

1980/73



**THE FOOD AND DRUG REGULATIONS 1973,
AMENDMENT NO. 5**

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 14th day of April 1980

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to section 46 of 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

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Form and manner of labelling 3. Size and colour of letters 4. Preservatives 5. Colouring substances 6. Yoghurt 7. New regulations (relating to wine) substituted in principal regulations <ol style="list-style-type: none"> 228. Wine 228A. Sparkling wine 228B. Dessert wine 228C. Flavoured wine, wine cocktail, vermouth, and wine aperitif 228D. Wine liqueur 228E. Labelling of wine and wine products 8. New regulations (relating to fruit wine, vegetable wine, and mead) inserted in principal regulations | <ol style="list-style-type: none"> 229. Fruit wine, vegetable wine, and mead 229A. Sparkling fruit wine and sparkling vegetable wine 229B. Fortified fruit wine and fortified vegetable wine 229C. Flavoured fruit wine, flavoured vegetable wine, fruit wine cocktail, vegetable wine cocktail, aperitif fruit wine, and aperitif vegetable wine 229D. Fruit wine liqueur and vegetable wine liqueur 229E. Labelling of fruit wine and vegetable wine and their products 229F. Combined fruit and vegetable wine 9. Potable spirit, wine spirit, and fruit wine spirit 10. General alcoholic drinks |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Food and Drug Regulations 1973, Amendment No. 5, and shall be read together with and deemed part of the Food and Drug Regulations 1973* (hereinafter referred to as the principal regulations).

(2) Except as provided in subclauses (3), (4), and (5) of this regulation, these regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

(3) Without limiting section 46 (5) of the Act, regulation 7 of these regulations shall come into force—

- (a) With respect to dessert wines made before the 1980 vintage and presently maturing in wineries, on the 1st day of July 1983; and
- (b) With respect to all other wines made before the 1980 vintage, on the 1st day of September 1980; and
- (c) With respect to all other wines, on the 14th day after the date of the notification of these regulations in the *Gazette*.

(4) Without limiting section 46 (5) of the Act, regulations 3 and 5 of these regulations and subclauses (3) to (5) of regulation 229E of the principal regulations (as substituted by regulation 8 of these regulations) shall come into force on the day 12 months after the date of the notification of these regulations in the *Gazette*.

(5) Without limiting section 46 (5) of the Act, subclause (8) of regulation 139 of the principal regulations (as substituted by regulation 6 of these regulations), subclauses (1) to (3), (7), and (8) of regulation 228E of the principal regulations (as substituted by regulation 7 of these regulations), and subclauses (4) and (5) of regulation 232 of the principal regulations (as substituted by regulation 10 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. Form and manner of labelling—Regulation 9 (6) (b) of the principal regulations is hereby revoked.

3. Size and colour of letters—(1) Regulation 10 of the principal regulations is hereby amended by revoking subclauses (1), (2), and (3), and substituting the following subclauses:

“(1) Where the size of letters to be used in labels or notices is prescribed in these regulations by reference to a minimum number of millimetres or parts of a millimetre, the reference shall be deemed to be a reference to the x height of the lower case letter of the type face or, if the wording is all in capital letters, the height of the capital letters in type face, irrespective of height of type body.

“(2) The lettering of the words required by these regulations shall be clear, distinct, and legible with no decoration, embellishment, or distortion that could interfere with the legibility or meaning of the words.

*S.R. 1973/79

Amendment No. 1: S.R. 1974/188

Amendment No. 2: S.R. 1976/68

Amendment No. 3: S.R. 1978/41

Amendment No. 4: S.R. 1979/207

“(3) Such lettering shall be either—

“(a) All capital letters; or

“(b) All lower case letters; or

“(c) Lower case letters with an initial capital letter.

“(3A) In every case to which paragraph (a) or paragraph (b) of subclause (3) of this regulation applies, the height of the lettering must be uniform in every phrase, sentence, or statement that is separately required.

“(3B) In every case to which paragraph (c) of subclause (3) of this regulation applies, the height of the lower case lettering shall be uniform in every phrase, sentence, or statement that is separately required.

“(3C) The breadth and thickness of the letters shall be sufficiently heavy so that the lettering is clearly legible.”

(2) The said regulation 10 is hereby further amended by revoking subclause (7), and substituting the following subclause:

“(7) The height of the lettering for the common name or description that is required by these regulations to appear on the principal display panel of a label shall be not less than one-third of the height of the largest lettering appearing on that panel, and in no case shall it be less than one-twentieth of the height of the label.”

