

1966 No. 1206 (S. 87)

## FOOD AND DRUGS

## COMPOSITION AND LABELLING—SCOTLAND

## The Salad Cream (Scotland) Regulations 1966

<i>Made</i>	- - -	16th September 1966
<i>Laid before Parliament</i>		30th September 1966
<i>Coming into Operation</i>		3rd October 1966

In exercise of the powers conferred upon me by sections 4, 7 and 56 of the Food and Drugs (Scotland) Act 1956(a), and of all other powers enabling me in that behalf, and after consultation with such organisations as appear to me to be representative of interests substantially affected by these regulations and after reference to the Scottish Food Hygiene Council under section 25 of the said Act (insofar as the regulations relate to the labelling, marking or description of food), I hereby make the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Salad Cream (Scotland) Regulations 1966, and shall come into operation on 3rd October 1966.

*Interpretation*

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

“the Act” means the Food and Drugs (Scotland) Act 1956;

“food” means food intended for sale for human consumption;

“human consumption” includes use in the preparation of food for human consumption;

“permitted additive” means any colouring matter, antioxidant, emulsifier, stabiliser or preservative, as the case may be, inasmuch as its use in salad cream is permitted by the appropriate regulations mentioned in the schedule to these regulations;

“salad cream” means any smooth, thick, stable emulsion of vegetable oil, water, whole egg or egg yolk and an acidifying agent, with or without the addition of one or more of the following substances, namely vinegar, lemon juice, salt, spices, sugar, milk, milk products, mustard, edible starch whether modified or not, edible gums and other minor ingredients and permitted additives, and the expression includes mayonnaise, but does not include horse-radish sauce, horse-radish cream, ice cream, imitation cream or mustard sauce sold as such;

“sell” includes offer or expose for sale or have in possession for sale;

and "sale" and "sold" shall be construed accordingly; and other expressions have the same meaning as in the Act.

(2) 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) All percentages mentioned in these regulations are percentages calculated by weight and, unless a contrary intention is expressed, are calculated on the weight of the product as sold.

(4) Any reference in these regulations to a label borne on a container shall be construed as including a reference to any legible marking on the container however effected.

(5) 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, and references to purchasing and purchaser shall be construed accordingly.

(6) Any reference in these regulations to any other regulations shall be construed as a reference to such regulations as amended by any subsequent regulations.

#### *Enforcement*

3.—(1) The local authority of any area shall, subject to the provisions of the next following paragraph, enforce and execute the provisions of these regulations within their area.

(2) Where any part of the area of a local authority lies within the area of a port local authority such of the functions of the local authority under these regulations in relation to any food imported into that part shall, in so far as these functions fall to be exercised by the port local authority by virtue of any order made under section 172 of the Public Health (Scotland) Act 1897(b), be exercised by that port local authority.

(3) In this regulation "local authority" means the council of a county or of a large burgh within the meaning of the Local Government (Scotland) Act 1947(c); and any small burgh within the meaning of that Act shall, for the purposes of these regulations, be included in the county in which it is situated; and "port local authority" includes a joint port local authority.

#### *Exemptions*

4. The provisions of these regulations shall not apply in relation to—

- (a) any salad cream sold for exportation to any place outside the United Kingdom;
- (b) any salad cream supplied under Government contract for consumption by Her Majesty's forces or for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act, 1952(d);
- (c) any salad cream sold to a manufacturer for the purposes of his manufacturing business or to a caterer for the purposes of his catering business.

#### *Composition of salad cream*

5.—(1) Any salad cream sold, consigned or delivered shall contain not less than 25 per cent. edible vegetable oil, and not less than 1.35 per cent. egg yolk solids.

(a) 1889 c. 63.

(c) 1947 c. 43.

(b) 1897 c. 38.

(d) 1952 c. 67.

Provided that this regulation shall not apply in relation to any salad cream which is sold, consigned or delivered in a container bearing a label on which there appears as the name of such salad cream, a true description of the nature of such salad cream, and such description does not include the word "salad", "cream", or "mayonnaise", and the word "salad", "cream", or "mayonnaise" is not included in any description appearing on such label as the name of such salad cream.

(2) No person shall sell, consign or deliver any salad cream which does not comply with this regulation.

*General requirements as to composition and description*

6.—(1) No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing any salad cream for which compositional requirements are specified in these regulations unless such food complies with the appropriate compositional requirements specified in these regulations in relation to that salad cream.

(2) Where a person sells any food to a purchaser in response to a request for any kind of salad cream for which compositional requirements are specified in these regulations, he shall be deemed to sell salad cream of that kind and conforming to the compositional requirements for salad cream of that kind which are specified in these regulations in relation to that salad cream unless he clearly notifies the purchaser at the time of sale that the food is not of that kind.

