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New Legislation and Official Literature Issued During 1979

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Lists are given of some of the documents of 1979 relating to legislation likely to be encountered in Public Analysts' Laboratories. Reference is also made to some of the reports issued in 1979.

The documentation that Analysts would benefit from noting was rather less specific in 1979 than in some past years. The following summary indicates how wide the Analysts' interests must now be, but it probably omits a great deal.

The MAFF Food Standards Division LAA/BULLETINS (ref. FS 7812)

The cessation of these *Bulletins* has been prematurely regretted on several previous occasions, but they really do appear to have come to an end with *Bulletin* No. 11 in 1979. That *Bulletin* promised the delayed consultation document about the *Review of the Food and Drugs Act 1955* for early 1979, but the consultation document also failed to appear.

The MAFF Information Bulletins 1979

These dealt with the following topics:

Bulletin number	Topic
No. 35	Methods of analysis for residues in fresh meat (i.e. arsenic, lead, cadmium, mercury and antithyroid substances).
No. 36	Results of collaborative trials on several laboratories' analyses of bacon.
No. 37	Methods of analysis for bacon, and a method of analysis for erucic acid in edible fats.
No. 38	Announced the adoption of EEC methods of analysis for coffee extracts, preserved milk products and certain sugars. Circulated a method of analysis for erucic acid and one for vinyl chloride residues.
No. 39	Further methods for lead and cadmium in fresh meat, a method for anabolic substances and some Rf values for oestrogens.
No. 40	Some Community methods of analysis for cocoa and chocolate products.
No. 41	EEC methods for neutral alcohol (strength, colour, clarity, permanganate clearing time, aldehydes, higher alcohols, acidity, esters, volatile nitrogen bases, methanol, dry residue, and furfural).
No. 42	Synopsis of EEC methods of analysis and sampling for foodstuffs.
No. 43	Two further methods of analysis for vinyl chloride.

CH AIS Bulletins (ISSN 0141-5182)

Once again, five issues of the Government Chemist's *CH AIS* (Consumer Hazards Analysis Information Service) *Bulletins* were issued during the year. The major topics were as follows:

Issue no.	Contents
6	Advice to Public Analysts on enforcement of the Cosmetic Product Regulations.
7	Listed suggested amendments to the Toys (Safety) Regulations (and explained a former change to accommodate the solubility of barium sulphate), discussed amendments to the EEC Cosmetic Directive, described methods of analysis for oxalic acid and hydrogen peroxide, and gave a method for identifying other oxidising agents.
8	Methods of analysis for zinc compounds in cosmetics and for caustic soda, etc., in hair and cuticle preparations.
9	Mentioned the prohibition of chloroform in cosmetics and described methods of analysis for methanol and free formaldehyde.
10	A method for the quantitative determination of Pigment Red 4, Pigment Red 49, Acid Yellow 73 and Solvent Orange 16, for which there are quantitative limits in cosmetics.

A private communication also advised that the aerosol sampling equipment referred to in *CH AIS Bulletin* No. 1 could be obtained by arrangement with Dr T. Simcock, ICI Mond Division, P.O. Box 8, The Heath, Runcorn, Cheshire.

The Consumer Safety Bulletins

The five issues Nos. 20 to 24 were issued by the Department of Prices and Consumer Protection during 1979.

Milk

Those documents relating to milk that found their way to the laboratories in 1979 were not, in general, very much concerned with analysis. Probably the most important was *MAFF Press Notice No. 407*, which in fact was dated 14 December 1978. It explained that the Rt Hon. John Silkin, M.P., Minister of Agriculture, Fisheries and Food, had replied to a House of Commons question saying that sales of farm-bottled (green top) milk would continue until 1 August 1983. The practical effect of this decision for local authorities is that no change in formal milk sampling from producer-retailers is necessary until that date. The reply also mentioned, however, that producer-retailers would be encouraged to instal pasteurisation plant. If the grants available for this are all taken up, there may be no call for the local authorities to change their existing sampling policies.

MAFF Circular FSH 8/78, Milk and Dairies (General) Regulations, 1959, Approved Chemical Agents. This list (which may not be the latest) continues to give the increasing prominence to the use of Iodophor sterilants which has led to their being tested for in all samples of milk submitted for analysis.

MAFF Circular FSH 5/79, "Guideline figure for fat content of Standardised Whole Milk imported into the U.K. from 2 July 1979". The new guideline

figure was 3.84 per cent. (O.J.,* 31 March 1979, p. L. 82/2). The changed date for the beginning of the new Milk Year was to do with consumer subsidies for butter.

The Milk (Great Britain) Amendment Orders. Three amendment orders, namely SI 1979, Nos. 604, 700 and 1290 progressively increased the price of milk.

The Provision of Milk and Meals (Amendment) Regulations, 1979, SI 1979 No. 695. These regulations also increased charges.

(Draft Order) The Weights and Measures Act 1963 (Milk) Order. This draft set out proposals for new volumes for pre-packed quantities of milk which may be dispensed for retail sale and in vending machines.

Guidance letter: MAFF ref. FS 6677. Canned concentrated milk with a fat content of 8 per cent. and a total solids content of 26 per cent. (popular in Europe) may be sold in Britain but not under the Continental designation "Full Cream Evaporated Milk" (which in Britain's *Condensed Milk and Dried Milk Regulations* is a name reserved for a more concentrated product).

MAFF letter FSC 392 B (20 February 1979). Listed Danish comments on a draft of methods of analysis for milk products.

U.K. Dairy Facts and Figures 1978. Statistical publication of the *Federation of U.K. Milk Marketing Boards*. A useful summary of the EEC Dairy Policy appears on p. 199.

The Brucellosis (England and Wales) (Amendment) Order, 1979, SI 1979 No. 1288. This order is included with milk legislation only by association. It merely makes alterations to the eradication areas and attested areas.