4. Preservatives—(1) Regulation 16 of the principal regulations is hereby amended—

(a) By omitting from subclause (4) the words “added to”, and substituting the words “present in”;

(b) By omitting from the proviso to that subclause the word “use”, and substituting the word “presence”.

(2) The said regulation 16 is hereby further amended by revoking paragraph (b) of subclause (6), and substituting the following paragraph:

“(b) A package containing a product that complies with any of regulations 228 to 228D, 229 to 229D, and 229F of these regulations.”

(3) The said regulation 16 is hereby further amended by omitting from the table in subclause (8) (as amended by regulation 8 (3) of the Food and Drug Regulations 1973, Amendment No. 2) the items relating to table wine and all other wine, fruit wine, and vegetable wine.

(4) Regulation 8 of the Food and Drug Regulations 1973, Amendment No. 2 is hereby consequentially amended by revoking subclauses (1) and (3).

5. Colouring substances—Regulation 18 of the principal regulations is hereby amended by revoking subclause (6), and substituting the following subclauses:

“(6) Every food containing an added colouring substance shall be labelled, in 2 mm lettering, with the words ‘ARTIFICIALLY COLOURED’ or ‘COLOUR ADDED’; except that, where a list of ingredients is included in the label, those words or any words of similar meaning may be included in the list of ingredients.

“(6A) Subclause (6) of this regulation shall not apply—

“(a) To sugar confectionery of an amount less than 10 g;

“(b) Where caramel is lawfully added to food as a colouring substance and no other colouring substance is added to the food.”

6. Yoghurt—Regulation 139 of the principal regulations (as substituted by regulation 21 of the Food and Drug Regulations 1973, Amendment No. 4) is hereby amended by revoking subclause (8), and substituting the following subclauses:

“(8) Except as provided in subclause (8A) of this regulation, every package of yoghurt (including yoghurt of the types described in subclauses (3), (4), and (6) of this regulation), except yoghurt sold in a frozen state, when packed in units intended for retail sale, shall be labelled or embossed with the date until which the product will retain, without any deterioration, its normal wholesomeness, palatability, nutritional value, and edible quality. For the purpose of this subclause, ‘date’ means the day in the month expressed as a numeral, followed by the month expressed as a numeral or an abbreviation of the month using a minimum of 3 letters. There shall also be written on the label a statement explaining the meaning of the date.

“(8A) Where yoghurt is packaged in a glass bottle of the type ordinarily used to contain milk, it shall be labelled or embossed with the day in the month on which the package was filled.”

7. New regulations (relating to wine) substituted in principal regulations—(1) The principal regulations are hereby amended by revoking regulation 228, and substituting the following regulations:

“228. **Wine**—(1) Wine shall be the product of the partial or complete alcoholic fermentation of—

“(a) Grape juice; or

“(b) Grape juice and other portions of grapes; or

“(c) The reconstituted product of concentrated grape juice and drinking water; or

“(d) Any combination of ingredients specified in paragraphs (a) to (c) of this subclause.

“(2) No ingredient of a kind referred to in subclause (1) of this regulation shall be used in the manufacture of any wine in New Zealand unless that ingredient has been grown or produced in New Zealand.

“(3) The following substances, and no other, may be used in the manufacture of wine:

“(a) *Additives*:

“Any antifoaming agent specified in regulation 21 (2) (a) of these regulations; ascorbic acid; calcium and ammonium phosphates; calcium, sodium, and potassium carbonates and bicarbonates; citric acid; copper as ions; any enzyme specified in regulation 21 (2) (e) of these regulations; fumaric acid; grape anthocyanins; isoascorbic acid; lactic acid; lactic acid bacteria; malic acid; meta-tartaric acid and tartaric acid, and all their potassium salts; oak chips; oak extractives; potable spirit; silver as ions; urea; water; yeast:

“(b) *Fining and stabilising agents*:

“Acacia gum; activated carbon; agar; albumin; bentonite; casein, cellulose fibre filtering aids; diatomaceous earth; gelatin; insoluble polyvinylpyrrolidone; ion exchange resins; isinglass; kaolin; milk solids; phytates; silica sol; spanish clay; tannin; white of egg:

“(c) *Gaseous agents*:

“Carbon dioxide; nitrogen; oxygen:

“(d) *Preservatives*:

“Sulphur dioxide and sulphites, with or without—

“(i) Sorbic acid and its sodium, potassium, and calcium salts; or

“(ii) Diethylpyrocarbonate in a proportion not exceeding 200 mg per litre of wine:

“(e) *Sweeteners*:

“Fructose; glucose; glucose syrup; sugar; syrup BP:

“(f) *Back blending agents*:

“Concentrated grape juice; grape juice.

