

1974/188



**THE FOOD AND DRUG REGULATIONS 1973,  
AMENDMENT NO. 1**

DENIS BLUNDELL, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington this 22nd day of July 1974

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Food and Drug Act 1969, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

**ANALYSIS**

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>1. Title and commencement</li> <li>2. Interpretation</li> <li>3. Exemptions from regulation 3</li> <li>4. Form and manner of labelling</li> <li>5. Labelling of food not sold in suitable packages</li> <li>6. Claims as to presence of vitamins</li> <li>7. Food additives</li> <li>8. Labelling of food additives</li> <li>9. Preservatives</li> <li>10. Incidental constituents</li> <li>11. Food fumigation</li> <li>12. Bakery products</li> <li>13. Bread or white bread</li> <li>14. Flour confectionery</li> <li>15. Frozen meat</li> </ul> | <ul style="list-style-type: none"> <li>16. Corned, cured, pickled and salted meat</li> <li>17. Manufactured meat</li> <li>18. Jellicd meat</li> <li>19. Canned meat</li> <li>20. Phosphate treated fresh fish</li> <li>21. Milk beverages or milk shakes</li> <li>22. Cheese</li> <li>23. Golden syrup</li> <li>24. Icing sugar</li> <li>25. Raw vegetables</li> <li>26. Protein products</li> <li>27. Raw fruit</li> <li>28. Fruit juice</li> <li>29. Fruit flavoured syrup or cordial</li> <li>30. Fruit flavoured drink</li> <li>31. Labelling of therapeutic drugs</li> <li>32. Transitional provision</li> </ul> |
|--|---|

**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Food and Drug Regulations 1973, Amendment No. 1, and shall be read together with and deemed part of the Food and Drug Regulations 1973\* (hereinafter referred to as the principal regulations).

\*S.R. 1973/79

(2) Except as provided in subclause (3) of this regulation, and in subclause (4) of regulation 28 of these regulations, these regulations shall come into force on the day after the date of their notification in the *Gazette*.

(3) Without limiting subsection (5) of section 46 of the Act, regulation 8, subclause (2) of regulation 16, subclause (2) of regulation 17, subclause (2) of regulation 18, regulation 26, subclause (2) of regulation 28, and regulation 30 of these regulations shall come into force on the day 6 months after the date of the notification of these regulations in the *Gazette*.

**2. Interpretation**—(1) Regulation 2 of the principal regulations is hereby amended by omitting from the definition of the term “British Pharmacopoeia”, in subclause (1), the figures “1972” and the figures “1973”, and substituting respectively the figures “1973” and the figures “1974”.

(2) Regulation 2 of the principal regulations is hereby further amended by omitting from the definition of the term “British Pharmaceutical Codex”, in subclause (1), the figures “1968” and the figures “1973” and substituting respectively the figures “1973” and the figures “1974”.

(3) Regulation 2 of the principal regulations is hereby further amended by omitting from the definition of the term “principal display panel”, in subclause (1), the words “likely to”, and substituting the word “likely”.

(4) Regulation 2 of the principal regulations is hereby further amended by adding the following subclause:

“(5) Nothing in these regulations shall prohibit the use of any symbol the style of which conforms with a specimen in subclause (2) of this regulation, or with the conventional usage of metric measurements.”

**3. Exemptions from regulation 3**—Regulation 4 of the principal regulations is hereby amended by omitting from paragraph (e) the expression “400 g”, and substituting the expression “500 g”.

**4. Form and manner of labelling**—(1) Regulation 9 of the principal regulations is hereby amended by omitting from subclause (1) the figures “13, 14”.

(2) Regulation 9 of the principal regulations is hereby further amended by omitting from paragraph (c) of subclause (1) the words “Paragraph (c)”, and substituting the words “Paragraphs (b) and (c)”.