The Diseases of Animals (Approved Disinfectants) (Amendment) Order, 1979, SI 1979 No. 37. This order is also included with milk legislation because certain disinfectants are associated with Tuberculosis Orders. *The Diseases of Animals (Approved Disinfectants) (Amendment) (No. 2) Order, 1979, SI 1979 No. 773* and *The Diseases of Animals (Fees for the Testing of Disinfectants) Order, 1979, SI 1979 No. 751* were also issued.

Food

Only two new Statutory Instruments setting food standards were issued in 1979, so several other distantly associated matters are also reviewed under this general topic heading.

The Preservatives in Food Regulations, 1979, SI 1979 No. 752. The regulations extend the permitted uses of sorbic acid and allow new uses of other preservatives, mainly in connection with enzyme preparations, fruit-based milk desserts, low-fat spreads, some fish products and canned garden peas containing no added colour. Sambal oelek is also mentioned as a food which may contain benzoic and sorbic acids but goodness only knows what it is. *Webster's Dictionary* lists Sambal as a food made from peppers, coconut, pickles and cod roe, but does not mention oelek. Sorbic acid is no longer

* O.J., Official Journal of the E.E.C.

permitted in cider vinegar and wine vinegar. The method for biphenyl, etc., was in the 1975 regulations (now revoked) and was known not to work then. It reappears unchanged in these 1979 regulations.

The Lead in Food Regulations 1979, SI 1979 No. 1254. The general limits for lead in food have, roughly speaking, all been halved, and limits have been set for naturally occurring lead in fish and shellfish.

Interpretation Act 1978. The Act's references to gender and number, which refer to foods like sausages, pies and sweets, and are the reason why many food standards included a reference to the Interpretation Act of 1889, now appear in Section 6 of the Interpretation Act 1978. The important provision is: "Words in the singular include the plural and words in the plural include the singular".

The Bread Prices (No. 2) Order 1976 (Revocation) Order, 1979, SI 1979 No. 384. The order revokes the controls which led to prosecutions for sale of bread from distant sources at prices above the controlled prices, at times of shortage caused by striking bakery workers.

MAFF Guidance letter ref. FS 6548 (on Butter Biscuits). The 1949 Code of Practice No. 20 which permits the name "Butter-biscuits" to appear with a disclaimer such as "50 per cent. of the fat is butter-fat" (provided that there is a list of ingredients) still applies.

MAFF, DHSS, etc., Joint Announcement (No. 259). Announced changes in the composition of the Food Standards Committee. MAFF Press Notice No. 420 of 28 December 1978 had already announced that Professor R. F. Curtis would be replacing Professor A. G. Ward as Chairman.

MAFF, DHSS, etc., Joint Announcement (No. 9). This announced the publication of the Food Additives and Contaminants Committee report number FAC/REP/28. This was part of the Review of Remaining Classes of Food Additives used as Ingredients in Food and was entitled *Report on the Review of Flavour Modifiers*. The report considered in particular four materials based on glutamic acid, guanosine, inosine and sodium 5'-ribonucleotide, and it recommended a "permitted list", specific naming in lists of ingredients, and the exclusion of these materials from foods specially prepared for infants.

Interim Report on the Review of the Colouring Matter in Food Regulations 1973 (FAC/REP/29). This formidable-looking 225-page report with conspicuous red covers proved to be an interesting document consisting mainly of tables showing (for example) what large amounts of caramel one may consume from beer. Concern is mainly with Average Daily Intakes.

Report of an Examination of Asbestos in Relation to Food and Drink (FAC/REP/39). This is a very short report of great interest—suggesting for example that the uptake into drinking water of asbestos from cement-asbestos water distribution pipes in Canada gives the highest likely human intake of asbestos fibres, but that the amounts ingested are still small compared with the transfer to the alimentary tract of fibres from the lungs of occupationally exposed workers breathing air complying with the standards for asbestos in air. The recommendations are for prudence, but for the present no controls or standards for foods. The method of analysis, which is included, involves electron microscopy.

Second Report on Food Labelling (FSC/RDP/69). Most of the 101 recommendations are for retaining present arrangements wherever EEC requirements allow. Certain past difficulties over "Wholly transparent containers", use of the words "Coffee creamer", dairy terms (e.g., in cream cracker biscuits or butter cakes), the ambiguous use of illustrations of fruit where mixtures of natural and synthetic fruit flavour have been used, acceptance of the word "Chocolate" in certain circumstances, establishing the word "Mix" as part of the designation of dried soups, removal of use of the word "Vintage" for cider and several other such matters are potentially corrected.

MAFF Press Notice (No. 141). This announced a review of the Cheese Regulations.

Joint FAO/WHO Codex Alimentarius Food Standards booklet CAC/FAL 4-1978, List of Maximum Levels Recommended for Contaminants (ISBN 92-5-100693-8). Gives maximum recommended limits for arsenic, copper, iron, lead, tin and zinc in certain foods, and a collective maximum for copper, zinc and iron taken together in some fruit products. A provisional tolerable weekly intake is all that is given for cadmium (0.0067–0.0083 mg/kg body weight—compared with 0.05 for lead) and a provisional tolerable weekly human intake is shown for mercury as 0.005 mg/kg body weight (total), and 0.0033 mg/kg body weight (methyl mercury).

Joint FAO/WHO 22nd Report of the Expert Committee on Food Additives Technical Report Series 631. Evaluation of Certain Food Additives and Contaminants (ISBN 92-4-120631-4). Work on enzymes, some intentional food additives (including 10 food colours) and xylitol, plus considerations of asbestos, tin compounds and other contaminants, are summarised.

Joint FAO/WHO Draft Standards for Fat Products Marketed as Alternatives to Margarine or Butter (CX/FO 80/3).

MAFF Press Notice (No. 438). This announced a second report on Food Labelling.

The following miscellaneous food order and regulations appeared.

The Price Marking (Food and Drink on Premises) Order 1979 (SI 1979 No. 361). This replaces the Price Marking (Drinks on Premises) Order 1975 and, subject to certain exceptions, requires prices to be displayed wherever food or drink is offered for consumption.

