

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE
No. 2,556 of 14th JUNE, 1990.**

LEGAL NOTICE NO. 71 OF 1990.

FOOD AND DRUGS ORDINANCE.

PRESERVATIVES IN FOOD (AMENDMENT) REGULATIONS, 1990.

In exercise of the powers conferred upon him by Sections 6, 8 and 58 of the Food and Drugs Ordinance, and of all other enabling powers, the Governor has made the following regulations

Title and commencement.

1. (1) These regulations may be cited as the Preservatives in Food (Amendment) Regulations 1990.

(2) These regulations shall come into operation on the 1st day of July, 1990.

Interpretation.

2. In these regulations the expression "the principal regulations" means the Preservatives in Food Regulations 1987 and, unless the context otherwise requires, any reference herein to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule so numbered in the principal regulations.

Amendment to regulation 2.

3. Regulation 2 is amended in subregulation (1)-

- (a) by omitting from the interpretation of "bread" the figures " 1985" and substituting therefor the figures " 1987";
- (b) by inserting in the appropriate alphabetical order the following interpretation for "Community controlled wine": "'Community controlled wine' means wine, grape must, sparkling wine, aerated sparkling wine, liquor wine, semisparkling wine and aerated semi-sparkling wine as respectively defined in Annex I to Council Regulation (EEC) No. 822/87 on the common organisation of the market in wine;"

- (c) by omitting from the interpretations of "permitted emulsifier" and "permitted stabiliser" the figure " 1987" and substituting therefor the figure " 1990";
- (d) by omitting from the interpretation of "reduced sugar jam" the figures " 1985" and substituting therefor the figures " "1987"

Amendment to Regulation 3.

4. Regulation 3 is amended by omitting the words "consignment, delivery .
Repeal and Replacement of Regulation 4.

5. Regulation 4 is omitted and the following new regulation is substituted:

"Sale etc of food containing preservative.

4. (1) Save as hereinafter provided, no food sold or imported into Gibraltar shall have in it or on it any added preservative.

(2) Any specified food may have in it or on it permitted preservative of the description and in the proportion specified in relation thereto in columns 2 and 3 respectively of Schedule 2.

(3) Any specified food in relation to which two or more permitted preservatives are specified in Schedule 2 may have in it or on it an admixture of those preservatives as follows:

- (a) in the case of fruit spread, sambal oelek, concentrated snack meals with a moisture content of not less than 15% and not more than 60%, soup concentrates with a moisture content of not less than 25% and not more than 6U% or wine, (including alcoholic cordials) other than Community controlled wine, to the maximum quantity of each such preservative appropriate thereto in accordance with that Schedule:
- (b) in the case of beer, fruit or plants (including flowers and seeds), crystallised, glace or drained (syruped), or candied peel or cut and drained (syruped) peel, or grape juice products (unfermented, intended for sacramental use), if the permitted preservative sulphur dioxide is present, to the maximum quantity of that preservative appropriate to that food in

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accordance with that Schedule and as regards any other such permitted preservative present, only if, when the quantity of each such preservative is expressed as a percentage of the maximum quantity appropriate to that food in accordance with that Schedule, the sum of those percentages does not exceed one hundred:

- (c) in the case of preparations of saccharin, sodium saccharin, or calcium saccharin and water only, if the permitted preservative benzoic acid is present, to the maximum quantity of that preservative appropriate to that food in accordance with that Schedule and as regards any other such permitted preservative present, only if, when the quantity of each such preservative is expressed as a percentage of the maximum quantity appropriate to that food in accordance with that Schedule, the sum of those percentages does not exceed one hundred;
- (d) in the case of marinated herring whose pH exceeds 4.5 or marinated mackerel whose pH exceeds 4.5, if the permitted preservative hexamine is present, to the maximum quantity of that preservative appropriate to that food in accordance with that Schedule and as regards any other such permitted preservative present, only if, when the quantity of each such preservative is expressed as a percentage of the maximum quantity appropriate to that food in accordance with that Schedule, the sum of those percentages does not exceed one hundred;
- (e) in the case of cheese (other than Cheddar, Cheshire, Granapadano or Provolone type cheeses or soft cheese) or cured meat (including cured meat products), in accordance with the appropriate provisions of that Schedule;
- (f) in the case of prawns and shrimps in brine
 - (i) if the permitted preservative sulphur dioxide is present, to the maximum quantity of that preservative appropriate to that food in accordance with that Schedule;
 - (ii) if the permitted preservative sorbic acid or benzoic acid is present, to the maximum quantity of that

