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STATUTORY INSTRUMENTS

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**1985 No. 99****CONSUMER PROTECTION****The Food Imitations (Safety) Regulations 1985***Laid before Parliament in draft**Made - - - 29th January 1985**Coming into Operation  
(except as provided in  
Regulation 1) 31st January 1985*

Whereas the Secretary of State has, in accordance with section 1(4) of the Consumer Safety Act 1978(a), consulted such organisations as appear to him to be substantially affected by these Regulations, such other persons as he considers appropriate and the Health and Safety Commission:

And whereas a draft of these Regulations has been approved by a resolution of each House of Parliament pursuant to section 7(7) of the said Act:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 1 of, and paragraph 14 of Schedule 2 to, the said Act, hereby makes the following Regulations:—

1. These Regulations may be cited as the Food Imitations (Safety) Regulations 1985 and shall come into operation in relation to erasers only on 31st January 1985 and in relation to all other regulated products on 1st August 1985.

2. In these Regulations —

“food” means food 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;

“regulated product” means toys and the items listed in Schedule 1 to these Regulations, but does not include labels, stickers or transfers, envelopes, or sheets of card, cardboard or paper;

“severable part” means any part of a regulated product which is designed to be detachable, without the use of tools, from the product or which can be severed from the product by means of either of the tests prescribed by Schedule 2 to these Regulations;

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(a) 1978 c.38.

“toys” means playthings whether intended for adults or children and includes modelling clay, plasticine and products of a like nature and use, jokes, novelties and tricks but does not include the following products, provided that they neither smell like food or like flowers nor taste like food —

- (a) marbles; and
- (b) products bona fide intended for use to represent food in a dolls’ house or other model scene or setting;

“truncated cylinder” means a cylinder constructed in conformity with the diagram and specifications contained in Schedule 3 to these Regulations.

3.—(1) Subject to Regulations 4 and 5, no person shall supply, offer to supply, agree to supply, expose for supply or possess for supply any regulated product —

- (a) which looks like food, or smells like food or like flowers, or tastes like food; and
- (b) which, or any severable part of which, can be wholly contained (without being compressed) within a truncated cylinder.

(2) A regulated product shall not be regarded as looking like food by reason only of the fact that food is depicted on it.

(3) In determining whether a regulated product looks like a particular item of food no account shall be taken of any difference in size between the regulated product and the item in question.

4. Regulation 3(1) does not apply to any regulated product which looks like food but neither smells like food or like flowers nor tastes like food if the product’s similarity in appearance to food can reasonably be considered as fortuitous or co-incidental.

5. Regulation 3(1) does not apply in any case where the person supplying the regulated product, offering or agreeing to supply the regulated product or exposing or possessing the regulated product for supply reasonably believes that it will not be used in the United Kingdom.

6. Any test of a regulated product seized or purchased by or on behalf of an enforcement authority pursuant to Schedule 2 to the Consumer Safety Act 1978 (which relates to the enforcement of safety regulations) shall in all cases be carried out in the manner specified in these Regulations by the authority or, at the expense of the authority, by such person as may be determined by the Secretary of State.

*Alexander Fletcher,*  
Parliamentary Under-Secretary of State,  
Department of Trade and Industry.

29th January 1985.

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## Regulation 2

## SCHEDULE 1

The following items are regulated products:—

erasers (that is, any articles designed to rub out pencil or ink marks), writing, drawing and painting implements and materials, pen tops, pencil tops, pencil sharpeners, scissors, paper fasteners, pins, and any product designed for use as a container, holder or dispenser of adhesive, string, tape, ink or of other writing, drawing or painting fluid.

## Regulation 2

## SCHEDULE 2

## TESTS FOR SEVERABLE PARTS

*Test One*

1. The part of the product to be tested shall be placed between test jaws constructed in accordance with the diagram and specifications shown below. A force of 220 Newtons shall then be applied to the jaws.