The Labelling of Food (Amendment) Regulations, 1979, SI 1979 No. 1570. These regulations provide for use of the abbreviations "% vol" and "% mass" introduced by The Alcohol Tables Regulations.

The Poultry Meat (Hygiene) (Amendment) Regulations, 1979, SI 1979 No. 693. Handling, marking and provisions-for-entry-to-premises amendments.

The Hops Certification Regulations, 1979, SI 1979 No. 1095. The Regulations replace and extend the Hop Trade Act, 1814, the Hop (Prevention of Frauds) Act, 1886 and the Hops (Import) Regulation Order, 1961.

The Imported Food (Amendment) Regulations, 1979, SI 1979 No. 1426. The Regulations concern certification of certain meat and poultry items.

D of E Central Government Controls over Local Authorities (Cmnd 7634). This was a White Paper listing those Central Government controls over local authority activities that it is intended to repeal. It included (page 17) the

Food and Drugs Act requirements (a) for the Minister to receive copies of quarterly reports prepared by Public Analysts, and (b) requirements to give the Minister notice of intention to institute proceedings (e.g. over labelling offences). Similar provisions connected with the Agriculture Act were also shown. Prescription of analysts' fees under the Rag Flock Act, 1951, was also to be relinquished.

*Local Government Planning and Land Bill.** The Bill provides for Section 99(2) of the Food and Drugs Act, 1955, to be repealed. (Note. Section 99(1)—which requires Public Analysts to make their quarterly reports to their local authorities—remains, so the savings that the repeal will make will only be in postage. Before the end of the year a MAFF letter, ref. FS 7030/3923, was sent to District Authorities (but not to Food and Drugs Authorities) telling the Districts that they need no longer provide the information they had begun to provide on the standard forms introduced by MAFF in November 1977. Regulation of fees under the Rag Flock Act is also mentioned on page 166. Page 179 provides for "reasonable fees" to be charged under the Poisons Act, 1972).

Local Authorities Conditions of Service Advisory Board Circular (dated 28 November 1979). This recommends fees for the analysis of Food and Drugs Samples, Fertilisers and Feeding Stuffs Samples, and for testing for Pesticide Residues in Foodstuffs. The recommended fees are still far from being realistic and should be ignored if the analytical services are to be effective in the over-protective but increasingly ineffective field of legislation for consumer protection.

EEC Legislative Documents and Non-Statutory Standards

Full lists of EEC legislation are published from time to time, and a useful guide to the situation at the end of 1979 appeared in the journal *British Business* for 30 November 1979 (pages 412–417) and for 7 November 1979 (page 471).

Some of the new documentation to reach analysts' departments in 1979 related to publications of 1978, as follows:

Publication	Page	Subject
Commission of the European Communities Reports of the Scientific Committee for Food (ISBN 92 825 0790 4)	9	Summary of ADI conclusions.
	11	Emulsifiers, stabilisers, thickeners and gelling agents which may be used in foodstuffs.
	14	Carrageenan (E407) and Furcellaran (E408).
	18	Guar Gum (E412).
	21	Esters of mono- and diglycerides of fatty acids (E472).
	23	Pectins (E440).
	26–45	Various emulsifiers and stabilisers.
Official Journal of European Communities Date 23 xii 78	L.361/17	Guideline figure for the fat content of standardised whole milk for 1979–80 (3.84 per cent.).

* This Bill may be withdrawn and replaced with a re-draft.

The 1979 Community Legislation included the following:

19 i 79	L.13/50	Extending the deadline for the permitted use of thiabendazole on fruit surfaces.
8 ii 79	L.33/1	Labelling and advertising of foodstuffs.
13 ii 79	L.37/27	Amendment to Directive 75/726/EEC relating to added acid in fruit juices, etc.
14 ii 79	L.39/3	Determination of magnesium and water-soluble magnesium in fertilisers.
14 ii 79	L.39/11	Extended authorisation of use of lincomycin and spiramycin in animal feeding stuffs, etc.
24 ii 79	C.50/5	Proposal for a directive about edible caseins and caseinates.
31 iii 79	L.82/4	Further extension of the dates relating to the standards for the water content of frozen chickens.
15 v 79	C.21/7	Proposal for amendments to Directive 73/241/EEC on cocoa and chocolate products.
30 vi 79	L.162/10	Amending Regulation (EEC) 1111/77 and changing the levies on isoglucose (corrected 13 vii 79, p. L 176/37).
25 vii 79	L.188/29	Authorising U.K. Milk Marketing Boards and listing conditions implementing Regulation EEC 1422/78.
26 vii 79	L.188/4	Requiring breadmaking wheat to comply with minimum requirements for amylase activity.
31 vii 79	L.192/35	Enforcing rules regarding colouring matter in cosmetic products (Directive 76/768/EEC) from 1 January 1981.
8 viii 79	L.200/10	Adding certain quality Italian wines to Regulation EEC 1608/76.
13 viii 79	L.205/5	Modifying Directive 79/112/EEC to allow for lower sugar jams, jellies, marmalades and chestnut purée, with certain rules about labelling and additives.
22 ix 79	L.239/24	Specifying the method of analysis to be used for certain sugars for human consumption (includes tables of refractive index and Luft-Schoorl conversion factors).
22 xi 79	L.239/53	Replaces Annex to Directive 77/101/EEC regarding definitions, composition and declarations on ingredients for animal feeding stuffs.
6 xii 79	L.310/24	Directive 79/1011/EEC amending use of Flavophospholipol, Avoparcin and Nesiheptide antibiotics, some hydroxybenzoates in cat food, adding thickening agents, and extending some periods of authorisation.

