

Subsidiary Legislation made under ss. 6, 8 and 58.

Bread and Flour Regulations, 1987**LN.1987/046***Commencement***1.8.1987**

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PART I

Title and commencement

1.(1) These regulations may be cited as the Bread and Flour Regulations, 1987.

(2) These Regulations shall come into operation on the 1st day of August, 1987.

Interpretation.

2.(1) In these regulations unless the context otherwise requires:-

“additive; has the meaning assigned to it by the Food Labelling Regulations 1987;

“bread” means a food of any size, shape or form which—

(a) is usually known as bread, and

(b) consists of a dough made from flour and water, with or without other ingredients, which has been fermented by yeast or otherwise leavened and subsequently baked or partly baked,

but does not include buns, bunloaves, chapatis, chollas, pitta bread, potato bread or bread specially prepared for coeliac sufferers;

“cereal” means the fruit of any cultivated grass of the family Gramineae;

“crude fibre; means the organic matter contained in the dried defatted residue obtained by digesting bread or flour successively with boiling acid and boiling alkali;

“flour” means the product which is derived from, or separated during the milling or grinding of cleaned cereal, whether or not the cereal has been malted or subjected to any other process, and includes meal, but does not include other cereal products, such as separated cereal bran, separated cereal germs, semolina or grits;

“ingredient” has the meaning assigned to it by the Food Labelling Regulations 1987;

“labelling” has the meaning assigned to it by the Food Labelling Regulations 1987;

“malt flour” means flour derived from malted cereal;

“prepacked” has the meaning assigned to it by the Food Labelling Regulations 1987;

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

(2) 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.

(3) All proportions mentioned in these regulations are proportions calculated by weight.

(4) 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 so numbered in these regulations.

(5) The use in these regulations of a name that is prescribed for a food by regulation 5, other than ‘flour’, shall be taken to be a reference to the food for which the name is so prescribed.

(6) The use in these regulations of the word ‘bread’ preceded by a word that is required by regulation 6 to be included in the name of a type of bread shall be taken to be a reference to bread of that type.

Exemptions.

3. These regulations do not apply to any food which is:–

- (a) not intended for sale for human consumption; or
- (b) intended at the time of sale for export to any place outside Gibraltar

PART II

Composition of flour

4.(1) Subject to paragraph (2) of this regulation, flour derived from wheat and from no other cereal, whether or not mixed with other flour, shall contain the substances specified in column 1 of Schedule 1 in accordance with the proportions and conditions prescribed in column 2 of that Schedule and with Schedule 5.

- (2) (a) The requirements specified for item 1 in column 2 of Schedule 1 shall not apply in the case of:–
- (i) wholemeal;

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- (ii) self raising flour which has a calcium content of not less than 0.2 per cent; and
 - (iii) wheat malt flour.
- (b) The substances specified in items 2-4 of Schedule 1 shall, in the case of:—
- (i) wholemeal, be naturally present in the quantities specified in column 2 of that Schedule, and not added;
 - (ii) flour other than wholemeal, be added where such addition is necessary in accordance with the conditions prescribed in column 2 of that Schedule.
- (3) Subject to paragraph (4) of this regulation no importer of flour shall:—
- (i) import into Gibraltar any flour, or
 - (ii) sell any flour imported by him,

which does not comply with this regulation.

- (4) This regulation shall not apply as respects any sale or importation into Gibraltar of flour:
- (a) for use in the manufacture of communion wafers, matzos, gluten, starch or any concentrated preparation for use for the purpose of facilitating the addition to flour of the substances referred to in Schedule 1;
 - (b) for use for the purpose of diagnosis, treatment or research.

Name of the food: flour

5.(1) Subject to paragraphs (2) and (4) of this regulation, the name used for the purposes of the Food Labelling Regulations 1987 as the name of the food in the labelling of any flour shall be:—

- (a) where the flour is derived from wheat and no other cereal:—
 - (i) ‘wholemeal’ or ‘wholemeal flour’ if the flour consists of the whole of the product obtained from the milling or grinding of cleaned wheat;
 - (ii) ‘brown flour’ if the flour has a crude fibre content derived from wheat of not less than 0.6 per cent calculated on the dry matter, but does not consist

of the whole of the product obtained from the milling or grinding of cleaned wheat; and

(iii) 'flour' in any other case; and

(b) where the flour is derived wholly or partly from cereal other than wheat, 'flour', immediately preceded by the names of all the cereals from which the flour is derived.

