

1989 No. 945 (S.92)

FOOD

COMPOSITION AND LABELLING

**The Emulsifiers and Stabilisers in Food (Scotland)
Regulations 1989**

<i>Made</i>	<i>5th June 1989</i>
<i>Laid before Parliament</i>	<i>21st June 1989</i>
<i>Coming into force</i>	<i>12th July 1989</i>

The Secretary of State, in exercise of the powers conferred on him by sections 4, 7, 26(3), 56 and 56A of the Food and Drugs (Scotland) Act 1956(a) and of all other powers enabling him in that behalf, and after consultation in accordance with section 56(6) of the said Act with such organisations as appear to him to be representative of interests substantially affected by these Regulations, hereby makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1989 and shall come into force on 12th July 1989.

Interpretation

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

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

“appropriate designation” means, as respects any permitted emulsifier or permitted stabiliser, a name or description or a name and description sufficiently specific, in each case, to indicate to an intending purchaser the true nature of the permitted emulsifier or permitted stabiliser to which it is applied;

“bread” has the meaning assigned to it by the Bread and Flour (Scotland) Regulations 1984(b);

“cheese spread”, “processed cheese”, “soft cheese” and “whey cheese” have the meanings respectively assigned to them by the Cheese (Scotland) Regulations 1970(c);

“chocolate product” and “cocoa product” have the meanings respectively assigned to them by the Cocoa and Chocolate Products (Scotland) Regulations 1976(d);

“emulsifier” and “stabiliser” mean respectively any substance which is capable—

(a) 1956 c.30; section 4(1) was amended by the European Communities Act 1972 (c.68), Schedule 4, paragraph 3(1); section 26(3) was amended by the Local Government (Scotland) Act 1973 (c.65), Schedule 27, Part II, paragraph 123(a) and by the Local Government and Planning (Scotland) Act 1982 (c.43), Schedule 4, Part I; section 7 and section 56 were amended by the Weights and Measures Act 1963 (c.31), Schedule 9, Parts I and II; section 56 was also amended by the Criminal Justice Act 1982 (c.48), Schedule 15, paragraph 8; section 56(8A) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73), section 41 and is to be read with section 289GA(2) of the Criminal Procedure (Scotland) Act 1975 (c.21), as inserted by section 66 of the Criminal Justice (Scotland) Act 1987 (c.41); section 56A was added by the European Communities Act 1972, Schedule 4, paragraph 3(2).

(b) S.I. 1984/1518, to which there is an amendment not relevant to these Regulations.

(c) S.I. 1970/108; relevant amending instruments are S.I. 1974/1337, 1984/847.

(d) S.I. 1976/914; relevant amending instrument is S.I. 1982/108.

- (a) in the case of an emulsifier, of aiding the formation of, and
(b) in the case of a stabiliser, of maintaining,
the uniform dispersion of two or more immiscible substances, but do not in either case include—
- (i) any natural food substance,
 - (ii) any permitted antioxidant,
 - (iii) any permitted colouring matter,
 - (iv) any permitted miscellaneous additive,
 - (v) any permitted preservative,
 - (vi) any permitted solvent,
 - (vii) any permitted sweetener,
 - (viii) caseins and caseinates,
 - (ix) proteins, protein concentrates and protein hydrolysates,
 - (x) starches, whether modified or not,
 - (xi) normal straight chain fatty acids derived from food fats;

“flour” has the meaning assigned to it by the Bread and Flour (Scotland) Regulations 1984;

“food” has the same meaning as in the Act, except that it is limited to food intended for sale for human consumption;

“Food Chemicals Codex 1981” means the third edition of the Food Chemicals Codex, published in 1981 by the National Academy of Sciences, Washington DC, United States of America;

“natural food substance” means any substance, suitable for use as food and commonly used as food, which is wholly a natural product, whether or not that substance has been subjected to any process or treatment, and includes malt extract and glucose syrup but does not include edible gums;

“permitted antioxidant” means any antioxidant in so far as its use is permitted by the Antioxidants in Food (Scotland) Regulations 1978(a);

“permitted colouring matter” means any colouring matter in so far as its use is permitted by the Colouring Matter in Food (Scotland) Regulations 1973(b);

“permitted emulsifier” and “permitted stabiliser” mean respectively any emulsifier and any stabiliser specified in Part I of Schedule 1, which complies with the specific purity criteria in relation to that emulsifier or stabiliser specified or referred to in Part II of that Schedule and, so far as is not otherwise provided in any such specific purity criteria, with the general purity criteria in Part III of that Schedule, or any mixture of two or more such emulsifiers or stabilisers or emulsifiers and stabilisers;

“permitted miscellaneous additive” means any miscellaneous additive in so far as its use is permitted by the Miscellaneous Additives in Food (Scotland) Regulations 1980(c);