Before reaching the published format which appears in the Official Journal, the Ministry of Agriculture, Fisheries and Food sometimes circulates preliminary draft methods of analysis for discussion. Such drafts to reach some of the Public Analysts' laboratories in 1979 included the following:

Draft Directive on Casein and Caseinates
 Final version of method for the determination of Carbadox in animal feeding stuffs
 Dutch criteria for Orange Juice, ref. P.G.F. 1976 Amendment 1979/1 (includes 22 criteria for purity)

UN/EEC Draft Standards for Egg Products

MAFF ref. FS 3715B.
 Government Chemist ref. 5.3/291/AMAIS 154.

Dutch MAF with Minister of Economic Affairs and Public Health and Hygiene Order No. J. 2768 of 3 August 1979.

MAAF ref. PE 3587 E.

Raw Sugar Products

In 1977 a MAFF letter ref. FS 6573 suggested that names like "Demerara Sugar" did not constitute an appropriate designation. Producers of raw cane sugar products have, however, since that time, been at pains to describe the differences between such materials as Demerara Sugar, Muscovado Sugar and Molasses Sugars. The differences appear to be significant, and have been described in leaflets called Billington's "Sugar News", available on application from Edward Billington (Sugar) Limited, Cunard Building, Liverpool L3 1EL.

Peanut Products

The Association of County Councils circulated a letter, ref. 3A/B1/CS 17/1 on 14 November, which highlighted a problem that has caused several laboratories concern. This is the question of limits for Aflatoxins. The ACC letter was about disclaimers that appear on imported groundnuts stating that they may not be suitable for use as Straight Feeding Stuffs. The F & FS (Amendment) Regulations 1976 set a limit of 0.05 mg/kg for groundnuts used as a straight feeding stuff for cattle, and this limit appears to be the one used by those authorities that test for Aflatoxins in imported peanuts at the ports. For smaller animals however, the same reference on page 13 of the Regulations sets a limit of 0.02 mg/kg, and even cattle food which might be fed continuously (as opposed to Straight Feeding Stuffs which would probably form only part of the diet) has a limit of 0.01 mg/kg.

When speaking of limits other than those quoted by the EEC and therefore by the Amendment Regulations for animal feeds, it is perhaps more convenient to move the decimal point and speak in micrograms per kilo. The 0.05 mg/kg limit taken at the Ports may then be expressed as 50 micrograms per kilo, and that limit appears to have been suggested in the early 1960's when it was the limit of detection. The U.S.A., which took a limit of 30 in the 1950's, now sets 15 as its limit. Canada uses the same limit. Japan uses 10 micrograms/kg for all food. Sweden sets the limit at 5, and so does a code of practice among confectioners for the peanuts in chocolate products for human consumption.

A complicating feature is mentioned in page 426 of *Official Methods of Analysis* (11th Edition) of the Association of Official Analytical Chemists, where it says "One contaminated peanut can contain enough Aflatoxins to result in significant levels when mixed with 10,000 other peanuts". Questions of limits must therefore involve adequate sampling procedures.

Public Analysts' Certificates

In a report of the case *Manson vs. Louis C. Edwards and Sons* (Manufacturing) Limited (1976), the last judgment of Lord Widgery C.J. states that whether or not an article is a sample depends on whether it has been picked at random from a bunch of other similar articles with a view to making a random test. One or two questions arose thereafter about whether the form of certificate given by a Public Analyst in pursuance of Section 92 of the

Food and Drugs Act 1955 should be used for consumers' complaints, and whether the defendants need to be served with a copy, as with certificates relating to formal samples. There is no guidance on this point but it is generally thought that the prescribed form of certificate is a convenient one and that there is nothing to prevent its use in circumstances other than those for which it is the prescribed form, and it is also thought that providing the defendant with a copy of it, as a matter of courtesy, should not prejudice prosecutions taken in connection with consumers' complaints.

Recommended Nutrient Intakes

DHSS Report on Health and Special Subjects 15, Recommended Daily Amounts of Food Energy and Nutrients for Groups of People in the U.K. The changes which have been made since the recommendations in Public Health and Medical Subjects No. 120 (1970) are very small. Past comment on the recommended food intake for "Moderately Active Men" was made in 1970 and 1974 when the uncertainties of nutritional knowledge seemed to be reflected in such differences as those for protein, shown in Report No. 120 as 75 grammes per day and in the WHO *Handbook on Human Nutritional Requirements*, 1974, as 37 grammes. The present booklet makes some explanation of this, but the differences between the present recommendations and those of 1970 do appear to lack significance. Thus:

Total kcal/day	Reduced by 100 to 2,900
Protein	" " 3 to 72
Riboflavin	" " 0.1 to 1.6
Vitamin D	No longer 2.5 micrograms. Instead, it is recommended that people with reasonable exposure to sunlight need no supplement but children and housebound adults need 400 i.u. daily (10 micrograms).

Wine

It is unlikely that all the wine legislation will have reached the laboratories in 1979 because much of it has nothing whatever to do with analysis. An example might be Regulation EEC/333/79, made in February, which revealed that applications must be made before certain dates for permission to distil certain wines with a registered designation of origin, in order to produce some potable spirits; and because of delays in announcing the deadline dates, extensions had been given. No laboratory should have missed the following publications, however.

Regulation EEC/2984/78 (O.J., 22 xii 78, No. L 360). This Regulation replaces the former regulation which prescribed methods of analysis for wines.

Regulation EEC/337/79 (O.J., 5 iii 79, No. L.54). This is the basic regulation referring to composition of wines.

Regulation EEC/355/79. Labelling of light wines.

MAFF Circular FSH 3/79, Composite names for beverages not made from fresh grapes. This limited the period during which existing stocks of products made from imported sweet musts, and bearing names like "British Liqueur Wine", "Rich Ruby Wine", "Mead Flavoured Wine", etc., might be sold. An Annex gave probably acceptable names, such as "Apple Wine", "Tonic Wine", "British Wine", "British Communion Wine", etc., which should not be divided by other words.

The Common Agricultural Policy (Wine) Regulations, 1979, SI 1579 No. 1094. This supersedes the Wine Regulations of 1978 (SI 1978 No. 861) and local Food and Drugs Authorities, the MAFF and the Wine Standards Board are made responsible for enforcement. Certain exemptions are made, and a checklist of relevant Community regulations is given.

