

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

Erucic Acid in Food Regulations, 1987

LN.1987/019

Commencement

1.8.1987

Transposing:

Directive 80/891/EEC

ARRANGEMENT OF REGULATIONS

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Erucic Acid in Food Regulations, 1987

Title and Commencement.

- 1.(1) These regulations may be cited as the Erucic Acid in Food Regulations, 1987.
- (2) These regulations shall come into operation on the 1st day of August, 1987.

Interpretation.

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

“erucic acid” means the fatty acid cis-docos-13-enoic acid;

“fatty acid” means any carboxylic acid obtained by the hydrolysis of oil or fat, and includes any such acid existing in a free state in oil or fat;

“food” means food intended for sale for human consumption and includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include-

- (a) water, live animals or birds,
- (b) fodder or feeding stuffs for animals, birds or fish, or
- (c) articles or substances used only as drugs;

“human consumption” includes use in the preparation of food for human consumption;

oil or fat” means oil or fat derived from any animal, bird, fish or plant and intended for sale for human consumption, but does not include any essential oil;

“the Act” means the Food and Drugs Act;

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

AND other expressions have the same meaning as in the Act.

- (2) All proportions mentioned in these regulations are proportions calculated by weight and, unless the context otherwise requires, are calculated on the total weight of the product, such weight being ascertained, in the case of a food sold in dried or concentrated form, after reconstitution in accordance with any instructions which accompany it.

(3) For the purpose 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.

Exemptions.

3. The provisions of these regulations shall not apply—

- (a) to any oil, fat or food which is intended at the time of sale, consignment or delivery, as the case may be, for exportation to any place outside Gibraltar;
- (b) to any food which contains not more than 5% oil or fat unless it is described directly or by implication as specially prepared for infants or young children;
- (c) to any oil, fat or food sold, consigned or delivered to a manufacturer for the purposes of his manufacturing business or to a caterer for the purposes of his catering business.

Sale etc. of oil or fat and of food to which oil or fat has been added.

4.(1) Subject to paragraph (2) of this regulation, no person shall sell, consign or deliver—

- (a) any oil or fat or any mixture thereof, if erucic acid constitutes more than 5% of its fatty acid content; or
- (b) any food to which oil or fat or a mixture thereof has been added, if erucic acid constitutes more than 5% of the fatty acid content of all the oil and fat in the food.

(2) In relation to any oil, fat or food manufactured before the 1st day of July 1979, these regulations shall have effect as if the percentages specified in paragraph (a) and (b) of this regulation were in each case ten instead of five.

Determination of erucic acid content.

5. The erucic acid content of the oils, fats and foods referred to in regulation 4 of these regulations shall be determined by the following procedure—

- (1) For screening purposes, whenever screening is deemed to be desirable, either the total docosenoic acid content or the total cis-docosenoic acid content may be determined, using the appropriate method provided by Article 2.1 of the Commission Directive of 25 July 1980(80/891/EEC) relating to the Community method of analysis for determining the erucic acid content in oils and fats intended

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to be used as such for human consumption and foodstuffs containing added oils or fats (hereinafter called "the Directive").

- (2) If the screening process is dispensed with, or if the total content of either docosenoic or cis-docosenoic acid determined by it exceeds five per cent or, in the case of any oil, fat or food manufactured before 1st July 1979, ten per cent, the erucic acid content shall be determined by the method set out in the Annex to the Directive.

Penalties.

6. If any person contravenes or fails to comply with the provisions of regulations 4 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.

7. 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.