereof, and substituting the word “ year.”

22. Regulations 8 and 9 of the Food and Drug Temporary Regulations 1946* are hereby revoked.

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

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 20th day of October, 1949.

These regulations are administered in the Department of Health.

(H.—F. & D. 49/1.)