MAFF Guidance FSH 7/79. This consisted of a Notice to Food and Drugs Authorities and Public Analysts (with six Annexes). The Notice describes the enforcement responsibilities (e.g. F. & D. authority enforcement is at retail level and mainly concerns composition and description). Annex III shows analytically enforceable parameters for wine-making processes, such as addition of SO₂, sorbic acid, vitamin C, citric acid, iron residues and copper residues left after clarification, and carbon dioxide, and, separately, mentions limits for alcoholic strengths, excess pressure, acidity and SO₂. Annexes IV and V deal with labelling.

The Wine and Made-wine Regulations, 1979, SI 1979 No. 1240. Refers to the introduction of excise duty on cider and certain consequent changes in the payment of duty.

Materials in Contact with Food

A little confusion was evident in this sphere throughout 1979, partly, it would seem, because distribution of documentation may sometimes not have included the laboratories. Newspaper articles confirmed that the confusion was widespread when they referred to prohibition of the use of newspaper wrapping of fish and chips whereas the actual prohibition was merely on contact between fish and chips and newspaper. Use of newspaper as an outer insulation of wrapped fish and chips was not affected. The following additional documents about food contact materials were received by some laboratories.

MAFF & Scottish H & HD Joint Announcement, No. 1. This announced forthcoming regulations to implement Directive 76/893 (EEC) (O.J. 9 xii 76, p. L 340/19).

MAFF Guidance Letter. Ref. FCN 25/296. This referred to proposals for regulations which had evidently been circulated in 1978, and listed changes which included the involvement of Public Analysts in enforcement duties.

MAFF Guidance Letter. Ref. FCN 25. This stated that there was no present question of enforcement of the forthcoming regulations involving the application of precise limits for transferred contaminants, but stated that the Directive provided for future application of specific measures applicable to particular materials (subsequently the analogy with Sections 1 and 2 of the

F. & D. Act, 1955, where again no specific limits are detailed, was pointed out, and possible forthcoming limits for vinyl chloride monomer were referred to).

Draft of a Community Directive on a Method of Analysis for Vinyl Chloride Residues in Food, etc. III/465/79-EN (Rev 1). A two-column GLC Head-space method was described.

MAFF Circular Letter. Ref. FCN 321, Proposed Materials and Articles in Contact with Food (Amendment) Regulations, 1979. Referred to Directive 78/142 (EEC) which requires that packaging materials for food shall not contain more than 1 mg/kg of vinyl chloride monomer (VCM) and included proposals to insert this limit into the forthcoming regulations. The letter also stated that adoption of the EEC limit of 0.01 mg/kg of transferable VCM would be delayed until test methods had been investigated.

MAFF Guidance Letter. Ref. FCN 25, Polystyrene Containers. This referred to the British Plastics Federation/BIBRA "Code of Practice" for Food Contact Applications, 1973 and its recommendation about migration of styrene into food, and to the BPF's Second Report of the Toxicity Subcommittee's reference to "Toxicity Quotients". Both were considered to be outdated, and current investigations by a Scientific Committee for Food, on styrene monomer, was mentioned, because it had made a request for information to be submitted before the end of 1979 with a view to reviewing the problem in 1980. Attention was drawn to relatively recent studies on the effect of styrene monomer in *Environmental Health Perspectives*, 1976, **17**, pp. 125-133 and *Bulletin of Environmental Contamination and Toxicology*, 1978, **19** (1), pp. 86-94.

The Materials and Articles in Contact with Food Regulations, 1978, SI 1978 No. 1927. The Regulations came into force on 26 November 1979.

Pesticide Residues in Food

Because information from Europe tends often to be delayed in reaching the laboratories, there is some virtue in listing it as it becomes available. The following list will be incomplete and includes information from some years prior to 1979.

Directive 76/895/EEC (O.J. 9 xii 76, No. L 340/26). This lists some limits for certain pesticides on fruit and vegetables.

FAO/WHO Technical Report Pesticide Residues in Food (Report of a 1976 Joint Meeting of Experts) (ISBN 92 5 100317 3). This lists Acceptable Daily Intakes and Recommended Maximum Residue Limits for some pesticides.

FAO/WHO Codex Alimentarius Commission, CAC/ACCEPTANCES/Rev. 1. Maximum Limits for Pesticide Residues (Oct. 1978) (ISBN 92 5 100729 2).

FAO/WHO Plant Production and Protection Paper, Pesticide Residues in Food, Evaluations, 1977 (ISBN 92 5 100666 0).

WHO Technical Report 634, Safe Use of Pesticides (ISBN 02 4 120634 9). This includes treatment of poisoning.

EEC Directive 79/117/EEC (O.J., 8 ii 79, No. L 33/36). This prohibits the marketing of certain plant protection substances (the substances are

mercury compounds and persistent organo-chlorine pesticides listed in an Annex on p. L 33/39).

MAFF Circular Letter. Ref. SW 4833 Codex Alimentarius Standards for Pesticides Residues in Foodstuffs. This announced limited acceptance of the Codex limits for various pesticides in a variety of foods.

Advisory Committee on Pesticides Review of the Safety for Use in the U.K. of the Herbicide 2,4,5-T (March 1979). This recommended that 2,4,5-T should continue in use, subject to certain safeguards.

Analytical Changes

The Breath Test Device (Approval) (No. 1) Order 1979 (ISBN 0 11 340724 6). This approved a new device, called the "Alcolyser", in addition to the "Alcotest 80" and "Alcotest 80A" for roadside breath tests.