“permitted preservative” means any preservative in so far as its use is permitted by the Preservatives in Food (Scotland) Regulations 1989(d);

“permitted solvent” means any solvent in so far as its use is permitted by the Solvents in Food (Scotland) Regulations 1968(e);

“permitted sweetener” means any sweetener in so far as its use is permitted by the Sweeteners in Food (Scotland) Regulations 1983(f);

“sell” includes offer or expose for sale or have in possession for sale and “sale” and “sold” shall be construed accordingly;

“soft drink” has the meaning assigned to it by the Soft Drinks (Scotland) Regulations 1964(g);

“specified food” means any food of a description specified in column 2 of Part II or column 1 of Part III of Schedule 2;

(a) S.I. 1978/492; relevant amending instruments are S.I. 1980/1886, 1983/1497, 1984/1518.

(b) S.I. 1973/1310; relevant amending instruments are S.I. 1975/1595, 1976/2232, 1979/107, 1987/1985.

(c) S.I. 1980/1889; relevant amending instruments are S.I. 1982/515, 1983/1497, 1984/1518.

(d) S.I. 1989/581.

(e) S.I. 1968/263; relevant amending instruments are S.I. 1980/1887, 1983/1497, 1984/1518.

(f) S.I. 1983/1497; relevant amending instrument is S.I. 1988/2084.

(g) S.I. 1964/767; relevant amending instruments are S.I. 1969/1847, 1970/1619, 1977/1026, 1983/1497 and 1988/2084.

“specified sugar product” has the meaning assigned to it by the Specified Sugar Products (Scotland) Regulations 1976(a).

(2) Unless a contrary intention is expressed, all proportions mentioned in these Regulations are proportions calculated by weight of the product as sold.

(3) 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.

(4) 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.

(5) Any reference in these Regulations to a numbered regulation or Schedule shall, unless the reference is to a regulation of, or Schedule to, specified Regulations, be construed as a reference to the regulation or Schedule bearing that number in these Regulations.

Exemptions

3. The provisions of these Regulations shall not apply to food having any emulsifier or stabiliser in it or on it or to any emulsifier or stabiliser which, in each case, is intended at the time of sale or importation, as the case may be, for exportation to any place outside the United Kingdom.

Sale, etc., of food containing emulsifiers or stabilisers

4.—(1) Subject to the provisions of this regulation, no food sold or imported into Scotland shall have in it or on it any added emulsifier or added stabiliser other than a permitted emulsifier or permitted stabiliser.

(2) No food sold or imported into Scotland shall have in it or on it any added permitted emulsifier or added permitted stabiliser specified in Part I of Schedule 2 or any combination of those substances in a proportion exceeding 150,000 milligrams per kilogram.

(3) No food sold or imported into Scotland shall have in it or on it any added permitted emulsifier or added permitted stabiliser specified in column 1 of Part II of Schedule 2 unless the food is a specified food prescribed in relation to that emulsifier or stabiliser in column 2 of that Part of that Schedule and the proportion of that emulsifier or stabiliser in or on the food does not exceed the proportion prescribed in column 3 of that Part of that Schedule.

(4) No specified food prescribed in column 1 of Part III of Schedule 2 sold or imported into Scotland shall have in it or on it any added permitted emulsifier or added permitted stabiliser unless the emulsifier or stabiliser is prescribed in relation to that specified food in column 2 of that Part of that Schedule and the proportion of the emulsifier or stabiliser in or on the food does not exceed the proportion prescribed in column 3 of that Part of that Schedule.

(5) Nothing in the two preceding paragraphs shall prohibit the presence in or on any food, which has in it or on it any specified food, of any permitted emulsifier or permitted stabiliser of the description prescribed for, and in the amount appropriate to the quantity of, that specified food in accordance with the two preceding paragraphs:

Provided that where, by reason of the use of a tin-greasing emulsion in its preparation, any food has present in it or on it—

- (a) the permitted emulsifier oxidatively polymerised soya bean oil, that permitted emulsifier shall be present in a proportion not exceeding 50 milligrams per kilogram;
- (b) the permitted emulsifier polyglycerol esters of dimerised fatty acids of soya bean oil, that permitted emulsifier shall be present in a proportion not exceeding 20 milligrams per kilogram.

(6) Nothing in paragraph (4) of this regulation shall prohibit the presence in or on any bread, by reason of the use of a tin-greasing emulsion in its preparation, of any permitted emulsifier or permitted stabiliser not specified in the proviso to the preceding paragraph or in column 2 of item (a) of Part III of Schedule 2 in a proportion not exceeding 50 milligrams per kilogram.

(a) S.I. 1976/946; relevant amending instrument is S.I. 1982/410.

(7) No flour, intended for sale as such, shall contain any emulsifier or stabiliser.

(8) No person shall sell or import into Scotland any food which does not comply with this regulation.

