

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

## **Skimmed Milk with Non-Milk Fat Regulations**

### **LN.1972/025**

		<i>Commencement</i>	<b>1.6.1972</b>
Amending enactments	Relevant current provisions	Commencement date	
LN. 1978/064	Schs. 2-3		
1988/003	r. 3.	1.2.1988	
1988/004	rr. 2, (4), 4(2), 9, 11, Schs. 1-2	1.3.1988	

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**ARRANGEMENT OF REGULATIONS**

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**SCHEDULE 1.**

**SCHEDULE 2.**

**SCHEDULE 3.**

**Title.**

1. These regulations may be cited as the Skimmed Milk with Non-Milk Fat Regulations.

**Interpretation**

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

“appropriate designation” means a name or description, being a specific and not a generic name or description, which shall indicate to a prospective purchaser the true nature of the fat, oil or other substance to which it is applied;

“condensed milk” means any kind of condensed (or evaporated) milk which complies with the requirements as to composition imposed by the Condensed Milk and Dried Milk Regulations, in relation to condensed (or evaporated) milk of that kind; and “condensed full cream milk” shall be construed accordingly;

“condensed skimmed milk with non-milk fat” means any food—

- (a) which has the appearance of condensed milk;
- (b) which consists of or includes milk solids other than fat and one or more fats or oils other than milk fat; and
- (c) of which, after the removal of all water and sugar, if present, the principal constituents (by weight) are milk solids other than fat (excluding for this purpose any such solids present by reason of the use as an ingredient of any milk, condensed full cream milk or dried full cream milk);

“dried milk” means milk, partly skimmed milk or skimmed milk which has been concentrated to the form of powder or solid by the removal of water;

“dried full cream milk” means dried full cream milk which complies with the requirements as to composition imposed in relation thereto by the Condensed Milk and Dried Milk Regulations;

“dried skimmed milk with non-milk fat” means any food—

- (a) which has the appearance of dried milk;
- (b) which consists of or includes milk solids other than fat and one or more fats or oils other than milk fat; and

- (c) of which, after the removal of all sugar, if present, the principal constituents (by weight) are milk solids other than fat (excluding for this purpose any such solids present by reason of the use as an ingredient of any milk, condensed full cream milk or dried full cream milk);

“milk” means cow’s or goat’s milk but does not include condensed, dried or skimmed milk;

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

“skimmed milk” includes separated milk or machine skimmed milk, partly skimmed, separated or machine skimmed milk and butter milk; and “condensed skimmed milk” shall be construed accordingly;

“skimmed milk with non-milk fat” means any food, not being condensed skimmed milk with non-milk fat,—

- (a) which has the appearance of milk or skimmed milk or of milk or skimmed milk which, in either case, has been concentrated by the removal of part of its water;
- (b) which consists of or includes milk solids other than fat and one or more fats or oils other than milk fat; and
- (c) of which, after the removal of all water and sugar, if present, the principal constituents (by weight) are milk solids other than fat (excluding for this purpose any such solids present by reason of the use as an ingredient of any milk, condensed full cream milk or dried full cream milk);

“specified food” means any of the following foods which is intended for sale for human consumption, that is to say, skimmed milk with non-milk fat, condensed skimmed milk with non-milk fat or dried skimmed milk with non-milk fat;

“sugar” does not include lactose.

(2) These regulations, except so far as they relate to advertisement, shall not, apply to any food packed for consumption by Her Majesty’s forces.

(3) Nothing in these regulations shall apply as respects any food, not being a baby food, sold under a description or designation which clearly indicates that such food is not intended or suitable for use as, or as a substitute for, milk, condensed full cream milk or dried full cream milk.

(4) Any reference in these regulation to any other regulations shall be construed as a reference to those regulations as amended by any subsequent regulations and if any regulations referred to in these regulations are replaced by any subsequent regulations the reference shall be construed as a reference to those subsequent regulations.

**Enforcement.**

3. The Chief Environmental Health Officer shall enforce and execute the provisions of these Regulations.

**Containers to bear labels.**

4.(1) Subject to the provisions of this regulation—

- (a) no person shall sell any specified food except in a container bearing a label in accordance with the provisions of Part I of Schedule 1 (as modified by Schedule 2 in respect of the specified foods referred to therein);
- (b) no person shall expose or offer for sale by retail any such container wrapped in paper or some other wrapper through which the label on the container is not clearly visible unless the outermost wrapper also bears a label as if it were a container to which paragraph (a) of this subregulation applies.