“(4) Notwithstanding anything in subclause (1) or subclause (3) of this regulation, the amount of grape juice used in the manufacture of any wine shall be at least 80 percent by volume of the finished wine.

“(5) Notwithstanding anything in subclause (3) (d) (ii) of this regulation, diethylpyrocarbonate shall not be used in the manufacture of any wine intended for use in the making of dessert wine.

“(6) Except as otherwise permitted by these regulations, no wine shall contain any of the following:

“(a) Alcohol of 15.0 percent or more by volume:

“(b) Polyvinylpyrrolidone in a proportion exceeding 60 mg per litre of wine:

“(c) Sorbic acid (or its sodium, calcium, or potassium salts calculated as sorbic acid) in excess of 200 mg per litre of wine:

“(d) Sulphur dioxide (or sulphites calculated as sulphur dioxide) in excess of the following:

“(i) In respect of wines containing not more than 5 g of residual sugars (calculated as sucrose) per litre of wine, 200 mg per litre of wine; or

“(ii) In respect of wines containing more than 5 g, but not more than 30 g, of residual sugars (calculated as sucrose) per litre of wine, 300 mg per litre of wine; or

“(iii) In respect of wines containing more than 30 g of residual sugars (calculated as sucrose) per litre of wine, 400 mg per litre of wine:

“(e) Volatile acidity calculated as acetic acid (exclusive of the preservative acids) in a proportion exceeding 1.2 g per litre of wine.

“228A. **Sparkling wine**—(1) Sparkling wine shall be wine which is surcharged with carbon dioxide.

“(2) Sparkling wine labelled with the words ‘bottle fermented’, or words of similar meaning, shall not contain carbon dioxide other than that generated by its own natural fermentation, and such fermentation shall not take place in a container of a capacity exceeding 5 litres.

“(3) Sparkling wine labelled with the words ‘Charmat Process’ or ‘Naturally fermented’ shall not contain carbon dioxide other than that generated by its own natural fermentation.

“228B. **Dessert wine**—(1) Dessert wine shall be wine to which has been added—

“(a) Potable spirit; or

“(b) Wine spirit; or

“(c) Any sweetener specified in regulation 228 (3) (e) of these regulations; or

“(d) Any combination of ingredients specified in paragraphs (a) to (c) of this subclause.

“(2) Dessert wine may contain caramel.

“(3) Notwithstanding anything in subclause (1) or subclause (2) of this regulation, the amount of grape juice used in the manufacture of any dessert wine shall exceed 60 percent by volume of the finished wine.

“(4) Dessert wine shall contain not less than 15 percent, and not more than 22.9 percent, by volume of alcohol.

“228c. **Flavoured wine, wine cocktail, vermouth, and wine aperitif**—(1) Flavoured wine, wine cocktail, vermouth, and wine aperitif shall be wine, sparkling wine, or dessert wine to which has been added—

“(a) Any herb; or

“(b) Any spice; or

“(c) Any portion or extract of any fruit other than apples; or

“(d) Any vegetable bitter; or

“(e) Any permitted flavouring substance; or

“(f) Any combination of ingredients specified in paragraphs (a) to (e) of this subclause.

“(2) Flavoured wine, wine cocktail, vermouth, and wine aperitif may contain any of the following substances:

“(a) Any specified colouring substance:

“(b) Any specified food conditioner, except sorbitol:

“(c) Potable spirit:

“(d) Wine spirit.

“(3) Notwithstanding anything in subclause (1) or subclause (2) of this regulation, the amount of grape juice used in the manufacture of any flavoured wine, wine cocktail, vermouth, or wine aperitif shall exceed 40 percent by volume of the finished product.

“(4) Flavoured wine, wine cocktail, vermouth, and wine aperitif shall not contain more than 22.9 percent by volume of alcohol.

“228d. **Wine liqueur**—(1) Wine liqueur shall be wine or dessert wine to which has been added—

“(a) Potable spirit or wine spirit or both; and

“(b) Any of the following ingredients:

“(i) Any herb; or

“(ii) Any spice; or

“(iii) Any portion or extract of any fruit other than apples; or

“(iv) Any vegetable bitter; or

“(v) Any permitted flavouring substance; or

“(vi) Any combination of ingredients specified in subparagraphs (i) to (v) of this paragraph.