Sale, advertisement and labelling of emulsifiers and stabilisers

5.—(1) No person shall sell or import into Scotland or advertise for sale any emulsifier or stabiliser (including any emulsifier or stabiliser with which any other substance has been mixed) for use as an ingredient in the preparation of food unless such emulsifier or stabiliser is a permitted emulsifier or permitted stabiliser.

(2) No person shall sell any permitted emulsifier or any permitted stabiliser (including any such permitted emulsifier or permitted stabiliser with which any other substance has been mixed) for use as an ingredient in the preparation of food except in a container bearing a label which complies with the requirements of Schedule 3.

6. No person shall—

- (a) give with any permitted emulsifier or permitted stabiliser sold by him for use as an ingredient in the preparation of food any label, whether attached to or borne on the container or not, or display with any permitted emulsifier or permitted stabiliser offered or exposed by him for sale for such use any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement of any permitted emulsifier or permitted stabiliser for sale for use as an ingredient in the preparation of food,

which bears or includes any words, device or description calculated to indicate either directly or indirectly that the emulsifier or stabiliser is a substitute for fat or eggs.

Condemnation of food

7. Where any food is certified by a public analyst as being food which it is an offence against regulation 4 to sell or import into Scotland that food 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.

Offences, penalties and enforcement

8.—(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 on—

- (a) summary conviction to a fine not exceeding the statutory maximum, or
- (b) conviction on indictment to a fine or to imprisonment for a term not exceeding one year or both.

(2) Each district and islands council shall enforce and execute these Regulations in its area.

Defences

9. 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.

Application of various sections of the Act

10.—(1) Subject to paragraph (2) of this regulation, the following provisions 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—

- (a) section 41(2), (3) and (5) (which relates to prosecutions);
- (b) section 42(1), (2) and (3) (which relates to evidence of analysis);
- (c) section 44 (which relates to a requirement for analysis by the Government Chemist);
- (d) section 45 (which relates to a contravention due to default by some other person);
- (e) section 46(2) (which relates to the conditions under which a warranty may be pleaded as a defence); and

(f) section 47 (which relates to offences in relation to warranties and certificates of analysis).

(2) Section 44 shall apply for the purposes of these Regulations as if the reference therein to section 41(5) of the Act included a reference to that sub-section as applied by paragraph (1) of this regulation.

Revocations

11. The Regulations specified in the first and second columns of Schedule 4 are hereby revoked to the extent specified in relation thereto in the third column of that Schedule.

St. Andrew's House, Edinburgh
5th June 1989

Sanderson of Bowden
Minister of State,
Scottish Office

SCHEDULE 1

Regulation 2(1)

PART I

PERMITTED EMULSIFIERS AND PERMITTED STABILISERS

Column 1 <i>Serial Number</i>	Column 2 <i>Emulsifier or Stabiliser</i>
E 322	Lecithins
E 400	Alginic acid
E 401	Sodium alginate
E 402	Potassium alginate
E 403	Ammonium alginate
E 404	Calcium alginate
E 405	Propane-1,2-diol alginate
E 406	Agar
E 407	Carrageenan
E 410	Locust bean gum
E 412	Guar gum
E 413	Tragacanth
E 414	Acacia
E 415	Xanthan gum
416	Karaya gum
432	Polyoxyethylene (20) sorbitan monolaurate
433	Polyoxyethylene (20) sorbitan mono-oleate
434	Polyoxyethylene (20) sorbitan monopalmitate
435	Polyoxyethylene (20) sorbitan monostearate
436	Polyoxyethylene (20) sorbitan tristearate
E 440	(i) Pectin
E 440	(ii) Amidated pectin
442	Ammonium phosphatides
E 460	(i) Microcrystalline cellulose
E 461	Methylcellulose
E 463	Hydroxypropylcellulose
E 464	Hydroxypropylmethylcellulose
E 465	Ethylmethylcellulose
E 466	Carboxymethylcellulose
E 470	Sodium, potassium and calcium salts of fatty acids
E 471	mono- and di-glycerides of fatty acids
E 472(a)	Acetic acid esters of mono- and di-glycerides of fatty acids
E 472(b)	Lactic acid esters of mono- and di-glycerides of fatty acids
E 472(c)	Citric acid esters of mono- and di-glycerides of fatty acids
E 472(d)	Tartaric acid esters of mono- and di-glycerides of fatty acids
E 472(e)	Mono- and diacetyltartaric acid esters of mono- and di-glycerides of fatty acids
E 472(f)	Mixed acetic and tartaric acid esters of mono- and di-glycerides of fatty acids
E 473	Sucrose esters of fatty acids
E 474	Sucroglycerides
E 475	Polyglycerol esters of fatty acids
476	Polyglycerol esters of polycondensed fatty acids of castor oil
E 477	Propane-1,2-diol esters of fatty acids
E 481	Sodium stearyl-2-lactylate
E 482	Calcium stearyl-2-lactylate
E 483	Stearyl tartrate
491	Sorbitan monostearate
492	Sorbitan tristearate
493	Sorbitan monolaurate
494	Sorbitan mono-oleate
495	Sorbitan monopalmitate
—	Extract of Quillaia
—	Polyglycerol esters of dimerised fatty acids of soya bean oil
—	Oxidatively polymerised soya bean oil
—	Pectin extract

