

1969 No. 1817

## FOOD AND DRUGS

## COMPOSITION AND LABELLING

## The Artificial Sweeteners in Food Regulations 1969

*Made* - - - 17th December 1969

*Laid before Parliament* 30th December 1969

*Coming into Operation* 1st January 1970

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 and 123 of the Food and Drugs Act 1955(a), as read with the Secretary of State for Social Services Order 1968(b), 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 reference to the Food Hygiene Advisory Council under section 82 of the said Act (insofar as the regulations are made in exercise of the powers conferred by the said section 7):—

## PART I

## PRELIMINARY

*Citation and commencement*

1. These regulations may be cited as the Artificial Sweeteners in Food Regulations 1969, and shall come into operation on 1st January 1970.

*Interpretation*

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

“the Act” means the Food and Drugs Act 1955 ;

“artificial sweetener” means any chemical compound which is sweet to the taste, but does not include any sugar or any polyhydric alcohol ;

“artificial sweetening tablet” means any tablet which contains an artificial sweetener and which is intended for sale with a view to its use in the preparation of food ;

“carbohydrate” means a substance containing carbon, hydrogen and oxygen only in which the hydrogen and oxygen occur in the same proportion as in water ;

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

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

“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,
- (b) fodder or feeding stuffs for animals, birds or fish, or
- (c) articles or substances used only as drugs ;

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

“full strength tablets” means artificial sweetening tablets which comply with the requirements as to composition set out in paragraph 1 of Schedule 2 to these regulations ;

“half strength tablets” means artificial sweetening tablets which comply with the requirements as to composition set out in paragraph 2 of Schedule 2 to these regulations ;

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

“permitted artificial sweetener” means saccharin, saccharin calcium or saccharin sodium ;

“polyhydric alcohol” means an alcohol with three or more free hydroxyl groups ;

“saccharin” means the substance conforming to the description, specifications and requirements for saccharin contained in the British Pharmacopoeia 1968 ;

“saccharin calcium” means the substance conforming to the description, specifications and requirements for saccharin calcium contained in Schedule 1 to these regulations ;

“saccharin sodium” means the substance conforming to the description, specifications and requirements for saccharin sodium contained in the British Pharmacopoeia 1968 ;

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

“sale” and “sold” shall be construed accordingly ;

“sugar” means any soluble carbohydrate sweetening matter ;  
AND other expressions have the same meaning as in the Act.

(2) For the purposes of these regulations, the supply of any artificial sweetener or any food containing any artificial sweetener, otherwise than by sale, at, in or from any place where artificial sweeteners or such food are or is supplied in the course of a business shall be deemed to be a sale of that artificial sweetener or that food, as the case may be ; and references to purchasing and purchaser shall be construed accordingly.

(3) For the purposes of the Labelling of Food Order 1953(a), as amended (b), these regulations, insofar as they prescribe requirements as to composition for artificial sweetening tablets, shall be taken to prescribe standards for such tablets.

(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.

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(a) S.I. 1953/536 (1953 I, p. 665).

(b) The relevant amending instruments are S.I. 1953/1889, 1959/471, 1967/1864 (1953 I, p. 685; 1959 I, p. 1326; 1967 III, p. 5013).

(5) The Interpretation Act 1889<sup>(a)</sup> shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament, and as if these regulations and the regulations hereby revoked were Acts of Parliament.

### *Exemptions*

3. The provisions of these regulations shall not apply to any food or artificial sweetener intended at the time of sale, consignment, delivery or importation, as the case may be, for exportation to any place outside the United Kingdom.

## PART II

### REQUIREMENTS RELATING TO ARTIFICIAL SWEETENERS

#### *Sale, etc. of artificial sweeteners*

4. No person shall sell, consign, deliver or import into England and Wales any artificial sweetener for human consumption which is not a permitted artificial sweetener.

#### *Requirements as to composition for tablets containing artificial sweeteners*

5.—(1) Every artificial sweetening tablet containing saccharin or saccharin calcium or saccharin sodium or a mixture of two or all of those substances shall conform to the requirements as to composition set forth in relation thereto in the appropriate paragraph of Schedule 2 to these regulations.

(2) No person shall sell, consign, deliver or import into England and Wales any artificial sweetening tablet which does not comply with this regulation.

#### *Labelling of containers of artificial sweetening tablets*

6.—(1) No person shall sell, consign, deliver or import into England and Wales any artificial sweetening tablets in a container unless such container bears a label on which there appears such one of the following descriptions as may be appropriate—

- (a) the words “saccharin tablets” or “half strength saccharin tablets” for full strength or half strength tablets respectively, containing no permitted artificial sweetener other than saccharin or a mixture of saccharin and saccharin calcium and saccharin sodium or of any two of those substances ;
- (b) the words “saccharin calcium tablets” or “half strength saccharin calcium tablets” for full strength or half strength tablets respectively, containing no permitted artificial sweetener other than saccharin calcium ;
- (c) the words “saccharin sodium tablets” or “soluble saccharin tablets” for full strength tablets, or the words “half strength saccharin sodium tablets” or “half strength soluble saccharin tablets” for half strength tablets, containing in each case no permitted artificial sweetener other than saccharin sodium :

Provided that any word of similar meaning may be substituted for the word “tablets” in any of the foregoing descriptions.

