

PUBLIC HEALTH.**Condensed Milk.**

MADE BY THE MINISTRY OF HOME AFFAIRS FOR NORTHERN IRELAND UNDER THE PUBLIC HEALTH (IRELAND) ACT, 1878, (a) THE PUBLIC HEALTH ACT, 1896, (b) THE PUBLIC HEALTH (REGULATIONS AS TO FOOD) ACT, 1907, (c) AND THE PUBLIC HEALTH (MILK REGULATIONS) ACT, (NORTHERN IRELAND), 1925, (d).

1925. No. 169.

PART I.

1. These Regulations may be cited as the Public Health (Condensed Milk) Regulations, 1925, and shall come into operation on the 1st day of August, 1925.

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

“The Ministry” means the Ministry of Home Affairs for Northern Ireland.

“Local Authority” means any Local Authority authorised to appoint an analyst for the purposes of the Sale of Food and Drugs Acts, 1875 to 1907, and “public analyst” means an analyst so appointed;

Medical Officer of Health means the Superintendent Medical Officer of Health or a Medical Officer of Health of an Urban or Rural District Council, situated within the area of the Local Authority, appointed in pursuance of Section 11 of the Public Health (Ireland) Act, 1878.

“Condensed Milk” means milk or skimmed milk which has been concentrated by the removal of part of its water, whether with or without the addition of sugar, and includes the article commonly known as “evaporated milk” but does not include the article commonly known as “dried milk” or “milk powder”;

“Skimmed milk” includes separated or machine-skimmed milk;

“Gross weight” of a tin or other receptacle means the weight of the tin or other receptacle and of its contents;

Percentages shall be calculated by weight.

(2) The Interpretation Act, 1889, (a) applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(a) 41-2 V. c. 52.

(b) 59-60 V. c. 19.

(c) 7 E. 7. c. 32.

(d) 15-6 G. 5. c. 1.

(a) 52-3 V. c. 63.

PART II.

3. The Local Authority shall enforce and execute this Part of these Regulations, and for this purpose shall make such enquiries and take such other steps as may seem to them to be necessary for securing the due observance of this Part of the Regulations in their district.

4. No person shall sell or expose for sale or deposit in any place for the purposes of sale, or despatch or deliver to any purchaser, broker or agent any condensed milk intended for human consumption unless the condensed milk—

- (1) is contained in a tin or other receptacle which is labelled in the manner prescribed in the First Schedule to these Regulations; and
- (2) contains not less than the appropriate percentages of milk fat and milk solids as specified in the Second Schedule to these Regulations :

Provided that—

- (a) The provisions of this Article shall not apply in any case where the condensed milk is intended to be exported or is contained in a tin or other receptacle whose gross weight exceeds five pounds ; and
- (b) Where in any public refreshment room, restaurant, shop or other public premises condensed milk is delivered to a purchaser or other person for consumption on the premises, the receptacle containing the condensed milk shall not be required to be labelled in the manner prescribed by these Regulations.

5.—(1) The Medical Officer of Health, and any person authorised by him or by the Local Authority in writing, may procure any sample of condensed milk, and where an analysis is required for the purposes of these Regulations shall submit the sample to the public analyst and shall forthwith notify to the seller or his agent selling the condensed milk his intention to have the same analysed by the public analyst.

(2) Except where the sample is procured for the purpose of testing the quantity of milk or skimmed milk of which the contents of a tin or other receptacle are the equivalent, the provisions of Section 14 of the Sale of Food and Drugs Act, 1875, (a) as amended by Section 13 of the Sale of Food and Drugs Act, 1899, (b) relating to the division of the sample into three parts and the separation, marking and disposal of such parts shall apply.

6. Any Officer authorised by the Ministry and any officer of the Local Authority duly authorised by the Authority in writing shall have power to enter at all reasonable times any premises

where condensed milk is prepared packed labelled or stored and to inspect any process carried on therein and to take samples of any article used or capable of being used in the preparation of condensed milk and of any labels designed to be used for affixing to tins or other receptacles of condensed milk.

7. Where the Local Authority on a report to them from the public analyst or otherwise are of opinion that a consignment of condensed milk, deposited within their district and intended for sale for human consumption does not comply with the requirements of these Regulations they shall endeavour to ascertain where it was manufactured and labelled. If it is ascertained that such condensed milk was manufactured or labelled at a place in Northern Ireland, the Local Authority shall communicate the facts which they have ascertained to the Local Authority for the district in which such place is situated. If it is ascertained that such condensed milk was manufactured or labelled at a place not in Northern Ireland, the Local Authority shall communicate the facts to the Ministry.

PART III.

8. In any proceedings under these Regulations the certificate of the public analyst of the result of the chemical examination of a sample shall be sufficient evidence of the facts therein stated unless the defendant requires that the person who made the examination be called as a witness.

9. A person, in relation to anything within his knowledge, shall truly answer all such questions put to him by the authorities authorised to enforce and execute these Regulations or their officers or by an officer authorised by the Ministry as may be necessary for the purposes of these Regulations, and shall produce for inspection all such books as the authority or officer may reasonably require for the purposes of ascertaining the persons or places from which condensed milk has been obtained and to whom and where it has been consigned or otherwise.