PART II

SPECIFIC PURITY CRITERIA FOR PERMITTED EMULSIFIERS AND PERMITTED STABILISERS

E 322 Lecithins

The specific purity criteria for lecithins contained in Council Directive 78/664/EEC(a) as amended by Article 1.2 of Council Directive 82/712/EEC(b).

E 400 Alginic acid

The specific purity criteria for alginic acid contained in Council Directive 78/663/EEC(c) as amended by Article 1.2(a) of Council Directive 82/504/EEC(d).

E 401 Sodium alginate

The specific purity criteria for sodium alginate contained in Council Directive 78/663/EEC amended by Article 1.2(a) of Council Directive 82/504/EEC.

E 402 Potassium alginate

The specific purity criteria for potassium alginate contained in Council Directive 78/663/EEC as amended by Article 1.2(a) of Council Directive 82/504/EEC.

E 403 Ammonium alginate

The specific purity criteria for ammonium alginate contained in Council Directive 78/663/EEC as amended by Article 1.2(a) of Council Directive 82/504/EEC.

E 404 Calcium alginate

The specific purity criteria for calcium alginate contained in Council Directive 78/663/EEC as amended by Article 1.2(a) of Council Directive 82/504/EEC.

E 405 Propane-1,2-diol alginate

Synonym Propylene glycol alginate.

The specific purity criteria for propane-1,2-diol alginate contained in Council Directive 78/663/EEC as amended by Article 1.2(a) of Council Directive 82/504/EEC.

E 406 Agar

The specific purity criteria for agar contained in Council Directive 78/663/EEC.

E 407 Carrageenan

The specific purity criteria for carrageenan contained in Council Directive 78/663/EEC.

E 410 Locust bean gum

Synonym Carob gum.

The specific purity criteria for locust bean gum contained in Council Directive 78/663/EEC.

E 412 Guar gum

The specific purity criteria for guar gum contained in Council Directive 78/663/EEC.

E 413 Tragacanth

The specific purity criteria for tragacanth contained in Council Directive 78/663/EEC.

E 414 Acacia

Synonym Gum arabic.

The specific purity criteria for acacia contained in Council Directive 78/663/EEC.

(a) OJ No. L223, 14.8.78, p.30.
(b) OJ No. L297, 23.10.82, p.31.
(c) OJ No. L223, 14.8.78, p.7.
(d) OJ No. L230, 5.8. 82, p.35.

E 415 Xanthan gum

The specific purity criteria for xanthan gum contained in Council Directive 78/663/EEC as amended by Article 1.2(b) of Council Directive 82/504/EEC.

416 Karaya gum

Synonym *Sterculia gum.*

The criteria in the monograph for karaya gum contained in the Food Chemicals Codex 1981 at page 157.

432 Polyoxyethylene (20) sorbitan monolaurate

Synonym Polysorbate 20.

The criteria in the monograph for polysorbate 20 contained in the Food Chemicals Codex 1981 at page 234.

433 Polyoxyethylene (20) sorbitan mono-oleate

Synonym Polysorbate 80.

The criteria in the monograph for polysorbate 80 contained in the Food Chemicals Codex 1981 at page 236 except that the final sentence of the description (requirement to conform to the regulations of the federal Food and Drug Administration pertaining to specifications for fats or fatty acids derived from edible sources) shall be deleted.

434 Polyoxyethylene (20) sorbitan monopalmitate

Synonym Polysorbate 40.

The criteria in the monograph for polyoxyethylene (20) sorbitan monopalmitate contained in the Food and Nutrition Paper No. 4 (1978) of the United Nations' Food and Agriculture Organisation at page 278.

435 Polyoxyethylene (20) sorbitan monostearate

Synonym Polysorbate 60.

The criteria in the monograph for polysorbate 60 contained in the Food Chemicals Codex 1981 at page 235 except that the final sentence of the description (requirement to conform to the regulations of the federal Food and Drug Administration pertaining to specifications for fats or fatty acids derived from edible sources) shall be deleted.

436 Polyoxyethylene (20) sorbitan tristearate

Synonym Polysorbate 65.

The criteria in the monograph for polysorbate 65 contained in the Food Chemicals Codex 1981 at page 235 except that the final sentence of the description (requirement to conform to the regulations of the federal Food and Drug Administration pertaining to specifications for fats or fatty acids derived from edible sources) shall be deleted.

