



**THE FOOD AND DRUG REGULATIONS 1973, AMENDMENT
NO. 4**

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 1st day of October 1979

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.

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REGULATIONS

1. **Title and commencement**—(1) These regulations may be cited as the Food and Drug Regulations 1973, Amendment No. 4, 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) and (4) of this regulation, these regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

*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

(3) Regulation 8 of these regulations shall come into force on the 1st day of November 1979.

(4) Without limiting section 46 (5) of the Act, regulations 2 (1), 6, 14, 21, 26, and 31 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 (1) of the principal regulations is hereby amended by omitting the definitions of the terms “British Pharmacopoeia” and “British Pharmaceutical Codex”, and substituting the following definitions:

“‘British Pharmacopoeia’ or ‘B.P.’ means the 1973 edition of the British Pharmacopoeia and any amendments and supplements to that edition published before the 1st day of January 1979:

“‘British Pharmaceutical Codex’ or ‘B.P.C.’ means the 1973 edition of the British Pharmaceutical Codex and any amendments and supplements to that edition published before the 1st day of January 1979:”.

(2) The said regulation 2 (1) is hereby further amended by revoking paragraph (a) of the definition of the term “food additive”, and substituting the following paragraph:

“(a) Preservatives, antioxidants, colouring substances, artificial sweeteners, flavouring substances, food conditioners, free-flowing agents, gaseous packaging agents, non-nutritive substances, incidental constituents, vitamins, and minerals:”.

(3) Subclauses (1) and (2) of regulation 2 of the Food and Drug Regulations 1973, Amendment No. 1 are hereby consequentially revoked.

3. Exemptions from regulation 3—(1) Regulation 4 of the principal regulations is hereby amended by revoking paragraph (e), and substituting the following paragraph:

“(e) Raw fruit that, immediately after it has been picked, is packed directly in a package intended for retail sale in lots of not more than 500 g and that bears information identifying its source.”

(2) Regulation 3 of the Food and Drug Regulations 1973, Amendment No. 1 is hereby consequentially revoked.

4. Antioxidants—(1) Regulation 17 of the principal regulations is hereby amended by adding to the table in subclause (3) the following item:

“Tert-butylhydroquinone 0.01% (100 ppm)”.

(2) The said regulation 17 is hereby further amended by omitting from the said table in subclause (3), and from subclause (8) (c), the word “alphatocopherols”, and substituting in each case the word “tocopherols”.

5. Colouring substances—Regulation 18 (2) (c) of the principal regulations is hereby amended by omitting the word “turmeric”.

6. Artificial sweeteners—The principal regulations are hereby amended by revoking regulation 19, and substituting the following regulation:

"19. (1) In these regulations 'artificial sweetener' means any substance that does not have nutritive properties and that, when added to food, is capable of imparting sweetness to that food.

"(2) For the purposes of these regulations, specified artificial sweeteners shall be—

"(a) Saccharin and its sodium, calcium, and ammonium compounds:

"(b) Sodium and calcium salts of cyclohexylsulphamic acid.

"(3) No person shall sell any food to which an artificial sweetener has been added except as otherwise permitted by these regulations.

"(4) No person shall sell as suitable for the purpose of sweetening a food any artificial sweetener other than a specified artificial sweetener.

"(5) Every food containing an artificial sweetener shall be labelled in 3 mm lettering, with the word 'CONTAINS', followed by the word 'SACCHARIN' or the word 'CYCLAMATE' or both those words, as may be appropriate, on the principal display panel.

"(6) Liquid preparations of specified artificial sweeteners may contain any preservative specified in regulation 16 of these regulations in a proportion not exceeding, whether present singly or in any combination, a total of 2,000 ppm.

"(7) Liquid, powdered, granulated, or tablet preparations of specified artificial sweeteners sold, or intended solely, for sweetening food may contain any of the following substances, namely: dextrose, lactose, maltose, sucrose, fructose, sorbitol, glycerine, propylene glycol, carboxymethyl cellulose, stearic acid, magnesium stearate, gum acacia, wheaten cornflour, polyvinyl pyrrolidone, dried talc, and any acidulant that is a specified food conditioner.

"(8) No package of food containing an artificial sweetener sold or intended for sweetening food shall be labelled with the words 'calorie free' or 'low in calories' or 'trim' or 'slim' or 'reduce' or any word or words of similar meaning.

"(9) Every package of food containing an artificial sweetener sold or intended for sweetening food shall be labelled with a statement, in descending order of the quantities or proportions, of the ingredients of which the food is composed. Specific names shall be used for ingredients other than food additives, and generic names shall be used for food additives other than the artificial sweeteners, saccharin and cyclamate.

"(10) Every package of food containing an artificial sweetener sold or intended for sweetening food shall be labelled in 3 mm lettering, with the words 'NOT RECOMMENDED FOR CHILDREN EXCEPT ON MEDICAL ADVICE'. These words shall form the first line or lines of the principal display panel or of lettering round the circumference of the package, and no other words shall appear on the same lines."

7. Incidental constituents—(1) Regulation 24 of the principal regulations is hereby amended by repealing subclause (1), and substituting the following subclause:

"(1) In these regulations 'incidental constituent' means any extraneous substance, toxic substance, agricultural chemical, or pesticide that is contained or present in or on any food, but does not mean any preservative, antioxidant, colouring substance, artificial sweetener, flavouring substance, food conditioner, free-flowing agent, gaseous packaging agent, vitamin, or mineral."