*Labelling and advertisement of salad cream*

7. No person shall—

- (a) give with any food sold by him, or display with any food offered or exposed by him for sale, any label, whether attached to or printed on the container or not, or
- (b) publish, or be a party to the publication of, any advertisement for food, being a label or advertisement which bears or includes, as the case may be, the description "salad cream" or "mayonnaise" unless such food is salad cream which complies with the compositional requirements specified in regulation 5 of these regulations:

Provided that this regulation shall not apply to any such label or advertisement—

- (i) if the description "salad cream" or "mayonnaise" is used in such a context, upon or in such label or advertisement, as the case may be, as to indicate that the salad cream is used as an ingredient of the food to which the label or advertisement refers, and
- (ii) if such salad cream complies with the compositional requirements specified in regulation 5 of these regulations.

*Regulation of use of description "salad dressing"*

8. No person shall—

- (a) give any label bearing the description "salad dressing", whether such label is attached to or printed on the container or not, with any smooth, thick, stable emulsion (other than any salad cream complying with the compositional requirements specified in regulation 5 of these regulations) capable of being used for any purpose for which salad cream is commonly used, and sold by him, or

- (b) display any such label with any such emulsion offered or exposed by him for sale, or
- (c) publish, or be a party to the publication of any advertisement including the description "salad dressing" for such emulsion.

### *Penalties*

9.—(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 under these regulations.

(2) Any person who is guilty of an offence under these regulations shall be liable—

(a) on summary conviction to:—

- (i) a fine not exceeding £100 or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment; and
- (ii) in the case of a continuing offence, to a further fine not exceeding £10 for every day during which the offence is continued; or

(b) on conviction on indictment to:—

- (i) a fine not exceeding £500 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment; and
- (ii) in the case of a continuing offence, to a further fine not exceeding £50 for every day during which the offence is continued.

### *Defences*

10.—(1) In any proceedings for an offence against these regulations in relation to the publication of an advertisement, it shall be a defence for the accused to prove that, being a person whose business it is to publish or arrange for the publication of advertisements, he received the advertisement for publication in the ordinary course of business, and did not himself make, or cause to be made, any material alteration in the substance of that advertisement.

(2) In any proceedings against the manufacturer or importer of salad cream for an offence against these regulations in relation to the publication of an advertisement, it shall rest on the accused to prove that he did not publish, and was not a party to the publication of, the advertisement.

### *Application of various sections of the Act*

11.—(1) Sections 41(2) and (5) (which relates to proceedings), 42(1), (2) and (3) (which relates to evidence of certificates of analysis), 44 (which relates to the power of a court to require analysis by the Government Chemist), 46(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 47 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken under the Act included references to proceedings, or a prosecution as the case may be, taken for an offence against these regulations and in addition as if—

- (a) in the case of section 44(1) of the Act, the reference therein to section 41(5) of the Act included a reference to said section 41(5) as applied by these regulations; and
- (b) in the case of section 47(1) and (2) of the Act, the references therein to an offence against the Act included references to an offence against these regulations.

(2) Section 41(4) of the Act shall apply for the purposes of these regulations as if the reference therein to section 47 of the Act included a reference to said section 47 as applied by these regulations.

*Revocation*

12.—(1) The Food Standards (Salad Cream and Mayonnaise) Order 1945(a) is hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the order revoked by these regulations were an Act of Parliament repealed by an Act of Parliament.

*William Ross,*  
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,  
Edinburgh, 1.  
16th September 1966.

## SCHEDULE

## Regulation 2 (1)

Regulations	Reference
The Colouring Matter in Food (Scotland) Regulations 1957 ... ..	S.I. 1957/1123 (1957 I, p. 1003).
The Antioxidant in Food (Scotland) Regulations 1958 ... ..	S.I. 1958/1467 (1958 I, p. 1167).
The Emulsifiers and Stabilisers in Food (Scotland) Regulations 1962 ... ..	S.I. 1962/779 (1962 I, p. 766).
The Preservatives in Food (Scotland) Regulations 1962 ... ..	S.I. 1962/1926 (1962 II, p. 2371).

## EXPLANATORY NOTE

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

These regulations, which apply to Scotland only, come into operation on 3rd October 1966 and supersede the Food Standards (Salad Cream and Mayonnaise) Order 1945.

The regulations specify compositional requirements regulating the amount of vegetable oil and egg yolk solids contained in salad cream (regulation 5), and requirements for the labelling and advertisement of salad cream (regulations 7 and 8).

The regulations do not apply to salad cream sold for export, to salad cream sold for consumption by Her Majesty's forces or by a visiting force, or to salad cream sold to a manufacturer for the purposes of his manufacturing business or to a caterer for the purposes of his catering business (regulation 4).