E 440 (i) Pectin

The specific purity criteria for pectin contained in Council Directive 78/663/EEC.

E 440 (ii) Amidated pectin

The specific purity criteria for amidated pectin contained in Council Directive 78/663/EEC.

442 Ammonium phosphatides

Description	Ammonium phosphatides exist as an unctuous semi-solid (at 25C). They consist essentially of a mixture of the ammonium salts of phosphatidic acids derived from partially hardened rapeseed oil together with unreacted partially hardened rapeseed oil.
Matter insoluble in petroleum ether (40C-60C)	Total: Not more than 2.5 per centum. Inorganic matter: Not more than 0.2 per centum.
pH of an aqueous extract of melted ammonium phosphatides	Not less than 6.0 and not more than 8.0.
Phosphorus	Not less than 3.0 per centum and not more than 3.4 per centum.

Ammonium nitrogen Not less than 1.2 per centum and not more than 1.5 per centum.

Arsenic Not more than 5 mg. per kg.

E 460(i) Microcrystalline cellulose

The specific purity criteria for microcrystalline cellulose contained in Council Directive 78/663/EEC, as amended by Article 1.2(c) of Council Directive 82/504/EEC.

E 461 Methylcellulose

The specific purity criteria for methylcellulose contained in Council Directive 78/663/EEC.

E 463 Hydroxypropylcellulose

The specific purity criteria for hydroxypropylcellulose contained in Council Directive 78/663/EEC.

E 464 Hydroxypropylmethylcellulose

The specific purity criteria for hydroxypropylmethylcellulose contained in Council Directive 78/663/EEC.

E 465 Ethylmethylcellulose

Synonym Methylethylcellulose.

The specific purity criteria for ethylmethylcellulose contained in Council Directive 78/663/EEC.

E 466 Carboxymethylcellulose

Synonym Sodium carboxymethylcellulose.

The specific purity criteria for carboxymethylcellulose contained in Council Directive 78/663/EEC.

E 470 Sodium, potassium and calcium salts of fatty acids

The specific purity criteria for sodium, potassium and calcium salts of fatty acids contained in Council Directive 78/663/EEC.

E 471 Mono- and di-glycerides of fatty acids

The specific purity criteria for mono- and di-glycerides of fatty acids contained in Council Directive 78/663/EEC.

E 472(a) Acetic acid esters of mono- and di-glycerides of fatty acids

Synonym Acetylated mono- and di-glycerides.

The specific purity criteria for acetic acid esters of mono- and di-glycerides of fatty acids contained in Council Directive 78/663/EEC.

E 472(b) Lactic acid esters of mono- and di-glycerides of fatty acids

Synonyms Lactylated mono- and di-glycerides.

Lactoglycerides.

The specific purity criteria for lactic acid esters of mono- and di-glycerides of fatty acids contained in Council Directive 78/663/EEC.

E 472(c) Citric acid esters of mono- and di-glycerides of fatty acids

Synonym Citroglycerides.

The specific purity criteria for citric acid esters of mono- and di-glycerides of fatty acids contained in Council Directive 78/663/EEC.

E 472(d) Tartaric acid esters of mono- and di-glycerides of fatty acids

The specific purity criteria for tartaric acid esters of mono- and di-glycerides of fatty acids contained in Council Directive 78/663/EEC.

E 472(e) Mono- and diacetyltartaric acid esters of mono- and di-glycerides of fatty acids

Synonym Mono- and diacetyltartaric acid esters of mono- and di-glycerides.

The specific purity criteria for mono- and diacetyltartaric acid esters of mono- and di-glycerides of fatty acids contained in Council Directive 78/663/EEC.

E 472(f) Mixed acetic and tartaric acid esters of mono- and di-glycerides of fatty acids

The specific purity criteria for mixed acetic and tartaric acid esters of mono- and di-glycerides of fatty acids contained in Council Directive 78/663/EEC.

E 473 Sucrose esters of fatty acids

The specific purity criteria for sucrose esters of fatty acids contained in Council Directive 78/663/EEC.

E 474 Sucroglycerides

The specific purity criteria for sucroglycerides contained in Council Directive 78/663/EEC as amended by Article 1.2(e) of Council Directive 82/504/EEC.

E 475 Polyglycerol esters of fatty acids

The specific purity criteria for polyglycerol esters of non-polymerised fatty acids contained in Council Directive 78/663/EEC.