(2) The said regulation 24 is hereby further amended by revoking the Second Table in subclause (3), and substituting the following Second Table:

"SECOND TABLE
"PROPORTIONS OF PESTICIDES IN FOODS

"Pesticide	Food	Permissible proportions (Parts per million by weight)
"Acephate	Fruiting vegetables	1
	Brassicas	2
	Other leafy vegetables	6
	Citrus fruit	5
"Amitraz	Pip fruit and stone fruit	0.5
"Anilazine	Bulb crops	10
	Citrus fruit	5
	Small fruit	10
	Tomatoes	10
"Azinphos-methyl or azinphos-ethyl	Fruit and vegetables	2
"Benomyl, thiophanate- methyl, MBC, carben- dazim (calculated as methyl benzimidazol- 2-yl carbamate)	Fruit	5
	Vegetables	2
	Cereals	1
"Benzoximate	Citrus fruit	0.2
	Pome fruit	0.2
"Bupirimate	Pome fruit	0.5
"Bromopropylate	Fruit	3
"Brotianide	Meat fat, in any food	0.1
"Captan	Fruit and vegetables	10
"Carbaryl	Fruit and vegetables, except potatoes	3
	Meat fat, in any food	0.1
"Carbophenothion	Milk fat, in any food	0.1
	Cereals	0.2
"Carboxin	Stone fruit	2
"Chlorethephon	Tomatoes	1
	Pome fruit	2
	Celery	15
"Chlorothalonil	Lettuce	10
	Beans	5
	Brassicas	5
	Curcubits	5
	Tomatoes	5

"SECOND TABLE—continued
"PROPORTIONS OF PESTICIDES IN FOODS

"Pesticide	Food	Permissible proportions (Parts per million by weight)	
"Chlorpyrifos	..... Fruit and tomatoes	0.2
	..... Grapes	1
	..... Meat fat, in any food	1.5
"Coumaphos	..... Meat fat, in any food	0.5
	..... Milk fat, in any food	0.1
"Cyhexatin .....	..... Fruit	2
"2, 4-D .....	..... Stone fruit	1
"DDT .....	..... Fruit and vegetables	2
	..... Meat fat, in any food	5
	..... Milk fat, in any food	1.25
	..... Eggs	0.5
"Daminozide .....	..... Fruit	30
"Demeton-S-methyl or oxydemeton methyl .....	..... Any food	0.4
"Dialifos .....	..... Citrus fruit	3
	..... Pip fruit	1
"Diazinon .....	..... Meat fat, in any food	0.7
	..... Any food, except cereals, nuts, and oil seed crops	0.1
"Dichlofluanid .....	..... Small fruit	10
	..... Any other fruit	5
	..... Vegetables	5
"Dichlone .....	..... Fruit and vegetables	3
"Dichlorvos .....	..... Small fruit	2
"Dicloran .....	..... Stone fruit	10
	..... Grapes	10
	..... Lettuce	10
	..... Berry fruit	10
	..... Beans	2
	..... Tomatoes	0.5
	..... Kumera	5
	..... Fruit and vegetables	3
"Dicofol .....	..... Fruit and vegetables	3
	"Dieldrin and aldrin singly or in combina- tion Meat fat, in any food	0.2
	 Milk fat, in any food	0.15
	 Citrus fruit	0.05
	 Any other food	0.1
..... Tomatoes		1	
"Dimethoate .....	..... Other fruit and vegetables	2
	..... Cereals	0.02
"Dinocap .....	..... Fruit and vegetables	7
"Endosulfan .....	..... Fruit and vegetables	2
"Ethion .....	..... Fruit	1
"Famphur .....	..... Meat	0.1

"SECOND TABLE—continued

"PROPORTIONS OF PESTICIDES IN FOODS

"Pesticide	Food	Permissible proportions (Parts per million by weight)
"Fenamiphos	Root vegetables	0.2
	Tomatoes	0.2
"Fenarimol	Pip fruit and grapes	0.1
"Fenazaflor	Fruit	1
"Fenbutatin oxide	Pip fruit and stone fruit	1
"Fenchlorphos	Meat fat, in any food	7.5
"Fenithrothion	Any food	0.1
"Fensulfothion	Any food	0.1
"Fenvalerate	Brassicas	5
	Kiwi fruit	3
	Pip fruit	1
"Ferbam	Fruit	7
"Formetanate	Fruit	0.5
"Formothion	Citrus fruit	0.2
"Glyodin	Fruit and vegetables	5
"Hexadecyl cyclopropane-carboxylate	Pip fruit	2
"Hydrogen phosphide (phosphine)	Cereals	0.1
	Any other food	0.01
"Iprodione	Tomatoes	5
	Stone fruit	10
	Small fruit	10
	Berry fruit	10
"Lindane	Fruit and vegetables	2
	Meat fat, in any food	2
"Maldison	Eggs	1
	Meat fat, in any food	1
	Fruit, vegetables, and raw cereals	8
	Any other food	0.5
"Mancozeb	Fruit and vegetables	7
"Methamidophos	Fructing vegetables	0.2
	Brassicas	1
	Other leafy vegetables	0.5
	Potatoes	0.1
	Tomatoes	0.1
	Citrus fruit	0.5
	"Methidathion	Citrus fruit	2
"Methiocarb	Cereals	10
	Grapes	3
	Stone fruit	7
	"Methomyl	Berry fruit	0.5
	Any other food	0.2

"SECOND TABLE—*continued*
"PROPORTIONS OF PESTICIDES IN FOODS

"Pesticide	Food	Permissible proportions (Parts per million by weight)
"Methyl bromide and ethylene dibromide, singly or in combination, as total bromide	Nuts	200
	Spices	400
	Any other food	50
"Mevinphos	Any food	1
"Naled (expressed as dichlorvos)	Small fruit	2
"Naphthalophos	Meat fat, in any food	0.1
"Nicotine	Fruit and vegetables	2
"Nitrothal-isopropyl	Pip fruit	0.2
"Nitroxylin	Meat fat, in any food	1
"Omethoate	Tomatoes	1
	Other fruit and vegetables	2
"Parathion or parathion methyl	Fruit and vegetables	0.5
"Parbendazole	Meat	0.1
	Milk	0.1
"Permethrin	Brassicas	1
	Kiwi fruit	2
	Pip fruit	1
"Phenthoate	Brassica crops	0.7
"Phosalone	Meat fat, in any food	1
"Phosmet	Fruit	10
"Pirimicarb	Fruiting vegetables	1
	Stone fruit	1
	Berry fruit	1
	Citrus fruit	1
	Leafy vegetables	1
	Any other food	0.5
"Pirimiphos methyl	Citrus fruit	1
	Berry fruit	1
	Fruiting vegetables	1
	Kiwi fruit	2
	Leafy vegetables	10
	Tomatoes	1
"Propargite	Pome fruit	3
	Small fruit	3
"Propyzamide	Leafy vegetables	1
"Propoxur	Root and tuber vegetables	3
"Pyrantel	Meat fat, in any food	0.3
"Pyridinitril	Fruit	2
"Rafoxanide	Meat	0.1