“(2) Wine liqueur may contain any of the following substances:

“(a) Any specified colouring substance:

“(b) Any specified food conditioner, except sorbitol.

“(3) Notwithstanding anything in subclause (1) or subclause (2) of this regulation, the amount of grape juice used in the manufacture of any wine liqueur shall exceed 40 percent by volume of the finished product.

“(4) Wine liqueur shall contain not less than 20 percent, and not more than 22.9 percent, by volume of alcohol.

“228E. Labelling of wine and wine products—(1) There shall be written on the label attached to every package of wine or wine product words that clearly indicate the country of origin of the wine or wine product.

“(2) If any of the grape juice, concentrated grape juice, potable spirit, or wine spirit used in any wine product originates in a country other than the country of origin of the wine, that country shall be named on the label as a source of ingredients used in the manufacture of the wine product.

“(3) Notwithstanding anything in these regulations, where the percentage of concentrated grape juice used in the manufacture of any wine or wine product exceeds 2 percent by volume, the principal display panel shall be labelled, in 4 mm letters, with the words ‘MANUFACTURED FROM RECONSTITUTED GRAPE JUICE’.

“(4) The name or description of the wine shown on the label shall not include any reference to a particular grape variety, or the word ‘premium’ or the words ‘private bin’ or any other word or words of similar meaning, unless the wine complies with the following requirements:

“(a) The amount of grape juice used in the manufacture of the wine shall be at least 95 percent by volume of the finished wine:

“(b) The volatile acidity calculated as acetic acid (exclusive of the preservative acids) shall not exceed—

“(i) In the case of a red wine, 1 g per litre of wine; or

“(ii) In the case of white wine, 0.8 g per litre of wine.

“(5) The name or description of the wine shown on the label shall not include any reference to a single variety of grape unless the wine has been manufactured from not less than 75 percent by volume of juice derived from that variety of grape.

“(6) The name or description of the wine shown on the label shall not include any reference to 2 or more varieties of grape unless—

“(a) The wine has been manufactured from not less than 75 percent by volume of juice derived from those varieties of grape; and

“(b) The names of the varieties of grape are listed on the label in descending order of proportion.

“(7) Dessert wine, except dessert wine labelled with the word ‘Sherry’ or ‘Port’ or ‘Muscatel’ or ‘Madeira’, shall be labelled on the principal display panel, in 4 mm lettering, with the words ‘DESSERT WINE’.

“(8) Flavoured wine, wine cocktail, vermouth, wine aperitif, and wine liqueur shall be labelled on the principal display panel, in 4 mm lettering, with the words or word ‘FLAVOURED WINE’ or ‘WINE COCKTAIL’ or ‘VERMOUTH’ or ‘WINE APERITIF’ or ‘WINE LIQUEUR’, as the case may be.

“(9) No flavoured wine, wine cocktail, vermouth, wine aperitif, or wine liqueur shall be labelled with the name of any variety of grape or the name of any style of wine, or with the word ‘wine’, except as required by subclause (8) of this regulation.”

(2) Regulation 29 of the Food and Drug Regulations 1973, Amendment No. 2 is hereby consequentially revoked.

8. New regulations (relating to fruit wine, vegetable wine, and mead) inserted in principal regulations—(1) The principal regulations are hereby amended by revoking regulation 229 and regulation 229A (as inserted by regulation 31 of the Food and Drug Regulations 1973, Amendment No. 2), and substituting the following regulations:

“229. **Fruit wine, vegetable wine, and mead—**(1) Fruit wine shall be the product of the alcoholic fermentation of the juice, or of the juice and other portions, of any fruit other than grapes.

“(2) Vegetable wine shall be the product of the alcoholic fermentation of the juice, or of the juice and other portions, of any vegetable.

“(3) Mead shall be the product of the alcoholic fermentation of honey mixed with water or fruit juice or both, with or without the addition of herbs and spices.