*Test Two*

2. The product shall be firmly secured by a method which is suitable, having regard to the shape of the product, and the product or the part of the product being tested shall be subjected to a tensile force of—

- (a) 50 Newtons where the largest accessible dimension of the product does not exceed 6 millimetres; or
- (b) 90 Newtons where the largest accessible dimension of the product exceeds 6 millimetres.

*Requirements relating to both Tests*

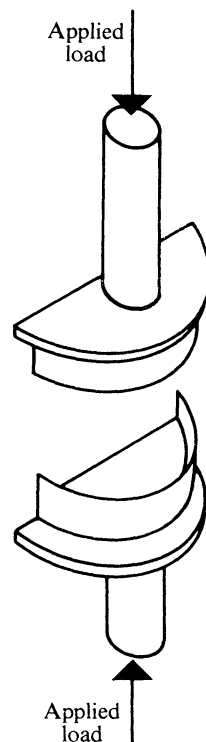
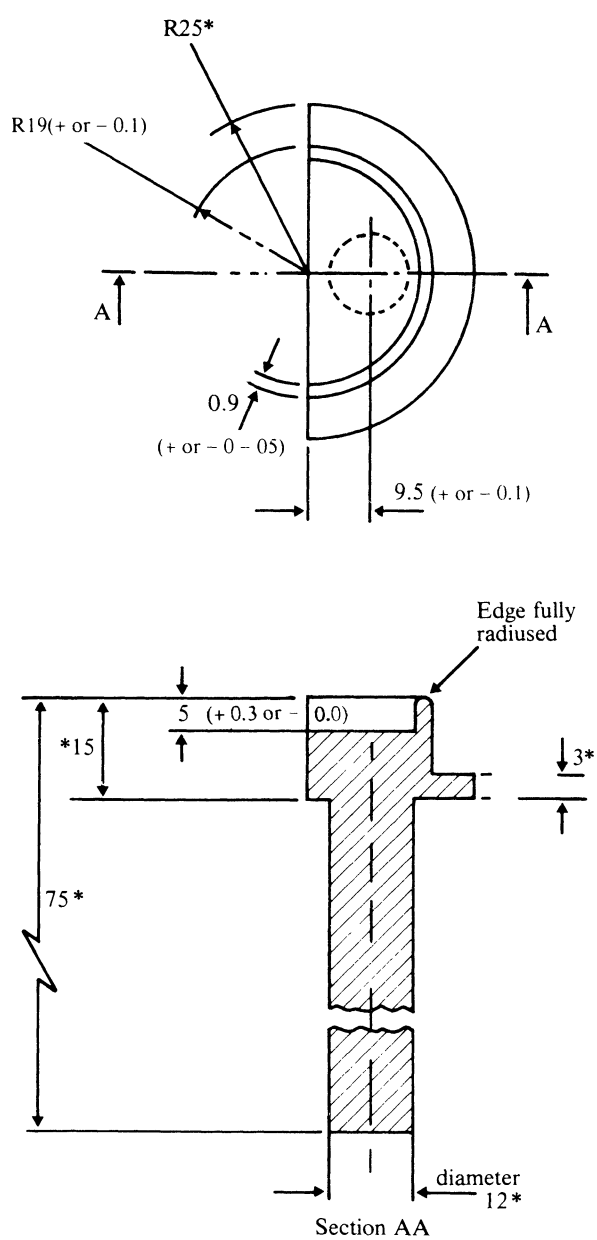
3. Any force specified by this Schedule shall be attained gradually over a period of five seconds and, when attained, shall be maintained for 10 seconds.