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- preservative appropriate to that food in accordance with that Schedule;
- (iii) if the permitted preservatives sorbic acid and benzoic acid are present, only if, when the quantity of each such preservative is expressed as a percentage of the maximum quantity appropriate to that food in accordance with that Schedule, the sum of those percentages does not exceed one hundred; and
 - (iv) as regards any other such permitted preservative present, only if, when the quantity of each such preservative is expressed as a percentage of the maximum quantity appropriate to that food in accordance with that Schedule, the sum of those percentages does not exceed one hundred;
 - (g) in any other case, only if, when the quantity of each such preservative present in that food is expressed as a percentage of the maximum quantity of that preservative appropriate to that food in accordance with that Schedule, the sum of those percentages does not exceed one hundred.

(4) Any specified food and any food intended for use in the preparation of a specified food (but excluding any pre-packed food, any specified sugar product or any fruit juice or concentrated fruit juice specified at item 1 or 2 in column 1 of Schedule 3 to the Fruit Juices and Fruit Nectars Regulations 1987) may, on importation into Gibraltar or on a sale other than a retail sale have in it or on it permitted preservatives of a description appropriate to the specified food in accordance with Schedules 1 and 2 in any proportion if, as the case may be, the seller gives to the importer on or before importation or to the buyer on or before sale a document which complies with the requirements of paragraphs 4, 5 and 6 of Schedule 3.

(5) Any food may have in it or on it any proportion not exceeding five milligrams per kilogram, formaldehyde derived from any wet strength wrapping containing any resin based on formaldehyde or from any plastic food container or utensil manufactured from any resin of which formaldehyde is a condensing component.

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(6) The permitted miscellaneous additive dimethylpolysiloxane may contain formaldehyde in any proportion not exceeding one thousand milligrams per kilogram.

(7) Cheese, clotted cream or any canned food may have in it or on it the permitted preservative nisin.

(8) Any food may have in it or on it the permitted preservative nisin introduced in the preparation of that food by the use of any cheese, clotted cream or canned food containing nisin:

(9) Any food may have in it or on it formaldehyde introduced in the preparation of that food by the use of the permitted miscellaneous additive dimethylpolysiloxane if that formaldehyde is present in the food in no greater proportion, in relation to the quantity of dimethylpolysiloxane used, than the proportion specified in relation to dimethylpolysiloxane in paragraph (6) of this regulation.

(10) Flour may contain the permitted preservative sulphur dioxide or sodium metabisulphate as prescribed by the Bread and Flour Regulations 1987.

(11) The Community controlled wine may have in it any of the permitted preservatives sulphur dioxide, potassium bisulphite, potassium metabisulphite, sorbic acid and potassium sorbate or any other preservative to the extent, in each case, authorised by any Community Regulation.

(12) No person shall sell or import into Gibraltar any food which does not comply with this regulation."

Amendment to Regulation 6.

6. Regulation 6 is amended -

- (a) by omitting from paragraph (1) the words "consign or deliver" and substituting the word "or";
- (b) by omitting from paragraph (2) the words "consign or deliver".

Amendment to Regulation 7.

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7. Regulation 7 is amended by inserting after the words "young children" the words "or for babies and young children".

Amendment to Regulation 9.

8. Regulation 9 shall be amended by omitting the words "consign or deliver".
Amendment to Regulation 11.

9. Regulation 11 is amended by omitting paragraph (3).

Amendment to Schedule 1.