(2) The name used as the name of the food in the labelling of flour consisting of the whole of the product obtained from the milling or grinding of cleaned cereals may be qualified by the word 'wholemeal'.

(3) In determining whether flour falls within paragraphs (1) and (2) of this regulation no account shall be taken of the presence of any barley malt flour in small quantities for technological purposes.

(4) The name used for any flour which has an available carbon dioxide content, determined in accordance with Schedule 4, of not less than 0.4 per cent shall include the word 'self-raising'.

(5) Notwithstanding regulation 9 of the Food Labelling Regulations 1987, it shall not be necessary to include in the same used for any food consisting of flour an indication of the presence of: –

(a) any prepared wheat gluten which has been added in small quantities for technological purposes;

(b) any barley malt flour or any wheat malt flour which has been added in small quantities for technological purposes; or

(c) any substance required by regulation 4 to be present in the flour.

Name of the food: bread.

6.(1) Subject to paragraph (4) of this regulation, the name used for the purposes of the Food Labelling Regulations 1987 as the name of the food in the labelling of any bread shall include, where all the flour used as an ingredient in the preparation of the bread is flour derived from wheat and no other cereal, the word:–

(a) (i) 'wholemeal' if all the flour used as an ingredient in the preparation of the bread is wholemeal;

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- (ii) 'brown' if the bread has a crude fibre content derived from wheat of not less than 0.6 per cent calculated on the dry matter and has as an ingredient flour other than wholemeal (whether or not it also includes wholemeal);
- (iii) 'wheat germ' if the bread has an added processed wheat germ content of not less than 10 per cent calculated on the dry matter of the bread; and
- (iv) 'white' in any other case; and

(b) 'soda' if sodium hydrogen carbonate has been used as an ingredient in the preparation of the bread.

(2) The name used as the name of the food in the labelling of any bread may include, where all the flour used as an ingredient in the preparation of the bread consists of the whole of the product obtained from the milling or grinding of cleaned cereal, the word 'wholemeal'.

(3) In determining whether bread falls within paragraphs (1) and (2) of this regulation no account shall be taken of:-

- (a) any rice flour used as an ingredient in the preparation of the bread if rice flour does not constitute more than 2 per cent of the flour used; or
- (b) any barley malt flour used as an ingredient in the preparation of the bread in small quantities for technological purposes.

(4) Paragraph (1) of this regulation shall not apply to bread sold under the name 'malt bread' or 'malt loaf'.

(5) The name used for bread that has been aerated shall include the word 'aerated' unless it is required by paragraph (1) of this regulation to include the word 'soda'. For the purpose of this paragraph bread shall be taken to have been aerated if air, carbon dioxide or nitrogen, or a combination thereof, has been incorporated into the dough, whether by mechanical or chemical means, as a major method of leavening, whether or not the bread has been otherwise leavened.

(6) The name used for bread that is not suitable for consumption without further cooking shall include either the expression 'part-baked' or the expression 'partly baked'.

(7) Notwithstanding regulation 9 of the Food Labelling Regulations 1987, and subject to paragraph (8) of this regulation, where any bread contains one or more of the ingredients specified in column 1 of Schedule 7. (1) A name that is prescribed or permitted for a food by regulation 5, other than the name 'flour', shall not be used in the labelling or advertising of any

food as the name of the food, whether or not qualified by other words, unless the food is the food for which the name is so prescribed or permitted.

(8) The name used for wholemeal bread in which one or more of the ingredients specified in Part I of Schedule 2 has been used shall include an indication of the presence of that ingredient.

Restrictions on the use of certain names.

7.(1) A name that is prescribed or permitted for a food by regulation 5, other than the name 'flour', shall not be used in the labelling or advertising of any food as the name of the food, whether or not qualified by other words, unless the food is the food for which the name is so prescribed or permitted.

(2) A word or expression that is required or permitted by regulation 6 to be included in the name of bread of any type shall not be used in the labelling or advertising of any bread as part of the name of the food unless the bread is bread of the type in whose name the word or expression is required or permitted by regulation 6 to be included.