"SECOND TABLE—continued

"PROPORTIONS OF PESTICIDES IN FOODS

"Pesticide	Food	Permissible proportions (Parts per million by weight)
"Sec-butylamine	Citrus fruit	30
"Temephos	Meat fat, in any food	2
"Tetradifon	Fruit and vegetables	5
"Thiabendazole	Meat	0.1
"Thiophanate ethyl (calculated as ethyl benzimidazol-2-yl carbamate)	Fruit	5
	Vegetables	2
	Cereals	1
"Thiram	Fruit and vegetables	7
"Trichlorfon	Any food, except milk and sugarbeet	0.1
"Triforine	Grapes	3
	Tomatoes	2
	Cereals	0.5
	Cucurbits	0.5
	Pip fruit	0.5
	Stone fruit	3
"Vinclozolin	Grapes	2
	Lettuce	2
	Stone fruit	3
	Strawberries	5
	Tomatoes	5
	Any other vegetable	1
"Zineb or maneb	Fruit and vegetables	7."

(3) The said regulation 24 is hereby further amended by inserting in the Third Table in subclause (3) (as substituted by regulation 5 (4) of the Food and Drug Regulations 1973, Amendment No. 3), after the item relating to hexane, the item "Imazalil/Citrus fruit/5".

(4) The said regulation 24 is hereby further amended by omitting from the said Third Table in subclause (3) the item "Thiabendazole/Potatoes/3", and substituting the item "Thiabendazole/Potatoes/10".

(5) The said regulation 24 is hereby further amended by adding the following subclauses:

"(4) Notwithstanding any other requirement of these regulations, the permissible proportion of any incidental constituent specified in the Second Table and the Third Table in subclause (3) in relation to bananas, citrus fruit, and kiwi fruit shall be related to the whole fruit.

"(5) Notwithstanding anything in these regulations, any imported food may contain proportions of pesticides not greater than the proportion specified for that food in the following FAO/WHO Codex Alimentarius Commission Standards:

“CAC/RS 65—1974
“CAC/RS 71—1976
“CAC/RS 100—1978.”

- (6) The following regulations are hereby consequentially revoked:
- (a) Regulation 10 of the Food and Drug Regulations 1973, Amendment No. 1:
 - (b) Regulation 11 of the Food and Drug Regulations 1973, Amendment No. 2:
 - (c) Subclauses (1) to (3) of regulation 5 of the Food and Drug Regulations 1973, Amendment No. 3.

8. Importation of food—The principal regulations are hereby amended by inserting, before regulation 25 but under the heading “*Protection of Food and Drugs*”, the following regulation:

“24b. (1) No person shall import into New Zealand any food to which this regulation applies without first satisfying the Medical Officer of Health, by the production to him of such evidence as he may reasonably require, that the food complies in all respects with the relevant provisions of the Act and these regulations.

“(2) This regulation applies to frozen cooked prawns.”

9. Bakery products—(1) Regulation 62 (3) of the principal regulations is hereby amended by revoking paragraph (m), and substituting the following paragraph:

“(m) Potassium bromate with or without calcium sulphate and with or without calcium carbonate, if the proportion of potassium bromate does not exceed 50 parts per million of flour or meal used:”.

(2) Regulation 62 (3) of the principal regulations is hereby further amended by adding the following paragraphs:

“(s) Sodium hexametaphosphate:

“(t) Pepsin:

“(u) Citric acid.”

10. Oysters and other shellfish—Regulation 106 of the principal regulations is hereby amended by adding, as subclause (2), the following subclause:

“(2) Canned bleached paua may contain not more than 1000 ppm of sulphur dioxide (or sulphites calculated as sulphur dioxide), and shall be labelled on the principal display panel, in 4 mm lettering, with the words ‘BLEACHED PAUA’.”

11. Milk—Regulation 115 of the principal regulations is hereby amended by adding the following subclause:

“(3) Every reference in these regulations to milk as an ingredient in a compounded food shall be deemed to be also a reference to the normal, clean, and fresh secretion from the udder of an animal other than a cow. Where milk other than cow’s milk is used in the manufacture of any milk product, the name of the animal from which the milk has been derived shall be included in the name of the food if its omission is likely to mislead the consumer.”

12. Labelling of milk and pasteurised milk products—(1) Regulation 120 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Every package containing raw milk, pasteurised milk, non-fat milk, standard milk, or recombined milk shall be labelled, in 6 mm lettering, with the words ‘RAW MILK’, ‘PASTEURISED’ or ‘PASTEURISED MILK’, ‘NON-FAT MILK’, ‘STANDARD’ or ‘STANDARD MILK’, or ‘RECOMBINED’ or ‘RECOMBINED MILK’, as the case may be. Alternatively, the disc, cap, or device used for sealing the package shall be labelled or embossed in 2 mm lettering, with the words ‘RAW’, ‘PASTEURISED’, ‘NON-FAT’, ‘STANDARD’, or ‘RECOMBINED’, as the case may be. In the case of non-fat milk, the cap shall also be distinctively coloured green.”

(2) The said regulation 120 is hereby further amended by inserting in subclause (6), and in subclause (7), and in subclause (9), after the words “pasteurised milk,” in each case, the words “non-fat milk,”.

(3) The said regulation 120 is hereby further amended by revoking subclause (12), and substituting the following subclause:

“(12) Every package of not less than 9 litres capacity that is used in the sale or distribution of pasteurised milk, non-fat milk, standard milk, or recombined milk shall be labelled, in 25 mm lettering, with the words ‘PASTEURISED’ or ‘PASTEURISED MILK’, ‘NON-FAT MILK’, ‘STANDARD’ or ‘STANDARD MILK’, or ‘RECOMBINED MILK’, or ‘BLENDED’, as the case may be.”

