

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

**Solvents in Food Regulations, 1987****LN. 1987/039**

	<i>Commencement</i>	<b>1.8.1987</b>
Amending enactments	Relevant current provisions	Commencement date
LN. 1990/059 r. 2(1)		1.7.1990

**Transposing:**  
Directive 78/663/EEC

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**ARRANGEMENT OF REGULATIONS**

Regulation

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**SCHEDULE 1.**  
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LABELLING OF SOLVENTS.

**Title and commencement.**

- 1.(1) These regulations may be cited as the Solvents 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 the context otherwise requires:

“container” includes any form of packaging of food for sale as a single item, whether by way of wholly or partly enclosing the food or by way of attaching the food to some article, and in particular includes a wrapper or confining band;

“flavouring” includes flavouring essence and flavouring extract and means any product consisting of a flavouring agent and such other substances, if any, the use of which in food is not forbidden and which are reasonably necessary to produce a solid, a solution or an emulsion, but no other ingredient or ingredients;

“flavouring agent” means any sapid or odorous substance capable of imparting and primarily intended to impart a specific and distinctive taste or odour to food, but does not include herbs, spices, onions, garlic, salt, fruit juices, soft drinks, fruit acids, acetic acid, any carbohydrate material, any purine derivative, any preparation of yeast, coffee, chicory or any substances prepared by the hydrolysis of protein-containing materials;

“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;

“natural food substance” means any substance, suitable for use as food and commonly used as food, which is wholly a natural product, whether or not that substance has been subjected to any process or treatment;

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“the Act” means the Food and Drugs Act;

“permitted antioxidant” means any antioxidant inasmuch as its use is permitted by the Antioxidant in Food Regulations 1987;

“permitted colouring matter” means any colouring matter inasmuch as its use is permitted by the Colouring Matter in Food Regulations 1980, as amended;

“permitted emulsifier” means any emulsifier inasmuch as its use is permitted by the Emulsifiers and Stabilisers in Food Regulations 1990;

“permitted miscellaneous additive” means any miscellaneous additive inasmuch as its use is permitted by the Miscellaneous Additives in Food Regulations 1987;

“permitted preservative” means any preservative inasmuch as its use is permitted by the Preservatives in Food Regulations 1987;

“permitted solvent” means any solvent described in Schedule I to these regulations which complies with the specification specified in relation thereto in that Schedule, and includes any such solvent when it has been subsequently diluted with water;

“permitted stabiliser” means any stabiliser inasmuch as its use is permitted by the Emulsifiers and Stabilisers in Food Regulations, 1990;

“permitted sweetener” means any sweetener inasmuch as its use is permitted by the Sweeteners in Food Regulations 1987;

“propellant” means carbon dioxide or any inert gas or low boiling point liquid which, when added to food in a suitable container, is capable of expelling the food from the container without the application of external pressure to the food;

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

“solvent” means any liquid substance, not being a natural food substance and the primary use of which is not as a flavouring, which is capable of the extraction and dissolution of food, and is generally used to facilitate the incorporation of ingredients in food, but does not include water, any permitted antioxidant, permitted sweetener, permitted colouring matter, permitted emulsifier, permitted miscellaneous additive, permitted preservative or permitted stabiliser;

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

(2) All percentages mentioned in these regulations are percentages calculated by weight and, unless a contrary intention is expressed, are calculated on the weight of the product as sold.

(3) Any reference in the regulations to a label on a container shall be construed as including a reference to any legible marking on the container however effected.

(4) 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.

(5) Any reference in these regulations to any other regulations shall be construed as a reference to such regulations as amended by any subsequent regulations.

**Exemption.**

3. The following provisions of these regulations shall not apply to any food containing any solvent, or to any solvent, intended at the time of sale, consignment, delivery or importation, as the case may be, for exportation to any place outside Gibraltar.

**Sale of solvents and food containing solvents.**

4.(1) No person shall sell, consign or deliver, or import into Gibraltar for use as an ingredient in the preparation of food, any solvent which is not a permitted solvent.

(2) No food shall contain any solvent which is not a permitted solvent and no person shall sell, consign or deliver, or import into Gibraltar, any food which does not comply with this regulation.

