

1976 No. 294 (S.23)

FOOD AND DRUGS

LABELLING

**The Skimmed Milk with Non-Milk Fat (Scotland)
Amendment Regulations 1976**

<i>Made - - - -</i>	<i>20th February 1976</i>
<i>Laid before Parliament</i>	<i>5th March 1976</i>
<i>Coming into Operation</i>	<i>26th March 1976</i>

In exercise of the powers conferred upon me by sections 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 (in so far as the regulations relate to the labelling, marking or description of food), I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Skimmed Milk with Non-Milk Fat (Scotland) Amendment Regulations 1976, and shall come into operation on 26th March 1976.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Amendment of principal regulations

2. The Skimmed Milk with Non-Milk Fat (Scotland) Regulations 1960(c) as amended(d) shall be further amended as follows:—

- (a) by substituting for the Second Schedule thereto the Schedule to these regulations;
- (b) by deleting from regulation 2(1) thereof the words “ ‘local authority’ means the Council of a county or a large burgh within the meaning of the Local Government (Scotland) Act, 1947 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;”;
- (c) by substituting for paragraph (5) of regulation 2 the following paragraph:—

“(5) The Regional or Islands Council of any area shall enforce and execute the provisions of these regulations within their area.”.

(a) 1956 c. 30. (b) 1889 c. 63. (c) S.I. 1960/2437 (1960 II, p. 1491).

(d) The relevant amending instruments are S.I. 1968/1495, 1973/249 (1968 III, p. 4249; 1973 I, p. 915).

Revocation

3. The Skimmed Milk with Non-Milk Fat (Scotland) Amendment Regulations 1968(a) and the Skimmed Milk with Non-Milk Fat (Scotland) Amendment Regulations 1973(b) are hereby revoked.

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

New St. Andrew's House,
Edinburgh.
20th February 1976.

*Regulation 2*SCHEDULE
"THE SECOND SCHEDULE"

PART I

FOODS IN RESPECT OF WHICH THE WORDS "UNFIT FOR BABIES" [OR "NOT TO BE USED FOR BABIES"] MAY BE OMITTED FROM THE LABEL

C & GV. Formula, manufactured by or for Cow and Gate.

Efalac, manufactured by or for L. E. Pritchitt and Company Limited.

Osterfood, manufactured by or for Glaxo-Farley Foods Limited.

S-M-A and S-M-A/S-26, manufactured by or for John Wyeth and Brother Limited.

PART II

REQUIREMENTS RELATING TO THE FOODS SPECIFIED IN PART I OF THIS SCHEDULE

1. Every food specified in Part I of this Schedule—

- (a) shall contain poly-unsaturated fatty acids of the cis-cis form to the extent of not less than 12 per cent. of the total fatty acids present in such food;
- (b) shall not contain any protein other than protein derived from milk; and
- (c) shall not contain any ingredient of no nutritional value.

2.—(1) C & GV. Formula in powder form shall contain—

- (a) not less than 14·5 per cent. of protein derived from milk;
- (b) not less than 24·0 per cent. of fat;
- (c) ergocalciferol (vitamin D or D₂) or cholecalciferol (vitamin D or D₃) or any mixture thereof equivalent to not less than 1·25 microgrammes and not more than 3·13 microgrammes of cholecalciferol per ounce or to not less than 4·41 microgrammes and not more than 11·0 microgrammes of cholecalciferol per 100 grammes;
- (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 180 microgrammes of retinol per ounce or to not less than 635 microgrammes of retinol per 100 grammes;
- (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 12·0 milligrammes of ascorbic acid per ounce or to not less than 42·3 milligrammes of ascorbic acid per 100 grammes.

(2) C & GV. Formula in condensed liquid form shall contain—

- (a) not less than 3·6 per cent. of protein derived from milk;
- (b) not less than 6·0 per cent. of fat;
- (c) ergocalciferol (vitamin D or D₂) or cholecalciferol (vitamin D or D₃) or any mixture thereof equivalent to $0·63 \pm 0·31$ microgrammes of cholecalciferol per fluid ounce or to $2·20 \pm 1·10$ microgrammes of cholecalciferol per 100 millilitres;
- (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 45·0 microgrammes of retinol per fluid ounce or to not less than 158 microgrammes of retinol per 100 millilitres;
- (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 3·00 milligrammes of ascorbic acid per fluid ounce or to not less than 10·6 milligrammes of ascorbic acid per 100 millilitres.