“(4) The following substances, and no other, may be used in the manufacture of fruit wine or vegetable wine or mead:

“(a) *Additives*:

“Any antifoaming agent specified in regulation 21 (2) (a) of these regulations; ascorbic acid; calcium and ammonium phosphates; calcium, sodium, and potassium carbonates and bicarbonates; caramel; citric acid; copper as ions; any enzyme specified in regulation 21 (2) (e) of these regulations; fumaric acid; isoascorbic acid; lactic acid; lactic acid bacteria; malic acid; meta-tartaric acid and tartaric acid, and all their potassium salts; oak chips; oak extractives; potable spirit; silver as ions; urea; water; yeast:

“(b) *Fining and stabilising agents*:

“Acacia gum; activated carbon; agar; albumin; bentonite; casein; cellulose fibre filtering aids; diatomaceous earth; gelatin; insoluble polyvinylpyrrolidone; ion exchange resins; isinglass; kaolin; milk solids; phytates; silica sol; spanish clay; tannin; white of egg:

“(c) *Gaseous agents*:

“Carbon dioxide; nitrogen; oxygen:

“(d) *Preservatives*:

“Sulphur dioxide and sulphites, with or without—

“(i) Sorbic acid and its sodium, potassium, and calcium salts; or

“(ii) Diethylpyrocarbonate in a proportion not exceeding 200 mg per litre of the finished product:

“(e) *Sweeteners*:

“Fructose; glucose; glucose syrup; invert sugar; sugar; syrup BP.

“(5) Notwithstanding anything in paragraph (a) or paragraph (e) of subclause (4) of this regulation, the amount of water and the amount of sweeteners used in the manufacture of any fruit wine or vegetable wine or mead shall not exceed the amount necessary to facilitate normal fermentation.

“(6) Notwithstanding anything in paragraph (d) (ii) of subclause (4) of this regulation, diethylpyrocarbonate shall not be used in the manufacture of fruit wine or vegetable wine intended for use in the making of fortified fruit wine or fortified vegetable wine.

“(7) Except as otherwise permitted by these regulations, no fruit wine or vegetable wine or mead shall contain any of the following:

- “(a) Alcohol of 15.0 percent or more by volume:
- “(b) Polyvinylpyrrolidone in a proportion exceeding 60 mg per litre of wine:
- “(c) Sorbic acid (or its sodium, calcium, or potassium salts calculated as sorbic acid) in excess of 200 mg per litre of wine:
- “(d) Sulphur dioxide (or sulphites calculated as sulphur dioxide) in excess of the following:
 - “(i) In respect of fruit wines or vegetable wines or mead containing not more than 5 g of residual sugars (calculated as sucrose) per litre of product, 200 mg per litre of product; or
 - “(ii) In respect of fruit wines or vegetable wines or mead containing more than 5 g, but not more than 30 g, of residual sugars (calculated as sucrose) per litre of product, 300 mg per litre of product; or
 - “(iii) In respect of fruit wines or vegetable wines or mead containing more than 30 g of residual sugars (calculated as sucrose) per litre of product, 400 mg per litre of product:
- “(e) Volatile acidity calculated as acetic acid (exclusive of the preservative acids) in a proportion exceeding 1.2 g per litre of wine.

“229A. **Sparkling fruit wine and sparkling vegetable wine**—(1) Sparkling fruit wine shall be fruit wine which is surcharged with carbon dioxide.

“(2) Sparkling vegetable wine shall be vegetable wine which is surcharged with carbon dioxide.

“(3) Sparkling fruit wine or sparkling vegetable wine labelled with the words ‘bottle fermented’, or words of similar meaning, shall not contain carbon dioxide other than that generated by its own natural fermentation, and such fermentation shall not take place in a container of a capacity exceeding 5 litres.

“(4) Sparkling fruit wine or sparkling vegetable wine labelled with the words ‘Charmat Process’ or ‘Naturally fermented’ shall not contain carbon dioxide other than that generated by its own natural fermentation.

“229B. **Fortified fruit wine and fortified vegetable wine**—(1) Fortified fruit wine shall be fruit wine of which the alcoholic content has been increased by the addition of—

“(a) Potable spirit; or

“(b) Wine spirit; or

“(c) Fruit wine spirit; or

“(d) Any sweetener specified in regulation 229 (4) (e) of these regulations; or

“(e) Any combination of ingredients specified in paragraphs (a) to (d) of this subclause.

“(2) Fortified vegetable wine shall be vegetable wine of which the alcoholic content has been increased by the addition of—

“(a) Any ingredient specified in paragraphs (a) to (d) of subclause (1) of this regulation; or

“(b) Any combination of those ingredients.

“(3) Fortified fruit wine and fortified vegetable wine shall contain not less than 15 percent, and not more than 22.9 percent, by volume of alcohol.