**Advertisement of solvents.**

5. No person shall publish, or be party to the publication of, any advertisement for any solvent which is not a permitted solvent with a view to its use in the preparation of food.

**Labelling of solvents.**

6. No person shall sell, consign or deliver any permitted solvent in a container for use as an ingredient in the preparation of food unless such container bears a label which complies with the requirements specified in Schedule 2 to these regulations.

**Condemnation of food.**

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7. Where any food is certified by a public analyst as being food which it is an offence against regulation 4(2) of these regulations to sell, consign or deliver, or import into Gibraltar, that food may be treated for the purposes of Section 10 of the Act (under which food may be seized and destroyed on the order of a justice of the peace) as being unfit for human consumption.

#### **Penalties.**

8. If a person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1, 000.

#### **Defences.**

9.(1) In any proceedings for an offence against these regulations in relation to the publication of an advertisement, 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.

(2) In any proceedings against the manufacturer or importer of any solvent for use as an ingredient in the preparation of food, or of any food having any solvent in it or on it, for an offence against these regulations in relation to the publication of an advertisement, it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.

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

10. 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.

## SCHEDULE 1.

## PERMITTED SOLVENTS.

<i>Name</i>	<i>Specification</i>
Ethyl Alcohol (Ethanol)	As set in the British Pharmacopoeia 1963 at page 28.
Ethyl Acetate	British Standard 553:1965.
Diethyl Ether (solvent Ether)	As set in the British Pharmacopoeia 1963 at page 308.
Glycerol	As set out in the Annex to Council Directive 78/663/EEC.
Glycerol mono- acetate (Monoacetin)	It shall have a boiling point of 158°C. at 165 mm. Hg. and shall be of a standard of purity consistent with good manufacturing practice.
Glycerol diacetate (Diacetin)	Relative Density: 1.180-1.195 g/ml. at 20°C.  Ash: 0.02% W/W max. Acidity: 0.3% W/W max.  Ester Content: 85-95% W/W calculated as $C_3H_5(OH)(COOCH_3)_2$ .  Sulphates: 0.05% W/W max. calculated as $SO_4$ .  Chlorides: 0.05% W/W max. calculated as Cl.  Ash, acidity, ester content sulphates and chlorides shall be determined by the methods set out in British Standard 1594: 1950
Glycerol tri-acetate (Triacetin)	Relative Density: 1.156-1.166 g/ml. at 20°C  Refractive Index: 1.430-1.434 at 20°C for sodium D line.  Water 0.2% W/W max.  Ash: 0.02% W/W max.  Total Acidity: 0.05% W/W max calculated as $CH_3COOH$ .  Ester Content: 98.0-100% calculated as $(CH_3COO)_3C_3H_5$ .

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Colour. 15 Hazen Units.

Water, ash, total acidity and ester content shall be determined by the methods set out in British Standard 1997:1962. Colour shall be determined by the method set out in British Standard 4117: 1967

iso-Propyl Alcohol As set out in the British Pharmacopoeia 1963 at page 431.

Propylene Glycol As set out in the Annex to Council Directive 78/664/EEC.



SCHEDULE 2.

LABELLING OF SOLVENTS.

1. Each container to which regulation 6 relates shall bear a label on which is printed a true statement in the form of the following declaration:-

Food Solvent

(X)

(Y)

The declaration shall be completed by inserting at (X) a correct description of the solvent present and at (Y) a correct description of any other substance present in the preparation in the container and, where more than one such substance is present, such substances shall be declared in the order of the proportion in which they were present at the time of sale by the manufacturer, the substance present in the greatest proportion by weight being specified first.

2. Any declaration required by paragraph I of this Schedule shall be printed distinctly and legibly in dark type upon a light-coloured ground or in light type upon a dark-coloured ground, the type being not less than one-eighth of an inch in height, within a surrounding line and no other matter shall be printed within such surrounding line. The words and figures in the declaration shall be of uniform size and colour and the ground within the said surrounding line shall be of uniform colour, provided that the initial letter in any such word may be larger than the other letters in that word.

3. Any label required by regulation 6 of these regulations shall be securely affixed to, or be part of, the wrapper or container and in any case shall be so placed as to be clearly visible and shall be either a part of any main label or a separate label placed in close proximity thereto.