- (3) C & GV. Formula in liquid, diluted ready for use form shall contain—
- (a) not less than 1·8 per cent. of protein derived from milk;
 - (b) not less than 3·0 per cent. of fat;
 - (c) ergocalciferol (vitamin D or D₂) or cholecalciferol (vitamin D or D₃) or any mixture thereof equivalent to $0\cdot31 \pm 0\cdot16$ microgrammes of cholecalciferol per fluid ounce or to $1\cdot10 \pm 0\cdot55$ microgrammes of cholecalciferol per 100 millilitres;
 - (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 22·5 microgrammes of retinol per fluid ounce or to not less than 79·2 microgrammes of retinol per 100 millilitres;
 - (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 1·50 milligrammes of ascorbic acid per fluid ounce or to not less than 5·28 milligrammes of ascorbic acid per 100 millilitres.
3. Efalac shall contain—
- (a) not less than 23·1 per cent. of protein derived from milk;
 - (b) not less than 28·6 per cent. of fat;
 - (c) ergocalciferol (vitamin D or D₂) or cholecalciferol (vitamin D or D₃) or any mixture thereof equivalent to $2\cdot50 \pm 0\cdot78$ microgrammes of cholecalciferol per ounce or to $8\cdot82 \pm 2\cdot73$ microgrammes of cholecalciferol per 100 grammes;
 - (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 107 microgrammes of retinol per ounce or to not less than 378 microgrammes of retinol per 100 grammes.
- 4.—(1) *Osterfood in liquid, diluted ready for use form shall contain—*
- (a) *not less than 1·7 per cent. of protein derived from milk;*
 - (b) *not less than 2·65 per cent. of fat;*
 - (c) *ergocalciferol (vitamin D or D₂) or cholecalciferol (vitamin D or D₃) or any mixture thereof equivalent to $0\cdot37 \pm 0\cdot11$ microgrammes of cholecalciferol per fluid ounce or to $1\cdot30 \pm 0\cdot39$ microgrammes of cholecalciferol per 100 millilitres;*
 - (d) *retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 28·4 microgrammes of retinol per fluid ounce or to not less than 100 microgrammes of retinol per 100 millilitres;*
 - (e) *ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 1·99 milligrammes of ascorbic acid per fluid ounce or to not less than 7·00 milligrammes of ascorbic acid per 100 millilitres.*
- (2) *Osterfood in powder form shall contain—*
- (a) *not less than 11·4 per cent. of protein derived from milk;*
 - (b) *not less than 18·0 per cent. of fat;*
 - (c) *ergocalciferol (vitamin D or D₂) or cholecalciferol (vitamin D or D₃) or any mixture thereof equivalent to $2\cdot55 \pm 0\cdot77$ microgrammes of cholecalciferol per ounce or to $9\cdot00 \pm 2\cdot70$ microgrammes of cholecalciferol per 100 grammes;*
 - (d) *retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 198 microgrammes of retinol per ounce or to not less than 700 microgrammes of retinol per 100 grammes;*
 - (e) *ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 13·0 milligrammes of ascorbic acid per ounce or to not less than 46·0 milligrammes of ascorbic acid per 100 grammes.*
- 5.—(1) S-M-A and S-M-A/S-26 in powder form shall each contain—
- (a) not less than 11·6 per cent. of protein derived from milk;