"229c. Flavoured fruit wine, flavoured vegetable wine, fruit wine cocktail, vegetable wine cocktail, aperitif fruit wine, and aperitif vegetable wine—(1) Flavoured fruit wine, fruit wine cocktail, and aperitif fruit wine shall be fruit wine, sparkling fruit wine, or fortified fruit wine to which has been added—

"(a) Any herb; or

"(b) Any spice; or

"(c) Any portion or extract of any fruit; or

"(d) Any vegetable bitter; or

"(e) Any permitted flavouring substance; or

"(f) Any combination of ingredients specified in paragraphs (a) to (e) of this subclause.

"(2) Flavoured vegetable wine, vegetable wine cocktail, and aperitif vegetable wine shall be vegetable wine, sparkling vegetable wine, or fortified vegetable wine to which has been added—

"(a) Any ingredient specified in paragraphs (a) to (e) of subclause (1) of this regulation; or

"(b) Any combination of those ingredients.

"(3) Flavoured fruit wine, flavoured vegetable wine, fruit wine cocktail, vegetable wine cocktail, aperitif fruit wine, and aperitif vegetable wine may contain any of the following substances:

"(a) Any specified colouring substance:

"(b) Any specified food conditioner:

"(c) Potable spirit:

"(d) Wine spirit:

"(e) Fruit wine spirit.

"(4) Notwithstanding anything in subclauses (1) to (3) of this regulation, the amount of—

"(a) Fruit wine used in the manufacture of any flavoured fruit wine, fruit wine cocktail, or aperitif fruit wine; or

"(b) Vegetable wine used in the manufacture of any flavoured vegetable wine, vegetable wine cocktail, or aperitif vegetable wine,—

shall be at least 50 percent by volume of the finished product.

"(5) Flavoured fruit wine, flavoured vegetable wine, fruit wine cocktail, vegetable wine cocktail, aperitif fruit wine, and aperitif vegetable wine shall not contain more than 22.9 percent by volume of alcohol.

"229d. Fruit wine liqueur and vegetable wine liqueur—(1) Fruit wine liqueur shall be either—

"(a) Fruit wine or fortified fruit wine to which have been added—

"(i) Potable spirit or wine spirit or fruit wine spirit or any combination of those ingredients; and

"(ii) Any of the following ingredients:

"(aa) Any herb; or

"(bb) Any spice; or

"(cc) Any portion or extract of any fruit; or

"(dd) Any vegetable bitter; or

"(ee) Any permitted flavouring substance; or

"(ff) Any combination of ingredients specified in items (aa) to (ee) of this subparagraph; or

"(b) Spirits to which have been added—

"(i) Any fruit juice, fruit extract, flavouring substance, or other food intended to flavour the product; and

- “(ii) Any of the following ingredients:
 - “(aa) Glucose; or
 - “(bb) Glucose syrup; or
 - “(cc) Invert sugar; or
 - “(dd) Sugar; or
 - “(ee) Sugar syrup; or
 - “(ff) Water; or
 - “(gg) Any combination of ingredients specified in items (aa) to (ff) of this subparagraph.
- “(2) Vegetable wine liqueur shall be either—
 - “(a) Vegetable wine or fortified vegetable wine to which have been added—
 - “(i) Potable spirit or wine spirit or fruit wine spirit or any combination of those ingredients; and
 - “(ii) Any ingredient specified in items (aa) to (ee) of subclause (1) (a) (ii) of this regulation, or any combination of those ingredients; or
 - “(b) Spirits to which have been added—
 - “(i) Any vegetable juice, vegetable extract, flavouring substance, or other food intended to flavour the product; and
 - “(ii) Any ingredient specified in items (aa) to (ff) of subclause (1) (b) (ii) of this regulation, or any combination of those ingredients.
- “(3) Fruit wine liqueur and vegetable wine liqueur may contain any of the following substances:
 - “(a) Any specified colouring substance:
 - “(b) Any specified food conditioner.
- “(4) Notwithstanding anything in subclauses (1) to (3) of this regulation, the amount of—
 - “(a) Fruit wine used in the manufacture of any fruit wine liqueur; or
 - “(b) Vegetable wine used in the manufacture of any vegetable wine liqueur,—
 shall be at least 50 percent by volume of the finished product.
- “229E. Labelling of fruit wine and vegetable wine and their products—(1) Fruit wine and vegetable wine shall be labelled, in 4 mm lettering, with the name of every fruit or vegetable from which it is manufactured; except that—
 - “(a) The word ‘cider’ may be used to indicate fruit wine manufactured from apples if the product does not contain more than 8.50 percent of alcohol:
 - “(b) The word ‘perry’ may be used to indicate fruit wine manufactured from pears, or from pears and apples, if the product does not contain more than 8.50 percent of alcohol, and if, in the case of fruit wine manufactured from apples and pears, the amount of apple juice used does not exceed 25 percent of the aggregate amount of fruit juice.
- “(2) Except as provided in subclauses (3) to (5) of this regulation, no fruit wine or vegetable wine shall be labelled with the word ‘wine’ unless the word ‘fruit’ or the word ‘vegetable’, or the name of any fruit or vegetable from which the wine is manufactured, immediately precedes the word ‘wine’.

