

New Food and Drugs Legislation During 1964

by G. H. WALKER

(Public Analyst's Laboratory, County Hall, Preston)

During the year 1964 the following new Regulations, which have a bearing on the work of the Public Analyst, were made:—

The Meat (Treatment) Regulations, 1964.

The Soft Drinks Regulations, 1964.

The Dried Milk Regulations, 1964.

The Mineral Hydrocarbons in Food Regulations, 1964.

The Milk (Great Britain) (Amendment No. 2) Order, 1964.

The Therapeutic Substances (Preservation of Raw Fish) Regulations, 1964.

In addition, three Weights and Measures Regulations were made which are of interest; these are as follows:—

The Weights and Measures (Equivalents for Dealings with Drugs) Regulations, 1964 and Amendment Regulations, 1964.

The Weights and Measures (Abbreviations of Units of Measurement) Regulations, 1964.

The Weights and Measures (Marking) Regulations, 1964.

The first Weights and Measures Regulations referred to contain a table of grains and metric equivalents applicable to drugs and requiring dealings in certain drugs which are the subject of monographs in the 1963 editions of the British Pharmacopoeia and British Pharmaceutical Codex to be carried out in terms of the metric equivalent. The remaining two Weights and Measures Regulations replace, in so far as they relate to food, the corresponding provisions of the Pre-Packed Food (Weights and Measures: Marking) Regulations, 1957. One of these regulations lays down the precise form of the abbreviations permitted in regard to both the Imperial and Metric systems of measurement while the other prescribes how indications of quantity are to be marked on containers and includes requirements as to the minimum height of the characters used.

The Meat (Treatment) Regulations, 1964, were made on 10th January, 1964, and came into operation on 23rd January, 1964. They followed reports during 1963 of people showing symptoms of nicotinic acid poisoning due to the excessive dusting of raw meat with freshening powders containing nicotinic acid and other chemicals. These chemicals have the property of keeping the surface of meat bright red and fresh looking and will even restore the colour of meat which has become dark in appearance. In addition to the possibility of causing symptoms of nicotinic acid poisoning there was, therefore, also the

point that purchasers could be misled in thinking that they were buying fresh meat when in actual fact it was stale. The regulations now prohibit the sale of any raw and unprocessed meat which contains any ascorbic acid, erythorbic acid, nicotinic acid or nicotinamide. It should be noted that the regulations only apply to raw and unprocessed meat and it would appear that raw meat in such commodities as sausages is not covered by the regulations.

The Soft Drinks Regulations, 1964, will be fully in operation by 2nd June, 1965, and they replace the Food Standards (Soft Drinks) Order, 1953, as amended, and the Soft Drinks Regulations, 1963. The last-mentioned regulations never actually came into operation. The principal changes brought about by the new regulations are as follows: the proportion of sugar in soft drinks is substantially increased and the proportion of saccharin or other permitted artificial sweeteners decreased. All soft drinks containing artificial sweetener must bear a declaration on the container of its presence and this also applies to vending machines for soft drinks. The description "drinks made from whole fresh oranges" is no longer used but has been replaced by the name "comminuted citrus drinks"; this latter is less likely to be misleading and these drinks are now required to contain a specified minimum amount of "potable citrus fruit" instead of, as previously, being required to be made from a minimum quantity of comminuted fresh oranges. Minimum fruit juice contents are laid down in all appropriate cases and the labelling requirements for soft drinks containing citrus juice or citrus fruit specify when the words "squash," "cordial," "crush," or "drink" must be used in conjunction with the name of the appropriate fruit. Where soft drinks do not comply with the requirements of the Regulations with regard to fruit juice or potable fruit content, the labels must not bear any pictorial device suggestive of fruit or any word suggestive of fruit not represented in the flavouring of the drink; if any word suggestive of fruit is used in connection with such a drink then it must be accompanied by the suffix "ade" or followed by the word "flavour." For the first time compositional standards for semi-sweet soft drinks are included in the Regulations and labelling requirements are stipulated for these and for low-calorie soft drinks and for soft drinks for diabetics. Low-calorie soft drinks must also not contain more than 1.5 calories per fluid ounce (7.5 calories per fluid ounce if for consumption after dilution) and diabetic drinks must not contain any added sugar. There is no restriction on the proportion of artificial sweeteners that diabetic drinks may contain. The artificial sweeteners to be permitted in soft drinks are saccharin and its calcium and sodium derivatives and cyclamic acid and its calcium and sodium salts. Definitions and specifications in respect of the permitted artificial sweeteners are given in Schedule I of the regulations. In addition to the requirement already mentioned that on the front of vending machines for soft drinks there must be a declaration of artificial sweeteners, if present in the drink, vending machines are also required to bear, when applicable, the specified description laid down for the soft drink offered for sale; otherwise the descriptive name of the soft drink must be given.

