

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

## **Ice cream (Heat Treatment etc) Regulations, 1987**

**LN.1987/021**

*Commencement*

**1.8.1987**

---

### **ARRANGEMENT OF REGULATIONS**

Regulation

1. Title and Commencement.
2. Interpretation.
3. Requirements relating to manufacture of ice-cream.
4. Where a complete cold mix is used which is reconstituted with....
5. In any case other than that referred to in the last preceding....
6. Requirements relating to sale of ice-cream.
7. Penalties.
8. Application of various sections of the Act.

**1964-07**

Food and Drugs

**1987/021**

**Ice cream (Heat Treatment etc) Regulations, 1987**

---

**Title and Commencement.**

1.(1) These regulations may be cited as the Ice cream (Heat Treatment etc) Regulations, 1987.

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

**Interpretation.**

2. In these regulations, unless the context otherwise requires-

“ice-cream” includes any similar commodity;

“ingredient” includes sugar and any whole egg, yolk or albumen (whether dried, frozen or preserved or not) but does not include colouring or flavouring materials or fruit, nuts, chocolate and other similar substances;

“complete cold mix” means a product which is capable of manufacture into a mixture with the addition of water only, is sent out by the manufacturer in airtight containers, and has been made by evaporating a liquid mixture which has already been submitted to

heat treatment not less effective than that prescribed in these regulations and to which, after such treatment, no substance other than sugar has been added;

“mixture” means a product which is capable of manufacture into ice-cream by freezing only; and

“sugar” means any soluble carbohydrate sweetening matter and for this purpose 'carbohydrate' means a substance containing carbon, hydrogen and oxygen only in which the hydrogen and oxygen occur in the same proportion as in water.

**Requirements relating to manufacture of ice-cream.**

3. The requirements set out in the next two following regulations shall be observed in the manufacture of ice-cream intended for sale for human consumption;

Provided that the requirements set out in regulation 5 shall not apply to any mixture (whether containing milk solids or not) used, either alone or with other mixtures, in the manufacture of water ice or other similar frozen confection if the mixture has a pH value of 4.5 or less.

4. Where a complete cold mix is used which is reconstituted with wholesome drinking water and to which nothing is added other than sugar, colouring or flavouring materials, fruit, nuts, chocolate or other similar substances, the reconstituted mixture shall be converted into ice-cream within one hour of reconstitution.

5. In any case other than that referred to in the last preceding regulation, after the ingredients have been mixed together the following provisions shall apply;

- (i) the mixture shall not be kept for more than one hour at any temperature which exceeds 450 Fahrenheit before being pasteurised or sterilised in accordance with the next following sub-paragraph;
- (ii) the mixture shall be subjected to one or other of the methods of pasteurisation or sterilisation set out hereunder:

#### Pasteurisation

Method I. The mixture shall be raised to and kept at a temperature of not less than 1500 Fahrenheit for at least 30 minutes.

Method II. The mixture shall be raised to and kept at a temperature of not less than 1600 Fahrenheit for at least 10 minutes.

Method III. The mixture shall be raised to and kept at a temperature of not less than 175 Fahrenheit for at least 15 seconds.

#### Sterilisation

The mixture shall be raised to and kept at a temperature of not less than 3000 Fahrenheit for at least 2 seconds;

- (iii) the apparatus used for subjecting the mixture to pasteurisation by method III or to sterilisation shall be thermostatically controlled and shall be fitted with a positive displacement pump or such other device as may be approved by the Chief Environmental Health Officer for ensuring a constant rate of flow of the mixture during its retention at the prescribed temperature and also with a device which, if any mixture has not been raised to the prescribed temperature, will automatically divert the flow of any such mixture or, as an alternative in the case of sterilisation, stop the apparatus;
- (iv) after the mixture has been pasteurised or sterilised as aforesaid it shall be reduced to a temperature of not more than 450 Fahrenheit within 1 1/2 hours and shall be kept at such a temperature until the freezing process is begun;

Provided that

**1964-07**

## Food and Drugs

**1987/021**

### **Ice cream (Heat Treatment etc) Regulations, 1987**

---

- (a) this requirement shall not apply to a mixture which has been sterilised in accordance with the requirements of paragraph (ii) of this regulation if immediately after the mixture has been so sterilised it is placed in sterile airtight containers under sterile conditions and the container remains unopened, and
- (b) the temperature of a mixture may be allowed to rise above 450 Fahrenheit when added to a mixture (having a pH value of 4.5 or less) for the preparation of water ice or other similar frozen confection if the combined mixture is frozen within one hour of combination;
- (v) any mixture to which proviso (a) to the last foregoing paragraph applies shall, upon the container being opened, be reduced forthwith to a temperature of not more than 450 Fahrenheit and shall be kept at such a temperature until the freezing process is begun;
- (vi) such indicating and recording thermometers shall be used as may be reasonably required for ensuring that the foregoing provisions relating to the temperature to or at which the mixture is raised, kept or reduced have been complied with;
- (vii) the records of any thermometers used to record temperatures to or at which the mixture is raised, kept or reduced shall be preserved for a period of not less than one month;
- (viii) all apparatus used for the purposes of this paragraph shall be installed, maintained and operated to the satisfaction of the Chief Environmental Health Officer.

#### **Requirements relating to sale of ice-cream.**

6. Ice cream shall not be sold or offered for sale unless

- (a) the relevant provisions of regulations 3, 4 and 5 of these regulations have been complied with in relation to its manufacture, and either
- (b) it has been kept at a temperature not exceeding 280 Fahrenheit since it was frozen, or
- (c) if its temperature has risen above 280 Fahrenheit at any time since it was frozen, it has again been subjected to the treatment (if any) to which as a mixture it was required to be subjected under regulation 5 of these regulations or would have been required to be subjected thereunder but for regulation 4 of these regulations and,

after having again been frozen, has been kept at a temperature not exceeding 280 Fahrenheit.

**Penalties.**

7. Any person found guilty of an offence against these regulations shall be liable to—

- (a) on summary conviction, to a fine not exceeding £1,000; and
- (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

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

8.(1) 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 certificate 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.