(3) A name that is prescribed or permitted for flour of any type by regulation 5, other than the name 'flour', shall not be used in the labelling or advertising of any food, whether or not qualified by other words, in such a way as to suggest, either expressly or by implication, that the flour designated by that name is an ingredient of the food unless the food has as an ingredient flour of the type for which the name is so prescribed or permitted.

(4) A word or expression that is required or permitted by regulation 6 to be included in the name of bread of any type shall not be used in the labelling or advertising of any food, as part of a name that might be taken to be the name of a type of bread, in such a way as to suggest, either expressly or by implication, that bread of the type designated by that name is an ingredient of the food unless the food has as an ingredient bread of the type in whose name the word or expression is required or permitted by regulation 6 to be included.

(5) The name 'wheatmeal', whether or not qualified by other words, shall not be used in the labelling or advertising of any bread or flour.

Additional ingredients.

8.(1) No additive other than an additive specified in column 1 of Schedule 3 shall be used as an ingredient of flour or bread.

(2) No additive specified in column 1 of Schedule 3 shall be used as an ingredient of flour or bread unless-

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- (a) the flour or bread is flour or bread of a type specified in relation to the additive in column 2 of that Schedule, and
 - (b) the quantity of the additive used in the flour or bread does not exceed the maximum quantity, if any, specified in the appropriate entry in column 3 of that Schedule, or, if no maximum quantity is so specified, the quantity of the additive used in the flour or bread accords with good manufacturing practice.
- (3) Without prejudice to the generality of regulation 18 of the Food Labelling Regulations 1987, where an additive has been used as an ingredient of any bread to serve the function of a flour improver, an indication of the presence of flour improver shall appear
- (a) in the list of ingredients of the bread as prescribed by regulation 15 of the said regulations, where the bread is marked or labelled with a list of ingredients; or
 - (b) on a label, ticket or notice as prescribed by regulation 33 of the said regulations, where by virtue of regulation 24 of the said regulations the bread is not marked or labelled with a list of ingredients.
- (4) For the purposes of this regulation an additive shall not be regarded as having been used as an ingredient of bread if it was a constituent of an ingredient of the bread unless either
- (a) it was a constituent of flour used as an ingredient of the bread, or
 - (b) it served a significant technological function in the preparation of the bread, or
 - (c) it serves a significant technological function in the finished product.

Doughs and dry mixes.

9. For the purposes of the Food Labelling Regulations 1987 the name used as the name of the food in the labelling of dough or a dry mix that is, in either case, intended to be made into bread shall include the name of the type of bread into which the dough or dry mix is intended to be made, and the name of that type of bread shall include any word or expression that would be required by regulation 6 to be included on a sale of bread of that type.

Sampling of flours.

10.(1) No prosecution for an offence against regulation 4 shall be begun in respect of any flour unless a sample of that flour has been taken at a dock in accordance with paragraph (2) of this regulation.

(2) A sampling officer who takes a sample of flour at a dock shall take one sample from each of not less than six Containers in any one consignment. The said samples shall be thoroughly mixed together and the resulting admixture shall be deemed to be one sample for the purposes of the Act and paragraph (1) of this Regulation.

Offences and penalties.

11. 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 summary conviction to a fine not exceeding £1,000.

Application of various sections of the Act.

12. Sections 46(2) and (3) (which relate to prosecutions), 47. (1) and (2) (which relate to evidence of analysis), 49 (which relates to the power of a court to require analysis by the Government Chemist in the United Kingdom), 50 (which relates to a contravention due to some person other than the person charged), 51(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 52 (which relates to offences in relation to warranties and certificates of analysis) 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 and as if the reference in the said Section 49 to subsection (3) of Section 46 included a reference to that subsection as applied by these regulations.

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SCHEDULE 1

Regulation 4(1)