Finally, it should be mentioned that the regulations prescribe requirements as to the size and colour of all declarations required on containers or vending machines.

The Dried Milk Regulations, 1964, came into operation on 11th March, 1965, and they replace the Public Health (Dried Milk) Regulations, 1923 to 1948. They also, in general, follow the recommendations for dried milk of the Food and Agriculture Organisation of the United Nations. There are now the following six descriptions of dried milk:—dried full cream milk with not less than 26 per cent. of milk fat; dried three-quarter cream milk with milk fat less than 26 and more than 17 per cent.; dried half cream milk, with milk fat not more than 17 and not less than 14 per cent.; dried quarter cream milk, with less than 14 and not less than 8 per cent. of milk fat; dried partly skimmed milk, with less than 8 and not less than 1.5 per cent. of milk fat and dried skimmed milk (or dried low-fat skimmed milk), with less than 1.5 per cent. of milk fat. All descriptions of dried milk are required to contain not more than 5 per cent. of moisture. Precise labelling requirements for all descriptions of dried milk are included in the Regulations. The label on full cream dried milk besides having this description must also declare the equivalent in pints of milk. Similarly all other descriptions, except dried skimmed milk, must bear the appropriate name, the equivalent in pints of the appropriate description of milk and a declaration that it should not be used for babies except under medical advice. Dried skimmed milk besides its name must bear on the label the percentage milk fat content, the equivalent number of pints of skimmed milk and a statement that it is unfit for babies. With the exception of sodium bicarbonate and sodium citrate all additions to the dried milk must be specifically declared in the appropriate place on the label. In addition, the words “sweetened” must be used when only sugar has been added, “modified” where only a constituent of milk has been added and “compounded” when both the above or other ingredients have been added. The addition of milk other than cow’s milk must also be declared. The declaration of the equivalent pints of milk may be omitted if the gross weight of the container is over 10 lb and the regulations do not apply to the dried milk in powders containing less than 70 per cent. of dried milk.

The Mineral Hydrocarbons in Food Regulations, 1964, replace the Mineral Oil in Food Orders and Regulations, 1949 to 1955. The new Regulations came into operation on 15th August, 1964, but the sale of food containing mineral oil in compliance with the 1949 Order (as amended) was permitted until 15th February, 1965. The Regulations prohibit the use in the composition of food of mineral hydrocarbons, and prohibit the sale of such food, subject to certain specified exemptions. Mineral hydrocarbon is defined in the Regulations and includes liquid paraffins, white oils, petroleum jellies, hard paraffins and microcrystalline wax. Any mineral hydrocarbon permitted under any of the exemptions must comply with the appropriate specification for purity given in Schedule I of the regulations; in addition, any paraffin or microcrystalline wax used in