(3) Regulation 9 of the principal regulations is hereby further amended by revoking subclause (2), and substituting the following subclause:

“(2) Unless otherwise provided in these regulations, all particulars required by these regulations to appear on a label shall be written in 1.5 mm lettering.”

**5. Labelling of food not sold in suitable packages**—Regulation 11 of the principal regulations is hereby amended by omitting from subclause (4) the word “handwrapped”, and substituting the word “wrapped”.

**6. Claims as to presence of vitamins**—(1) Regulation 13 of the principal regulations is hereby amended by omitting from subclauses (1) and (2) the words “or drug” wherever they occur.

(2) Regulation 13 of the principal regulations is hereby further amended by revoking subclause (3).

**7. Food additives**—(1) Regulation 15 of the principal regulations is hereby amended by adding to subclause (3) the following proviso:

“Provided that this subclause shall not apply to a food additive, other than an incidental constituent, which is permitted by these regulations to be added to the food, in any case where the food is sold for use as an ingredient in the manufacture of food for sale.”

(2) Regulation 15 of the principal regulations is hereby further amended by omitting from subclause (5) the expression “September 1966”, and substituting the expression “May 1972”.

**8. Labelling of food additives**—The principal regulations are hereby further amended by inserting, after regulation 15, the following regulation:

“15A. (1) No person shall sell any package containing one or more food additives, or a mixture of a foodstuff and one or more food additives, that is intended for use as an ingredient in the manufacture of food if the package does not have a label conforming with the requirements of this regulation.

“(2) The label referred to in subclause (1) of this regulation shall contain:

“(a) A description sufficient to indicate the true nature of the contents of the package; and

“(b) A statement of the net weight or volume or number of the contents, whichever measure is appropriate; and

“(c) The name and address of the manufacturer or seller of the contents, or of the owner of the rights of manufacture, or of the agent of any of them; and

“(d) A statement of the quantity of any food additive present in a stated portion of the contents where there is a maximum level permitted by these regulations for the food in which the product is intended to be used.

“(3) The particulars that are required by this regulation shall be written in 4 mm lettering.

“(4) Every label that is required by this regulation to be borne on a package shall be legibly and durably marked either on the material of the package or on material firmly and securely attached to the package.

“(5) Every statement that is required by this regulation to appear on a label shall be presented:

“(a) Without discontinuity; and

“(b) With equal prominence to any other matter appearing on the label; and

“(c) In lines that are generally parallel to the base on which the package rests.

“(6) Subclause (2) of regulation 5 of these regulations shall apply for the purposes of paragraph (c) of subclause (2) of this regulation.

“(7) Nothing in this regulation shall apply in respect of incidental constituents.”

**9. Preservatives**—Regulation 16 of the principal regulations is hereby amended by omitting from the table of specified preservatives set out in subclause (8), in respect of the maximum permitted proportion in parts per million of sulphur dioxide (or sulphites calculated as sulphur dioxide) in glucose syrup, the figures “400”, and substituting the figures “450”.

**10. Incidental constituents**—(1) Regulation 24 of the principal regulations is hereby amended by inserting in the Second Table, in their appropriate alphabetical order, and in the appropriate columns, the following items:

"Acephate	.....	.....	Brassicas	.....	2
"Chlorpyrifos	.....	.....	Fruit and tomatoes	.....	0.2
			Grapes	.....	1
"Ethion	.....	.....	Fruit	.....	1
"Leptophos	.....	.....	Fruit and vegetables	.....	2
"Methamidophos	.....	.....	Potatoes and brassicas	.....	0.1
"Pirimicarb	.....	.....	Any food	.....	0.5".

(2) Regulation 24 of the principal regulations is hereby further amended by omitting from the said Second Table, in respect of the permissible proportion of mevinphos in any food, the figures "0.25", and substituting the figure "1".

(3) The Food Additives Notice 1973 is hereby consequentially revoked.