ESSENTIAL INGREDIENTS OF FLOUR

Column 1	Column 2
Substance	Required quantity, in milligrams per hundred grams of flour, and conditions of use.
Calcium carbonate	(a) not less than 235, and (b) not more than 390, (c) which satisfies the purity criteria specified for the entry E170 Calcium carbonate in Part II of schedule I to the Miscellaneous Additives in Food Regulations 1987 and which is of granularity standard— (i) not more than 0.1 per Cent to remain on a sieve of nominal aperture size 150 um, and (ii) not more than 0.2 per Cent to remain on a sieve of nominal aperture size 63 um.
2.Iron	(a) not less than 1.65 (b) in the form of any, or any combination of two or more, of the following:- (i) ferric ammonium Citrate which satisfies the purity criteria specified for the entry ammonium ferric Citrate in Part II of Schedule I to the Miscellaneous Additives in Food Regulations 1987; (ii) green ferric ammonium Citrate which Satisfies the purity criteria specified for the entry ammonium ferric citrate, green in Part II of Schedule I to the Miscellaneous Additives in Food Regulations 1987; (iii) ferrous sulphate conforming to the Criteria in the monograph for ferrous sulphate Contained in the British Pharmacopoeia 1980 at page 193; (iv) dried ferrous sulphate conforming to the Criteria in the monograph for dried ferrous sulphate contained in the British Pharmacopoeia 1980 at page 194: (v) iron powder conforming to the description. specification and requirements contained in Schedule 5.
3.Thiamin (Vitamin Bi)	(a) not less than 0.24

	(b) in a form conforming to the criteria in the monograph for thiamine hydrochloride contained in the British Pharmacopoeia 1980 at page 451.
4.Nicotinic acid	(a) not less than 1.60 (b) which satisfies the purity criteria specified for the entry nicotinic acid in Part II of Schedule I to the Miscellaneous Additives in Food Regulations 1987;
or Nicotinamide	(a) not less than 1.60 (b) in a form conforming to the Criteria in the monograph for nicotinamide contained in the British Pharmacopoeia 1980 at page 303.

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SCHEDULE 2

Regulation 6(7) and (8)

ADDITIONAL INGREDIENTS OF BREAD

PART I

Column 1 Ingredient	Column 2 Proportion, if any
Milk and milk products	
Liquid or dried egg	
Wheat germ	
Rice flour	20g per kg of flour
Cracked oat grain, oatmeal, oat flakes	

PART II

Column 1 Ingredient	Column 2 Proportion, if any
Soya bean flour	50g per kg of flour in the case of brown bread. 20g per kg of flour in other cases.
Salt	
Vinegar	
Oils and fats	
Malt extract	
Malt flour	
Any soluble carbohydrate sweetening matter	

Prepared wheat gluten	
Poppy seeds, sesame seeds, caraway seeds	
Cracked wheat, cracked or kibbled malted wheat, flaked malted wheat, kibbled malted rye, cracked or kibbled malted barley	225mg per kg of flour.
Starch other than modified starch	

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Regulation 8(1) and (2)

ADDITIVES PERMITTED IN FLOUR AND BREAD

Column 1	Column 2	Column 3
Additive	types of flour and bread in which additive may be used	Maximum quantity, if any, in milligrams per kilogram of flour, except where otherwise stated
E150 Caramel	Wholemeal; brown flour. Wholemeal bread; brown bread; malt bread	
E170 Calcium carbonate	All flour, except wholemeal. All bread	2,000
E220 Sulphur dioxide E223 Sodium metabisulphite	All flour intended for use in the manufacture of biscuits or pastry, except wholemeal	The total quantity of these additives used must not exceed 200 calculated as sulphur dioxide
E260 Acetic acid E262 Sodium hydrogen diacetate E270 Lactic acid	all bread	
E280 Propionic acid E281 Sodium propionate E282 Calcium propionate E283 Potassium propionate	All bread	The total quantity of these additives use must not exceed 3000 calculated as propionic acid
E290 Carbon dioxide	Aerated bread; all prepacked bread	
E300 L-Ascorbic acid	All flour, except wholemeal all bread	200
E322 Lecithins	All bread	
E330 Citric acid E333 tri Calcium citrate	Rye bread	
E336 mono Potassium	Self-raising flour; flour intended for use in the manufacture of buns or scones. All bread	