(2) For the purposes of this regulation “sale by retail” means any sale to a person buying otherwise than for the purpose of re-sale, but does not include a sale to a manufacturer for the purposes of his manufacturing business.

(3) Nothing in this regulation shall apply as respects any sale of any specified food for immediate consumption on or at the premises of the seller or in or at any stall or mobile refreshment vehicle.

**Display of specified food.**

5. Subject to the provisions of regulations 4 and 7, no person shall give or display with any specified food or with any beverage of which skimmed milk, condensed skimmed milk or dried skimmed milk, whether or not compounded with any other substance, is an ingredient, sold by him, any label, whether attached to or printed on the wrapper or container or not, which bears any description of such food or beverage, or of any ingredient or constituent of such food or beverage, or any brand or descriptive name or pictorial device which is suggestive of milk or of anything connected with the dairy interest.

**Advertisement of specified food.**

6.(1) No person shall publish, or be party to the publication of, any advertisement for a specified food which does not comply with the provisions of Part II of Schedule 1.

(2) Subject to the provisions of subregulation (1) and of regulation 7, no person shall publish, or be party to the publication of, any advertisement for a specified food or for a beverage of which skimmed milk, condensed skimmed milk or dried skimmed milk, whether or not compounded with any other substance, is an ingredient, which includes any description of such food or beverage, or of any ingredient or constituent of such food or beverage, or any brand or descriptive name or pictorial device which is suggestive of milk or of anything connected with the dairy interest.

(3) In any proceedings for an offence against subregulation (1) or (2) it shall be a defence for the defendant to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.

(4) In any proceedings against the manufacturer or importer of the specified food or of the beverage for an offence against subregulation (1) or (2), it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of the advertisement.

**Exception to regulations 5 and 6(2).**

7.(1) Subject as hereinafter provided, the provisions of regulation 5 and of regulation 6(2) shall not apply in the case of any beverage in which skimmed milk, condensed skimmed milk or dried skimmed milk is present solely by reason of the use as an ingredient thereof of any dairy ice-cream, dairy cream ice or cream ice which conforms to the standard of composition prescribed therefore by the Ice-Cream Regulations, nor shall such provisions apply so as to prohibit—

- (a) the use of an accurate description of any ingredient or constituent of the specified food or of the beverage to which the label or advertisement relates;
- (b) the use of an accurate description of any method, processor treatment used in the course of the manufacture or preparation of such food or beverage;
- (c) the use of the word “milk” (whether or not as part of a composite word) if it is immediately preceded or followed by the word “skimmed”, “machine-skimmed” or “separated”: if used in visual form, the word “skimmed”, “machine-skimmed” or “separated”, as the case may be, shall be in type or characters of a size, and, in the case of a label, of a colour, uniform with those of the word “milk”;
- (d) the use of the name of the manufacturer, packer, labeller or seller or, in the case of an advertisement the advertiser of such food or beverage.

(2) The provisions of subregulation (1) shall not apply in any case where any such use is calculated to mislead as to the nature, substance or quality of the specified food or the beverage to which the label or advertisement relates or of any ingredient or constituent thereof.

(3) The provisions of paragraphs (a) and (b) of subregulation (1) shall not apply in any case where the word “milk” is used in visual form in any description referred to therein unless all the words in such description, except for the brand name of the specified food or of the beverage, are printed in type or characters of uniform size, and, in the case of a label, of a uniform colour.

(4) It is hereby declared that, for the purposes of this regulation, a label or advertisement which is calculated to mislead as to the nutritional or dietary value of a specified food or of a beverage, or of any ingredient or constituent thereof, is calculated to mislead as to the quality of such food, beverage, ingredient or constituent, as the case may be.

**Premises used for manufacture of specified food.**

8. The provisions of section 15 of the Act (which relates to the registration of certain premises) shall have effect as respects premises used or intended to be used for the manufacture of any specified food.

**Penalty.**

9. A person who contravenes any of the provisions of these regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding £1,000.