**11. Food fumigation**—Regulation 38 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclause:

"(2) Notwithstanding subclause (1) of this regulation, in the storage of raw cereals the following food additives may be applied, if the total quantity of raw cereal being treated immediately prior to or during storage is not less than 10 tonnes, and, after such application, the additive is contained in the cereals in a proportion not greater than the proportion specified below in relation to that additive:

"Additive	.....	.....	.....	Limit
"Dichlorvos	.....	.....	.....	2 ppm
"Maldison	.....	.....	.....	8 ppm".

**12. Bakery products**—Regulation 62 of the principal regulations is hereby amended by revoking subclause (2).

**13. Bread or white bread**—Regulation 63 of the principal regulations is hereby amended by adding the words "It shall not contain more than 45 percent of water in any part of the loaf."

**14. Flour confectionery**—Regulation 73 of the principal regulations is hereby amended by omitting from subclause (3) the words "and shall otherwise", and substituting the words "or shall".

**15. Frozen meat**—Regulation 85 of the principal regulations is hereby amended by omitting from subclause (2) the word "packet", and substituting the word "package".

**16. Corned, cured, pickled and salted meat**—(1) Regulation 86 of the principal regulations is hereby amended by omitting from subclause (5) the word "container", in each of the places where it occurs, and substituting in each case the word "package".

(2) Regulation 86 of the principal regulations is hereby further amended by omitting from subclause (5) the words "in premises other than those in which it is packed".

**17. Manufactured meat**—(1) Regulation 91 of the principal regulations is hereby amended by revoking paragraph (h) of subclause (1), and substituting the following paragraph:

“(h) Protein Products:”

(2) Regulation 91 of the principal regulations is hereby further amended by omitting from subclause (7) the words “in premises other than those in which it is packed”.

**18. Jellied meat**—(1) Regulation 93 of the principal regulations is hereby amended by omitting from subclause (1) the words “gelatin or agar,” and substituting the words “agar, carageenan or its sodium, potassium, calcium, or ammonium compounds, furcelleran or its sodium, potassium, calcium, or ammonium compounds, gelatin, carob bean gum, or guar gum,”.

(2) Regulation 93 of the principal regulations is hereby further amended by omitting from subclause (2) the words “in premises other than those in which it is packed”.

**19. Canned meat**—Regulation 96 of the principal regulations is hereby amended by omitting from subclause (1) the words “gelatin or agar,” and substituting the words “agar, carageenan or its sodium, potassium, calcium, or ammonium compounds, furcelleran or its sodium, potassium, calcium, or ammonium compounds, gelatin, carob bean gum, or guar gum,”.

**20. Phosphate treated fresh fish**—The principal regulations are hereby further amended by inserting, after regulation 102, the following regulation:

“102A. (1) Phosphate treated fresh fish shall be fresh fish that has been sprayed with any phosphate that is a specified food conditioner in such a proportion that the total phosphorus content calculated as phosphorus pentoxide does not exceed 0.8 percent.

“(2) All phosphate treated fresh fish shall be prepackaged for retail sale.

“(3) No person shall use, or permit to be used, any process or appliance for or in connection with the preparation, processing or packaging of phosphate treated fresh fish for sale unless the process or appliance has been approved for that purpose by the Medical Officer of Health.

“(4) Every package containing phosphate treated fresh fish shall be labelled with the words ‘PHOSPHATE TREATED’, and shall be labelled with the date on which the package was filled in the following form: ‘PACKED ON (insert date)’.”

**21. Milk beverages or milk shakes**—Regulation 122 of the principal regulations is hereby amended by inserting in subclause (1), after the words “colouring substances”, the words “, stabilisers and thickeners that are specified food conditioners,”.

**22. Cheese**—Regulation 132 of the principal regulations is hereby amended by omitting from the table set out in subclause (4), in respect of the maximum water percentage permitted in feta cheese, the figures “45”, and substituting the figures “55”.

**23. Golden syrup**—Regulation 158 of the principal regulations is hereby amended by omitting the expression “3 percent”, and substituting the expression “3.5 percent”.