Alcoholic Liquor Duties Act 1979. This includes definitions (e.g. of black beer, cider (less than 8.7 v/v alcohol at 20°C), made-wine, proof spirit (computed at 51°F), gravity (determined at 60°F), Spirits of Wine, etc. and provides for the warehousing of rum for 2 years and other spirits for 3 years, provides for remission of duty on spoilt beer, exempts from duty those liquors found to have an O.G. below 1016° and strength below 2° proof, makes provision for use of the words Port, Sherry, Black beer and Ginger beer, changes the wording of Section 3 (4) of the Food and Drugs Act, 1955, and alters the definition of "Intoxicating Liquor" in Section 58 of the Weights and Measures Act, 1963. The same schedule changes parts of Schedule 4 of the Weights and Measures Act.

The Alcoholic Liquors (Amendments of Enactments Relating to "Strength" and to Units of Measurement) Order, 1979, SI 1979 No. 241. The order changes the units of measurement of alcohol in the Alcoholic Liquor Duties Act, 1979, from "per cent. proof" to "per cent. alcohol by volume at 20°C" and specifies that one gallon of spirits at proof shall be taken to be equivalent to 2.595 litres of alcohol.

✓ *The Alcoholic Liquors (Amendments of Units and Methods of Measurement) Regulations, 1979, SI 1979 No. 1146.* The Regulations revoke the Strengths of Spirit (Ascertainment) Regulations 1954 (SI 1954 No. 1611) and give new conversion tables for the Spirit Indication to Degrees of Gravity, at 20°C instead of 60°F.

✓ *The Alcohol Tables Regulations, 1979, SI 1979 No. 132.* The abbreviations "% vol" and "% mass" shall be used where "per cent. alcohol by volume" and "per cent. alcohol by weight" were formerly used, and shall refer to the quantities measured at 20°C shown in tables derived from the formula shown in section 4 of the Annex to Council Directive 76/766/EEC (O.J., 27 ix 76, p. L 262/146).

Proposal for a New EEC Directive on Units of Measurement (and for the repeal of 71/354/EEC), O.J., 28 iii 79, p. C 81/6.

Department of Industry National Physics Laboratory, Certified Reference Materials and Transfer Standards (the list includes Pesticides).

H.M.S.O. Methods for the Examination of Waters and Associated Materials—Iron in Raw and Potable Waters by Spectrophotometry (using 2,4,6-tripyridyl-1,3,5-triazine) (ISBN 0 11 751327 X).

Formula for Charges Made by a Water Authority for Discharge of an Effluent to a Sewer (Food Manufacture, December 1979, p. 33).

Proposal for a Commission Directive for Determining the Erucic Acid Content in Oils and Fats (corrected English Text, 20 June 1979), III/1515/78.

British Standards Institute, BS 684, Section 2.32: 1979, Fats and Fatty Oils: Determination of Rancidity Index.

British Standards Institute, BS 4401, Part 13: 1979, Meat and Meat Products: Determination of glucono-delta-lactone.

British Standards Institute, BS 4401, Part 14: 1979, Meat and Meat Products: Determination of L (4) glutamic acid.

British Standards Institute, BS 5752, Part 1: 1979, Coffee and Coffee Products Part 1. Green Coffee. Determination of Moisture Content.

International Association for Cereal Chemistry Synoptic Table of Standard Methods for Testing Cereals and Cereal Products 1978–1980.

The Measuring Instruments (EEC Requirements) (Amendment No. 3) Regulations, 1979, SI 1979 No. 1459. The Regulations change the specifications of weighing machines given in Regulation 67 of the Weights and Measures Regulations, 1963.

Ancillary Legislation

Weights and Measures Act, 1979. This Act merely modifies the 1963 Act, setting up a new system of Weights and Measures Control over packaged goods, involving central co-ordinated control by means of a quasi-autonomous local government organisation with statutory powers. Analysts will no longer be assisting Trading Standards inspectors by drawing attention to short-weight commodities, but they may still be useful in indicating use of packaging of greater weight than the weights authorised.

The Weights and Measures Act (Commencement No. 1) Order, 1979, SI 1979 No. 1228. This set up the National Metrological Co-ordinating Unit.

Hydrocarbon Oil Duties Act, 1979. This contains the provisions for adding chemical markers, and in Schedule 5 recognises Public Analysts as “authorised analysts”.

International Carriage of Perishable Foodstuffs Act (Commencement) Order, 1979, SI 1979 No. 413. This Order brought the *International Carriage of Perishable Foodstuffs Act, 1976*, into operation. The Act is mainly an enabling Act which may require the certification of foodstuffs as Perishable Foodstuffs.

The Price Marking (Bargain Offers) Order, 1979, SI 1979 No. 364. This involves comparison of similar commodities.

The Food (Prohibition of Repricing) (Amendment) Order, 1979, SI 1979 No. 660. This permits the addition of increased V.A.T. charges.

The Petroleum Consolidation Act 1928 (Enforcement) Regulations, 1979, SI 1979 No. 427. The Regulations make a Petroleum Spirit Licensing Authority the enforcing authority for the *Petroleum (Consolidation) Act, 1928* (including application to other specified substances).

Medicines, etc.

The position of the local authorities in the field of medicines has not changed from that which was described in last year's summary of legislation. One or two local authorities encountered the problem inherent in some of the wording of the Medicines Act and its regulations about medicated animal feeding stuffs, and which has been compounded by legal opinion. Thus, where an animal feeding stuff is sold as a medicated feeding stuff, and is found to contain no medicament, it is argued that the material is not in fact a medicated feed, so the Medicines Act does not apply, and instead, a Trade Descriptions Act offence exists. Paragraph 16 of Schedule 5 of the Medicines Act contains a curious provision that any description subject to restrictions imposed by provisions in Part V of the Medicines Act is not a Trade Description. As it happens, no Order yet exists to bring this provision into effect, but it is still contended that because the Medicines (Labelling of Medicated Animal Feeding Stuff) Regulations, 1973, are made under Part V of the Act and those regulations apply only to packages containing medicated animal feeding stuffs, where a feed which is not medicated is sold as a medicated one, the offence would still be a Trade Descriptions Act offence.