476 Polyglycerol esters of polycondensed fatty acids of castor oil

Synonym	Polyglycerol polyricinoleate.
Description	The polyglycerol esters of polycondensed fatty acids of castor oil exist as a highly viscous liquid (at 25°C). They are essentially a complex mixture of the partial esters and ethers of polyglycerol with linearly interesterified (polycondensed) fatty acids derived from castor oil. The polycondensed castor oil fatty acids are prepared by condensation in the absence of oxygen and have an average of about 5 fatty acid residues per molecule. The polyglycerol moiety is predominantly di-, tri- and tetra glycerol and contains not more than 10 per centum of polyglycerols equal to or higher than heptaglycerol.
Refractive index, $n_{\frac{65^{\circ}\text{C}}{\text{D}}}$	Not less than 1.4630 and not more than 1.4665.
Hydroxyl value	Not less than 80 and not more than 100.
Iodine value	Not less than 72 and not more than 103 (Wijs).
Acid value	Not more than 6 mg. KOH per g.

E 477 Propane-1,2-diol esters of fatty acids

Synonym Propylene glycol esters of fatty acids.

The specific purity criteria for propane-1,2-diol esters of fatty acids contained in Council Directive 78/663/EEC as amended by Article 1.2(f) of Council Directive 82/504/EEC.

E 481 Sodium stearoyl-2-lactylate

The specific purity criteria for sodium stearoyl-2-lactylate contained in Council Directive 78/663/EEC.

E 482 Calcium stearoyl-2-lactylate

The specific purity criteria for calcium stearoyl-2-lactylate contained in Council Directive 78/663/EEC.

E 483 Stearyl tartrate

The specific purity criteria for stearyl tartrate contained in Council Directive 78/663/EEC.

491 Sorbitan monostearate

The criteria in the monograph for sorbitan monostearate contained in the Food Chemicals Codex 1981 at page 307 except that the final sentence of the description (requirement to conform to the regulations of the federal Food and Drug Administration pertaining to specifications for fats or fatty acids derived from edible sources) shall be deleted.

492 Sorbitan tristearate

The criteria in the monograph for sorbitan tristearate contained in the Food and Nutrition Paper No. 4 (1978) of the United Nations' Food and Agriculture Organisation at page 297.

493 Sorbitan monolaurate

The criteria in the monograph for sorbitan monolaurate contained in the British Pharmaceutical Codex 1973 at page 465.

494 Sorbitan mono-oleate

The criteria in the monograph for sorbitan mono-oleate contained in the British Pharmaceutical Codex 1973 at page 466.

495 Sorbitan monopalmitate

The criteria in the monograph for sorbitan monopalmitate contained in the Food and Nutrition Paper No. 4 (1978) of the United Nations' Food and Agriculture Organisation at page 293.

Extract of Quillaia

The aqueous extract of the product complying with the monograph for Quillaia or for powdered Quillaia, in each case, contained in the British Pharmacopoeia 1980, at page 382.

Polyglycerol esters of dimerised fatty acids of soya bean oil

Description	Polyglycerol esters of dimerised fatty acids of soya bean oil exist as a viscous oil obtained by the interesterification of polyglycerol with refined soya bean oil thermally polymerised in vacuo. The polyglycerol moiety is predominantly di-, tri- and tetra-glycerol and contains not more than 10 per centum of polyglycerols equal to or higher than heptaglycerol.
Urea non-adduct content of total fatty acid methyl esters	Not more than 65 per centum.
Saponification value	Not less than 158 and not more than 175.
Iodine value	Not less than 78 and not more than 82 (Wijs).
Hydroxyl value	Not less than 60 and not more than 70.
Acid value	Not more than 6 mg. KOH per g.

Oxidatively polymerised soya bean oil

Description	Oxidatively polymerised soya bean oil is a highly viscous liquid (at 25C). It is obtained by blowing air into edible soya bean oil at a temperature not exceeding 250C.
Combined oxidised fatty acids	Not more than 30 per centum.
Urea non-adduct content of total fatty acid methyl esters	Not more than 42 per centum.
Refractive index, $n_{\frac{40^{\circ}\text{C}}{\text{D}}}$	Not less than 1.475 and not more than 1.485.
Saponification value	Not more than 220.
Iodine value	Not less than 75 and not more than 85 (Wijs).
Hydroxyl value	Not less than 30 and not more than 70.
Acid value	Not more than 6 mg. KOH per g.

Pectin extract

Description	Pectin extract is obtained by extraction of dried apple pomace, citrus peel, or a mixture of both, with dilute acid followed by partial neutralisation with sodium or potassium salts and concentration by evaporation. It may be in the form of a buff to brownish viscous solution (liquid pectin) or in the form of dry brown flakes or powder.
Content	Not more than 20 per centum of total solids and not less than 1.3 per centum of galacturonic acid for the liquid form; not less than 6.5 per centum of galacturonic acid for the dry form.
Reducing sugars	Not more than 12 per centum for the liquid form and not more than 75 per centum for the dry form.
Sulphate	Not more than 3 per centum for the liquid form and not more than 30 per centum for the dry form, in both cases expressed as Na ₂ SO ₄ .
Acid-insoluble ash	Not more than 1 per centum.