**24. Icing sugar**—The principal regulations are hereby further amended by revoking regulation 160, and substituting the following regulation:

“160.(1) Icing sugar shall be powdered sugar to which a farinaceous diluent substance or a specified free-flowing agent may have been added.

“(2) Icing sugar shall not contain more than 2 percent of starch or more than 0.5 percent of any specified free-flowing agent:

“Provided that the proportion of starch may be increased to not more than 5 percent if no specified free-flowing agent is added.

“(3) Specified colouring substances and permitted flavouring substances may be added to icing sugar.

“(4) Every package containing icing sugar to which starch has been added shall be labelled in 3 mm lettering with the words ‘CONTAINS (state the percentage) % ADDED STARCH’:

“Provided that nothing in this subclause shall apply in respect of any package before the day 6 months after the date of the notification in the *Gazette* of the Food and Drug Regulations 1973, Amendment No. 1.”

**25. Raw vegetables**—Regulation 184 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclause:

“(2) In the cleaning and preparation of raw vegetables for sale the following food additives may be applied as indicated, if, after such application, the additive is contained in the vegetable in a proportion not greater than the proportion specified in relation to that additive:

“Vegetable	Additives	Limit
“Any vegetables .....	Dichlorvos .....	2 ppm
“Cucumbers .....	Bland wax coatings of mineral or vegetable origin .....	3,000 ppm
“Onions .....	Maleic hydrazide .....	15 ppm
“Potatoes .....	Bland wax coatings of mineral or vegetable origin .....	3,000 ppm
	Carbaryl .....	10 ppm
	Chlorpropham .....	50 ppm
	Maldison .....	8 ppm
	Propham .....	50 ppm”.

**26. Protein products**—The principal regulations are hereby further amended by inserting, after regulation 188, the following regulation:

“188A. (1) In these regulations “protein products” means products comprised of edible protein and for which no standard is prescribed elsewhere in these regulations.

“(2) A protein product that is sold as, or is held out or represented to be, a substitute or analogue for a food for which a standard is prescribed in these regulations, or for an ingredient of any such food, shall be as nutritious as that food or ingredient.

“(3) Protein products shall be derived from foodstuffs, and may contain edible fats and oils, carbohydrates, specified food conditioners, permitted flavouring substances, specified colouring substances, vitamins, minerals, amino acids, and synthetic nutrients.

“(4) Notwithstanding anything in paragraph (a) of subclause (1) of regulation 5 of these regulations, the name or description required by that paragraph to appear on a label borne on a package which contains a protein product—

“(a) Shall not be or include the word ‘meat’, or ‘fish’, or ‘cheese’ or any word of similar meaning:

“(b) Shall not be or include the name of any:

“(i) Meat or kind or cut of meat; or

“(ii) Fish or kind or part of fish; or

“(iii) Cheese or kind of cheese—

unless that word or name is conjoined uniformly with, and qualified by, the word ‘FLAVOUR’ or the word ‘FLAVOURED’.”

(5) Nothing in subclause (4) of this regulation shall apply to a package containing manufactured meat to which a protein product has been added.

**27. Raw fruit**—Regulation 190 of the principal regulations is hereby amended by omitting from subclause (2) the words “to the extent indicated:”, and substituting the words “of the fruit if, after such application, the additive is contained in the fruit in a proportion not greater than the proportion specified in relation to that additive:”.

**28. Fruit juice**—(1) Regulation 197 of the principal regulations is hereby amended by adding to subclause (1) the words “and carbon dioxide”.

(2) Regulation 197 of the principal regulations is hereby further amended by inserting, after subclause (3), the following subclause:

“(3A) Every package of fruit juice to which carbon dioxide has been added shall be labelled, in 4 mm lettering, with the word ‘SPARKLING’.”