**Saving.**

10. Nothing in the Condensed Milk and Dried Milk Regulations, shall apply as respects any specified food.

**Application of various sections of the Act.**

11. 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

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to subsection (3) of Section 46 included a reference to that subsection as applied by these regulations.



SCHEDULE 1.

PART I.

Regulation 4(1).

THE PROVISIONS RELATING TO LABELS ON CONTAINERS OF SPECIFIED FOODS REFERRED TO IN REGULATION 4(1)

1. Each label shall bear whichever of the following declarations is appropriate—

CONDENSED  
SKIMMED  
MILK WITH NON-  
MILK  
FAT UNFIT FOR  
BABIES (OR NOT TO  
BE USED FOR  
BABIES)

SKIMMED MILK WITH  
NON-M/ILK FAT  
UNFIT  
FOR BABIES (OR NOT  
TO BE USED FOR  
BABIES)

DRIED SKIMMED MILK  
WITH NON-MILK FAT  
UNFIT FOR BABIES  
(OR NOT TO BE USED  
FOR BABIES)

Provided that in any such declaration—

- (a) the word “evaporated” may be substituted for the word “condensed”;
- (b) the word “machine-skimmed” or “separated” may be substituted for the word “skimmed”;
- (c) the word “and” may be substituted for the word “with”;
- (d) the word “vegetable” if appropriate, or the appropriate designation of each fat or oil (other than milk fat) present in the food in the container may be substituted for the word “non-milk”;

- (e) the words “fats”, “oil” or “oils” may be substituted for the word “fat” where appropriate;
- (f) if the appropriate designation of each fat or oil is substituted in accordance with sub-paragraph (d) of this proviso,—
  - (i) it may be accompanied by a statement whether or not such fat or oil is hydrogenated;
  - (ii) the quantity or proportion of each such fat or oil may be added in brackets after the appropriate designation to which it relates;
- (g) there may be added immediately after any of the descriptions “SKIMMED MILK WITH NON-MILK FAT”, “CONDENSED SKIMMED MILK WITH NON-MILK FAT”, .. “DRIED SKIMMED MILK WITH NON-MILK FAT” or any of such descriptions modified in accordance with any of the preceding sub-paragraphs of this proviso, as the case may be, the appropriate designation of any other substance present in the food in the container;
- (h) if the quantity or proportion and the appropriate designation of each fat or oil (other than milk fat) present in, the food in the container is specified on the label either—
  - (i) in the said declaration in accordance with the provisions of this paragraph, or
  - (ii) by means of a statement which is clearly legible and appears conspicuously and in a prominent position elsewhere on the label,

and the appropriate designation, wherever it appears, is accompanied by a statement whether or not each such fat or oil is hydrogenated, the words “SHOULD NOT BE USED FOR BABIES EXCEPT UNDER MEDICAL ADVICE” or “MEDICAL ADVICE SHOULD BE OBTAINED BEFORE USING THIS PRODUCT FOR BABY FEEDING” may be substituted for the work “UNFIT FOR BABIES” (or “NOT TO BE USED FOR BABIES”);

- (i) the words “UNFIT FOR BABIES” (or “NOT TO BE USED FOR BABIES”) may be omitted if the container contains only food of a description specified in Part I of Schedule 2 which complies with the requirements specified in relation thereto in Part II of that Schedule.

2. If any brand or descriptive name is used on the label, the aforesaid declaration shall be used in conjunction therewith at least once.

3. Such declaration shall be clearly legible and indelible and, on a sale to the ultimate consumer, shall be marked in a conspicuous place in such a way as to be easily visible.
4. Such declaration shall not in any way be hidden, obscured or interrupted by any other written or pictorial matter.
5. Where any claim is made on the label as to the effect of the specified food in the container in relation to coronary diseases, the label shall also bear a statement specifying the quantity or proportion and the appropriate designation of each fat or oil present in the food in the container and whether or not each such fat or oil is hydrogenated; and where such statement does not form part of any of the aforesaid declarations, it shall be clearly legible and shall appear conspicuously and in a prominent position elsewhere on the label.
6. In this part of this Schedule “ultimate consumer” has the meaning assigned to it by the Labelling of Food Regulations 1985.

**PART II.**

Regulation 6(1).