PART III

**GENERAL PURITY CRITERIA APPLICABLE TO PERMITTED EMULSIFIERS AND
PERMITTED STABILISERS EXCEPT WHERE OTHERWISE PROVIDED BY SPECIFIC
CRITERIA**

Each emulsifier and stabiliser shall not contain—

- (a) more than 3 milligrams per kilogram of arsenic;
- (b) more than 10 milligrams per kilogram of lead;
- (c) more than 50 milligrams per kilogram of copper, or 25 milligrams per kilogram of zinc, or 50 milligrams per kilogram of any combination of copper and zinc.

SCHEDULE 2

Regulations 2(1) and 4

PART I

EMULSIFIERS AND STABILISERS PERMITTED IN FOOD ONLY TO A MAXIMUM LIMIT

Guar Gum

Locust Bean Gum

PART II

EMULSIFIERS AND STABILISERS PERMITTED ONLY IN CERTAIN FOOD

Column 1 <i>Permitted emulsifier or permitted stabiliser</i>	Column 2 <i>Specified food</i>	Column 3 <i>Milligrams per kilogram not exceeding-</i>
(a) Extract of Quillaia	Soft drinks	200 (of the dry matter content of the extract)
(b) Sodium, potassium and calcium salts of fatty acids		
(i) all such salts	Dutch type rusks	15,000 (calculated as sodium oleate, C ₁₈ H ₃₃ O ₂ N _a , and on the weight of the flour) 60,000 (calculated as sodium oleate, C ₁₈ H ₃₃ O ₂ N _a)
	The permitted emulsifiers or permitted stabilisers:-mono-and di-glycerides of fatty acids; lactic acid esters of mono-and di-glycerides of fatty acids; sucrose esters of fatty acids; sucroglycerides; poly-glycerol esters of fatty acids; propane 1,2-diol esters of fatty acids	
(ii) sodium octanoate	Malted barley	In accordance with good manufacturing practice
(c) Oxidatively polymerised soyabean oil polyglycerol esters of dimerised fatty acids of soya bean oil	Tin-greasing emulsions	In accordance with good manufacturing practice

PART III

FOOD IN WHICH ONLY CERTAIN EMULSIFIERS AND STABILISERS ARE PERMITTED

Column 1 <i>Specified food</i>	Column 2 <i>Permitted emulsifier or permitted stabiliser</i>	Column 3 <i>Milligrams per kilogram not exceeding-</i>
(a) Bread	As prescribed by the Bread and Flour (Scotland) Regulations 1984(a)	As prescribed by the Bread and Flour (Scotland) Regulations 1984
(b) Soft cheese, whey cheese, processed cheese, cheese spread	As prescribed by the Cheese (Scotland) Regulations 1970(b)	As prescribed by the Cheese (Scotland) Regulations 1970
(c) Cocoa products, chocolate products	As prescribed by the Cocoa and Chocolate Products (Scotland) Regulations 1976(c)	As prescribed by the Cocoa and Chocolate Products (Scotland) Regulations 1976

(a) S.I. 1984/1518.

(b) S.I. 1970/108; relevant amending instruments are S.I. 1974/1337, 1984/847.

(c) S.I. 1976/914; relevant amending instrument is S.I. 1982/108.

LABELLING OF PERMITTED EMULSIFIERS AND PERMITTED STABILISERS

- 1.—(1) Each container to which regulation 5(2) relates shall bear a label on which is printed a statement, specifying—
- (a) in respect of each permitted emulsifier or permitted stabiliser present, the serial number, if any, as specified in relation thereto in column 1 of Part I of Schedule 1, and the common or usual name or an appropriate designation of that permitted emulsifier or permitted stabiliser;
 - (b) in respect of each permitted emulsifier or permitted stabiliser present to which any specified sugar product has been added for the purpose of standardisation, the declaration “standardised with sugar” or “standardised with sugars” as the case may be; and
 - (c) where any other substance or substances is or are present,—
 - (i) the common or usual name or an appropriate designation of each such substance, and
 - (ii) the proportion of each such substance in respect of which any Regulations, other than these Regulations, made under the Act contain a requirement to that effect.
- (2) The said statement shall be headed or preceded by the words “for foodstuffs (restricted use)”.
2. Any statement required by the preceding paragraph—
- (a) shall be clear and legible;
 - (b) shall be in a conspicuous position on the label which shall be marked on, or securely attached to, the container in such a manner that it will be readily discernible and easily read by an intending purchaser under normal conditions of purchase;
 - (c) shall not be in any way hidden or obscured or reduced in conspicuousness by any other matter, whether pictorial or not, appearing on the label.
3. The figures and letters in every word in any statement to which the preceding paragraph applies—
- (a) shall be in characters of uniform colour and size (being not less than 1.5 millimetres in height for a label on a container of which the greatest dimension does not exceed 12 centimetres and not less than 3 millimetres in height for a label on a container of which the greatest dimension exceeds 12 centimetres), but so that the initial letter of any word may be taller than any other letter in the word;
 - (b) shall appear on a contrasting ground, so however that where there is no ground other than such as is provided by a transparent container and the contents of that container are visible behind the letters, those contents shall be taken to be the ground for the purposes of this paragraph;
 - (c) shall be within a surrounding line and no other written or pictorial matter shall appear within that line.
4. For the purpose of this Schedule—
- (a) the height of any lower case letter shall be taken to be the x height thereof, disregarding any ascender or descender thereof;
 - (b) any requirement that figures or letters shall be of uniform height, colour or size, shall be construed as being subject to the saving that any inconsiderable variation in height, colour or size, as the case may be, may be disregarded.