chewing compounds must have complied with the test for the presence of polycyclic hydrocarbons as described in the same Schedule. In addition to the exemptions permitted under the previous Regulations (i.e. a maximum of 0.2 per cent. mineral oil due to contact of the food during preparation with a lubricated or greased surface; a maximum of 0.5 per cent. of mineral oil in dried fruit and 0.1 per cent. on citrus fruit) the following additional exemptions are now permitted:—mineral hydrocarbon in “sealed” eggs due to preserving by dipping, etc., in mineral hydrocarbon; mineral hydrocarbon in the rind of whole pressed cheese; a maximum of 0.2 per cent. mineral hydrocarbon in sugar confectionery due to its use as a polishing or glazing agent; and the previous exemption of not more than 12.5 per cent. of microcrystalline wax in chewing compounds has now been amended to permit not more than 60 per cent. of paraffin or microcrystalline wax in these compounds. The test for polycyclic hydrocarbons already referred to requires 100 grammes of the paraffin or microcrystalline wax for one determination. In view of the quantity of sample required to carry out the test satisfactorily it is suggested in Circular FSH 14/64, which accompanied the new Regulations, that it might be more practicable to take samples for this test and for the tests for purity at the point of manufacture of the compound, rather than at the point of actual sale.

The Milk (Great Britain) (Amendment No. 2) Order, 1964, came into operation on 1st October, 1964, which was the date given in the Milk (Special Designation) Regulations, 1963, when the new special designation “untreated” was to replace the special designation “Tuberculin Tested.” The 1964 Order referred to above, prescribes maximum prices for Untreated Milk, Untreated Milk Farm Bottled and for Channel Islands Untreated Milk Farm Bottled.

The Therapeutic Substances (Preservation of Raw Fish) Regulations, 1964, came into operation on 1st July, 1964. The Regulations exempt, subject to certain conditions, chlortetracycline and oxytetracycline, which are sold or supplied for use in connection with the preservation of raw fish, from the restrictions imposed on their sale by Section 9 (1) of the Therapeutic Substances Act, 1956. Raw fish (but not shell fish) is permitted by the Preservatives in Food Regulations, 1962, to contain not more than 5 parts per million of tetracyclines. The Conditions which apply to the sale of tetracyclines for this purpose, in addition to the labelling requirements of the Preservatives in Food Regulations, are that the preparation shall not contain more than 15 per cent. of tetracycline if intended for use in the making of ice for packing fish, or not more than 25 per cent. when intended for making a solution in which fish is to be dipped. In addition, the label must also bear approved particulars with regard to storage and use and the date up to which the preparation may be expected to retain its potency.

In addition to the above new legislation, the Minister of Agriculture, Fisheries and Food and the Minister of Health circulated for comment to all interested parties during 1964 Proposals for Regulations for Canned Meat and for Meat Pies. Proposals for Regulations to amend the Skimmed Milk with

Non-Milk Fat Regulations, 1960, were also circulated for comment. The amendment proposed to the last mentioned Regulations is that the product "S.M.A." in liquid form shall be exempted from the requirement to be labelled "Unfit for Babies" provided that it conforms to the compositional requirements to be included in Part II of the Second Schedule to the Regulations. Certain other products including "S.M.A." in powder form are already exempted from the labelling requirement referred to above.

The Proposals for Regulations for Canned Meat list standards of meat content for five types of products as against 15 types in the Food Standards Report on Canned Meat published in the year 1962. The five types have meat contents ranging from 95 per cent. for canned meat to 65 per cent. for meat loaf. Other meat products may have meat contents down to 25 per cent. provided there is a declaration of the actual meat content in an approved form on the label. The meat content shall be calculated as a percentage by weight of the total content of the can and proposals are made that fat shall only be reckoned as meat up to specified percentages of the total meat content, depending on the type of product. While the proposals are quite enforceable the writer regrets that the minimum limit of 35 per cent. meat for a meat product, originally recommended in the 1962 Report, has been reduced to 25 per cent., and the named categories do not include such well-known meat products as casserole steak, curried meat, braised meat, hamburgers, canned sausages, etc. This could mean that these canned products could be sold with as little as 25 per cent. meat content and that many present-day products with a satisfactory meat content may well tend to decline to this low limit. As already mentioned, meat percentages are to be calculated on the whole contents of the can, yet no special provision is made for meat products packed in brine or for meat packed "on the bone."

