

Subsidiary Legislation made under ss. 6 and 58.

## **Lead in Food in Regulations, 1988**

**LN.1988/005**

*Commencement*

**1.3.1988**

---

### **ARRANGEMENT OF REGULATIONS**

Regulation

1. Title and Commencement.
2. Interpretation.
3. Exemptions.
4. Sale etc of food containing food.
5. Condemnation of food.
6. Penalties.
7. Defences.
8. Application of various sections of the Act.

### **SCHEDULE 1.**

**1964-07**

**Food and Drugs**

**1988/005**

**Lead in Food in Regulations, 1988**

---

**Title and commencement.**

- 1.(1) These regulations may be cited as the Lead in Food in Regulations, 1988.
- (2) These regulations shall come into operation on the 1st day of March, 1988.

**Interpretation.**

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

“carbohydrate” means any substance containing carbon, hydrogen and oxygen in which the hydrogen and oxygen occur in the same proportion as in water;

“food” has the same meaning as in the Act, except that it is limited to food intended for sale for human consumption;

“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;

“soft drink” has the meaning assigned to it by the Soft Drinks Regulations;

“specified food” means any food of a description specified in the first column of Schedule 1;

“sugars” means any soluble carbohydrate sweetening matter.

- (2) Any reference in these regulations to a numbered regulation or schedule shall, unless the context otherwise requires, be construed as a reference to the regulation or schedule bearing that number in these regulations.

- (3) 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.

**Exemptions.**

3. The provisions of these Regulations shall not apply to any food-
  - (a) in respect of which the maximum permitted lead content is prescribed by any regulations, other than these regulations, made under the Act or by any notice having effect as if contained in regulations so made;

- (b) which is intended at the time of sale, consignment, delivery or importation, as the case may be, for exportation to any place outside Gibraltar,

**Sale etc of containing lead.**

4.(1) No specified food shall contain any lead in any proportion exceeding that specified or referred to in relation thereto in the second column of Schedule 1.

(2) No other food shall contain any lead in any proportion exceeding 1.0 milligram per kilogram of such food.

(3) No person shall sell, consign or deliver, or import into Gibraltar any food which does not comply with this regulation.

**Condemnation of food.**

5. Where any food is certified by a public analyst as being food which it is an offence against regulation 4 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.**

6. If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence and shall be liable on summary conviction to a fine exceeding £1,000,

**Defences.**

7. In any proceedings for an offence under regulation 4(2) and (3) in respect of any food consisting of two or more ingredients, it shall be a defence for the person charged to prove that, although the lead is present in the food in a quantity exceeding that specified in regulation 4(2),

- (a) not less than 10% by weight of the food consists of an ingredient for which a higher quantity of lead is permitted, and
- (b) regulation 4 would not be contravened if the ingredients were sold separately;

Provided that in the case of an additive premix which consists of a mixture of two or more substances for use as an ingredient in the preparation of food and is in a container bearing a label on which there appears in a conspicuous position a clear and legible statement to the

**1964-07**

Food and Drugs

**1988/005**

**Lead in Food in Regulations, 1988**

---

effect that it is an additive premix and is not intended for retail sale, it shall be a defence to prove that regulation 4 would not be contravened if the ingredients of the additive premix were sold separately.

**Application of various sections.**

8. 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 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

Description of food	Proportions of lead (expressed in milligrams per kilogram)
1. Beer	0.2
2. Brandy, geneva, gin, rum, whisky, vodka	0.2
3. Cider, perry	0.2
4. Infant foods - that is to say foods which are specially prepared for infants or young children and are described expressly or by implication as such- but excluding -rusks -such foods when dried, dehydrated or concentrated	0.2
5. Non-alcoholic beverages, ready to drink, not otherwise specified in this Schedule	0.2
6. Soft drinks for consumption without dilution	0.2
7. Water ices or other similar frozen confections	0.2
8. Condensed milk	0.5
9. Edible oils or fats	0.5
10. Fruit juices (other than lime juice, lemon juice) tomato juice, tomato juice cocktails and vegetable juices, ready to drink	0.5
11. Ice cream or other similar frozen confections (excluding water ices and similar confections)	0.5
12. Rusks	0.5
13. Sugars with a sulphated ash content not exceeding 0.25% of the dry matter	0.5

**1964-07**

**Food and Drugs**

**1988/005**

**Lead in Food in Regulations, 1988**

---

14.	Sugars with a sulphated ash content exceeding 0.25% of the dry matter but not exceeding 1.0% of the dry matter	1.0
15.	Concentrated fruit juices (other than lime juice, lemon juice) -tomato juice cocktails -vegetable juices	1.0
16.	Lime juice, lemon juice not otherwise specified in this Schedule	1.0
17.	Apples, pears	1.0
18.	Cocoa powder (calculated on the dry fat free substance)	2.0
19.	Concentrated lime juice and concentrated lemon juice when intended for use by a manufacturer for the purposes of his manufacturing business	2.0
20.	Corned beef	2.0
21.	Dried or dehydrated fruit or vegetables.	2.0
22.	Fish not otherwise specified in this Schedule	2.0
23.	Glacé angelica	2.0
24.	Hydrolysed protein	2.0
25.	Liver	2.0
26.	Pickles and sauces	2.0
27.	Tomato pureé, paste or powder, the total solids content of which is not less than 15% but less than 25%	2.0
28.	Yeast extracts	2.0
29.	Tomato pureé, paste or powder, the total solids content of which is not less than 25%	3.0
30.	Dandelion coffee, including soluble dandelion	

# Food and Drugs

**1964-07**

## Lead in Food in Regulations, 1988

**1988/005**

	coffee compound	5.0
31.	Dried fish	5.0
32.	Flavourings	5.0
33.	Sugars with a sulphated ash content exceeding 1.0(4 of the dry matter not for further refining	5.0
34.	Tea	5.0
35.	Yeast, yeast products, excluding yeast extracts (calculated on the dry matter)	5.0
36.	Chemicals not otherwise specified in this Schedule	10.0
37.	Dried herbs, spices (including ground spices and curry powder) and mustard (including prepared mustard)	10.0
38.	Game, game pate' (excluding discrete particles of shot)	
39.	Hops	10.0
40.	Shellfish	10.0
41.	Sugars with a sulphated ash content exceeding 1.0% of the dry matter for further refining	10.0
42.	Chemicals for which a lead limit is specified	
	The limit specified	
	(i) in the European Pharmacopoeia, Volume 11969 in the European (except for the monograph headed by the name Pharmacopoeia or Ergocalciferol), Volume II 1971 and the British Pharmacopoeia Supplement thereto published 1973, or if there or the British is no limit there specified, then Pharmaceutical Codex, as	
	(ii) in the British Pharmacopoeia, Edition 1973, the case may be. Addenda 1975, 1977 and 1978, or if there is no limit there specified, then	
	(iii) in the British Pharmaceutical Codex, Edition 1973, Supplement 1979	