“(3) Fortified fruit wine and fortified vegetable wine shall be labelled on the principal display panel, in 4 mm lettering, with the words ‘FORTIFIED FRUIT WINE’ or ‘FORTIFIED VEGETABLE WINE’, as the case may be; except that, for the word FRUIT or the word ‘VEGETABLE’, there may be substituted the name of any fruit or vegetable from which the fortified fruit wine or fortified vegetable wine is manufactured.

“(4) Flavoured fruit wine, flavoured vegetable wine, fruit wine cocktail, vegetable wine cocktail, aperitif fruit wine, and aperitif vegetable wine shall be labelled on the principal display panel, in 4 mm lettering, with the words ‘FLAVOURED FRUIT WINE’, ‘FLAVOURED VEGETABLE WINE’, ‘FRUIT WINE COCKTAIL’, ‘VEGETABLE WINE COCKTAIL’, ‘APERITIF FRUIT WINE’, or ‘APERITIF VEGETABLE WINE’, as the case may be, except that, for the word ‘FRUIT’ or the word ‘VEGETABLE’ in any such case, there may be substituted the name of any fruit or vegetable from which the fruit wine or vegetable wine is manufactured.

“(5) Fruit wine liqueur or vegetable wine liqueur shall be labelled on the principal display panel, in 4 mm lettering, with the words ‘FRUIT WINE LIQUEUR’ or ‘VEGETABLE WINE LIQUEUR’, as the case may be; except that, for the word ‘FRUIT’ or the word ‘VEGETABLE’, there may be substituted the name of any fruit or vegetable—

“(a) From which the fruit wine or vegetable wine is manufactured, in the case of a fruit wine liqueur that complies with paragraph (a) of subclause (1) of regulation 229D of these regulations or a vegetable wine liqueur that complies with paragraph (a) of subclause (2) of that regulation; or

“(b) Used to flavour the product, in the case of a fruit wine liqueur that complies with paragraph (b) of subclause (1) of that regulation or a vegetable wine liqueur that complies with paragraph (b) of subclause (2) of that regulation.

“(6) The requirements of this regulation are in addition to the requirements of section 161A of the Sale of Liquor Act 1962 (as inserted by section 13 of the Sale of Liquor Amendment Act (No. 2) 1971).

“229F. **Combined fruit and vegetable wine**—(1) Nothing in these regulations shall prohibit the manufacture of a product that is a combination of fruit wine and vegetable wine if the relevant provisions of regulations 229 to 229E of these regulations, and of subclauses (2) to (5) of this regulation, are complied with.

“(2) Subject to subclause (5) of this regulation, fortified fruit and vegetable wine shall be labelled on the principal display panel, in 4 mm lettering, with the words ‘FORTIFIED FRUIT AND VEGETABLE WINE’.

“(3) Subject to subclause (5) of this regulation, flavoured fruit and vegetable wine shall be labelled on the principal display panel, in 4 mm lettering, with the words ‘FLAVOURED FRUIT AND VEGETABLE WINE’.

“(4) Subject to subclause (5) of this regulation, fruit and vegetable wine liqueur shall be labelled on the principal display panel, in 4 mm lettering, with the words ‘FRUIT AND VEGETABLE WINE LIQUEUR’.

“(5) In any case to which subclause (2) or subclause (3) or subclause (4) of this regulation applies, there may be substituted for the word ‘FRUIT’ or the word ‘VEGETABLE’ the name of any fruit or vegetable from which the product is manufactured.”

(2) Regulations 30 and 31 of the Food and Drug Regulations 1973, Amendment No. 2 are hereby consequentially revoked.

