

EXPLANATORY NOTE

(This note does not form part of the Order but is intended to indicate its general purport.)

This Order makes minor changes in the procedure for the election of members of the Milk Marketing Board and will facilitate the holding of elections.

1961. No. 192

[C]

FOOD AND DRUGS

Soft Drinks

Composition

REGULATIONS, DATED 3RD OCTOBER, 1961, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS 4 AND 68 OF THE FOOD AND DRUGS ACT (NORTHERN IRELAND), 1958.

The Ministry of Health and Local Government, in exercise of the powers conferred upon it by Sections 4 and 68 of the Food and Drugs Act (Northern Ireland), 1958(a), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Food Standards (Soft Drinks) Regulations (Northern Ireland), 1961, and shall come into operation on the 30th day of October, 1961.

Interpretation

2. In these regulations—

“the Act” means the Food and Drugs Act (Northern Ireland), 1958;

“catering business” includes the business or undertaking of an inn, public-house, hotel, restaurant, café, tea-shop, buffet, coffee-stall or any place of refreshment open to the public, or of a club, boarding house, apartment house, refreshment contractor, school feeding centre, staff dining room or canteen, and the word “caterer” shall be construed accordingly;

“fruit juice” means the clean, sound undiluted juice of the fruit or fruits from which it is obtained;

“saccharin” means the substance defined as such in the edition of the British Pharmacopoeia current for the time being;

“sale by retail” means a sale to a person buying otherwise than for the purpose of re-sale but does not include a sale to a manufacturer for the purposes of his manufacturing business or a sale to a caterer for the purposes of his catering business or a sale by a caterer for consumption on the premises of his catering business or any sale by him if he provides catering services for the consumer or consumers of such soft drinks; and “retailer” shall be construed accordingly;

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

"soft drink" means any liquid suitable or intended for use, either without or after dilution, as drink for human consumption; and includes—

- (a) any fruit-juice drink, and any fruit squash, crush, concentrate or cordial;
 - (b) soda-water, Indian or quinine tonic-water, and any artificially carbonated water whether flavoured or unflavoured;
 - (c) ginger beer and any herbal or botanical beer;
- but does not include—
- (d) water (except as aforesaid);
 - (e) water from natural springs, either in its natural state or with added mineral substances;
 - (f) fruit juice, with or without added sugar, or any such juice in concentrated (or frozen) form;
 - (g) milk or any preparation of milk;
 - (h) tea, coffee, dandelion coffee, cocoa or chocolate, or any preparation of tea, coffee, dandelion coffee, cocoa or chocolate;
 - (i) any egg product;
 - (j) any cereal product, except—
 - (i) flavoured barley-water and liquid products used in the preparation of barley-water, and
 - (ii) cereal products containing alcohol that are not intoxicating liquor as defined in accordance with sub-paragraph (m);
 - (k) meat, yeast, or vegetable extracts, soup or soup mixtures, or any similar product;
 - (l) tomato or other vegetable juices, or any preparation of any such juice or juices;
 - (m) intoxicating liquor as defined in the Intoxicating Liquor Act (Northern Ireland), 1923(a);
 - (n) any other unsweetened drink except soda-water.

For the purposes of this definition a product shall not be deemed not to be a soft drink by reason only of the fact that it is capable of being used as a medicine;

"sugar" means the product usually known as sugar in commercial usage, consisting principally of sucrose;

"unsweetened" means containing no added sugar or saccharin.

Standards

3.—(1) The standard for those soft drinks for consumption without dilution which are described in column 1 of Part I of the Schedule shall, as respects the proportion of fruit juice, added sugar and the proportion of saccharin therein, and as respects other requirements as to composition, be as set forth in relation thereto in the said Part I.

(2) The standard for those soft drinks for consumption after dilution which are described in column 1 of Part II of the Schedule shall, as respects

the proportion of fruit juice, added sugar and the proportion of saccharin therein, and as respects other requirements as to composition, be as set forth in relation thereto in the said Part II.

4. No person shall sell any food intended for human consumption under such a description as to lead an intending purchaser to believe he is purchasing any of the soft drinks specified in column 1 of Parts I and II of the Schedule unless the food complies with the appropriate standard for that soft drink specified in columns 2, 3, 4 and 5 of the said Parts.

5. Where a person sells any food to a purchaser in response to a request for any of the soft drinks specified in column 1 of Parts I and II of the Schedule, he shall be deemed to sell that soft drink unless he clearly notifies the purchaser at the time of sale that the food is not the soft drink requested.

Limitations and exceptions

6.—(1) The standards prescribed by these regulations shall apply only as respects—

- (a) sales by retail;
- (b) sales to a retailer;
- (c) sales to a caterer in containers containing not more than one gallon; and shall not apply—
 - (d) in relation to any soft drink which is sold under a clear and conspicuous description in writing indicating to an intending purchaser that it has tonic, restorative or medicinal properties and which contains one or more medicaments in sufficient quantity to justify the claims made;
 - (e) in relation to any soft drink which is sold under a clear and conspicuous description in writing indicating to an intending purchaser that it is a glucose beverage and which contains not less than 23 per cent. weight in volume of liquid glucose or, alternatively, not less than 10 per cent. weight in volume of dextrose monohydrate;
 - (f) as respects added sugar or the proportion of saccharin present, in relation to any soft drink sold under a clear and conspicuous description in writing indicating to an intending purchaser that it has been prepared for consumption by persons suffering from diabetes if that soft drink contains no added sugar.

(2) These regulations shall not apply—

- (a) to any food packed for consumption by Her Majesty's Forces or by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act, 1952(a),
- (b) to any food intended at the time of sale for export from the United Kingdom.

Penalties

7. If any person contravenes or fails to comply with any of the provisions of these regulations he shall be guilty of an offence and shall be liable on summary conviction—

- (a) to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment; and

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.