Unfortunately this tortured reasoning still applies when there is one stated medicament missing in a feed which contains other medicaments. The above-mentioned paragraph 16 of Schedule 5 states only that any *particular* description made under Part V shall be deemed not to be a Trade Description, and in the 1973 Regulations the only requirement about statements of quantities of active ingredients occurs in Regulation 4 (h) where the wording refers to the quantity of each active ingredient *contained* in the feeding stuff. A statement that there is a quantity of active ingredient present which is not in fact contained in the feed is therefore a false description and not a Medicine Act offence.

In practice, Courts often take a common sense interpretation rather than a literal one, so one cannot be sure that a case taken under Section 90 of the Medicines Act would fail. The reason why the difficulty needs to be spelled out for Analysts, however, is that although the Government Chemist is Referee Analyst under the Medicines Act, he is not Referee Analyst under the Trade Descriptions Act. So anybody who might be persuaded to come into court to say that an omitted medicament is in fact present in minute amount might cause a prosecution to fail, and *would* cause it to fail if he insisted that the required quantity was there.

The position of the local authority analysts as regards the adulteration of medicinal products, or the sale of medicinal products which are not of the nature or quality demanded by the purchaser, is also unsatisfactory. Sections 63 and 64 of the Medicines Act, which deal with these situations, were brought into operation on 1 February 1978 by The Medicines Act, 1968 (Commencement No. 7) Order 1977 (SI 1977 No. 2128), but no regulations have been made under Section 108 of the Act to give local authorities any function in connection with Sections 63 and 64. The Secretary of State for Social Services is at present the sole enforcement authority, and he has no analytical facilities.

The standard labelling requirements for medicines were set out in Schedule 1 to the *Medicines (Labelling) Regulations, 1976* (SI 1976 No. 1726) but the

dates of coming into operation have become rather obscure, although in general it would appear that they applied for manufacturers from 1 July 1979, for wholesalers from January 1980 and will apply to the local authority areas' responsibility concerning retail sales from 1 January 1981. Curiously, the *Medicines (Labelling) (Amendment) Regulations, 1977*, which require some medicines to bear warnings about (for example) "not exceeding the stated dose", already apply to retail sales.

Similar problems for the local authorities exist with Section 12 of the Act, which seems to give them a role connected with supervision of herbal remedies. Section 132 of the Act refers to substances produced by subjecting a plant or plants to processes, and to mixtures whose sole ingredients consist of such substances. There are, however, several synthetic substances whose original origin was plant material. The Romans took salicylates derived from cherry bark to treat rheumatism, for instance, and the presence in herbal preparations of such substances having synthetic origins could be held to be acceptable. When one is asked to turn one's attention to such commodities as mouthwashes, one is again confronted with problems of definition. Section 130 of the Medicines Act includes in its definitions of "medicinal purpose" (which, in the Act, decides what a "medicinal product" is) one finds the words: "... interfering with the normal operation of a physiological function whether permanently or temporarily ... or reducing or postponing ... the operation of that function or in any other way").

But the definition of Cosmetic which occurs in the *Medicines (Exemption from Licences) (Foods and Cosmetics) Order, 1971* (SI 1971 No. 1410) reads (in part) "any substance intended to be applied to surfaces of the human body, including the teeth and buccal mucosa, for the purpose of protecting them or keeping them in condition". Whether or not a mouthwash making protective claims (and thus reducing the normal processes of deterioration) is thus a medicine or a cosmetic, it would seem that the provisions of Section 11 (1) (a) of the *Medicines (Labelling) Regulations, 1976* will apply, requiring the name of the product and its ingredients.

One cannot be sure which parts of the present emerging Medicines legislation should be considered by the local authorities, but perhaps the following items for 1979 may suffice.

The Medicines (Exemptions from Restriction on the Retail Sale or Supply of Veterinary Drugs) Order, 1979, SI 1979 No. 45.

The Medicines (Exemptions from Restriction on the Retail Sale or Supply of Veterinary Drugs) (Amendment) Order, 1979, SI 1979 No. 1008.

The Medicines (General Sale List) (Amendment) Order, 1979, SI 1979 No. 315.

The Medicines (Prescription Only) Amendment (No. 2) Order, 1979, SI 1979 No. 1040.

The Medicines (Phenacetin Prohibition) Order, 1979, SI 1979 No. 1181.

The Medicines (Chloroform Prohibition) Order, 1979, SI 1979 No. 382.

European Pharmacopoeia Commission Committee Document PA/PH/SG/(78) 59, Paracetamol, Revised Text from 1 July 1979.

British Pharmacopoeia Addendum, 1978 Amendment, Carbenicillin Sodium (which revises the "Related Substances" text).

Department of Health and Social Security Medicines Division booklet *Colouring Matters Permitted in Medicinal Products* (MAL, 6 June 1979).

Consumer Protection (Cosmetics)

An incomprehensible little document (ISBN 0 10 212279 2) called "Minutes of Proceedings on the Cosmetic Products Regulations, 1978" carried the terse message that the 3rd Standing Committee on Statutory Instruments had considered the regulations on 13 December 1978.

More useful was a circular letter from the Laboratory of the Government Chemist dated January 1979 and headed "*The Cosmetic Products Regulations, Advice Note on Enforcement for Public Analysts*" (which had been dispatched to Trading Standards Officers and not to laboratories—so some analysts may not have seen the note). It pointed out that approximately 500 prohibited substances had been listed in Annex II of the EEC Cosmetics Directive 76/768/EEC, but that the number which could at present be sought was limited. Some of the provisions cannot be monitored without access to manufacturing processes, and cautionary notes about the interpretation of requirements for ten materials were given in the Annex. Offer of assistance from the Government Chemist's Laboratory was made.