- (b) not less than 27·0 per cent. of fat;
 - (c) ergocalciferol (vitamin D or D₂) or cholecalciferol (vitamin D or D₃) or any mixture thereof equivalent to $2·30 \pm 0·70$ microgrammes of cholecalciferol per ounce or to $8·11 \pm 2·47$ microgrammes of cholecalciferol per 100 grammes;
 - (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 96·3 microgrammes of retinol per ounce or to not less than 340 microgrammes of retinol per 100 grammes;
 - (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 11·5 milligrammes of ascorbic acid per ounce or to not less than 40·6 milligrammes of ascorbic acid per 100 grammes.
- (2) S-M-A and S-M-A/S-26 in concentrated liquid form shall each contain—
- (a) not less than 2·6 per cent. of protein derived from milk;
 - (b) not less than 6·2 per cent. of fat;
 - (c) ergocalciferol (vitamin D or D₂) or cholecalciferol (vitamin D or D₃) or any mixture thereof equivalent to $0·56 \pm 0·18$ microgrammes of cholecalciferol per fluid ounce or to $1·98 \pm 0·62$ microgrammes of cholecalciferol per 100 millilitres;
 - (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 42·0 microgrammes of retinol per fluid ounce or to not less than 148 microgrammes of retinol per 100 millilitres;
 - (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 2·80 milligrammes of ascorbic acid per fluid ounce or to not less than 9·86 milligrammes of ascorbic acid per 100 millilitres.
- (3) S-M-A and S-M-A/S-26 in liquid, diluted ready for use form shall each contain—
- (a) not less than 1·3 per cent. of protein derived from milk;
 - (b) not less than 3·1 per cent. of fat;
 - (c) ergocalciferol (vitamin D or D₂) or cholecalciferol (vitamin D or D₃) or any mixture thereof equivalent to $0·28 \pm 0·09$ microgrammes of cholecalciferol per fluid ounce or to $0·97 \pm 0·31$ microgrammes of cholecalciferol per 100 millilitres;
 - (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 21·0 microgrammes of retinol per fluid ounce or to not less than 73·9 microgrammes of retinol per 100 millilitres;
 - (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 1·40 milligrammes of ascorbic acid per fluid ounce or to not less than 4·93 milligrammes per 100 millilitres.

6. In this Schedule, each reference to any percentage means that percentage by weight and in each requirement for any food specified therein containing retinol, ascorbic acid, dehydroascorbic acid, ergocalciferol or cholecalciferol any reference to dehydroascorbic acid or ergocalciferol and the first of any two references to retinol, ascorbic acid or cholecalciferol shall include the biologically active equivalents or derivatives of those substances. For the purposes of calculating the retinol equivalent of biologically active carotenoids, the factors set out in Part I of Schedule 4 to the Labelling of Food (Scotland) Regulations 1970(a), as amended(b), shall apply.”

(a) S.I. 1970/1127 (1970 II, p. 3559).

(b) S.I. 1972/1790 (1972 III, p. 5163).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations which come into operation on 26th March 1976, further amend the Second Schedule to the Skimmed Milk with Non-Milk Fat (Scotland) Regulations 1960—

- (a) by exempting Osterfood from the requirement under regulation 3(1) and the First Schedule to bear on the label the declaration “Unfit for babies” (or the permitted alternatives);
- (b) by replacing expressions of the existing requirements in Part II of the Second Schedule in terms of international units of vitamins A and D and milligrammes of ascorbic acid per ounce or per fluid ounce with expressions of those requirements in the following terms—
- retinol (vitamin A) or biologically active carotenoids or any mixture thereof—their equivalent in microgrammes of retinol per ounce or 100 grammes or per fluid ounce or 100 millilitres.
- ergocalciferol (vitamin D or D₂) or cholecalciferol (vitamin D or D₃) or any mixture thereof—their equivalent in microgrammes of cholecalciferol per ounce or 100 grammes or per fluid ounce or 100 millilitres.
- ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof—their equivalent in milligrammes of ascorbic acid per ounce or 100 grammes or per fluid ounce or 100 millilitres;
- (c) by amending the wording of Regulation 2(5) to comply with the provisions of the Local Government (Scotland) Act 1973 (c. 65).

The amendments at (a) and (b) are consolidated with previous amendments to the Second Schedule and exemptions relating to foods no longer marketed, Alfonal, Alfonal Evaporated, White Dove Brand and Enfamil, are withdrawn.

The new material, in so far as it relates to Osterfood, appears in italics.

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