

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,398 of 14th January, 1988.

LEGAL NOTICE NO. 4 OF 1988.

FOOD AND DRUGS ORDINANCE.

**SKIMMED MILK WITH NON-MILK FAT (AMENDMENT)
REGULATIONS, 1988.**

In exercise of the powers conferred upon him by Sections 8 and 58 of the Food and Drugs Ordinance and of all other powers thereunto him enabling the Governor hereby makes the following regulations

Title and commencement.

1. (1) These regulations may be cited as the Skimmed Milk With Non-Milk Fat (Amendment) Regulations, 1988.

(2) These regulation shall come into operation on the 1st day of March, 1988.

Amendment to Regulation 2.

2. Regulation 2 of the Skimmed Milk with Non-Milk Fat Regulations 1988 (hereinafter called "the principal Regulations") is amended as follows-

(a) By the insertion immediately after the interpretation of "sell" of the following interpretation:

"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;"

(b) By the addition of the following new sub-Regulation-

"(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."

Amendment to Regulation 4(2).

3. Regulation 4(2) of the principal Regulations is amended by deleting the words "a sale to a caterer for the purposes of his catering business."

Amendment to Regulation 9.

4. Regulation 9 of the principal Regulations is amended by deleting everything following the word 'liable' and substituting for the part of that provision so deleted, the words "on summary conviction to a fine not exceeding £1,000."

New Regulation 11.

5. The principal Regulations are further amended by including a new Regulation 11 as follows-

"Application of various sections of the Ordinance.

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 warrant may be pleaded as a defence) and 52 (which relates to offences in relation to warranties and certificates of analysis) of the Ordinance shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Ordinance 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."

Amendments to Schedule 1.

6. Part I of Schedule 1 of the principal Regulations is amended as follows-

(a) by deleting paragraphs 3 and 4 and substituting them as follows-

"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."

(b) by including a new paragraph 6 as follows-

"6. In this part of this Schedule "ultimate consumer" has the meaning assigned to it by the Labelling of Food Regulations 1985."

Amendments to Schedule 2.

7.(1) Part I of Schedule 2 of the principal Regulations is amended by adding the following foods-

Amendments to Schedule 2.

"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".

(2) Part II of Schedule 2 to the principal Regulations is amended by re-numbering paragraph 6 as `8' and adding the following two new paragraphs-

"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;

(b) not less than 3.7% fat;

- (c) ergocalciferol (vitamin D or D_a) or cholecalciferol (vitamin D or D₃) or any mixture thereof equivalent to 0.33 ± 0.11 microgrammes of cholecalciferol per fluid ounce or to 1.16 ± 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 D₂) or cholecalciferol (vitamin D or D₃) or any mixture thereof equivalent to 0.34 ± 0.11 microgrammes of cholecalciferol per fluid ounce or to 1.18 ± 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 D2) or cholecalciferol (vitamin D or D3) or any mixture thereof equivalent to 2.38 ± 0.77 microgrammes of cholecalciferol per ounce or to 8.4 ± 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 D2) or cholecalciferol (vitamin D or D3) or any mixture thereof equivalent to 0.61 ± 0.18 microgrammes of cholecalciferol per fluid ounce or to 2.2 ± 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 D2) or cholecalciferol (vitamin D or D3) or any mixture thereof equivalent to 0.31 ± 0.09 microgrammes of cholecalciferol per fluid ounce or to 1.1 ± 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;
- (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."

Dated this 14th day of January, 1988,

By Command,
J.K.E. BROADLEY,
Deputy Governor.