A useful news-sheet about Consumer Protection was issued in the *European Communities Background Report* series (from 20 Kensington Palace Gardens, W8 4QQ) on 3 October 1979 (ISEC/B9/79). This reviews COM (79) 336 final, 25 June 1979, which dealt with the Communities' second Consumer Action Programme. Thirty-five Directives were adopted in the 1975–1979 programme, and in the next five years the Commission proposed to continue to work toward Harmonisation of Community laws, to work on foodstuffs, cosmetics, textiles, toys, pharmaceutical products, dangerous substances and motor vehicle parts. They expect to monitor quality of goods, to consider unfair terms in contracts, to set about improving services and to publish a discussion paper on opportunities for legal remedies.

In practice, the need is for removal of some of the confusion in the legislation. We have, at present, essentially similar protective regulations made under *The Consumer Safety Act* and the two Consumer Protection Acts, while *The Packaging and Labelling of Dangerous Substances Regulations, 1978* were made under the *European Communities Act, The Health and Safety at Work, etc., Act* and the *Employment Protection Act*. *The Hazardous Substances (Labelling of Road Tankers) Regulations, 1978* were made only under the second and third of those Acts.

Packaging and Labelling of Dangerous Substances Regulations, and Guidance Notes (ISBN 0 11 883213 1). This is a useful H.M.S.O. publication for Analysts who find themselves being asked for "advice". It could be useful to know that the Pharmaceutical Society, the Health and Safety Executive Inspectors, and what the booklet calls local authority weights and measures inspectors (all lower case) are the responsible officials.

The following documentation is also of interest.

The Consumer Safety Act 1978 (Commencement No. 1) Order, 1978, SI 1978 No. 1445. The Order brought into force all the provisions of the Act except the repeal of the Consumer Protection Acts 1961 and 1971.

The Balloon-making Compounds (Safety) Order, 1979, SI 1979 No. 44. Made under the Consumer Safety Act, these Regulations prohibited benzene in the plastic in kits for making toy balloons.

The Oil Lamps (Safety) Regulations, 1979, SI 1979 No. 1125. Made under the Consumer Protection Act 1961, the Regulations impose safety requirements for indoor oil lamps based on the provisions of British Standard BS 2049:1976.

Department of Trade Consumer Safety Unit (Metrology, Quality Assurance and Standards Division) Note on Proposed Amendments to the Toys (Safety) Regulations 1974. Also a Government Chemist circular Ref. 3/18/75 (dated January 1979).

These documents referred to desirable changes—some trivial (like changing “Parts per million” to “mg/kg”)—some to do with manufacturers’ difficulties (as with the variations in the thickness of plastic film) and some administrative such as aligning the lead limits of the Toys Regulations and the Pencils Regulations, considering the question of paint composition on tiny areas of toys such as painted eyes or buttons, and selecting a strength of extraction acid to obviate unnecessary problems connected with the solubility of barium salts.

Association of County Councils, circulation of documents connected with the use of Asbestos (Ref. 3A/B1/CS.16, dated 9 November 1979).

The following documents are also concerned with aspects of safety.

WHO, IARC Evaluation of the Carcinogenic Risk of Polychlorinated Biphenyls and Polybrominated Biphenyls (ISBN 92 832 1218 5).

Health and Safety Executive Guidance Note EH. 15/78, Environmental Hygiene EH. 15, Threshold Limit Values for 1978.

Health and Safety Executive Guidance Notes, 1979:

Environmental Hygiene EH. 2, Chromium Health and Safety Precautions.
Environmental Hygiene EH. 16, Isocyanates Toxic Hazard and Precautions.

Environmental Hygiene EH. 21, Carbon Dust Health and Safety Precautions.

Environmental Hygiene EH. 23, Anthrax Health Hazards.

Chemical Safety CS. 2, Storage of Highly Flammable Liquids.

Chemical Safety CS. 13, Zinc Embrittlement of Austenitic Stainless Steel.

Health and Safety Commission LAAIC/C1-5/2. Guidance for Local Authority Officers Concerned with the Storage of Explosives.

British Standards Institution, BS 5665 Part 1: 1979. Safety of Toys: Mechanical and Physical Properties.

British Standards Institution, BS 5665 Part 2: 1978. Safety of Toys: Flammability of Toys.

British Standards Institution, DD 58: 1978. Draft. Tests for the ignitability of Upholstered Seating.

Health and Safety Executive. Safe Use and Storage of Flexible Polyurethane Foam in Industry (ISBN 0 11 883208 5).

Health and Safety Commission Consultative Document. Proposals for Dangerous Substances (Conveyance by Road) Regulations.

Health and Safety Commission Consultative Document. Draft Approved Code of Practice and Guidance Notes on Work with Asbestos Insulation and Sprayed Coatings.

MAFF Precautionary Measures. Use of Fluoroacetamide and Sodium Fluoracetates as Rodenticides (ISBN 0 11 240928 8).

Environment

Two worth-while documents are worthy of note.

The Motor Fuel (Lead Content of Petrol) (Amendment) Regulations, 1979, SI 1979 No. 1. The Regulations fixed the maximum lead content of leaded petrol at 0.45 grams per litre until 1981, and from 1 January 1981 reduced it to 0.40 grams per litre. The method of test is restricted to the Iodine Monochloride Method of BS 5647:1978, ISO 3830:1977. A Department of Transport Circular (Circular 5/79) explained the changes and the effects upon "Star" markings of petrol.

Department of the Environment Waste Management Paper No. 18, Asbestos Wastes (Arisings and Disposal: Code of Practice) (ISBN 0 11 751384 9). This H.M.S.O. publication replaces the A.R.C. "Disposal of Waste and Tipping Practice".

Building

The building documents of interest to Analysts are not of vital importance. The 1979 document provides no more than useful background information, and the others, published in earlier years, are included merely because it is easy to overlook the fact that some documents become updated.

F.A.O. Wood Preservation (Supplement 6 to Volume XXXI of the "Timber Bulletin for Europe" 1979).

Building Digest CP 23/77, The Chemical Resistance of Concrete.

Building Digest 174 (February 1975). This updates Building Digest 90—usually quoted when assessing soils and ground waters for sulphate content.