10. Schedule 1 is amended

(a) in Part I -

(i) by inserting immediately above the entries for "Biphenyl E230" in columns 1 and 2 the following entries "Potassium bisulphite" and "E228" in columns 1 and 2 respectively; and

(ii) by inserting in column 2 of the entry for "Nisin" the figures "234";

(b) in Part II by inserting the following paragraph immediately before the paragraph starting with: "In the case of: Nisin"

"In the case of:
E228 Potassium bisulphite
Synonym: Potassium acid sulphite
the appropriate specific purity criteria contained in Directive
65/66/EEC of the Council".

Repeal and Replacement of Schedule 2.

11. Schedule 2 is repealed and replaced by the following new Schedule
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"SCHEDULE 2.

Articles of food which may contain permitted preservative and the nature and proportion of permitted preservative in each case.

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Column 1	Column 2	Column 3
<i>Specified food</i>	<i>Permitted Preservative</i>	<i>Except where otherwise stated, milligrams per kilogram not exceeding</i>
	Sulphur dioxide and either benzoic acid or methyl 4-hydroxybenzoate or ethyl 4-hydroxybenzoate or propyl 4-hydroxybenzoate	70
Beer	Benzoic acid or methyl 4-hydroxybenzoate or ethyl 4-hydroxybenzoate or propyl 4-hydroxybenzoate	70 250 250 250
Beetroot, cooked and prepacked		250
Bread	Propionic acid	As prescribed by the Bread and Flour Regulations 1984
Cauliflower, canned	Sulphur dioxide	100
Cheese	Sorbic acid	1,000
	Sodium nitrate and sodium nitrite	50, of which not more than 5 may be sodium nitrite, expressed in both cases as sodium nitrite
Cheese, other than Cheddar, Cheshire, Grana-padano or Provolone type cheeses or soft cheese		25 (expressed as formaldehyde)
Provolone cheese	Hexamine	450
	Benzoic acid or methyl 4-hydroxybenzoate or ethyl 4-hydroxybenzoate or propyl 4-hydroxybenzoate	450 450 450
Chicory and coffee essence		450
Christmas pudding	Propionic acid	1,000
	Sulphur dioxide or sorbic acid	200 200
Cider		200
Coconut, desiccated	Sulphur dioxide	50
Colouring matter, except E150 Caramel, if in the form of a solution	Benzoic acid or methyl 4-hydroxybenzoate or	2,000 2,000

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of a permitted colouring matter	ethyl 4-hydroxybenzoate or	2,000
	propyl 4-hydroxybenzoate or	2,000
	sorbic acid	1,000
The permitted colouring matter, E150		
Caramel	Sulphur dioxide	1,000
Crabmest, canned	Sulphur dioxide	30
	Sulphur dioxide or	100
Desserts, fruit based milk and cream	sorbic acid	300
	Sulphur dioxide or	100
	Benzoic acid or	250
	Methyl 4-hydroxybenzoate or	250
	ethyl 4-hydroxybenzoate or	250
Dessert sauces, fruit based with total soluble solids content of less than 75%	propyl 4-hydroxybenzoate or	250
	sorbic acid	1,000
	Sulphur dioxide or	1,000
	benzoic acid or	2,000
	methyl 4-hydroxybenzoate or	2,000
	ethyl 4-hydroxybenzoate or	2,000
The permitted miscellaneous additive, Dimethylpolysiloxane	propyl 4-hydroxybenzoate or	2,000
	sorbic acid	1,000
Enzymes:		
Papain, solid	Sulphur dioxide	30,000
Papain, aqueous solutions	Sulphur dioxide or	5,000
	sorbic acid	1,000
	Sulphur dioxide or	500
	benzoic acid or	3,000
	methyl 4-hydroxybenzoate or	3,000
Aqueous solutions of enzyme preparations not otherwise specified, including immobilised enzyme preparations in Aqueous media	ethyl 4-hydroxybenzoate or	3,000
	propyl 4-hydroxybenzoate or	3,000
	sorbic acid	3,000
Fat spreads consisting of an emulsion principally of water in oil with a fat content not exceeding 70%	Sorbic acid	2,000
	Sulphur dioxide or	200
Figs, dried	sorbic acid	500