13. UHT (Ultra heat treated) milk products—The principal regulations are hereby amended by inserting, after regulation 120, the following regulation:

“120A. (1) Ultra heat treated milk products shall be products that have been flow sterilised in properly operating equipment by a single, uninterrupted continuous heating process to a temperature of not less than 133°C, either by direct heating with steam or indirect heating to ensure preservation, treated in a manner to minimise loss of vitamins, and aseptically packaged in containers that are hermetically sealed immediately thereafter.

“(2) There shall be written in the principal display panel of every package of an ultra heat treated milk product the words ‘ULTRA HEAT TREATED’ or ‘ULTRA HIGH TEMPERATURE’ or ‘ULTRA PASTEURISED’, followed by the name of the product, or ‘UHT’, followed by the name of the product.

“(3) The words ‘STORE IN A REFRIGERATOR AFTER OPENING’, or words of similar meaning, shall appear on any part of the label on every package.

“(4) Every ultra heat treated milk product that is homogenised shall comply with the test described in the Seventh Schedule to these regulations.

“(5) Ultra heat treated milk shall comply with regulation 115 (1) of these regulations, except in so far as that provision proscribes the heating of milk.

“(6) Ultra heat treated standard milk shall comply with subclauses (1) and (2) of regulation 117 of these regulations, except in so far as the said subclause (1) prescribes certain methods of heat treatment of standard milk.

“(7) Ultra heat treated recombined milk shall comply with subclauses (1) and (2) of regulation 118 of these regulations, except in so far as the said subclause (1) prescribes certain methods of heat treatment of

“(8) Ultra heat treated flavoured milk shall comply with subclauses (1) to (3) of regulation 119, except in so far as the said subclause (1) prescribes certain methods of heat treatment of flavoured milk.

“(9) Ultra heat treated skim milk or non-fat milk shall comply with regulation 121 of these regulations.

“(10) Ultra heat treated cream shall comply with regulation 127 (1) of these regulations.

“(11) Ultra heat treated reduced cream, pouring cream, and sour cream shall comply with subclauses (1) and (3) of regulation 129 of these regulations, except in so far as that provision applies the standard prescribed by regulation 128 of these regulations.

“(12) Ultra heat treated recombined cream shall comply with regulation 130 (1) of these regulations.

“(13) Ultra heat treated milk products shall be tested by the test described in the Twelfth Schedule to these regulations, and be reported as sterile.

“(14) For the purposes of this regulation the term ‘ultra heat treated milk products’ include ultra high temperature milk products and ultra pasteurised milk products.”

14. Skim milk or non-fat milk—Regulation 121 of the principal regulations is hereby amended by adding, as subclauses (2) and (3), the following subclauses:

“(2) Subject to subclause (3) of this regulation, every package containing non-fat milk shall be labelled, in 4 mm lettering, with the words ‘NOT SUITABLE AS A COMPLETE MILK FOOD FOR INFANTS’. The words shall form the first line or lines of the label, and no other words shall appear on the same line or lines.

“(3) Where milk is packaged in a bottle, the requirements of subclause (2) of this regulation shall be met if a statement, printed or embossed in the manner required of labels by that subclause, is on a collar that is slipped over the neck of the bottle when the bottle or product is sold or delivered to the consumer.”

15. Evaporated milk and evaporated skim milk—The principal regulations are hereby amended by revoking regulation 123, and substituting the following regulation:

“123. (1) Evaporated milk, evaporated whole milk, evaporated full cream milk, unsweetened condensed whole milk, or unsweetened full cream condensed milk shall be a liquid product obtained by the partial removal of water only from milk. It shall contain not less than 7.5 percent of milk fat, and not less than 25 percent of total milk solids.

“(2) Evaporated skim milk or unsweetened condensed skim milk shall be the liquid product obtained by the partial removal of water only from skim milk. It shall contain not less than 20 percent of total milk solids.

“(3) The products described in subclauses (1) and (2) of this regulation may contain—

“(a) The sodium, potassium, and calcium salts of hydrochloric acid, citric acid, carbonic acid, orthophosphoric acid, and polyphosphoric acid, either singly in a proportion not exceeding 0.2 percent or in combination in a proportion not exceeding 0.3 percent; and

“(b) Carrageen in a proportion not exceeding 0.015 percent.

“(4) Every package of evaporated milk or evaporated skim milk shall be labelled with clear directions for dilution of the product to the milk solids content of standard milk or skim milk, whichever is appropriate.

“(5) Every package of evaporated skim milk shall be labelled with the words ‘NOT SUITABLE AS A COMPLETE MILK FOOD FOR INFANTS.’”

16. Whipping or whipped cream—The principal regulations are hereby further amended by inserting, after regulation 129, the following regulation:

“129A. (1) Whipping or whipped cream shall be a product containing milk fat with or without the addition of milk or skim milk or sugar. They shall contain not less than 28 percent of milk fat, and may contain not more than 2 percent of milk solids-not-fat, and not more than 0.1 per cent caseinates. In addition, they may contain any stabiliser, thickener, emulsifier, or acidulant that is a specified food conditioner, and any gaseous packaging agent, vanilla extract, vanillin, or ethyl vanillin.

“(2) Whipping or whipped cream shall be subjected to a method of heat treatment that is as effective as, or more effective than, the process of pasteurisation, unless the product is manufactured from pasteurised milk products. Where a method of heat treatment is used, the name of that method shall be stated on the label in association with the name of the product.

“(3) Every package of whipping or whipped cream to which sugar or a flavouring agent has been added shall bear a label stating that fact in association with the name of the product.

“(4) Every package of whipping or whipped cream shall be labelled with the percentage by weight of the milk fat content of the product.

“(5) Every such package shall also be labelled with a statement, in descending order of the proportions, of the ingredients of which the product is composed. Specific names shall be used for ingredients other than food additives, and generic names shall be used for food additives.”

17. Butter—Regulation 131 (2) of the principal regulations is hereby revoked.

18. Butter oil, anhydrous butter oil, and anhydrous milk fat—The principal regulations are hereby amended by inserting, after regulation 131, the following regulation:

“131A. —(1) Butter oil, anhydrous butter oil, and anhydrous milk fat shall be products obtained exclusively from butter or cream, and resulting from the removal of practically the entire non-fat content, comprising both water and solids.

“(2) Butter oil shall contain not less than 99.3 percent of milk fat and not more than 0.5 percent of water.

