

Serial Number 1950/138

**THE FOOD AND DRUG REGULATIONS 1946,
AMENDMENT NO. 5**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 16th day of
August, 1950

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. (1) These regulations may be cited as the Food and Drug Regulations 1946, Amendment No. 5, 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 1st day of September, 1950.

2. Regulation 20 of the principal regulations, as amended by regulation 10 of the Food and Drug Regulations 1946, Amendment No. 1, and regulation 6 of the Food and Drug Regulations 1946, Amendment No. 3, is hereby further amended by adding the following item:—

“ (36) Chocolate in bars and filled chocolate blocks.”

3. Regulation 53 of the principal regulations is hereby amended by inserting in clause (1), after the word “arsenic”, the word “cadmium”.

4. Regulation 54 of the principal regulations is hereby amended by inserting, after the word “arsenic”, the word “cadmium”.

5. Regulation 67 of the principal regulations is hereby amended by inserting in clause (1), after the word “starch”, the words “or other wholesome foodstuffs”.

6. (1) Regulation 70 of the principal regulations is hereby amended as follows:—

(a) By omitting from clause (4), and also from clause (5), the words “12-point lettering”, and substituting in each case the words “6-point lettering”:

(b) By omitting from clause (5) the words “acid phosphate”, and substituting the words “food phosphate”.

* 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.
Amendment No. 3: Statutory Regulations 1949, Serial number 1949/158, page 625.
Amendment No. 4: Statutory Regulations 1950, Serial number 1950/102, page 305.
See also the Food and Drug Temporary Regulations 1946 (Statutory Regulations 1946 Serial number 1946/162), regulations 8, 9, and 11 of which have been revoked.

(2) The said regulation 70 is hereby further amended by adding the following clause :—

“ (6) For the purposes of clauses (3), (4), and (5) of this regulation the words “ food phosphate ” shall be deemed a sufficient name for acid material which consists of one of the following three substances, or of a mixture containing any one or more of them, namely :—

“ (a) Disodium dihydrogen pyrophosphate, also known as acid sodium pyrophosphate :

“ (b) Monosodium dihydrogen orthophosphate, also known as monosodium orthophosphate :

“ (c) Monocalcium tetrahydrogen orthophosphate, also known as acid calcium phosphate.”

7. Regulation 97 of the principal regulations is hereby amended by omitting from clause (2) the words “ or, alternatively, with not less than 5 parts per centum of sesame oil ”.

8. Regulation 103 of the principal regulations is hereby amended by inserting, after the word “ added ”, the words “ immediately before sale ”.

9. (1) Regulation 145 of the principal regulations is hereby amended by revoking clause (1), and substituting the following clause :—

“ (1) Ice cream shall be a foodstuff composed of milk, or dried or condensed or reconstituted milk, and cream, reconstituted cream or butter, and sugar, with or without eggs, fruit, other wholesome foodstuffs not expressly forbidden, harmless flavouring substances, harmless colouring substances, liqueurs, and spirits. Ice cream shall be sterilized by boiling, or be pasteurized by being kept at a temperature of not less than 156° F. for twenty minutes or of not less than 165° F. for ten minutes and then frozen. It shall contain not less than 8 parts per centum of milk fat. It shall not contain any kind of vegetable fat. After sterilization or pasteurization 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 then been stored in a sealed sterile container until used, may be added to the ice cream mix after the mix has been boiled or pasteurized and before it is frozen.”

(2) Regulation 7 of the Food and Drug Temporary Regulations 1946* is hereby revoked.

10. Regulation 147 of the principal regulations is hereby amended by adding to clause (6), as set out in regulation 17 of the Food and Drug Regulations 1946, Amendment No. 3†, the following additional proviso :—

“ Provided also that apples and pears may be sold containing not more than 0.5 of a part per million of selenium unavoidably present as a residue after spraying or dusting.”

11. Regulation 153 of the principal regulations is hereby amended by inserting, after the words “ isopropyl alcohol ”, the words “ or propylene glycol ”.

12. Regulation 156 of the principal regulations is hereby amended by inserting in clause (1), after the words “ isopropyl alcohol ”, the words “ or propylene glycol ”.

* Statutory Regulations 1946, Serial number 1946/162, page 442.

† Statutory Regulations 1949, Serial number 1949/158, page 628.

13. Regulation 179 of the principal regulations is hereby amended as follows :—

- (a) By revoking the definition of the expression “ The British Pharmaceutical Codex ”, in clause (1), and substituting the following definition :—
 “ ‘ The British Pharmaceutical Codex ’ means the 1949 edition of the British Pharmaceutical Codex.” :
- (b) By revoking the definition of the expression “ The Pharmacopœia of the United States of America ”, in clause (1) :
- (c) By revoking the definition of the expression “ The National Formulary, 7th Edition, of the United States of America ”, in clause (1) :
- (d) By revoking paragraph (d) of clause (2).

14. Regulation 190 of the principal regulations is hereby amended by omitting from clause (2) the word “ thereof ”, and substituting the words “ of this regulation ”.

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, as from the 1st September, 1950. The effect of the amendments is set out below.

1. Labels on packages of bar chocolate and filled chocolate blocks need not carry a statement of weight.
2. It will be an offence to sell any utensil intended or likely to be used for the storage or preparation of food unless it is free from cadmium.
3. The standard for custard powders is altered so that wholesome foodstuffs such as sodium alginate or alginic acid will be permitted ingredients.
4. If certain named phosphates are used as the acid material in baking powder, the statement required on the label as to the kind of acid material may be written as “ food phosphate ”. 6-point lettering is permitted.
5. Sesame oil may no longer be used as a “ marking ” ingredient in margarine.
6. In the mixing of milk shakes the addition to the milk of the other ingredients must not take place until immediately before sale.
7. Ice cream must contain at least 8 per cent. of milk fat, with no upper limit ; but vegetable fats must not be used in its manufacture.
8. A tolerance of up to 0.5 of a part per million of selenium unavoidably present as a residue after spraying or dusting will be allowed in apples and pears.
9. Propylene glycol may be used as a solvent in the manufacture of culinary essences, extracts, or flavourings, and their imitations.
10. The 1949 edition of the British Pharmaceutical Codex replaces the 1934 edition, and supplements thereto, as a standard for certain drugs. Drug standards of the United States of America no longer apply.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 17th day of August, 1950.

These regulations are administered in the Department of Health.

(H.-F. and D. 50/2.)