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Fillings and toppings for flour confectionery which consist of a sweetened oil and water emulsion with a minimum sugar solids content of 50%	Sorbic acid	1,000
Finings when sold by retail:		
Wine finings	Sulphur dioxide	12,500
Beer finings	Sulphur dioxide	5,000
	Sulphur dioxide or benzoic acid or methyl 4-hydroxybenzoate or ethyl 4-hydroxybenzoate or propyl 4-hydroxybenzoate	350
		800
		800
		800
Flavourings	Sulphur dioxide or benzoic acid or methyl 4-hydroxybenzoate or ethyl 4-hydroxybenzoate or propyl 4-hydroxybenzoate	800
		350
		800
		800
Flavouring syrups	propyl 4-hydroxybenzoate	800
	Propionic acid or sorbic acid	1,000
Flour confectionery	Sulphur dioxide or benzoic acid or methyl 4-hydroxybenzoate or ethyl 4-hydroxybenzoate or propyl 4-hydroxybenzoate	1,000
		5,000
		10,000
		10,000
		10,000
Foam headings, liquid	propyl 4-hydroxybenzoate	10,000
	Sulphur dioxide or benzoic acid or methyl 4-hydroxybenzoate or ethyl 4-hydroxybenzoate or propyl 4-hydroxybenzoate	70
		160
		160
		160
		160
Freeze drinks	sorbic acid	300
	Sulphur dioxide or benzoic acid or methyl 4-hydroxybenzoate or ethyl 4-hydroxybenzoate or propyl 4-hydroxybenzoate	350
		800
		800
		800
		800
Fruit based pie fillings	sorbic acid	450

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Fruit, dried, other than prunes, or figs	Sulphur dioxide	2,000
Fruit, fresh: Bananas	2-(Thiazol-4-yl) benzimidazole	3
	Biphenyl or	70
	2-hydroxybiphenyl or	12
Citrus fruit	2-(Thiazol-4-yl) benzimidazole	10
Grapes	Sulphur dioxide	15
	Sulphur dioxide or	350
Fruit, fruit pulp or fruit puree (including tomatoes, tomato pulp, tomato paste and tomato puree) which, in each case, is not fresh or canned	benzoic acid or	800
	methyl 4-hydroxybenzoate or	800
	ethyl 4-hydroxybenzoate or	800
	propyl 4-hydroxybenzoate	800
Fruit juices: Any fruit juice or concentrated fruit juice mentioned in regulation 11(2) of the Fruit Juices and Fruit Nectars Regulations 1987		As prescribed by the Fruit Juices and Fruit Nectars Regulations 1987
	Sulphur dioxide	350
	Sulphur dioxide or	800
	benzoic acid or	800
	methyl 4-hydroxybenzoate or	800
Any other fruit juice or concentrated fruit juice	ethyl 4-hydroxybenzoate or	800
	propyl 4-hydroxybenzoate	800
	Sulphur dioxide and either benzoic acid or	100
Fruit or plants (including flowers and seeds), crystallised, glace or drained (syruped), or candied peel or cut and drained (syruped) peel	methyl 4-hydroxybenzoate or	1,000
	ethyl 4-hydroxybenzoate or	1,000
	propyl 4-hydroxybenzoate or	1,000
	sorbic acid	1,000
Fruit pieces in stabilised syrup for use as ingredients of icecream or other edible ices	Sorbic acid	1,000
	Sulphur dioxide and	100
Fruit spread	sorbic acid	1,000
Garlic, powdered	Sulphur dioxide	2,000
Gelatin	Sulphur dioxide	1,000
Gelatin capsules	Sorbic acid	3,000
Ginger, dry root	Sulphur dioxide	150
Glucose drinks containing not less than 235 grammes of glucose syrup per litre of	Sulphur dioxide or	350
	benzoic acid or	800