“(3) Anhydrous butter oil and anhydrous milk fat shall contain not less than 99.8 percent of milk fat and not more than 0.1 percent of water.

“(4) Butter oil, anhydrous butter oil, and anhydrous milk fat that is not intended for direct consumption, or for use in recombined milk or recombined milk products, may contain not more than 200 mg per 1 kg of the product in any combination of the following antioxidants, namely—

“(a) Propyl, octyl, and dodecyl gallates:

“(b) Butylated hydroxyanisole:

“(c) Butylated hydroxytoluene:

“Provided that the total quantity of gallates shall not exceed 100 mg per 1 kg of product.

“(5) Every package of butter oil or anhydrous butter oil or anhydrous milk fat to which any antioxidant has been added shall be labelled with a statement to that effect, and also a statement to the effect that the product is not for direct consumption or for use in recombined milk products.”

19. Cheese—(1) Regulation 132 of the principal regulations is hereby amended by revoking subclause (4), and substituting the following subclause:

“(4) Cheese sold under any of the following names shall not contain a lesser amount of fat in the water-free substance or a greater amount of water than the percentages specified in relation thereto:

“Name	Minimum Fat in Water-free Substance Percent	Maximum Water Percent
“Amsterdam	48	47
“Bel Paese	50	47
“Blue vein	48	46
“Bondon	50	55
“Brick	48	44
“Brie	45	56
“Burrino	42	45
“Butterkase	45	52
“Caciocavallo	42	40
“Caerphilly	48	46
“Camembert	45	56
“Cantal	50	45
“Carre	60	55
“Chantelle	50	50
“Cheddar	48	37
“Cheedam	43	46
“Cheshire	48	44
“Colby	48	40
“Coulommiers	40	56
“Danablu	50	47
“Danbo	45	46
“Derby	48	42
“Double Gloucester	48	44
“Dunlop	48	44
“Edam	40	46
“Egmont	45	40
“Erbo	40	48
“Emmentaler or Emmental	45	40
“Esrom	45	50
“Feta	46	55
“Feta-skim	25	55
“Fontina	28	42
“Frisian 40 percent	40	41

"Name	Minimum Fat in Water-free Substance Percent	Maximum Water Percent
"Frisian 20 percent	20	48
"Fynbo	45	46
"Gammelost	—	52
"Gloucester	48	44
"Gorgonzola	50	42
"Gouda	48	43
"Grana	32	32
"Grunerkase	10	40
"Gruyere	45	38
"Haloumi	45	40
"Harzer Kase (Mainser Kase)	—	68
"Havarti	45	50
"Herrgardsost	45	41
"Hushallsost	45	46
"Jarlsberg	45	41
"Kashkavel	28	50
"Kasseri	40	40
"Kommenost	25	45
"Kopanisti	42	50
"Kuminost	25	45
"Lancashire	48	48
"Leicester	48	42
"Leyden	40	45
"Leyden (Leidse) 40 percent	40	41
"Leyden 20 percent	20	48
"Liederkrantz	50	55
"Limburger	50	50
"Maribo	45	43
"Monterey	50	44
"Mozzarella	40	50
"Munster or Muenster	50	46
"Mycella	50	47
"Mysost	20	20
"Neufchatel	45	60
"Noekkelost	25	45
"Norbo	45	42
"Norvegia	45	44
"Baby Norvegia	45	47
"Parmesan	32	32
"Parmigiano	32	32
"Pecorino	38	35
"Pecorino Pepato	38	35
"Pecorino Romano	38	35
"Pineapple	50	34
"Port du Salut	45	46
"Primost	30	18
"Provature	28	57
"Provole	28	57
"Proveletti	45	45
"Provolone (unsmoked)	45	47
"Provolone (smoked)	45	45

"Name				Minimum Fat in Water-free Substance Percent	Maximum Water Percent
"Reggiano	.....	.....	.....	32	32
"Ricotta	.....	.....	.....	—	80
"Romadur	.....	.....	.....	20	65
"Roman	.....	.....	.....	38	34
"Romanella	.....	.....	.....	38	34
"Romano	.....	.....	.....	38	34
"Roquefort	.....	.....	.....	50	45
"Salame	.....	.....	.....	45	45
"Samsøe	.....	.....	.....	45	44
"Sapsago	.....	.....	.....	10	40
"Scarmorze	.....	.....	.....	45	45
"Saint Paulin	.....	.....	.....	40	56
"Svecia	.....	.....	.....	45	41
"Steppe (Steppen)	.....	.....	.....	45	50
"Stilton	.....	.....	.....	48	42
"Strachino	.....	.....	.....	50	48
"Swiss	.....	.....	.....	43	41
"Taffel (Table)	.....	.....	.....	43	46
"Taleggio	.....	.....	.....	50	47
"Tambo	.....	.....	.....	43	46
"Tilsit (Tilsiter)	.....	.....	.....	45	47
"Tybo	.....	.....	.....	40	48
"Wensleydale	.....	.....	.....	48	46
"Yoghurt	.....	.....	.....	50	55
"Ziger	.....	.....	.....	—	70."

- (2) The following regulations are hereby consequentially revoked:
- (a) Regulation 22 of the Food and Drug Regulations 1973, Amendment No. 1:
- (b) Regulation 18 of the Food and Drug Regulations 1973, Amendment No. 2.

20. Whey cheese—The principal regulations are hereby amended by inserting, after regulation 132, the following regulation:

"132A. (1) Whey cheese shall be the product obtained by the concentration of whey and the moulding of concentrated whey, with or without the addition of milk or milk fat.

"(2) Whey cheese may contain any preservative specified in regulation 16 (8) of these regulations in relation to cheese.

"(3) Whey cheese shall contain not less than 10 percent of milk fat in the dry matter of the cheese.

"(4) Whey cheese sold as 'creamed whey cheese' or 'full fat whey cheese' shall contain not less than 33 percent of milk fat in the dry matter of the cheese.

"(5) Whey cheese sold as 'skimmed whey cheese' shall contain not more than 10 percent of milk fat in the dry matter of the cheese.

"(6) Every package of whey cheese shall be labelled with the minimum fat content in the total matter of the cheese.

