

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

Food Standards Regulations 1988

LN.1988/009

Commencement

1.8.1988

ARRANGEMENT OF REGULATIONS

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Title and commencement.

1. These regulations may be cited as the Food Standards Regulations 1988 and shall come into operation on the 1st day of March, 1988.

Interpretation.

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

“brown mustard flour” means the product obtained by grinding whole seeds (with or without their husks) of *Brassica nigra* (Linn) Koch or *Brassica juncea* (Linn) Czernj and Cosson or a mixture of such varieties of seeds;

“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;

“specified food” means mustard, compound mustard, mustard condiment, curry powder, tomato ketchup, catsup, sauce, relish, fish cakes, block suet or shredded suet; and

“white mustard flour” means the product obtained by grinding whole seeds (with or without their husks) of *Sinapis alba* Linn.

Exemption.

3. The provisions of these regulations shall not apply in relation to any specified food:-

(a) sold for exportation to any place outside Gibraltar;

(b) sold to a manufacturer for the purposes of his manufacturing business.

Composition of mustard.

4. Subject to the provisions of this regulation, any mustard (including any article described as “white mustard”), compound mustard or mustard condiment sold, consigned or delivered shall:-

(a) yield not less than 0.35% of allyl isothiocyanate after maceration with water for two hours at 37°C, and

- (b) consist of a blend of brown and white mustard flour with without amylaceous flours and/or spices: provided that the proportions of amylaceous flours and spices (if any) shall not together exceed 20% by weight.

Provided that this requirement shall not apply:-

- (a) to any article not in powder form;
- (b) to any article sold under the description "pickling mustard" and consisting entirely or in part of white mustard flour or brown mustard flour;
- (c) to brown mustard flour sold under the description "brown mustard".

Composition of curry powder.

5. Any curry powder sold, consigned or delivered shall contain not less than 85% spices, aromatic seeds and aromatic herbs.

Composition of tomato ketchup.

6. Any tomato ketchup, catsup, sauce and relish sold, consigned or delivered shall:-

- (a) contain not less than 6% by weight of tomato solids derived from clean and wholesome tomatoes or from tomato puree, or its equivalent, made from clean and wholesome tomatoes;
- (b) not contain any seeds or other coarse or hard substances;
- (c) not contain any fruit or vegetables other than tomatoes except onions, garlic and spices added for flavouring purposes; and
- (d) not contain any copper in excess of 20 parts of copper per million parts of tomato ketchup, catsup, sauce or relish, as the case may be.

Composition of fish cakes.

7. Any fish cakes sold, consigned or delivered shall contain not less than 35% by weight of fish.

Composition of suet.

8.(1) Block suet shall consist of rendered beef suet, be free from fibrous tissue and contain not less than 99% by weight of beef fat.

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(2) Shredded suet shall consist of rendered beef suet with farinaceous material. It shall be free from fibrous tissue, shall be shredded, flaked or otherwise comminuted and shall contain not less than 83% by weight of beef fat.

Sale etc of specified food.

9. No person shall sell, consign or deliver, as the case may be, any specified food in contravention of these regulations.

General requirements as to composition and description.

10.(1) No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing any specified food 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 food.

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

Penalties.

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

Application of various sections of the Act.

12.(1) Subject to paragraph (2) of this regulation, the following provisions 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:-

- (a) section 46(2) and (3) (which relates to prosecutions);
- (b) section 47(1) and (2) (which relates to evidence of analysis);
- (c) section 49 (which relates to the power of a court to require analysis by the Government Chemist in the United Kingdom);

- (d) section 50 (which relates to a contravention due to some person other than the person charged);
 - (e) section 51(2) which relates to the conditions under which a warranty may be pleaded as a defence);
 - (f) section 52 (which relates to offences in relation to warranties and certificates of analysis).
- (2) Section 49 of the Act shall apply for the purposes of these regulation as if the reference therein to section 46(3) of the Act to section 46(3) included a reference to that subsection as applied by paragraph (1) of this regulation.