

1959 No. 472

FOOD AND DRUGS

COMPOSITION—ENGLAND AND WALES

The Food Standards (Ice-Cream) Regulations, 1959

<i>Made - - - -</i>	<i>19th March, 1959</i>
<i>Laid before Parliament</i>	<i>25th March, 1959</i>
<i>Coming into Operation</i>	<i>27th April, 1959</i>

The Minister of Agriculture, Fisheries and Food and the Minister of Health, acting jointly, in exercise of the powers conferred upon them by sections four and one hundred and twenty-three of the Food and Drugs Act, 1955(a), and of all other powers them enabling in that behalf, having consulted with such organisations as appear to them to be representative of interests substantially affected by these regulations, hereby make the following regulations :—

1.—(1) These regulations may be cited as the Food Standards (Ice-Cream) Regulations, 1959 ; and shall come into operation on the 27th day of April, 1959.

(2) In these regulations the expression “ food and drugs authority ” has the meaning assigned to it by section 83 of the Food and Drugs Act, 1955.

(3) The Interpretation Act, 1889(b), applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

2. Each food and drugs authority shall enforce and execute the provisions of these regulations in their area.

3. The Food Standards (General Provisions) Order, 1944(c), as amended (d), shall not apply as respects any food for which a standard is prescribed by these regulations.

4. In these regulations any reference to ice-cream includes a reference to ices but nothing herein shall apply to water ices, including ice lollies.

5.—(1) Ice-cream (whether or not it forms part of a composite article of food) intended for sale for human consumption shall conform to the standard of composition set forth in the Schedule to these regulations.

(2) No person shall sell, or offer or expose for sale any food intended for human consumption under such a description as to lead an intending purchaser to believe he is purchasing ice-cream or a composite article of food

(a) 4 & 5 Eliz. 2. c. 16.

(b) 52 & 53 Vict. c. 63.

(c) S.R. & O. 1944/42 (1944 II, p. 505).

(d) S.R. & O. 1944/654 (1944 II, p. 508).

containing ice-cream unless the food complies with the said standard or, as the case may be, the composite article of food contains food which complies with the said standard.

(3) Where a person sells any food to a purchaser in response to a request for ice-cream or for a composite article of food containing ice-cream he shall be deemed to sell ice-cream or, as the case may be, a composite article of food containing ice-cream unless he clearly notifies the purchaser at the time of sale that the food is not, or as the case may be, the composite article of food does not contain, ice-cream.

6. Any person guilty of an offence against these regulations shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both, and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day the offence continues after conviction.

7. The Food Standards (Ice-Cream) Order, 1953(a), is hereby revoked but without prejudice to any proceedings in respect of any contravention of the Food Standards (General Provisions) Order, 1944, as amended, construed as one with the said Food Standards (Ice-Cream) Order, 1953.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this eighteenth day of March, nineteen hundred and fifty-nine.

(L.S.)

John Hare,
Minister of Agriculture, Fisheries and
Food.

Given under the Official Seal of the Minister of Health this nineteenth day of March, nineteen hundred and fifty-nine.

(L.S.)

Derek Walker-Smith,
Minister of Health.

THE SCHEDULE

STANDARD OF COMPOSITION FOR ICE-CREAM

1. The standard of composition for ice-cream (whether or not it forms part of a composite article of food) shall be as follows :—

(a) Ice-cream shall contain not less than 5 per cent. fat and $7\frac{1}{2}$ per cent. milk solids other than fat so, however, that where ice-cream contains any fruit, fruit pulp or fruit puree it shall either conform to the above standard or, alternatively, the total content of fat and milk solids other than fat shall be not less than $12\frac{1}{2}$ per cent. of the whole including the fruit, fruit pulp or fruit puree, as the case may be, and such total content of fat and milk solids other than fat shall include not less than $7\frac{1}{2}$ per cent. fat and 2 per cent. milk solids other than fat:

Provided that as respects any ice-cream sold, or offered or exposed for sale under any of the descriptions hereinafter specified, or under any such other

(a) S.I. 1953/828 (1953 I, p. 689).

description as is calculated to lead an intending purchaser to believe that he is purchasing ice-cream of any such description as is so specified, the standard of composition shall be as follows:—

- (i) Dairy Ice-Cream, Dairy Cream Ice or Cream Ice shall in each case contain not less than 5 per cent. milk fat and no other fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent) and not less than $7\frac{1}{2}$ per cent. milk solids other than fat, so, however, that where any Dairy Ice-Cream, Dairy Cream Ice or Cream Ice contains any fruit, fruit pulp or fruit puree it shall either conform to the standard of composition for that ice-cream or, alternatively, the total content of milk fat and milk solids other than fat shall be not less than $12\frac{1}{2}$ per cent. of the whole including the fruit, fruit pulp or fruit puree, as the case may be, and such total content of milk fat and milk solids other than fat shall include not less than $7\frac{1}{2}$ per cent. milk fat and no other fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent) and not less than 2 per cent. milk solids other than fat.
 - (ii) Milk Ice or Milk Ice containing any fruit, fruit pulp or fruit puree shall contain not less than $2\frac{1}{2}$ per cent. milk fat and no other fat (save as may be introduced by the use as an ingredient of any egg, any flavouring substance or any emulsifying or stabilising agent) and not less than 7 per cent. milk solids other than fat.
 - (iii) "Parev" (kosher) ice shall contain not less than 10 per cent. fat and no milk fat or other derivative of milk.
- (b) No ice-cream of any description shall contain any artificial sweetener.
2. In this Schedule—
- (a) "artificial sweetener" means any chemical compound which is sweet to the taste, and the expression includes polyhydric alcohols but does not include sugar or any other carbohydrate;
 - (b) each reference to any proportion or percentage means that proportion or percentage by weight.

EXPLANATORY NOTE

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

These regulations replace the Food Standards (Ice-Cream) Order, 1953, in its application to England and Wales.

The regulations prescribe amended standards of composition for ice-cream and "Parev" (kosher) ice and introduce separate standards of composition for dairy ice-cream and milk ice. Alternative standards are prescribed for certain descriptions of ice-cream containing fruit, fruit pulp or fruit puree.

STATUTORY INSTRUMENTS

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