THE PROVISIONS RELATING TO ADVERTISEMENTS FOR SPECIFIED FOODS REFERRED TO IN REGULATION 6(1).

1. Subject to the provisions of these regulations, in each advertisement such one of the descriptions “skimmed milk with non-milk fat”, “condensed skimmed milk with non-milk fat” or “dried skimmed milk with non-milk fat” as may be appropriate shall be applied to the specified food in accordance with the provisions of paragraph 2 below:

Provided that, in any such description—

- (a) the word “evaporated” may be substituted for the word “condensed”;
- (b) the word “machine-skimmed” or “separated” may be substituted for the word “skimmed”;
- (c) the word “and” may be substituted for the word “with”;
- (d) the word “vegetable”, if appropriate, or the appropriate designation of each fat or oil (other than milk fat) present in the food to which the advertisement relates may be substituted for the word “non-milk”;
- (e) the words “fats”, “oil” or “oils” may be substituted for the word “fat” where appropriate;

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- (f) if the appropriate designation of each fat or oil is substituted in accordance with sub-paragraph
  - (d) of this proviso, it may be accompanied by a statement whether or not each such fat or oil is hydrogenated;
  - (g) there may be added immediately after the words “fat”, “fats”, “oil” or “oils”, as the case may be, the appropriate designation of any other substance present in the food to which the advertisement relates.
2. In each advertisement—
- (a) the said description shall be used clearly and prominently at least once;
  - (b) if any brand or descriptive name is used, the said description shall be used clearly and prominently in conjunction therewith at least once;
  - (c) wherever the said description is used in visual form, the type or characters within any one description shall be of the same size.

**SCHEDULE 2.**

**PART I.**

FOODS IN RESPECT OF WHICH THE WORDS “UNFIT FOR BABIES” (OR “NOT TO BE USED FOR BABIES”) MAY BE OMITTED FROM THE LABEL.

C & G V. Formula, manufactured by or for Cow and Gate. Efalac, manufactured by or for L E Pritchitt and Company Limited.

Osterfood, manufactured by or for Glaxo-Farley Foods Limited.

S-M-A and S-M-A/S-26, manufactured by or for John Wyeth and Brother Limited.

Gold Cap SMA High Calorie Formula, manufactured by or for John Wyeth and Brother Limited.

Gold Cap SMA Low Birthweight Formula, manufactured by or for John Wyeth and Brother Limited.

Plus, manufactured by or for Cow and Gate.

**PART II.**

REQUIREMENTS RELATING TO THE FOODS SPECIFIED IN PART I OF THIS SCHEDULE.

1. Every food specified in Part I of this Schedule—

- (a) shall contain poly-unsaturated fatty acids of the cis-cis form to the extent of not less than 12 per cent of the total fatty acids present in such food;
- (b) shall not contain any protein other than protein derived from milk; and
- (c) shall not contain any ingredient of no nutritional value.

2. (1) C & G V. Formula in powder form shall contain—

- (a) not less than 14.5 per cent of protein derived from milk;
- (b) not less than 24.0 per cent of fat;

- (c) ergocalciferol (vitamin D or D<sub>2</sub>) or cholecalciferol (vitamin D or D<sub>3</sub>) or any mixture thereof equivalent to not less than 1.25 microgrammes and not more than 3.13 microgrammes of cholecalciferol per ounce or to not less than 4.41 microgrammes and not more than 11.0 microgrammes of cholecalciferol per 100 grammes;
  - (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 180 microgrammes of retinol per ounce or to not less than 635 microgrammes of retinol per 100 grammes;
  - (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 12.0 milligrammes of ascorbic acid per ounce or to not less than 42.3 milligrammes of ascorbic acid per 100 grammes.
- (2) C & G V. Formula in condensed liquid form shall contain—
- (a) not less than 3.6 per cent of protein derived from milk;
  - (b) not less than 6.0 per cent of fat;
  - (c) ergocalciferol (vitamin D or D<sub>2</sub>) or cholecalciferol (vitamin D or D<sub>3</sub>) or any mixture thereof equivalent to 0.63 plus or minus 0.31 microgrammes of cholecalciferol per fluid ounce or to 2.20 plus or minus 1.10 microgrammes of cholecalciferol per 100 millilitres.
  - (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 45.0 microgrammes of retinol per fluid ounce or to not less than 158 microgrammes of retinol per 100 millilitres;
  - (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 3.00 milligrammes of ascorbic acid per fluid ounce or to not less than 10.6 milligrammes of ascorbic acid per 100 millilitres.
- (3) C & G V. Formula in liquid, diluted ready for use form shall contain—
- (a) not less than 1.8 per cent of protein derived from milk;
  - (b) not less than 3.0 per cent of fat;
  - (c) ergocalciferol (vitamin D or D<sub>2</sub>) or cholecalciferol (vitamin D or D<sub>3</sub>) or any mixture thereof equivalent to 0.31 plus or minus 0.16 microgrammes of