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E341 triCalcium diorthophosphate	All flour, except wholemeal All bread	600
E450(a) diSodium dihydrogen diphosphate	Self-raising flour; flour intended for use in the manufacture of buns or scones. All bread	
E460 alpha-Cellulose E446 Carboxymethylcellulose, sodium salt	Bread for which a slimming claim is made	
E471 Mono-and diglycerides of fatty acids E472(b) Lactic acid esters of mono-and diglycerides of fatty acids E472(c) Citric acid esters of mono-and diglycerides of fatty acids	All bread	
E481 Sodium steroyl-2-lactylate E482 Calcium steroyl-2-lactylate	All bread	The total quantity of these additives used not exceed 5,000 bases on the weight of the bread
E483 Stearyl tartrate	All bread	
500 Sodium hydrogen carbonate	Self-raising flour; flour intended for use in the manufacture of buns or scones Soda bread	
510 Ammonium cholride	All bread	
516 Calcium sulphate	All flour except wholemeal All bread	4,000
541 Sodium aluminium phosphate, acidic	Self-raising flour; flour intended for use in the manufacture of buns or scones, Soda bread.	
920 L-Cysterine hydrochloride	(a) All flour used in the manufacture of biscuits, except wholemeal or flour to which E220 Sulphur dioxide or E223 Sodium	300

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	metabisulphite has been added. (b) Other flour, except wholemeal. All bread, except wholemeal	75
924 Potassium bromate	All flour, except wholemeal All bread, except wholemeal	50
925 Chlorine	All flour intended for use in the manufacture of cakes, except wholemeal	2,500
926 Chlorine dioxide	All flour, except wholemeal All bread, except wholemeal	30
927 Azodicarbonamide	All flour, except wholemeal All bread, except wholemeal	45
Ammonium dihydrogen orthophosphate diAmmonium hydrogen orthophosphate Ammonium sulphate	All bread	
Alpha-Amylases Proteinases	All flour All bread	
Nitrogen	Aerated bread	
Benzoyl peroxide	All flour, except wholemeal All bread, except wholemeal	50

SCHEDULE 4

Regulation 5(4)

AVAILABLE CARBON DIOXIDE CONTENT OF FLOUR

1. The available carbon dioxide content of flour is the difference between—
 - (a) the total weight of carbon dioxide in the flour, and
 - (b) the weight of residual carbon dioxide in the flour, expressed as a percentage of the total weight of the flour.
2. The total weight of carbon dioxide in flour is the weight of carbon dioxide evolved when the flour is treated with excess of dilute sulphuric acid, the evolution being completed either by boiling for 5 minutes or by means of reduced pressure.
3. The weight of residual carbon dioxide in flour is determined as follows. The flour (which must weight not less than 5g) is mixed to a smooth paste with distilled water. A further quantity of distilled water, amounting in all to not less than 20 times the weight of the flour, is then incorporated, the mixture is heated in a boiling water bath for 30 minutes, being vigorously stirred for the first 5 minutes and thereafter for approximately half a minute at intervals of approximately 5 minutes. The mixture is then boiled for 3 minutes, being vigorously stirred all the time, and is then transferred to an apparatus for determining carbon dioxide, through which air that contains no carbon dioxide is passed for not less than 10 minutes. The weight of residual carbon dioxide in the flour is the weight of carbon dioxide evolved when the mixture is then treated with excess of dilute sulphuric acid, the evolution being completed either by boiling for 5 minutes or by means of reduced pressure.

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SCHEDULE 5

Regulation 4(1)

SPECIFICATION FOR IRON POWDER

Definition

Iron powder shall consist essentially of finely-divided metallic iron containing not less than 90 per cent by weight of iron and conform to the following requirements.

Chemical name	Iron
Symbol	Fe

Description

Fine greyish-black powder of such granularity that not more than 0.1 per cent weight shall remain on a British Standard 410:1969 wire sieve nominal aperture size 150 μm and not more than 5 per cent by weight on a British Standard 410:1969 wire sieve nominal aperture size 53 μm .

Assay

Accurately weigh 0.25g of sample into a stoppered flask. Add a hot solution of 1.25g of copper sulphate pentahydrate in 20ml of water and shake for ten minutes. Filter rapidly and wash the filter with water; acidify the mixed filtrate and washings with sulphuric acid, and titrate with N/10 potassium permanganate. Each ml of N/10 potassium permanganate is equivalent to 0.005585g of iron.

Solubility

Not less than 95 per cent of the iron content when determined by the following method.

Accurately weigh 0.1 g of sample into a 750ml conical flask. Add 450ml 0.2 per cent weight in weight hydrochloric acid previously warmed to 37°C. Stir continuously for three hours, maintaining the temperature at 37°C. Cool to room temperature and dilute to 500ml with distilled water. Filter; determine the iron content of the filtrate by a suitable method. Calculate the total iron in solution as a percentage of the metallic iron content of the sample taken.