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the drink	methyl 4-hydroxybenzoate or	800	
	ethyl 4-hydroxybenzoate or	800	
	propyl 4-hydroxybenzoate	800	
	Sulphur dioxide and either	70	
	benzoic acid or	2,000	
Grape juice products (unfermented, intended for sacramental use)	methyl 4-hydroxybenzoate or	2,000	
	ethyl 4-hydroxybenzoate or	2,000	
	propyl 4-hydroxybenzoate	2,000	
Grape juice, concentrated, intended for home wine making and labelled as such	Sulphur dioxide	2,000	
Hamburgers or similar products	Sulphur dioxide	450	
	Benzoic acid or	1,000	
Herring, marinated, whose pH does not exceed 4.5	methyl 4-hydroxybenzoate or	1,000	
	ethyl 4-hydroxybenzoate or	1,000	
	propyl 4-hydroxybenzoate	1,000	
	Hexamine and either	50	
	benzoic acid or	1,000	
	methyl 4-hydroxybenzoate or	1,000	
	ethyl 4-hydroxybenzoate or	1,000	
- whose pH exceeds 4.5	propyl 4-hydroxybenzoate	1,000	
Hops, dried, sold by retail	Sulphur dioxide	2,000	
	Sulphur dioxide or	200	
	benzoic acid or	250	
	methyl 4-hydroxybenzoate or	250	
Horseradish, fresh grated, and horseradish sauce	ethyl 4-hydroxybenzoate	250	
	or propyl 4-hydroxybenzoate	250	
Jam and other products described in column 2 of Schedule 1 to the Jam and Similar Products Regulations 1987.	Sulphur dioxide and		
	benzoic acid or		
Reduced sugar jam, reduced sugar jelly and reduced sugar marmalade	methyl 4-hydroxybenzoate or		As prescribed in the Jam and Similar Products Regulations 1987.
	ethyl 4-hydroxybenzoate or		
	propyl 4-hydroxybenzoate or		
	sorbic acid		

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Any other product described in column 2 of Schedule 1 to the Jam and Similar Products Regulations 1987	Sulphur dioxide	As prescribed in the jam and Similar Products Regulations 1987.
	Benzoic acid or methyl 4-hydroxybenzoate or	1,000
	ethyl 4-hydroxybenzoate or	1,000
Mackerel, marinated, -whose pH does not exceed 4.5	propyl4-hydroxybenzoate	1,000
	Hexamine and either	1,000
	benzoic acid or	1,000
	methyl 4-hydroxybenzoate or	1,000
	ethyl 4-hydroxybenzoate or	1,000
- Whose Ph exceeds 4.5	propyl4-hydroxybenzoate	1,000
Mallow, chocolate covered	Sorbic acid	1,000
		(calculated on the weight of the mallow and chocolate together)
Meat, cured (including cured meat products):	Sodium nitrate and	150, of which not more than 50 may be sodium nitrite, expressed in both cases as sodium nitrite
Cured meat (including cured meat products) packed in a sterile pack, whether or not it has been removed whether	sodium nitrite	400, of which not more than 50 may be sodium nitrite, expressed in both cases as sodium nitrite
	Sodium nitrate and	500, of which not more than 200 may be sodium nitrite, expressed in both cases as sodium nitrite
Acidified and/or fermented cured meat products (including Salami and similar products) not packed in a sterile pack	sodium nitrite	250, of which not more than 150 may be sodium nitrite, expressed in both cases as sodium nitrite
	Sodium nitrate and	250, of which not more than 150 may be sodium nitrite, expressed in both cases as sodium nitrite
Uncooked bacon and ham; cooked bacon and ham that is not, and has not been packed in any hermetically sealed container	sodium nitrite	250, of which not more than 150 may be sodium nitrite, expressed in both cases as sodium nitrite
	Sodium nitrate and	250, of which not more than 150 may be sodium nitrite, expressed in both cases as sodium nitrite
Any cured meat or cured meat product not specified above	sodium nitrite	250, of which not more than 150 may be sodium nitrite, expressed in both cases as sodium nitrite