SCHEDULE 4

Regulation 11

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Emulsifiers and Stabilisers in Food (Scotland) Regulations 1980	S.I. 1980/1888	All the Regulations.
The Emulsifiers and Stabilisers in Food (Scotland) Amendment Regulations 1982	S.I. 1982/514	All the Regulations.
The Sweeteners in Food (Scotland) Regulations 1983	S.I. 1983/1497	Schedule 2, paragraph 6.
The Emulsifiers and Stabilisers in Food (Scotland) Amendment Regulations 1983	S.I. 1983/1815	All the Regulations.
The Cheese (Scotland) Amendment Regulations 1984	S.I. 1984/847	Regulation 3.
The Bread and Flour (Scotland) Regulations 1984	S.I. 1984/1518	Schedule 6, paragraph 5.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Scotland only, re-enact with amendments the Emulsifiers and Stabilisers in Food (Scotland) Regulations 1980, as amended, and come into force on 12th July 1989.

The amended 1980 Regulations provided in particular for the implementation of Council Directive 74/329/EEC (OJ No. L189, 12.7.74, p.1), as amended by Council Directive 78/612/EEC (OJ No L197, 22.7.78, p.22) and Council Directive 80/597/EEC (OJ No. L155, 23.6.80, p.23) on the approximation of the laws of Member States relating to emulsifiers, stabilisers, thickeners and gelling agents for use in foodstuffs. They also provided for the implementation of Council Directive 78/663/EEC (OJ No. L223, 14.8.78 p.7), as amended by Council Directive 82/504/EEC (OJ No. L230, 5.8.82, p.35) laying down specific criteria of purity for emulsifiers, stabilisers, thickeners and gelling agents for use in foodstuffs, and Council Directive 78/664/EEC (OJ No. L223, 14.8.78, p.30) laying down specific criteria of purity for antioxidants for use in foodstuffs.

In addition, these Regulations implement Council Directive 86/102/EEC (OJ No. L88, 3.4.86, p.40), which further amended Council Directive 74/329/EEC. As well as making a minor change in the serial numbers of pectin and amidated pectin, this amending Directive withdrew authority for the use of polyoxyethylene (8) stearate, polyoxethylene (40) stearate, lactylated fatty acid esters of glycol and propane-1, 2-diol, and dioctyl sodium sulphosuccinate as emulsifiers and stabilisers in food. Pursuant to Council Directive 74/329/EEC, tartaric acid esters of mono- and di-glycerides of fatty acids (E472(d)) and mixed acetic and tartaric acid esters of mono- and di-glycerides of fatty acids (E472(f)) are added to the list of permitted emulsifiers and stabilisers and specific purity criteria are laid down in Schedule 1.

Regulation 4(2) and Schedule 2 Part I prescribe a maximum level for guar gum and locust bean gum in food.

Generally, the Regulations—

- (a) specify permitted emulsifiers and permitted stabilisers and prescribe purity criteria for those emulsifiers and stabilisers (regulation 2 and Schedule 1);
- (b) prohibit the sale and importation of food which contains any added emulsifier or stabiliser other than those prescribed and regulate the sale of food containing permitted emulsifiers and stabilisers (regulation 4 and Schedule 2);
- (c) regulate the sale, importation, advertisement and labelling of permitted emulsifiers and permitted stabilisers sold for use as ingredients in the preparation of food (regulations 5 and 6 and Schedule 3);
- (d) do not apply to any emulsifier and stabiliser, or to any food having in it or on it any emulsifier or stabiliser, which is intended for export (regulation 3).

The Food Chemicals Codex 1981, referred to in regulation 2(1) and Part II of Schedule 1, may be consulted by prior arrangement with the Librarian, University Library, Glasgow G1 8QE (telephone 041-339 8855). The Food and Nutrition Paper No. 4 (1978) of the United Nations' Food and Agriculture Organisation is available from Her Majesty's Stationery Office.

£2.65 net

ISBN 0 11 096945 6