cholecalciferol per fluid ounce or to 1.10 plus or minus 0.55 microgrammes of cholecalciferol per 100 millilitres;

- (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 22.5 microgrammes of retinol per fluid ounce or to not less than 79.2 microgrammes of retinol per 100 millilitres;
- (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 1.50 milligrammes of ascorbic acid per fluid ounce or to not less than 5.28 milligrammes of ascorbic acid per 100 millilitres.

3. Efalac shall contain—

- (a) not less than 23.1 per cent of protein derived from milk;
- (b) not less than 28.6 per cent of fat;
- (c) ergocalciferol (vitamin D or D<sub>2</sub>) or cholecalciferol (vitamin D or D<sub>3</sub>) or any mixture thereof equivalent to 2.50 plus or minus 0.78 microgrammes of cholecalciferol per ounce or to 8.82 plus or minus 2.73 microgrammes of cholecalciferol per 100 grammes;
- (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 107 microgrammes of retinol per ounce or to not less than 378 microgrammes of retinol per 100 grammes.

4. (1) Osterfood in liquid, diluted ready for use form shall contain—

- (a) not less than 1.7 per cent of protein derived from milk;
- (b) not less than 2.65 per cent of fat;
- (c) ergocalciferol (vitamin D or D<sub>2</sub>) or cholecalciferol (vitamin D or D<sub>3</sub>) or any mixture thereof equivalent to 0.37 plus or minus 0.11 microgrammes of cholecalciferol per fluid ounce or to 1.30 plus or minus 0.39 microgrammes of cholecalciferol per 100 millilitres;
- (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 28.4 microgrammes of retinol per fluid ounce or to not less than 100 microgrammes of retinol per 100 millilitres;

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- (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 1.99 milligrammes of ascorbic acid per fluid ounce or to not less than 7.00 milligrammes of ascorbic acid per 100 millilitres.
- (2) Osterfood in powder form shall contain–
- (a) not less than 11.4 per cent of protein derived from milk;
  - (b) not less than 18.0 per cent of fat;
  - (c) ergocalciferol (vitamin D or D<sub>2</sub>) or cholecalciferol (vitamin D or D<sub>3</sub>) or any mixture thereof equivalent to 2.55 plus or minus 0.77 microgrammes of cholecalciferol per ounce or to 9.00 plus or minus 2.70 microgrammes of cholecalciferol per 100 grammes;
  - (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 198 microgrammes of retinol per ounce or to not less than 700 microgrammes of retinol per 100 grammes;
  - (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 13.0 milligrammes of ascorbic acid per ounce or to not less than 46.0 milligrammes of ascorbic acid per 100 grammes.
- 5.(1) S-M-A and S-M-A/S-26 in powder form shall each contain–
- (a) not less than 11.6 per cent of protein derived from milk;
  - (b) not less than 27.0 per cent of fat;
  - (c) ergocalciferol (vitamin D or D<sub>2</sub>) or cholecalciferol (vitamin D or D<sub>3</sub>) or any mixture thereof equivalent to 2.30 plus or minus 0.70 microgrammes of cholecalciferol per ounce or to 8.11 plus or minus 2.47 microgrammes of cholecalciferol per 100 grammes;
  - (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 96.3 microgrammes of retinol per ounce or to not less than 340 microgrammes of retinol per 100 grammes;
  - (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 11.5 milligrammes of ascorbic acid per ounce or to not less than 40.6 milligrammes of ascorbic acid per 100 grammes.



