

1979 No. 407

FOOD AND DRUGS**Composition****Lead in Food Regulations (Northern Ireland) 1979**

Made 20th November 1979

Coming into operation 12th April 1980

The Department of Health and Social Services(a), in exercise of the powers conferred on it by sections 4 and 68 of the Food and Drugs Act (Northern Ireland) 1958(b) and of every other power enabling it in that behalf and after consultation with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Lead in Food Regulations (Northern Ireland) 1979, and shall come into operation on 12th April 1980.

Interpretation

2.—(1) In these regulations

“the Act” means the Food and Drugs Act (Northern Ireland) 1958;

“carbohydrate” means any substance containing carbon, hydrogen and oxygen in which the hydrogen and oxygen occur in the same proportion as in water;

“food” has the same meaning as in the Act, except that it is limited to food intended for sale for human consumption;

“sell” includes offer or expose for sale or have in possession for sale, and “sale” and “sold” shall be construed accordingly;

“soft drink” has the meaning assigned to it by the Soft Drinks Regulations (Northern Ireland) 1976(c);

“specified food” means any food of a description specified in the first column of Schedule 1;

“sugars” means any soluble carbohydrate sweetening matter.

(2) For the purposes of these regulations, the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food.

Exemptions

3. The provisions of these regulations shall not apply to any food—

(a) in respect of which the maximum permitted lead content is prescribed by any regulations, other than these regulations, made under the Act.

(a) See S.R. & O. (N.I.) 1964 No. 205 (p. 937) art. 5 and Sch. 2 Part 1 and 1973 c. 36 s. 40 and Sch. 5 para. 8

(b) 1958 c. 27 (N.I.)

(c) S.R. 1976 No. 357 (II, p. 1725); the relevant amending regulation is S.R. 1977 No. 182 (II, p. 1047)

- (b) which is intended at the time of sale, consignment or delivery, as the case may be, for exportation to any place outside the United Kingdom.

Sale, etc. of food containing lead

4.—(1) No specified food shall contain any lead in any proportion exceeding that specified or referred to in relation thereto in the second column of Schedule I, so however that on or after 13th April, 1982, no specified food of a description included in the first column of Part II of that Schedule shall contain any lead in any proportion exceeding that specified in relation thereto in the third column of that Schedule.

(2) No other food shall contain any lead in any proportion exceeding 1.0 milligram per kilogram of such food.

(3) A person shall not sell, consign or deliver any food which does not comply with this regulation.

Condemnation of food containing lead

5. Where any food is certified by a public analyst as being food which it is an offence against regulation 4 to sell, consign or deliver, that food may be treated for the purposes of section 9 of the Act (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption.

Penalties and enforcement

6.—(1) If any person contravenes any of the foregoing provisions, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

(2) Each district council shall enforce and execute such provisions in its area.

Defence

7. In any proceedings for an offence under regulation 4(2) and (3) in respect of any food consisting of two or more ingredients, it shall be a defence for the person charged to prove that, although the lead is present in the food in a quantity exceeding that specified in regulation 4(2),

- (a) not less than 10 per cent by weight of the food consists of an ingredient for which a higher quantity of lead is permitted, and
- (b) regulation 4 would not be contravened if the ingredients were sold separately:

Provided that in the case of an additive premix which consists of a mixture of two or more substances for use as an ingredient in the preparation of food and is in a container bearing a label on which there appears in a conspicuous position a clear and legible statement to the effect that it is an additive premix and is not intended for retail sale, it shall be a defence to prove that regulation 4 would not be contravened if the ingredients of the additive premix were sold separately.

Revocations

8. The regulations specified in the first column of Schedule 2 are hereby revoked to the extent specified in relation thereto in the third column of that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 20th November 1979.

(L.S.)

S. W. McDowell

Assistant Secretary

SCHEDULE 1

Regulations 2(1) and 4(1)

PART I

<i>Description of food</i>	<i>Proportions of lead (expressed in milligrams per kilogram)</i>
1. Beer	0.2
2. Brandy, geneva, gin, rum, whisky, vodka	0.2
3. Cider, perry	0.2
4. Infant foods—that is to say foods which are specially prepared for infants or young children and are described expressly or by implication as such—but excluding — rusks — such foods when dried, dehydrated or concentrated	0.2
5. Non-alcoholic beverages, ready to drink, not otherwise specified in this Schedule	0.2
6. Soft drinks for consumption without dilution	0.2
7. Water ices or other similar frozen confections	0.2
8. Edible oils or fats	0.5
9. Fruit juices (other than lime juice, lemon juice) tomato juice, tomato juice cocktails and vegetable juices, ready to drink	0.5
10. Ice cream or other similar frozen confections (excluding water ices and similar frozen confections)	0.5
11. Rusks	0.5
12. Sugars with a sulphated ash content not exceeding 0.25 per cent of the dry matter	0.5
13. Sugars with a sulphated ash content exceeding 0.25 per cent of the dry matter but not exceeding 1.0 per cent of the dry matter	1.0
14. Canned foods, but excluding canned condensed milk, any specified food that is canned and canned infant foods when dried, dehydrated or concentrated	2.0
15. Cocoa powder	2.0 (calculated on the dry fat free substance)
16. Concentrated lime juice and concentrated lemon juice when intended for use by a manufacturer for the purposes of his manufacturing business	2.0