9. Potable spirit, wine spirit, and fruit wine spirit—The principal regulations are hereby amended by inserting, after regulation 230, the following regulation:

“230A. (1) Potable spirit shall be either—

“(a) Ethyl alcohol, or dilute ethyl alcohol containing not less than 80 percent by volume of ethyl alcohol, which complies with the specifications for purity contained in the *Food Chemicals Codex* or the *British Pharmacopoeia*; or

“(b) Wine spirit that has been rectified to 80 percent by volume of ethyl alcohol.

“(2) Wine spirit shall be the distillate resulting from the distillation of wine or dessert wine, and shall contain not less than 60 percent by volume of ethyl alcohol.

“(3) Fruit wine spirit shall be the distillate resulting from the distillation of fruit wine or fortified fruit wine, and shall contain not less than 60 percent by volume of ethyl alcohol.”

10. General alcoholic drinks—(1) The principal regulations are hereby amended by revoking regulation 232, and substituting the following regulation:

“232. (1) A general alcoholic drink shall be any alcoholic drink other than one for which a standard is prescribed in any of regulations 226 to 231 of these regulations.

“(2) General alcoholic drinks shall contain more than 1.7 percent of alcohol derived either from the alcoholic fermentation of any food stuff, with or without the addition of spirits, or from the addition of spirits to any beverage for which a standard is prescribed.

“(3) General alcoholic drinks may contain specified colouring substances, permitted flavouring substances, sugar, carbon dioxide, and any other foodstuffs.

“(4) General alcoholic drinks shall be labelled on the principal display panel, in 4 mm lettering, with the words ‘GENERAL ALCOHOLIC DRINK’. Those words shall form the first line of the principal display panel, and no other words shall appear in the same line.

“(5) Every package containing a general alcoholic drink shall have written on the principal display panel of the label, in close proximity to the words ‘GENERAL ALCOHOLIC DRINK’, a statement of the ingredients (including water), in descending order of quantities, of which the drink is composed. Such statement of quantities shall be expressed as a percentage of the whole contents of the package, and shall be in lettering at least equal in height to one-half of the height of the largest lettering on the label or package.”

(2) Regulation 32 of the Food and Drug Regulations 1973, Amendment No. 2 is hereby consequentially revoked.

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 are made pursuant to the Food and Drug Act 1969, and amend the Food and Drug Regulations 1973.

Regulation 1 relates to the Title and commencement. Various periods of grace, ranging from 6 to 12 months, are prescribed for the application of certain of the new provisions (relating to labelling).

Regulation 2 revokes regulation 9 (6) (b) of the principal regulations, which prescribes a general requirement that, where words are required by these regulations to be included in the principal display panel of the label, those words must be at least as prominent as any other words in the panel. The requirement is adequately provided for in specific cases by other regulations.

Regulation 3 allows a wider choice of type to be used in respect of material required to be printed on labels and notices under the regulations.

Regulation 4 revokes the preservative levels presently prescribed for wine. These are provided for in the new regulations inserted by regulations 7 and 8 of these regulations. The regulation also exempts all wines from the requirement of a preservative declaration to be shown on the label.

Regulation 5, in effect, now requires a declaration of colouring substances to be included in the label of all products except small quantities of sugar confectionery, and products to which caramel is lawfully added as a colouring substance and no other colouring substance is added.

Regulation 6 amends the provisions relating to the dating of yoghurt products. Except for yoghurt packaged in glass bottles, the emphasis is now on the date by which the product should be eaten, rather than the date on which it was packaged.

Regulation 7 amends the standard for (grape) wine, in particular, by prescribing more closely the additives that may be used in the manufacture of wine. It also prescribes separate standards for sparkling wine, dessert wine, flavoured wine, wine cocktail, vermouth, aperitif, and wine liqueur, and prescribes certain labelling requirements for each of those classes of drink.

Regulation 8 amends the standards for fruit wine and vegetable wine, again by defining more particularly the additives that may be used in the manufacture of the wine. It prescribes separate standards for sparkling fruit wine, fortified fruit wine, flavoured fruit wine, fruit wine cocktail, aperitif fruit wine, and fruit wine liqueur, and their vegetable equivalents. It also prescribes a standard for mead, and prescribes certain labelling requirements for each of those classes of drink.

Regulation 9 prescribes new standards for potable spirit, wine spirit, and fruit wine spirit.

Regulation 10 amends the standard and labelling requirements for other alcoholic drinks.

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These regulations are administered in the Department of Health.