- (2) S-M-A and S-M-A/S-26 in concentrated liquid form shall each contain—
- (a) not less than 2.6 per cent of protein derived from milk;
  - (b) not less than 6.2 per cent of fat;
  - (c) ergocalciferol (vitamin D or D<sub>2</sub>) or cholecalciferol (vitamin D or D<sub>3</sub>) or any mixture thereof equivalent to 0.56 plus or minus 0.18 microgrammes of cholecalciferol per fluid ounce or to 1.98 plus or minus 0.62 microgrammes of cholecalciferol per 100 millilitres;
  - (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 42.0 microgrammes of retinol per fluid ounce or to not less than 148 microgrammes of retinol per 100 millilitres;
  - (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 2.80 milligrammes of ascorbic acid per fluid ounce or to not less than 9.86 milligrammes of ascorbic acid per 100 millilitres.
- (3) S-M-A and S-M-A/S-26 in liquid, diluted ready for use form shall each contain—
- (a) not less than 1.3 per cent of protein derived from milk;
  - (b) not less than 3.1 per cent of fat;
  - (c) ergocalciferol (vitamin D or D<sub>2</sub>) or cholecalciferol (vitamin D or D<sub>3</sub>) or any mixture thereof equivalent to 0.28 plus or minus 0.09 microgrammes of cholecalciferol per fluid ounce or to 0.97 plus or minus 0.31 microgrammes of cholecalciferol per 100 millilitres;
  - (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 21.0 microgrammes of retinol per fluid ounce or to not less than 73.9 microgrammes of retinol per 100 millilitres;
  - (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 1.40 milligrammes of ascorbic acid per fluid ounce or to not less than 4.93 milligrammes per 100 millilitres.
- 6.(1) Gold Cap SMA High Calorie Formula in liquid, diluted ready for use form shall contain—
- (a) not less than 1.6% of protein derived from milk;

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- (b) not less than 3.7% fat;
  - (c) ergocalciferol (vitamin D or D<sub>2</sub>) or cholecalciferol (vitamin D or D<sub>3</sub>) or any mixture thereof equivalent to  $0.33 \pm 0.11$  microgrammes of cholecalciferol per fluid ounce or to  $1.16 \pm 0.37$  microgrammes of cholecalciferol per 100 millilitres;
  - (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 25.2 microgrammes of retinol per fluid ounce or to not less than 88.7 microgrammes of retinol per 100 millilitres;
  - (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 1.68 milligrammes of ascorbic acid per fluid ounce or to not less than 5.92 milligrammes of ascorbic acid per 100 millilitres.
- (2) Gold Cap SMA Low Birthweight Formula in liquid, diluted ready for use shall contain-
- (a) not less than 1.7% of protein derived from milk;
  - (b) not less than 3.8% of fat;
  - (c) ergocalciferol (vitamin D or D<sub>2</sub>) or cholecalciferol (vitamin D or D<sub>3</sub>) or any mixture thereof equivalent to  $0.34 \pm 0.11$  microgrammes of cholecalciferol per fluid ounce or to  $1.18 \pm 0.38$  microgrammes of cholecalciferol per 100 millilitres;
  - (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 25.6 microgrammes of retinol per fluid ounce or to not less than 90.0 microgrammes of retinol per 100 millilitres;
  - (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 1.70 microgrammes of ascorbic acid per fluid ounce or to not less than 6.0 milligrammes of ascorbic acid per 100 millilitres.
- 7.(1) Plus in powder form shall contain-
- (a) not less than 14.5% of protein derived from milk;
  - (b) not less than 26.5% of fat;
  - (c) ergocalciferol (vitamin D or D<sub>2</sub>) or cholecalciferol (vitamin D or D<sub>3</sub>) or any mixture thereof equivalent to  $2.38 \pm 0.77$  microgrammes of cholecalciferol per ounce or to  $8.4 \pm 2.7$  microgrammes of cholecalciferol per 100 grammes;