"(7) For the purposes of this regulation, the dry matter of whey cheese includes the water of crystallisation of lactose."

21. Yoghurt—The principal regulations are hereby amended by revoking regulation 139, and substituting the following regulation:

“139. (1) Yoghurt shall be a coagulated milk product obtained by fermenting pasteurised milk products, with or without dried milk products, with cultures of *Lactobacillus bulgaricus* and *Streptococcus thermophilus*, with or without other cultures of suitable lactic acid producing bacteria, and shall have a pH value of not greater than 4.5. The micro-organisms in the final product shall be viable and abundant. Yoghurt shall contain not less than 8.2 percent of non-fat milk solids, and may contain any carbohydrate sweetening substance and any stabiliser that is a specified food conditioner.

“(2) Yoghurt (other than yoghurt sold as ‘partially skimmed yoghurt’, ‘fat reduced yoghurt’, or ‘skimmed yoghurt’) shall contain not less than 3 percent of milk fat.

“(3) Yoghurt sold as ‘partially skimmed yoghurt’ or ‘fat reduced yoghurt’ shall contain less than 3 percent but more than 0.5 percent of milk fat. Every package of such yoghurt shall be labelled with the fat content of the product, specified to the nearest 0.5 percent, in association with the name of the product.

“(4) Yoghurt sold as ‘skimmed yoghurt’, or any other similar qualifying description, shall contain not more than 0.5 percent of milk fat.

“(5) Yoghurt (including yoghurt of the types described in subclauses (3) and (4) of this regulation) to which any carbohydrate sweetening substance has been added shall be labelled with the word ‘sweetened’ included in the name of the product. In any case to which this subclause applies, the compositional requirements specified by this regulation for yoghurt shall refer only to the milk portion of the sweetened product.

“(6) Flavoured yoghurt shall be yoghurt (including yoghurt of the types described in subclauses (3) and (4) of this regulation) to which has been added foodstuffs intended to flavour the product, or permitted flavouring substances, or both, and may contain any carbohydrate sweetening substance, and any specified food colours. In respect of flavoured yoghurt, the compositional requirements specified by this regulation for yoghurt shall refer only to the milk portion of the yoghurt.

“(7) Every package of yoghurt (including yoghurt of the types described in subclauses (3), (4), and (6) of this regulation) shall be labelled with a statement, in descending order of predominance by weight, of the ingredients of which the product is composed. Specific names shall be used for ingredients other than food additives, and generic names shall be used for food additives.

“(8) Every package of yoghurt (including yoghurt of the types described in subclauses (3), (4), and (6) of this regulation, but not including yoghurt sold in a frozen state), when packed in units intended for retail sale, shall be labelled or embossed with the date on which the package was filled. 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 three letters.

“(9) Yoghurt (including yoghurt of the types described in sub-clauses (3) and (4) of this regulation) to which a permitted flavouring substance has been added shall be labelled with the word ‘FLAVOURED’ conjoined with, and in lettering not smaller in size than, the words describing the type of yoghurt, followed by the word ‘YOGHURT’ in similar lettering.

“(10) Yoghurt (including yoghurt of the types described in sub-clauses (3), (4), and (6) of this regulation) may have air incorporated if the product is either—

- “(a) Sold in a frozen state and labelled accordingly, and the weight per unit volume of the frozen product is not less than 0.55 kg per litre; or
- “(b) Sold as a soft-serve yoghurt.”

22. Salad dressing—Regulation 146 (2) of the principal regulations is hereby revoked.

23. Mayonnaise—The principal regulations are hereby amended by inserting, after regulation 146, the following regulation:

“146A. (1) Mayonnaise shall be a mixture of vegetable oil, whole egg or egg yolk, and vinegar or citrus fruit juice or both, and may contain other foodstuffs, permitted flavouring substances, and specified colouring substances.

“(2) Mayonnaise shall contain not less than 30 percent of vegetable oil.”

24. Raw vegetables—(1) The principal regulations are hereby amended by revoking regulation 184, and substituting the following regulation:

“184. (1) Raw vegetables shall be vegetables that are not dehydrated, dried, canned, or frozen. Raw vegetables shall not be withered, shrivelled, or discoloured.

“(2) Raw peeled potatoes may contain not more than 20 ppm of sulphur dioxide, except that where they are to be used in the manufacture of potato wafer crisps they may contain not more than 200 ppm of sulphur dioxide (or sulphites calculated as sulphur dioxide).

“(3) Where raw potatoes are contained in packages made wholly or partly of a transparent material, the packages shall be labelled, in 4 mm lettering, with the words ‘TO PREVENT GREENING THESE POTATOES MUST BE STORED IN A COOL DARK PLACE’, or words of similar meaning.

“(4) Raw potatoes shall not be sold if green pigmentation is visible in the skin.”

(2) Regulation 15 of the Food and Drug Regulations 1973, Amendment No. 3 is hereby consequentially revoked.

25. Concentrated fruit juice—Regulation 198 (1) of the principal regulations is hereby amended by inserting, after the word “sugar”, the words “, ascorbic acid,”.

26. Fruit drink—Regulation 222 (2) of the principal regulations is hereby amended by adding the following words:

“Every package of fruit drink shall be labelled on the principal display panel with the words ‘CONTAINS NOT LESS THAN (*state the percentage by weight*) OF (*state the name of fruit*) JUICE’.

Where more than one fruit is used, the percentage by weight of each fruit shall be stated in descending order.”

27. Low-strength fermented drink—Regulation 226 (3) (a) of the principal regulations is hereby amended by omitting the expression ‘(or “LIGHT”)’.

28. Beer, lager, ale, and stout—Regulation 227 (2) of the principal regulations is hereby amended by omitting the words “, or more than 600 ppm of total chlorides calculated as sodium chloride”.

29. Spirits—Regulation 230 (8) of the principal regulations is hereby revoked.

30. Labelling of alcoholic drinks—(1) Regulation 232A of the principal regulations (as inserted by regulation 33 of the Food and Drug Regulations 1973, Amendment No. 2) is hereby amended by revoking the second sentence.

