
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Scotland only, re-enact with amendments the Preservatives in Food (Scotland) Regulations 1979, as amended, and come into force on 3rd May 1989. They implement Council Directive [64/54/EEC](#) (O.J. No. 12, 27.1.1964, p.161/64: O.J./S.E. 1963-1964, p.99) on the approximation of the laws of Member States concerning the preservatives authorised for use in foodstuffs intended for human consumption, as last amended by Council Directive [85/585/EEC](#) (O.J. No. L372, 31.12.85, p.43) and Council Directive [65/66/EEC](#) (O.J. No. 22, 9.2.65, p.373/65: O.J./S.E. 1965-1966, p.25), laying down specific criteria of purity for preservatives authorised for use in foodstuffs intended for human consumption, as last amended by Council Directive [86/604/EEC](#) (O.J. No. L352, 13.12.86, p.45).

The Regulations—

- (a) specify permitted preservatives and prescribe purity criteria for those preservatives (regulation 2(1) and (2) and Schedule 1);
- (b) prohibit the sale or importation of food having in it or on it any added preservative except specified foods having in them or on them permitted preservatives within prescribed limits or as otherwise prescribed (regulation 4 and Schedule 2 and Schedule 3, paragraphs 4, 5 and 6);
- (c) within prescribed limits, permit the presence in compounded food of permitted preservatives introduced in the preparation of that food by the use of one or more foods specified in Schedule 2 (regulation 5);
- (d) prohibit the sale, the importation and the advertisement for sale, for use as an ingredient in the preparation of food, of any preservative other than a permitted preservative (regulation 6(1));
- (e) prescribe labelling requirements for permitted preservatives when sold as such (regulation 6(2) and Schedule 3, paragraphs 1, 2, 3 and 6);
- (f) prohibit the sale of food specially prepared for babies or young children if it has in it or on it any added sodium nitrate or sodium nitrite (regulation 7);
- (g) make provision for the sampling and analysis of citrus fruit for the presence of biphenyl, 2-hydroxybiphenyl and sodium bi-phenyl-2-yl oxide (regulation 8 and Schedules 4, 5 and 6).

The principal changes effected by the Regulations are—

- (a) the inclusion, in implementation of Directives [85/585/EEC](#) and [86/604/EEC](#), of E228 potassium-bi-sulphate as a permitted preservative with specified purity criteria (regulation 2(1) and Schedule 1); and the confirmation that Community controlled wine may contain this and other preservatives to the extent authorised by any Community Regulation (regulations 2(1) and 4(11));
- (b) the substitution for low fat spreads of fat spreads whose fat content does not exceed 70%, as a specified food permitted to contain sorbic acid (regulation 4(2) and Schedule 2);
- (c) the extension of the preservatives permitted in fruit or plants, crystallised, glace, drained (syruped) or candied peel or cut and drained (syruped) peel to include benzoic acid, hydroxybenzoates or sorbic acid and sulphur dioxide (regulation 4(3)(b) and Schedule 2);

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- (d) subject to prescribed limits, the authorisation for use in prawns and shrimps in brine of the permitted preservatives, sorbic acid, benzoic acid, ethyl 4-hydroxybenzoate, propyl 4-hydroxybenzoate and methyl 4-hydroxybenzoate as well as sulphur dioxide (regulation 4(3)(f) and Schedule 2);
- (e) the provision of a defence to proceedings in respect of sale or importation before 31st December 1989, of food having in it or on it ethylene oxide, where the presence of that substance is due to its use for pathogen reduction in accordance with the provisions of Council Directive [79/117/EEC](#) as amended by Council Directive [86/355/EEC](#) (regulation 11(3)).

The Nutrition Meetings Report Series No. 45A (1969) of the United Nations' Food and Agriculture Organisation may be inspected at the Ministry of Agriculture, Fisheries and Food, Main Library, 3 Whitehall Place, London SW1A 2HH (telephone 01-270-8419).