- (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 175 microgrammes of retinol per ounce or to not less than 610 microgrammes of retinol per 100 grammes;
  - (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 11.9 milligrammes of ascorbic acid per ounce or to not less than 42.0 milligrammes of ascorbic acid per 100 grammes.
- (2) Plus in concentrated liquid form shall contain-
- (a) not less than 3.6% of protein derived from milk;
  - (b) not less than 6.7% of fat;
  - (c) ergocalciferol (vitamin D or D<sub>2</sub>) or cholecalciferol (vitamin D or D<sub>3</sub>) or any mixture thereof equivalent to  $0.61 \pm 0.18$  microgrammes of cholecalciferol per fluid ounce or to  $2.2 \pm 0.66$  microgrammes of cholecalciferol per 100 millilitres;
  - (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 44.8 microgrammes of retinol per fluid ounce or to not less than 160 microgrammes of retinol per 100 millilitres;
  - (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 3.0 milligrammes of ascorbic acid per fluid ounce or to not less than 10.6 milligrammes of ascorbic acid per 100 millilitres.
- (3) Plus in liquid, diluted ready for use form shall contain-
- (a) not less than 1.8% of protein derived from milk;
  - (b) not less than 3.4% of fat;
  - (c) ergocalciferol (vitmain D or D<sub>2</sub>) or cholecalciferol (vitamin D or D<sub>3</sub>) or any mixture thereof equivalent to  $0.31 \pm 0.09$  microgrammes of cholecalciferol per fluid ounce or to  $1.1 \pm 0.33$  microgrammes of cholecalciferol per 100 millilitres;
  - (d) retinol (vitamin A) or biologically active carotenoids or any mixture thereof equivalent to not less than 22.4 microgrammes of retinol per fluid ounce or to not less than 80.0 microgrammes of retinol per 100 millilitres;

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- (e) ascorbic acid (vitamin C) or dehydroascorbic acid (vitamin C) or any mixture thereof equivalent to not less than 1.48 milligrammes of ascorbic acid per fluid ounce or to not less than 5.3 milligrammes of ascorbic acid per 100 millilitres.

8. In this Schedule, each reference to any percentage means that percentage by weight and in any provision requiring that any food specified in this Schedule shall contain retinol, ascorbic acid, dehydroascorbic acid, ergocalciferol or cholecalciferol, any reference to dehydroascorbic acid or ergocalciferol and the first of any two references in such provision to retinol, ascorbic acid or cholecalciferol shall include the biologically active equivalents or derivatives of those substances. For the purposes of calculating the retinol equivalent of biologically active carotenoids, the factors set out in Schedule 3 shall apply.

## SCHEDULE 3

## VITAMINS

<i>Column 1</i>	<i>Column 2</i>
Substance and Alternative Name or Names	to be calculated as
Group 1 Biologically active carotenoids	microgrammes of retinal, on the basis that 6 microgrammes of betacarotene or 12 microgrammes of other biologically active carotenoids equals 1 microgramme of retinol.
Group 2 Retinol or Vitamin A	Microgrammes of retinol
Group 3 Thiamin or Vitamin B <sub>1</sub>	Milligrammes of thiamin hydrochloride
Group 4 Riboflavin or Vitamin B <sub>2</sub>	Milligrammes of Riboflavin
Group 5 Nicotinic acid or Niacin Nicotinamide or Niacinamide	Milligrammes of nicotinic acid
Group 6 Ascorbic acid or Vitamin C Dehydroascorbic acid or Vitamin C	Milligrammes of ascorbic acid
Group 7 Ergocalciferol or Vitamin D or D <sub>2</sub> Cholecalciferol or Vitamin D or D <sub>3</sub>	Microgrammes of cholecalciferol

1. Each substance specified in column 1 of the table shall include its biologically active equivalent or derivative and the Groups specified in column I shall be constituted accordingly.
2. The quantity of any substance specified in column 1 (as extended by the preceding paragraph) shall be calculated in the manner prescribed in relation thereto in column 2 and shall either be specified accordingly or in the manner prescribed in paragraph 3 or 4 of this Schedule.
3. Where the quantities of any substances included in Groups 1 and 2 specified in column 1 (as extended by paragraph I of this Schedule) are calculated as microgrammes of retinol, they may be added together and specified accordingly.

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4. The quantity of any substance included in Group 2, 3, 4, 5, 6 or 7 specified in column 1 (as extended by paragraph I of this Schedule) may be specified—

- (a) by reference to any one of the names or alternative names, specifically listed in column 1, of the substances in the Group to which the first mentioned substance belongs;
- (b) where the first mentioned substance is a biologically active equivalent or derivative of a substance specifically listed in column 1, by reference to the name of that first mentioned substance.