(3) Regulation 197 of the principal regulations is hereby further amended by revoking subclause (6), and substituting the following subclause:

“(6) Lemon juice shall be the expressed juice of mature lemons of the species *Citrus limon* or of acid hybrids of that species. It shall contain, in 100 ml measured at 20°C,—

“(a) Not less than 8.0 g of soluble solids; and

“(b) Not less than 4.5 g of acid calculated as anhydrous citric acid; and

“(c) Not more than 0.05 ml of essential oil.”

(4) Subclause (3) of this regulation shall come into force on the 1st day of October 1975.

**29. Fruit flavoured syrup or cordial**—Regulation 220 of the principal regulations is hereby amended by inserting in subclause (1), after the words “specified food conditioners”, the words “specified colouring substances,”.

**30. Fruit flavoured drink**—Regulation 223 of the principal regulations is hereby amended by adding to subclause (2) the words “The words used shall form the first line of the label and no other word shall appear in the same line.”.

**31. Labelling of therapeutic drugs**—(1) Regulation 239 of the principal regulations is hereby amended by revoking subparagraph (i) of paragraph (a) of subclause (5), and substituting the following subparagraph:

“(i) Its international non-proprietary name, or, if it has no international non-proprietary name, the name appearing in a list published in the United Kingdom on the recommendation of the Medicines Commission pursuant to section 100 of the Medicines Act 1968 (U.K.), or, if it has neither an international non-proprietary name nor a name appearing in any such published list, its true scientific name; and”.

(2) Regulation 239 of the principal regulations is hereby further amended by omitting from subparagraph (ii) of paragraph (a) of subclause (6) the figures “1972” and “1968”, and substituting in each case the figures “1973”.

(3) Regulation 239 of the principal regulations is hereby further amended by revoking subparagraph (iii) of paragraph (a) of subclause (6), and substituting the following subparagraph:

“(iii) Where neither subparagraph (i) nor subparagraph (ii) of this paragraph applies, the international non-proprietary name of the drug or ingredient, or, if it has no international non-proprietary name, the name appearing in a list published in the United Kingdom on the recommendation of the Medicines Commission pursuant to section 100 of the Medicines Act 1968 (U.K.), or, if it has neither an international non-proprietary name nor a name appearing in any such published list, its accepted scientific name or other name descriptive of the true nature of the drug or ingredient.”

**32. Transitional provision**—Regulation 253 of the principal regulations is hereby amended by adding, as subclauses (2) and (3), the following subclauses:

“(2) Notwithstanding subclauses (1), (3) and (6) of regulation 9 of these regulations, in the case of a fruit drink, fruit flavoured drink, or artificial drink, sold in a glass bottle with ceramic labelling which was manufactured before the 1st day of May 1973, a statement of the volume of the contents of the bottle, written in 1.5 mm lettering on the cap affixed to the bottle, shall until the 1st day of May 1983 be sufficient compliance with paragraph (b) of subclause (1) of regulation 5 of these regulations.

“(3) In subclause (2) of this regulation,—

“(a) ‘Fruit drink’ means a drink conforming with the standard prescribed by subclause (1) of regulation 222 of these regulations:

“(b) ‘Fruit flavoured drink’ means a drink conforming with the standard prescribed by subclause (1) of regulation 223 of these regulations:

“(c) ‘Artificial drink’ has the meaning assigned to it by subclause (1) of regulation 224 of these regulations.”

P. G. MILLEN,  
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 amend the Food and Drug Regulations 1973, the main purpose of which is to prescribe standards and labelling requirements for certain food and drugs. The principal amendments relate to the labelling of food additives, the standard and labelling requirements for phosphate treated fresh fish, and the standard and labelling requirements for protein products.

The opportunity has also been taken to update a number of requirements of the principal regulations relating to various foodstuffs and drugs in the light of the latest technological and technical information available, and to make a number of drafting amendments designed to achieve greater clarity.

---

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 25 July 1974.

These regulations are administered in the Department of Health.