<i>Description of food</i>	<i>Proportions of lead (expressed in milligrams per kilogram)</i>
17. Dried or dehydrated fruit or vegetables	2.0
18. Fish not otherwise specified in this Schedule	2.0
19. Glacé angelica	2.0
20. Hydrolysed protein	2.0
21. Liver	2.0
22. Pickles and sauces	2.0
23. Tomato purée, paste or powder, the total solids content of which is not less than 15 per cent but less than 25 per cent	2.0
24. Yeast extracts	2.0
25. Canned fish	3.0
26. Tomato purée, paste or powder, the total solids content of which is not less than 25 per cent.	3.0
27. Corned beef	5.0
28. Dandelion coffee, including soluble dandelion coffee compound	5.0
29. Dried fish	5.0
30. Sugars with a sulphated ash content exceeding 1.0 per cent of the dry matter not for further refining	5.0
31. Tea	5.0
32. Yeast, yeast products, excluding yeast extracts	5.0 (calculated on the dry matter)
33. Chemicals not otherwise specified in this Schedule	10.0
34. Dried herbs, spices (including ground spices and curry powder) and mustard (including prepared mustard)	10.0
35. Game, game pâté	10.0 (excluding discrete particles of shot)
36. Hops	10.0
37. Shellfish	10.0

<i>Description of food</i>	<i>Proportions of lead (expressed in milligrams per kilogram)</i>
38. Sugars with a sulphated ash content exceeding 1.0 per cent of the dry matter for further refining	10.0
39. Chemicals for which a lead limit is specified (i) in the European Pharmacopoeia, Volume 1 1969 (except for the monograph headed by the name Ergocalciferol), Volume II 1971 and the Supplement thereto published 1973, or if there is no limit there specified, then (ii) in the British Pharmacopoeia, Edition 1973, Addenda 1975, 1977 and 1978, or if there is no limit there specified, then (iii) in the British Pharmaceutical Codex, Edition 1973, Supplement 1979	The limit specified in the European Pharmacopoeia or the British Pharmacopoeia or the British Pharmaceutical Codex, as the case may be.

PART II

	<i>From 12th April 1980 to 12th April 1982 inclusive</i>	<i>On and after 13th April 1982</i>
1. Concentrated—fruit juices (other than lime juice, lemon juice)		
—tomato juice		
—tomato juice cocktails	2.0	1.0
—vegetable juices		
2. Lime juice, lemon juice not otherwise specified in this Schedule	2.0	1.0
3. Apples, pears	3.0	1.0
4. Flavourings	10.0	5.0

SCHEDULE 2

Regulation 8

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
Food Standards (Miscellaneous Foods) Regulations (Northern Ireland) 1960	S.R. & O. (N.I.) 1960 No. 160 (p. 612)	The standard for curry powder specified in sub- paragraph 2 of column 2 of the Schedule in so far as it relates to lead. The reference to edible gelatine specified in column 1 of the Schedule and the standard for edible gelatine specified in column 2 of the Schedule.
Lead in Food Regulations (Northern Ireland) 1961	S.R. & O. (N.I.) 1961 No. 208 (p. 850)	The whole regulations
Lead in Food (Amendment) Regulations (Northern Ireland) 1972	S.R. & O. (N.I.) 1972 No. 355 (p. 1749)	The whole regulations
Lead in Food (Amendment) Regulations (Northern Ireland) 1973	S.R. & O. (N.I.) 1973 No. 196 (I, p. 1019)	The whole regulations
Colouring Matter in Food Regulations (Northern Ireland) 1973	S.R. & O. (N.I.) 1973 No. 466 (II, p. 2705)	Regulation 12
Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1975	S.R. 1975 No. 278 (II, p. 1323)	Regulation 11
Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977	S.R. 1977 No. 182 (II, p. 1047)	Regulation 15

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations re-enact with amendments the Lead in Food Regulations (Northern Ireland) 1961, as amended, which restrict the amount of lead which may be present in food (including drink) intended for sale for human consumption.

The principal changes are that the regulations—

- (a) delete or amend certain definitions in the 1961 regulations and introduce several new definitions (regulation 2(1));
- (b) reduce the general limit for lead in food from 2.0 mg. per kg. to 1.0 mg. per kg. and make a number of changes to the list of specified foods and the limits for lead which apply to them (regulation 4 and Schedule 1);
- (c) amend the special provision for compound foods in which lead is present in a proportion exceeding the general limit and one of the ingredients is a specified food for which a higher limit is prescribed (regulation 7).

In the case of the foods specified in Part II of Schedule 1 reduced limits will apply after a transitional period of two years.

The regulations do not apply to food intended for exportation outside the United Kingdom.