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 STATUTORY INSTRUMENTS
 

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1976 No. 1887

## FOOD AND DRUGS

## COMPOSITION AND LABELLING

**The Preservatives in Food (Amendment) Regulations 1976**

<i>Made</i>	- - -	10th November 1976
<i>Laid before Parliament</i>		19th November 1976
<i>Coming into Operation</i>		10th December 1976

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Social Services, acting jointly, in exercise of the powers conferred on them by sections 4, 7, 123 and 123A of the Food and Drugs Act 1955(a) as amended by section 4(1) of, and paragraph 3(1) and (2)(a) of Schedule 4 to, the European Communities Act 1972(b) and as read with the Secretary of State for Social Services Order 1968(c), and of all other powers enabling them 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 and after reference to the Food Hygiene Advisory Council under section 82 of the Food and Drugs Act 1955 (in so far as the regulations are made in exercise of the powers conferred by the said section 7):—

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Preservatives in Food (Amendment) Regulations 1976, and shall come into operation on 10th December 1976.

(2) Any reference in these regulations to a numbered regulation or schedule shall be construed as a reference to the regulation or schedule so numbered in the Preservatives in Food Regulations 1975(d), as amended(e).

(3) The Interpretation Act 1889(f) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

*Amendment of the principal regulations*

2.—(1) The proviso to regulation 4(1) shall be amended—

(a) by inserting after sub-paragraph (iii) of paragraph (b) thereof the following sub-paragraph (iiiA):—

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

(c) S.I. 1968/1699 (1968 III, p. 4585).

(e) S.I. 1976/509 (1976 I, p. 1484).

(b) 1972 c. 68.

(d) S.I. 1975/1487 (1975 III, p. 4956).

(f) 1889 c. 63.

“(iiiA) in the case of marinated herring, whose pH exceeds 4.5, or marinated mackerel, whose pH exceeds 4.5, if the permitted preservative hexamine is present, to the maximum quantity of that preservative appropriate to that food in accordance with that Schedule and, as regards any other such permitted preservative present, only if, when the quantity of each such preservative is expressed as a percentage of the maximum quantity appropriate to that food in accordance with that Schedule, the sum of those percentages does not exceed one hundred;”;

(b) by inserting after paragraph (g) thereof the following paragraph (h):—

“(h) any food may have in it or on it formaldehyde introduced in the preparation of that food by the use of the permitted miscellaneous additive dimethylpolysiloxane if that formaldehyde is present in the food in no greater proportion, in relation to the quantity of dimethylpolysiloxane used, than the proportion specified in relation to dimethylpolysiloxane in paragraph (e) of this proviso.”.

(2) Schedule 2 shall be amended—

(a) by substituting for the item relating to crystallised or glacé fruit the following item:—

“Column 1	Column 2	Column 3
Specified Food	Permitted Preservative	Except where otherwise stated, milligrams per kilogram not exceeding—
Fruit, crystallised, glacé or drained	Sulphur dioxide or benzoic acid or methyl 4-hydroxybenzoate or ethyl 4-hydroxybenzoate or propyl 4-hydroxybenzoate	100 1,000 1,000 1,000 1,000”;

(b) by inserting immediately after the item relating to hamburgers or similar products the following item:—

“Column 1	Column 2	Column 3
Specified Food	Permitted Preservative	Except where otherwise stated, milligrams per kilogram not exceeding—
Herring, marinated whose pH exceeds 4.5	Hexamine and either benzoic acid or methyl 4-hydroxybenzoate or ethyl 4-hydroxybenzoate or propyl 4-hydroxybenzoate	50 1,000 1,000 1,000 1,000”;

(c) by inserting immediately after the item relating to diabetic jam the following item:—

“Column 1	Column 2	Column 3
Specified Food	Permitted Preservative	Except where otherwise stated, milligrams per kilogram not exceeding—
Mackerel, marinated whose pH exceeds 4.5	Hexamine and either benzoic acid or methyl 4-hydroxybenzoate or ethyl 4-hydroxybenzoate or propyl 4-hydroxybenzoate	50 1,000 1,000 1,000 1,000”;

(d) by inserting immediately after the item relating to pickles the following item:—

“Column 1	Column 2	Column 3
Specified Food	Permitted Preservative	Except where otherwise stated, milligrams per kilogram not exceeding—
Plants (including flowers and seeds) crystallised, glacé or drained	Sulphur dioxide	100”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 5th November 1976.

(L.S.)

*John Silkin,*  
Minister of Agriculture, Fisheries and Food.

*David Ennals,*  
Secretary of State for Social Services.

10th November 1976.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations come into operation on 10th December 1976 and further amend the Preservatives in Food Regulations 1975. They—

- (a) extend the list of specified foods which may contain permitted preservatives (Regulation 2(1)(a) and (2));
- (b) permit the presence in food of formaldehyde, when its presence is due to the use of the permitted miscellaneous additive dimethylpolysiloxane in that food (Regulation 2(1)(b)).

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