4. Each test shall be carried out so as to be as rigorous as reasonably practicable.

5. A different sample of the product to be tested shall be used for each test.

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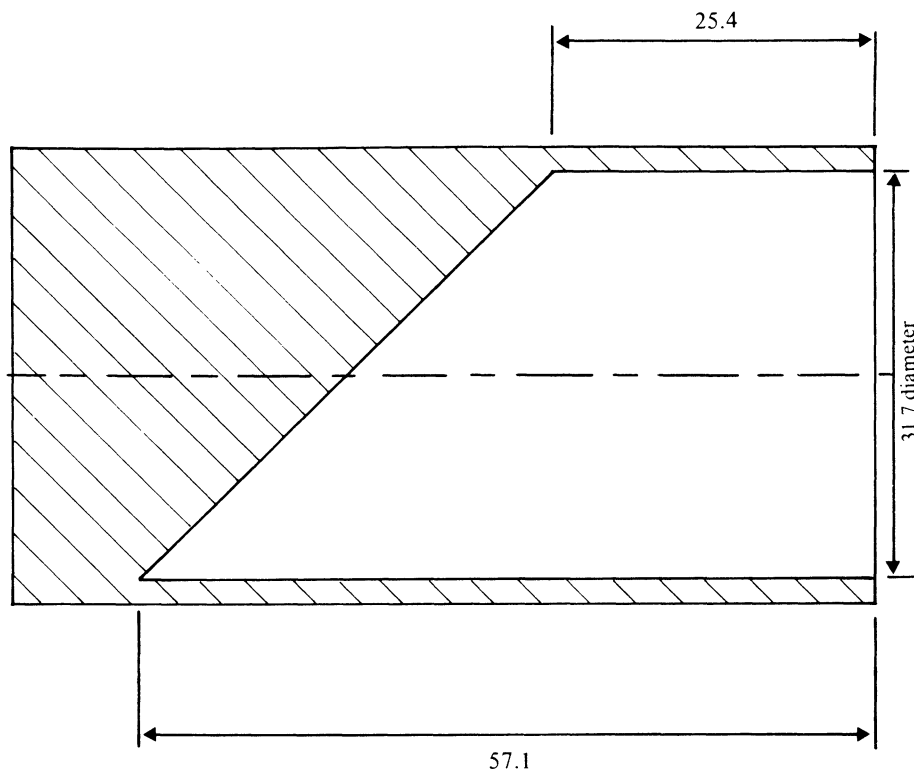
## THE TEST JAWS



Material: cold-rolled steel  
 Dimensions are in millimetres  
 Dimensions marked thus \* are optional

## SCHEDULE 3

## THE TRUNCATED CYLINDER



Dimensions in millimetres (which may vary from those shown above by a maximum of + or - 0.5 millimetre)

## EXPLANATORY NOTE

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

These Regulations prohibit persons from supplying, offering to supply, agreeing to supply, exposing for supply or possessing for supply certain products which look like food, or smell like food or like flowers or taste like food, except where the person supplying etc. the product reasonably believes that it will not be used in the United Kingdom (Regulations 3 and 5).

The products covered by the Regulations and referred to in them as “regulated products” are toys (defined in Regulation 2) and the items listed in Schedule 1 to the Regulations. Among the items listed are erasers, and writing, drawing and painting implements and materials. Sheets of card, cardboard or paper, envelopes, labels, stickers and transfers are not covered by the Regulations. Nor are marbles and products bona fide intended to represent food in dolls’ houses or in other model scenes or settings if they neither smell like food or like flowers nor taste like food (Regulations 2 and 3).

The prohibition does not apply if the product will not fit inside a “truncated cylinder” (as defined in Regulation 2), or if, when placed inside the cylinder, the product protrudes beyond the open end of the cylinder. The prohibition also does not apply if the product merely has food depicted on it and neither smells like food or like flowers nor tastes like food (Regulation 3).

The Regulations also apply to parts of products covered by the Regulations which are designed to be detachable, without the use of tools, from those products or which can be severed from them by applying the tests prescribed in Schedule 2 to the Regulations (Regulations 2 and 3).

The Regulations do not apply to products which look like food by chance or co-incidence, provided that those products do not also smell like food or like flowers or taste like food (Regulation 4).

Provision is also made for the testing by enforcement authorities of products covered by the Regulations (Regulation 6).

The Regulations apply to erasers, for the scented varieties of which provision was formerly made by the Scented Erasers (Safety) Order 1984 (S.I. 1984/83). That Order ceases to have effect on 30th January 1985.

The Regulations come into operation in relation to erasers only on 31st January 1985 and in relation to all other products covered by the Regulations on 1st August 1985.



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