The Proposals for Regulations for Meat Pies follow, in general, the recommendations of the Food Standards Committee in their report published during the year 1963. Pies, described as meat pies or by the name of the meat, will be required to contain not less than 25 per cent. meat, and meat and vegetable pies, including Cornish Pasty, etc., not less than $12\frac{1}{2}$ per cent. of meat. With regard to meat pies there is a proviso that the standard shall be deemed to be complied with if 1 ounce of meat is present in a pie of not less than 4 ounces and not more than $5\frac{1}{2}$ ounces, and $\frac{5}{8}$ ounce of meat in a pie of up to 3 ounces. In applying this proviso to pies of $5\frac{1}{2}$ ounces weight, the proposals would appear to be unnecessarily generous; such a pie containing 1 ounce of meat would only contain just over 18 per cent. meat. The amount of fat in the pastry of all pies which is in excess of a ratio of fat to carbohydrate of 60:100 is to be credited to the meat content. With regard to sampling it is proposed that for enforcement purposes a sample shall consist of at least three pies. It would not be possible to divide a pie satisfactorily and it is not made clear that each portion of a sample shall consist of one or more whole pies. Sampling would appear to be the main weakness in the proposals as it is generally admitted that

individual pies, even from the same batch, do vary in composition, so that the three parts of a sample may not be identical in composition. Furthermore, while a formal sample, each of the three portions of which consists of a single pie, could be taken under existing legislation (Section 97 of the Food and Drugs Act) if the pies were prepacked, this would not appear possible in the case of pies sold loose. It is proposed to exempt catering sales from the requirements of the regulations and this could leave the way open for the sale of sub-standard pies in cafes, snack-bars, etc.

Two reports of the Food Standards Committee were published during the year under review. The first reviewed the Colouring Matter in Food Regulations, 1957, and the second was concerned with food labelling.

The report on colouring matters was the result of the work of the Food Additives and Contaminants Sub-Committee of the Food Standards Committee. This Sub-Committee, because of the growing importance of its work in relation to chemical additives in foods, has now been made a Committee in its own right. The chief recommendation made in the report is that the following six coal-tar colours, PONCEAU 3R, PONCEAU SX, NAPTHOL YELLOW S, BLUE VRS, YELLOW RFS and YELLOW RY, should be deleted from the present permitted list. The Pharmacology Panel of the Sub-Committee advised that the first four should be deleted in that they present hazards of toxicity or could be carcinogenic; the remaining two on the evidence of chemical manufacturers that they are liable to contain subsidiary dyes or not to be constant in composition. The deletion of BLUE VRS from the permitted list could create difficulties for food manufacturers in that at present it is the only permitted blue colour. The Pharmacology Panel regard only two coal-tar colours (Amaranth and Green S) as entirely satisfying all safety criteria out of the 30 at present permitted and they recommend that the evidence with regard to the others be again reviewed within five years. Other recommendations are that: BLACK 7984 should be provisionally added to the permitted list; two synthetic carotenoids should be permitted; titanium dioxide, in future, should be restricted to the surface colouring of food; copper derivatives of chlorophyll should not be permitted because of their possible effect on the Vitamin C content of food and for other reasons and that the colouring of citrus fruit should be prohibited.

The report on Food Labelling reviews the provisions of the Labelling of Food Order, 1953, as amended, and, in general, it recommends stricter requirements for food labelling. The report is the first of two to be published. The second will deal with all types of claims made with regard to foods either on labels or in advertisements. A Press Notice was published during October of the year under review stating that the Food Standards Committee was considering the question of claims of all types and that evidence should be submitted by interested organisations. The report published during 1964 is very comprehensive and deals with all aspects of food labelling other than claims. It makes some 72 recommendations which, if adopted, will go far to remove

