

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

Salad Cream Regulations, 1988

LN.1988/007

	<i>Commencement</i>	1.8.1988
Amending enactments	Relevant current provisions	Commencement date
LN. 1990/060 Sch.		1.7.1990

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ARRANGEMENT OF REGULATIONS

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SCHEDULE

Title and commencement.

1.(1) These regulations may be cited as the Salad Cream 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-

“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 other article, and in particular includes a wrapper or confining band;

“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;

“the Act” means the Food and Drugs Act;

“permitted additive” means any colouring matter, antioxidant, emulsifier, stabiliser, solvent, or preservative, as the case may be, inasmuch as its use in salad cream is permitted by the appropriate regulations mentioned in the Schedule to these regulations;

“salad cream” means any smooth, thick, stable emulsion of vegetable oil, water, whole egg or egg yolk and an acidifying agent, with or without the addition of one or more of the following substances, namely vinegar, lemon juice, salt, spices, sugar, milk, milk products, mustard, edible starch whether modified or not, edible gums and other minor ingredients and permitted additives, and the expression includes mayonnaise, but does not include horse-radish sauce, horse-radish cream, ice cream, imitation cream or mustard sauce sold as such;

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“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 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 these regulations to a label borne 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, and references to purchasing and purchaser shall be construed accordingly.

Exemptions.

3. The provisions of these regulations shall not apply in relation to-

- (a) any salad cream sold for exportation to any place outside Gibraltar; or
- (b) any salad cream sold to a manufacturer for the purposes of his manufacturing business and the provisions of regulations 4 and 5 of these regulations shall not apply in relation to any salad cream sold to a caterer for the purposes of his catering business.

Composition of salad cream.

4.(1) Any salad cream sold, consigned or delivered shall contain not less than 25% edible vegetable oil, and not less than 1.35% egg yolk solids:

Provided that this regulation shall not apply in relation to any salad cream which is sold, consigned or delivered in a container bearing a label on which there appears, as the name of such salad cream, a true description of the nature of such salad cream, and such description does not include the word ‘salad’, ‘cream’, or mayonnaise’, and the word ‘salad’, ‘cream’ or ‘mayonnaise’ is not included in any description appearing on such label as the name of such salad cream.

(2) No person shall sell, consign or deliver, as the case may be, any salad cream in contravention of this regulation.

General requirements as to composition and description.

5.(1) No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing any salad cream for which compositional requirements are specified in these regulations unless the food complies with the appropriate requirements as to composition set out in these regulations in relation to that salad cream.

(2) Where a person sells any food to a purchaser in response to a request for any kind of salad cream for which compositional requirements are specified in these regulations, he shall be deemed to sell salad cream of that kind and conforming to the compositional requirements for salad cream of that kind which are specified in these regulations in relation to that salad cream unless he clearly notifies the purchaser at the time of sale that the food is not of that kind.

Labelling and advertisement of salad cream.

6. No person shall-

- (a) give with any food sold by him, or display with any food offered or exposed by him for sale, any label, whether attached to or printed on the container or not, or
- (b) publish, or be party to the publication of, any advertisement for food, being a label or advertisement which bears or includes, as the case may be, the description 'salad cream' or 'mayonnaise' unless such food is salad cream which complies with the compositional requirements specified in regulation 4 of these regulations:

Provided that this regulation shall not apply in relation to any such label or advertisement-

- (i) if the description 'salad cream' or 'mayonnaise' is used in such a context, upon or in such label or advertisement, as the case may be, as to indicate that the salad cream is used as an ingredient of the food to which the label or advertisement refers, and
- (ii) if such salad cream complies with the compositional requirements specified in regulation 4 of these regulations.

Regulation of use of description 'salad dressing'.

7. No person shall-

- (a) give any label bearing the description 'salad dressing', whether such label is attached to or printed on the container or not, with any smooth, thick, stable emulsion (other than any salad cream complying with the compositional

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requirements specified in regulation 4 of these regulations) capable of being used for any purposes for which salad cream is commonly used, and sold by him, or

- (b) display any such label with any such emulsion offered or exposed by him for sale, or
- (c) publish or be party to the publication of any advertisement including the description 'salad dressing', for such emulsion.

Penalties.

8. 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 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 salad cream 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 relates 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 the Section 46 included a reference to that subsection as applied by these regulations.

SCHEDULE.

Regulations-

The Colouring Matter in Food Regulations 1980, as amended.

The Antioxidant in Food Regulations 1987.

The Emulsifiers and Stabilisers in Food Regulations 1990.

The Solvents in Food Regulations 1987.

The Preservatives in Food Regulations 1987.