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Mushrooms, frozen	Sulphur dioxide	50
Nut pastes, sweetened	Sorbic acid	1,000
	Sulphur dioxide or	100
	benzoic acid or	250
	methyl 4-hydroxybenzoate or	250
	ethyl 4-hydroxybenzoate or	250
	propyl 4-hydroxybenzoate	250
Olives, pickled	sorbic acid	500
Peas, garden, canned containing no added colouring matter	Sulphur dioxide	100
Pectin, liquid	Sulphur dioxide	250
	Sulphur dioxide or	200
Perry	sorbic acid	200
	Sulphur dioxide or	100
	benzoic acid or	250
	methyl 4-hydroxybenzoate or	250
	ethyl 4-hydroxybenzoate or	250
	propyl4-hydroxybenzoate or	250
	sorbic acid	1,000
Pickles, other than pickled olives	Sulphur dioxide	50
Potatoes, raw, peeled	Sulphur dioxide	50
Prawns, shrimps and scampi, other than prawns and shrimps in brine	Sulphur dioxide	200
	Sulphur dioxide and either	200
	sorbic acid or benzoic acid and either	2,000
	ethyl 4-hydroxybenzoate or	300
	propyl 4-hydroxybenzoate or	300
	methyl 4-hydroxybenzoate	300
Prawns and shrimps in brine	Benzoic acid and either	750
	methyl 4-hydroxybenzoate or	250
	ethyl 4-hydroxybenzoate or	250
Preparations of saccharin, sodium saccharin or calcium saccharin and water only	propyl4-hydroxybenzoate	250
	Sulphur dioxide or	
	sorbic acid	2,000
Salad cream (including mayonnaise) and	Sulphur dioxide or	100

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salad dressing	benzoic acid or	250	
	methyl 4-hydroxybenzoate or	250	
	ethyl 4-hydroxybenzoate or	250	
	propyl 4-hydroxybenzoate or	250	
	sorbic acid	1,000	
Sambal oelek	Benzoic acid and	850	
	sorbic acid	1,000	
	Sulphur dioxide or	100	
	benzoic acid or	250	
	methyl 4-hydroxybenzoate or	250	
Sauces, other than horseradish sauce	ethyl 4-hydroxybenzoate or	250	
	propyl 4-hydroxybenzoate or	250	
	sorbic acid	1,000	
	Sausages or sausage meat	Sulphur dioxide	450
	Snack meals, concentrated, with a moisture content of not less than 15% and not more than 60%	Sorbic acid and	1,500
	methyl 4-hydroxybenzoate	175	
	Sulphur dioxide or	350	
	benzoic acid or	800	
	methyl 4-hydroxybenzoate or	800	
	ethyl 4-hydroxybenzoate	800	
Soft drinks for consumption after dilution not otherwise specified in this Schedule	or propyl 4-hydroxybenzoate or	800	
	sorbic acid	1,500	
	Sulphur dioxide or	70	
	benzoic acid or	160	
	methyl 4-hydroxybenzoate or	160	
Soft drinks for consumption without dilution not otherwise specified in this Schedule	ethyl 4-hydroxybenzoate or	160	
	propyl 4-hydroxybenzoate or	160	
	sorbic acid	300	
Soup concentrates with a moisture content of not less than 25% and not more than 60%	Sorbic acid and	1,500	
	methyl 4-hydroxybenzoate	175	
Starches, including modified starches	Sulphur dioxide	100	
Sugars: Specified sugar products	Sulphur dioxide	As prescribed by the Specified Sugar Products Regulations 1987.	

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Hydrolysed starches (other than specified sugar products)	Sulphur dioxide	400
Other sugars except-lactose	Sulphur dioxide	70
	Benzoic acid or	450
	methyl 4-hydroxybenzoate or	450
	ethyl 4-hydroxybenzoate or	450
Tea extract, liquid	propyl 4-hydroxybenzoate	450

Amendment to Schedule 3.

12. Schedule 3 is amended by omitting from paragraph 4(1) the words "paragraph (c) of the proviso to regulation 4(1)" and substituting therefor the words "regulation 4(4)".

Dated this 14th day of June, 1990.

By Command,

W. E. QUANTRILL,

Deputy Governor