many anomalies brought to light during the operation of previous labelling regulations. The long list of exemptions from all or part of the labelling requirements of the 1953 Order is to be drastically curtailed and liquid cow's milk will be the only food wholly exempt in future. Where foods are exempt from declaring a list of ingredients, selective declaration of one or two ingredients will not be permitted; any voluntary list will be required to be complete and in the correct form. Other recommendations of special interest are that: deodorised fatty oils should carry a declaration indicating whether they are of animal or vegetable origin; additions used as manufacturing aids should be declared in the list of ingredients but additions such as preservatives, colours, artificial sweeteners, etc., should be specially declared; the addition of meat tenderisers should be declared; the declaration of alcohol content in intoxicating liquors should be in terms of percentage of alcohol by volume and not per cent. proof spirit or °Proof; the word "vintage" should not be applied to cider; liquid glucose should always be called "glucose syrup" when it is necessary to declare it on labels; the minimum meat content of meat paste (55 per cent.) should be increased to the minimum fish content (70 per cent.) of fish paste; certain fresh non-prepacked foods, i.e. fish, fruit, cheese, potatoes, etc., where the variety is of importance to the purchaser, should be labelled with this information and a registered trade mark should no longer be permitted on the label instead of the name and address of the packer.

There are many other recommendations but the following two are worthy of special comment. It is recommended that the name or description applied to a food should be in letters of uniform size and colour. This follows the normal practice recommended as far back as the Ministry of Food Report on the Advertising, Labelling and Composition of Food published in 1949, and as recently as March of the year under review in the Proposals for Regulations for Canned Meat. However, this is deviated from in the next paragraph of the report which states that where a name or description is rather extended the major part may be in type up to one-third larger than the minor part. While this is only a limited relaxation of firm recommendations it is to be regretted, since it could be a first step in the whittling away of a very desirable principle in food labelling. The other recommendation concerns the labelling of fish paste. At present, fish paste containing only the named fish is described as "X Paste," while paste containing other fish besides the named fish is described as "Fish Paste X." The report quite rightly points out that customers are confused by this differentiation and recommends that in future the former type should be called "X Spread" and the latter type "X Paste." In the writer's opinion this would appear to be even more confusing than the descriptions at present in use and he feels that the mixed fish product should be clearly marked "X Paste with other Fish."

In addition to the Press Notice already referred to, which stated that the Food Standards Committee was considering claims on labels and advertisements, three other important Press Notices were published during the year

under review. One stated that the Food Additives and Contaminants Committee was examining the question of the leaching of chemicals from food containers, packing materials and printing inks to food. Another stated that the same Committee was to review the Preservatives in Food Regulations, 1962. The remaining Notice was concerned with meat tenderisers and stated that the Food Standards Committee saw no hazard to human health from the consumption of meat tenderised by the pre-slaughter injection of papain. The Committee also considered that, provided meat so treated was labelled, the practice would be unobjectionable. This recommendation with regard to labelling has been followed in the Report on Food Labelling referred to above.

Although the 1963 Edition of the British Pharmacopoeia only became official on 1st January, 1964, it was found necessary to publish an Addendum in December, 1964 (which becomes official on 1st June, 1965), because of recent advances in medical and pharmaceutical practice. The Addendum includes 60 new monographs on substances or medicinal preparations. There are no deletions but 52 of the monographs in the 1963 Pharmacopoeia are amended. The additions include several antibiotics, five radioactive materials and three derivatives of chloral hydrate. The sulphonamide, sulphapyridine, which was deleted from the Pharmacopoeia in 1948, is now restored because of its recently established use for a particular skin condition. In addition to therapeutic agents there are monographs on cyclamic acid and its calcium and sodium salts used as sweetening agents in pharmaceutical preparations and on butylated hydroxyanisole, butylated hydroxytoluene, dodecyl gallate and octyl gallate which are used as antioxidants. It is rather surprising to find a monograph on butylated hydroxytoluene included with the additions because when the Food Standards Committee published its report in October, 1963, on the review of the Antioxidants in Food Regulations, 1958, it recommended that the use of butylated hydroxytoluene should be discontinued because it might constitute a possible hazard to health.

[*Editors Note:* The Dried Milk Regulations, 1964, have been revoked since the writing of this review. They are replaced by the Dried Milk Regulations, 1965, which were effective from 11th March, 1965. The new requirements differ from the old in making the declaration of the maximum fat content obligatory in the case of dried, low-fat, skimmed milk.]