10. In any proceedings under these Regulations, where the fact that any condensed milk has been dealt with contrary to these Regulations has been proved, if the defendant shall desire to rely upon any exception or provision contained in these Regulations with reference to condensed milk intended for export or re-export, it shall be incumbent upon him to prove that the condensed milk was so intended.

The First Schedule.

RULES WITH RESPECT TO THE LABELLING OF CONDENSED MILK.

1. Every tin or other receptacle containing condensed milk shall bear a label upon which is printed such one of the following declarations as may be applicable or such other declaration substantially to the like effect as may be allowed by the Ministry :—

(i) In the case of full cream milk (unsweetened) :—

**CONDENSED FULL CREAM MILK,
UNSWEETENED.**

THIS TIN CONTAINS THE EQUIVALENT OF
(a) PINTS OF MILK.

(ii) In the case of full cream milk (sweetened) :—

**CONDENSED FULL CREAM MILK,
SWEETENED.**

THIS TIN CONTAINS THE EQUIVALENT OF
(a) PINTS OF MILK, WITH SUGAR ADDED.

(iii) In the case of skimmed milk (unsweetened) :—

**CONDENSED MACHINE-SKIMMED
MILK [or CONDENSED SKIMMED
MILK], UNSWEETENED.**

UNFIT FOR BABIES.

THIS TIN CONTAINS THE EQUIVALENT OF
(a) PINTS OF SKIMMED MILK.

(iv) In the case of skimmed milk (sweetened) :—

**CONDENSED MACHINE-SKIMMED
MILK [or CONDENSED SKIMMED
MILK], SWEETENED.**

UNFIT FOR BABIES.

THIS TIN CONTAINS THE EQUIVALENT OF
(a) PINTS OF SKIMMED MILK, WITH SUGAR ADDED.

2. The declaration shall in each case be completed by inserting at (a) the appropriate number in words and figures, *e.g.*, "one and a half ($1\frac{1}{2}$)," any fraction being expressed as eighths, quarters or a half.

For the purposes of these Rules milk means milk which contains not less than 12.4 per cent. of milk solids (including not less than 3.6 per cent of milk fat) and skimmed milk means milk which contains not less than 9 per cent. of milk solids other than milk fat.

3. The prescribed declaration shall be printed in dark block type upon a light coloured ground within a surrounding line and no other matter shall be printed within such surrounding line. The type to be used for the last sentence of the declarations set out above shall be not less than one-eighth of an inch in height (or if the gross weight of the tin or other receptacle does not exceed twelve ounces, one-sixteenth of an inch in height), and that to be used for the remainder of the said declarations shall be not less than one-quarter of an inch in height (or if the gross weight of the tin or other receptacle does not exceed twelve ounces, one-eighth of an inch in height).

4. The label shall in addition bear the name and address of the manufacturer of the condensed milk or of the dealer or merchant in Northern Ireland for whom it is manufactured.

5. The label shall be securely affixed to the tin or other receptacle so as to be clearly visible. If there is attached to the tin or other receptacle a label bearing the name, trade mark, or design representing the brand of the condensed milk, the prescribed declaration shall be printed as part of such label.

6. There shall not be placed on any tin other receptacle containing condensed milk—

(a) any comment on, explanation of, or reference to either the statement of equivalence contained in the prescribed declaration or the words "machine skimmed," "skimmed," or "unfit for babies"; or

(b) any instructions as to dilution, unless either—

- (i) the fluid produced in accordance with such instructions would contain not less milk fat and not less milk solids than milk or skimmed milk as defined in Rules of this Schedule as the case may require, or
- (ii) such instructions clearly specify that the fluid so produced is not of equivalent composition to milk or skimmed milk as the case may be.

7. Wherever the word "Milk" appears on the label of a tin or other receptacle of condensed skimmed milk as the description or part of the description of the contents, it shall be immediately preceded or followed by the word "Machine-Skimmed" or "Skimmed" as the case may require.

The Second Schedule.

All condensed milk shall contain not less than the appropriate percentages of milk fat and milk solids as specified in the following Table :—

Description of Condensed Milk.	Percentage of milk fat.	Percentage of all milk solids, including fat.
1. Full cream, unsweetened	9.0	31.0
2. Full cream, sweetened	9.0	31.0
3. Skimmed, unsweetened	—	20.0
4. Skimmed, sweetened	—	26.0

Given under the Official Seal of the Ministry of Home Affairs for Northern Ireland this 16th day of July, in the year One thousand nine hundred and twenty-five.

(L.S.)

George Harris,

Note.—The Public Health Act, 1896, provides by sub-section (3) of Section 1 that if any person wilfully neglects or refuses to obey or carry out, or obstructs the execution of any regulations made under any of the enactments mentioned in that Act he shall be liable to a penalty not exceeding £100, and, in the case of a continuing offence to a further penalty not exceeding £50 for every day during which the offence continues.

The power of making regulations under the Public Health Act, 1896, and the enactments mentioned in that Act, is enlarged by the Public Health (Regulations as a Food) Act, 1907, as amended by the Public Health (Milk Regulations) Act, (Northern Ireland), 1925.