

FOOD AND DRUGS

COMPOSITION AND LABELLING

1959 No. 831

The Arsenic in Food Regulations, 1959

Made - - - - -	7th May, 1959
Laid before Parliament	13th May, 1959
Coming into Operation	10th August, 1959

The Minister of Agriculture, Fisheries and Food and the Minister of Health acting jointly, in exercise of the powers conferred on 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, hereby make the following regulations, after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations:—

1. These regulations may be cited as the Arsenic in Food Regulations, 1959; and shall come into operation on the 10th day of August, 1959.

2.—(1) In these regulations unless the context otherwise requires:—

“commercial brewing” means brewing for the purposes of a trade or business;

“fish” includes crustacea and molluscs;

“food” means food intended for sale for human consumption and includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include—

(a) water, live animals or birds, or

(b) articles or substances used only as drugs;

“food and drugs authority” has the meaning assigned to it by section 83 of the Food and Drugs Act, 1955;

“mustard” means any mustard, compound mustard or mustard condiment for which a standard is prescribed by the Food Standards (Mustard) (No. 2) Order, 1944(b), as amended(c);

“preparation”, in relation to food, includes manufacture and any form of treatment;

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

“specified food” means any food of a description specified in the Schedule to these regulations;

“substantial quantity” in relation to an ingredient of an article of food means a quantity weighing not less than 25 per centum of the total weight of such article.

(2) Any reference in these regulations to an amount of arsenic shall be construed as a reference to that amount of elemental arsenic and where any arsenical compound is present in any food the amount of arsenic present in the food by virtue of such compound shall for the purposes of these regulations be taken to be the amount of elemental arsenic to which the amount of such compound so present is equivalent.

(3) 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.

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

(b) S.R. & O. 1944/275 (1944 II, p. 511).

(c) S.R. & O. 1946/157, S.I. 1948/1073 (1946 II, p. 26; 1948 II, p. 13).

(4) The Interpretation Act, 1889(a), shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

3.—(1) Save as hereinafter provided, no food shall contain arsenic in proportions exceeding one part per million (estimated by weight) of such food:

Provided that any specified food may contain arsenic in proportions not exceeding those specified in relation thereto in the Schedule to these regulations.

(2) Paragraph (1) of this regulation shall not apply—

(a) in the case of any food, other than fish, edible seaweed, a specified food or a product containing fish or edible seaweed, where arsenic in proportions exceeding one part per million (estimated by weight) is present by reason of the inclusion in such food as an added ingredient or ingredients of a substantial quantity of a specified food or foods and such excess of arsenic does not exceed the maximum quantity permitted under the proviso to paragraph (1) of this regulation having regard to the quantity and description of the added specified food or foods;

(b) in the case of fish, edible seaweed or any product containing fish or edible seaweed, where arsenic in proportions exceeding one part per million (estimated by weight) is naturally present in that fish or edible seaweed or, as the case may be, in that product by reason of its fish or edible seaweed content;

(c) to hops or hops concentrates intended for use for commercial brewing.

(3) No person shall sell, consign or deliver, or import into England or Wales, any food which does not comply with this regulation.

4. Where any food is certified by a public analyst as being food which it is an offence against regulation 3 hereof to sell, consign or deliver, or import into England or Wales, that food may be treated for the purpose of section 9 of the Food and Drugs Act, 1955, (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption.

5.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence and 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 during which the offence continues after conviction.

(2) Each food and drugs authority shall enforce and execute such provisions in their area:

Provided that each port health authority shall enforce and execute in their district the provisions of regulation 3 hereof in so far as they relate to importation.

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

(L.S.)

Derek Walker-Smith,
Minister of Health.

THE SCHEDULE

Description of food	Proportions of arsenic (expressed in terms of parts per million estimated by weight)
1. Non-alcoholic beverages, ready to drink, not otherwise specified	0.1
2. Alcoholic beverages not otherwise specified	0.2
3. Black beer and mixtures of black beer and rum	0.5
4. Soft drinks intended for consumption after dilution and undiluted fruit juices (including concentrates intended for consumption after dilution to an extent not greater than ten parts to one, calculated by volume, for use by a manufacturer of soft drinks)... ..	0.5
5. Ice-cream (including frozen confections and any other similar commodity)	0.5
6. Onions (dehydrated)	2.0
7. Hops (dried) other than those intended for use for commercial brewing	2.0
8. Liquorice (dried extract)	2.0
9. Gelatine (edible)	2.0
10. Pectin (liquid)	2.0
11. Yeast and yeast products	2.0
	(calculated on the dry matter).
12. Chemicals not otherwise specified but not including synthetic colourings	2.0
13. Chicory (dried and roasted)	4.0
14. Herbs (dried)	5.0
15. Finings and clearing agents	5.0
16. Hops concentrates other than those intended for use for commercial brewing	5.0
17. Pectin (solid)	5.0
18. Spices (including mustard)	5.0
19. Colourings other than synthetic colourings	5.0
	(calculated on the dry colouring matter).
20. Chemicals for which an arsenic limit is specified in the British Pharmacopoeia or the British Pharmaceutical Codex but not including synthetic colourings	2.0
	or the limit specified in the edition of the British Pharmacopoeia or the British Pharmaceutical Codex current for the time being, whichever is the higher.

EXPLANATORY NOTE

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

These regulations, which apply to England and Wales only, provide that, subject to certain exceptions, it shall be an offence to sell, consign or deliver, or import into England or Wales, any food which contains more than 1·0 part per million of arsenic. Lower limits are specified for beverages, some soft fruit concentrates and ice-cream and higher limits are specified for some foods which, generally, are either essences or ancillary foods.