(2) Every letter in every word appearing on a label on a container which is required so to appear by virtue of this regulation shall appear conspicuously and legibly in a dark colour upon a light coloured ground or in a light colour upon a dark coloured ground and shall be of uniform colour and size.

#### *Sales by description*

7. No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing a permitted artificial sweetener or artificial sweetening tablet if the food does not conform to the appropriate description, specifications and requirements prescribed by these regulations.

8. Where a person sells any article or substance to a purchaser in response to a request for an artificial sweetener to which these regulations apply, he shall be deemed to sell such article or substance as such an artificial sweetener and under such a description as is specified in relation to such an artificial sweetener in these regulations unless he clearly notifies the purchaser at the time of sale that the article or substance is not such an artificial sweetener.

### PART III

#### REQUIREMENTS RELATING TO FOOD CONTAINING ARTIFICIAL SWEETENERS

##### *Sale, etc. of food containing artificial sweeteners*

9.—(1) No food shall contain any artificial sweetener other than a permitted artificial sweetener.

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

### PART IV

#### ADMINISTRATIVE PROVISIONS

##### *Condemnation of food*

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

##### *Penalties and enforcement*

11.—(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 regulations 4, 5, 6 and 9 hereof insofar as these regulations relate to importation.

(3) The requirements of section 109(3) of the Act (which requires notice to be given to the Minister of Agriculture, Fisheries and Food of intention to institute proceedings for an offence against any provisions of these regulations relating to labelling or marking) shall not apply as respects any proceedings instituted by a council for an offence against any such provisions of these regulations.

*Application of various sections of the Act*

12.—(1) Sections 108(3) and (4) (which relate to prosecutions), 110(1), (2) and (3) (which relate to evidence of analysis), 112 (which relates to the power of a court to require analysis by the Government Chemist), 113 (which relates to a contravention due to some person other than the person charged), 115(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 116 (which relates to offences in relation to warrants 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 or brought under the Act included references to proceedings, or a prosecution as the case may be, taken or brought for an offence under these regulations and as if the reference in the said section 112 to subsection (4) of section 108 included a reference to that subsection as applied by these regulations.

(2) Paragraph (b) of the proviso to section 108(1) of the Act shall apply for the purposes of these regulations as if the reference therein to section 116 of the Act included a reference to that section as applied by these regulations.

*Revocation*

13. The Artificial Sweeteners in Food Regulations 1967<sup>(a)</sup> are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 15th December 1969.

(L.S.)

*Cledwyn Hughes,*  
Minister of Agriculture, Fisheries and Food.

*R. H. S. Crossman,*  
Secretary of State for Social Services.

17th December 1969.

SCHEDULE 1

Regulation 2(1)

*Saccharin calcium*

Saccharin calcium is the calcium derivative of 2-sulphobenzoic imide with  $3\frac{1}{2}$  molecules of water of crystallisation. It contains not less than 98 per cent. of  $C_{14}H_8 Ca N_2O_6S_2$  calculated with reference to the substance dried to constant weight at 105°C.

*Description*           ...   ...   ...   White crystals or white crystalline powder, odour faintly aromatic, taste intensely sweet.

*Solubility*           ...   ...   ...   ...   1 g. dissolves in 1.5 g. water.

<sup>(a)</sup> S.I. 1967/1119 (1967 II, p. 3274).

<i>Loss on drying</i>	...	...	...	When dried to constant weight at 105°C. loses not less than 11 per cent. and not more than 15 per cent. of its weight.
<i>Ammonium Compounds</i>	...	...	...	Complies with the test given under Saccharin in the British Pharmacopoeia 1968.
<i>4-Sulphamoylbenzoates</i>	...	...	...	Complies with the test given under Saccharin Sodium in the British Pharmacopoeia 1968.

Regulations 2(1)  
and 5

## SCHEDULE 2

Requirements as to composition for tablets containing permitted artificial sweeteners

### 1. Full strength tablets

An artificial sweetening tablet containing saccharin or saccharin calcium or saccharin sodium or a mixture of two or all of those substances shall, when dried to constant weight at 105°C., have a total quantity of saccharin free and combined calculated as  $C_7H_5NO_3S$ , which shall be not less than 11 milligrams and not more than 14 milligrams.

### 2. Half strength tablets

An artificial sweetening tablet containing saccharin or saccharin calcium or saccharin sodium or a mixture of two or all of those substances shall, if sold in a container bearing a label upon which there appears the description "half strength", have when dried to constant weight at 105°C. a total quantity of saccharin free and combined calculated as  $C_7H_5NO_3S$ , which shall be not less than 5.5 milligrams and not more than 7 milligrams.

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## EXPLANATORY NOTE

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

These regulations, which apply to England and Wales only, supersede the Artificial Sweeteners in Food Regulations 1967 and come into operation on 1st January 1970.

The principal change is that cyclamic acid, calcium cyclamate and sodium cyclamate are no longer permitted artificial sweeteners or permitted ingredients in artificial sweetening tablets.