(2) The said regulation 232A is hereby further amended by adding, as subclause (2), the following subclause:

“(2) The approximate percentage so declared shall not differ from the actual percentage—

“(a) By more than plus or minus 1, in the case of spirits; or

“(b) By more than one-tenth of the actual percentage, in any other case.”

31. Diabetic food—(1) The principal regulations are hereby amended by revoking regulation 234, and substituting the following regulation:

“234. (1) Diabetic food shall be a special-purpose food that is particularly suitable for diabetics.

“(2) Diabetic food may contain the specified artificial sweetener saccharin, or its sodium, calcium, and ammonium compounds, in a proportion not exceeding 0.01 percent, or sodium cyclamate, or calcium cyclamate, in a proportion not exceeding 0.15 percent, or any combination of those artificial sweeteners, provided that the amount of each substance is such that, when it is expressed as a percentage of the amount permitted singly, the sum of the several percentages does not exceed 100. If the food requires dilution or preparation before consumption, the proportion shall be calculated in relation to the food after such dilution or preparation.

“(3) Diabetic food may also contain—

“(a) Any foodstuff:

“(b) Any preservative specified in regulation 16 (8) of these regulations in relation to special-purpose food:

“(c) Specified colouring substances:

“(d) Permitted flavouring substances:

“(e) Specified food conditioners.

“(4) Every diabetic food shall be labelled with the following statements:

“(a) A statement indicating the nature of the carbohydrate present; and

“(b) A statement of the separate weights or the separate percentages of carbohydrates, protein, and fat in the package or in named units within the package, and, if the food requires dilution or preparation before consumption, those weights or percentages shall be calculated in relation to the food after such dilution or preparation; and

“(c) Either—

“(i) If the food requires dilution or preparation before consumption, a statement of the manufacturer’s recommendation or recommendations in respect of such dilution or preparation, together with the statement—‘CONTAINS (*state number of calories*) CALORIES PER 100 g (*or 100 ml, as the case may be*) OF FOOD READY FOR CONSUMPTION’, or words of similar meaning; or

“(ii) In any other case, the statement ‘CONTAINS (*state number of calories*) CALORIES PER 100 g (*or 100 ml, as the case may be*)’.

“(5) Where the word ‘DIABETIC’ is uniformly conjoined with the name of the food, the lettering shall be at least equal in size to the largest lettering appearing on the label or the package.

“(6) All packages of diabetic food containing an artificial sweetener shall be labelled, in 3 mm lettering, with the words ‘NOT RECOMMENDED FOR CHILDREN EXCEPT ON MEDICAL ADVICE’; and those words shall form the first line or lines of the principal display panel or the first line or lines of lettering round the circumference of the package, and no other words shall appear on that line or those lines.

“(7) No package of a diabetic food shall be labelled with the words ‘low in calories’ or ‘trim’ or ‘slim’ or ‘reduce’, or any words of similar meaning.

“(8) The requirements of this regulation are in addition to that of regulation 233 (3) (c) of these regulations.”

(2) The following regulations are hereby consequentially revoked:

(a) Regulation 35 of the Food and Drug Regulations 1973, Amendment No. 2:

(b) Regulation 23 of the Food and Drug Regulations 1973, Amendment No. 3.

32. Standard for drugs and surgical dressings—Regulation 237 of the principal regulations is hereby amended by inserting, after subclause (1), the following subclause:

“(1A) Notwithstanding subclause (1) of this regulation, the Director-General may, by writing under his hand, exempt from the requirements of that subclause any drug that is the subject of—

“(a) An application to the Minister pursuant to section 13 of the Act; or

“(b) A notice to the Director-General pursuant to section 14 of the Act,—
and that complies with appropriate descriptions and tests prescribed in the European Pharmacopoeia and its supplements, or the United States Pharmacopoeia, or the United States National Formulary or by the Therapeutic Goods Standards Committee of Australia, in respect of that drug.”

33. Labelling of preparations containing acetylsalicylic acid, phenacetin, or paracetamol—The principal regulations are hereby amended by inserting, after regulation 239A (as inserted by regulation 37 of the Food and Drug Regulations 1973, Amendment No. 2), the following regulation:

“239B—Except in the case of a medicine supplied or packed or sold by a medical practitioner or a dentist or a pharmacist with reference to the needs of a particular patient, every package that contains a medicine intended to be taken by mouth, which is or contains acetylsalicylic acid, phenacetin, or paracetamol, or a compound or a mixture of one or more of these substances, shall, in addition to any other label that it is required by these regulations to bear, bear a label conveying a warning in the following words, or in words of similar meaning:

‘WARNING: Prolonged or excessive use can be harmful. Do not give to children under 2 years of age except on medical advice.’”

34. New Twelfth Schedule added to principal regulations—The principal regulations are hereby amended by adding the Twelfth Schedule set out in the Schedule.

Reg. 34

SCHEDULE

NEW TWELFTH SCHEDULE ADDED TO PRINCIPAL REGULATIONS

“TWELFTH SCHEDULE

Reg. 120A

STERILITY TEST FOR ULTRA HEAT TREATED MILK PRODUCTS

1. Selection of sample:

Four sets of 5 containers of ultra heat treated food shall be selected from the same manufacturing batch. Only containers sound in external appearance and free from damage shall be selected.

2. Procedure:

(1) *Allocation and incubation of containers*—The four sets of containers, designated ‘A’, ‘B’, ‘C’, and ‘D’, comprising the test sample shall be treated as follows:

A shall be examined immediately.

B shall be incubated at $55 \pm 2^{\circ}\text{C}$ for 24 hours prior to testing.

C shall be incubated at $30 \pm 1^{\circ}\text{C}$ for 7 days prior to testing.

D shall be incubated at $55 \pm 2^{\circ}\text{C}$ for 7 days prior to testing.

(2) *Preparation of containers*—

- (a) Clean the outside of the containers.
- (b) Mix the contents by inverting the container 10 times, and then, if the container has no air space, rotating it several times.
- (c) Thoroughly wipe the container with 70 percent v/v ethanol.
- (d) Open the container in accordance with the following procedure, as appropriate:
 - (i) Laminated paper cartons—with sterile scissors cut a corner from the carton.
 - (ii) Glass containers—remove the seal and flame the top of the container.
 - (iii) Cans - swab the top of the can with ethanol and ignite. Open a small section in the centre of the lid with a suitable sterile opener.

(3) *Microscopic examination*—Any containers, the contents of which show obvious alteration or which are suspected of being non-sterile may be examined microscopically.

If by this examination the sample is obviously contaminated then sterility testing is unnecessary and the product is reported as non-sterile.

(4) *Sterility test*—

- (a) From each container transfer 0.01 ml of sample by standard loop to each of 2 30 ml (30g) McCartney bottles containing 5 ml of standard plate count agar at 47-48°C. Replace the caps tightly, mix thoroughly and slope.
- (b) Incubate the McCartney bottles from containers A and C at $30 \pm 1^\circ\text{C}$ for 72 ± 2 hours.
- (c) Incubate the bottles from container B and D at $55 \pm 2^\circ\text{C}$ for 72 ± 2 hours.

(5) *Reference samples*—Immediately after withdrawal of the 0.01 ml quantities for the sterility test, transfer aseptically 10 ml from each container to individual sterile 30 ml McCartney bottles. Store the reference samples so obtained in a refrigerator at a temperature between 0°C and 5°C.

3. *Interpretation:*

(1) *Microscopic examination*—Where a sample from a container has been microscopically examined and this shows the presence of micro-organisms in each field then that container shall be regarded as contaminated.

(2) *Sterility test*—

- (a) Where no colonies appear on any duplicates, the sample shall be regarded as sterile.
- (b) Where both bottles representing containers A or B, C or D show numerous colonies, the sample shall be regarded as non-sterile. If one or both bottles show only a few colonies, the test shall be repeated in duplicate using the reference sample defined in clause 2 (5) of this Schedule. If such repeat tests show any colonies, the sample shall be reported as non-sterile.
- (c) Report the sample as either sterile or non-sterile."

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 of the regulations. The usual 6-month period of grace is given in respect of new labelling requirements.

Regulation 2 is an interpretative provision. The first amendment recognises recent changes in the British Pharmacopoeia and the British Pharmaceutical Codex, and the second redefines the term "food additive" to include vitamins and minerals. The term "artificial sweetener" is substituted for "non-nutritive sweetener" as some of these products contain nutritive diluents.

Regulation 3 exempts from the labelling requirements of the principal regulations all packages of raw fruit. At present, only open packages are exempted.

Regulation 4 adds the substance specified in subclause (1) to the list of approved antioxidants, and allows all tocopherols (rather than just alphanatocopherols) to be used as an antioxidant.

Regulation 5 removes turmeric from the list of approved colouring agents.

Regulation 6 relates to artificial sweeteners (which term, as explained above, replaces the term "non-nutritive sweeteners"). The principal changes relate to the information required to be given on the label. In particular, the presence of saccharins and cyclamates must be noted. The promotion of such products as aids to slimming or as particularly suitable for children is prohibited. In addition, subclause (7) specifies a number of additives that may be used in the manufacture of artificial sweeteners.

Regulation 7 expands the list of permitted pesticides that may be present in specified foods. The opportunity has been taken to consolidate the present list and amendments for ease of reference.

Regulation 8 requires the importer of frozen cooked prawns to satisfy the Medical Officer of Health that they comply with the requirements of the Act and the principal regulations.

Regulation 9 adds 3 new additives that may be used in bread, and redefines the circumstances in which potassium bromate may be so used.

Regulation 10 allows canned paua to be bleached, so long as it is appropriately labelled.

Regulation 11 allows the use of milk from other animals besides cows for the manufacture of cheese and other products.

Regulation 12 extends the present labelling requirements for milk to include skim milk.

Regulation 13 broadly extends the present requirements for milk to UHT (ultra heat treated) milk products.

Regulation 14 requires a warning on skim milk to the effect that it is not a suitable food for infants.

Regulation 15 brings the standard requirements for evaporated milk into line with international standards, and broadens these to apply also to evaporated skim milk.

Regulation 16 prescribes standards for whipping or whipped cream, in line with international standards. It permits the sale of aerosol cream products.

Regulation 17 is consequential upon regulation 18, which prescribes standards for butter oil, anhydrous butter oil, and anhydrous milk fat, in line with international standards.

Regulation 19 alters the maximum water content and minimum fat content of a number of cheeses in line with international standards, and prescribes the maximum water content and minimum fat content of other varieties of cheese to permit their sale in New Zealand.

Regulation 20 prescribes a standard for whey cheese, in line with international standards.

Regulation 21 amends the standards for yoghurt in line with international standards, and provision is made to control the composition and labelling of frozen yoghurt.

Regulation 22 is consequential upon regulation 23, which prescribes a standard for mayonnaise. The aim is to distinguish more clearly between salad dressings and mayonnaise.

Regulation 24 permits the use of sulphur dioxide to prevent the browning of potatoes used in the production of potato crisps.

Regulation 25 permits the addition of ascorbic acid to concentrated fruit juice.

Regulation 26 tightens the labelling requirements in respect of fruit drinks. It requires the fruit juice content to be specified on the label.

Regulation 27 removes the right to use the term "light" as an alternative to the term "low-strength" on labels of low-strength drinks.

Regulation 28 removes the chlorine limit on beer.

Regulations 29 and 30 should be read together. The combined effect is to require the labelling of spirits to state the alcohol content to within 1 percent of the actual amount. At present, a wider tolerance is allowed.

Regulation 31 consolidates and amends the present provisions relating to diabetic food. In particular, the labelling requirements are tightened to stress the fact that the foods are not intended for consumption by the general public and are not especially suitable for children.

Regulation 32 empowers the Director-General of Health to approve drugs and surgical dressings that meet certain international standards. At present, only those that meet the tests prescribed by the British Pharmacopoeia and the British Pharmaceutical Codex have been officially sanctioned in New Zealand.

Regulation 33 prescribes labelling requirements in respect of aspirins, and similar drugs. At present, these are covered by the Poisons Regulations 1964.

Regulation 34 adds to the principal regulations a new Twelfth Schedule prescribing tests for ultra heat treated milk products.

Issued under the authority of the Regulations Act 1936.

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These regulations are administered in the Department of Health.