

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

## **Caseins and Caseinates Regulations 1988**

**LN.1988/013**

*Commencement*

**1.3.1988**

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### **ARRANGEMENT OF REGULATIONS**

Regulation

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**Title and Commencement.**

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

**Interpretation.**

2. In these regulations:-

“casein” means the principal protein constituent of milk, washed and dried, insoluble in water and obtained from skimmed milk by precipitation by the addition of acid, or by microbial acidification, or by using rennet or by using other milk coagulating enzymes, without prejudice to the possibility of prior use of ion exchange processes and concentration processes;

“caseinate” means a product obtained by drying casein treated with neutralising agents;

“casein product” means edible acid casein, edible rennet casein or any edible caseinate;

“the Act” means the Food and Drugs Act;

“reserved description”, as respects any casein product, means a description specified in relation to that product in column 1 of Part I of the Schedule, and the use of any such description in these regulations shall be construed as meaning any casein product specified in relation to that description in column 2 of the said Part of the Schedule;

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

“skimmed milk” means the milk of one or more cows to which nothing has been added and of which only the fat content has been reduced;

“the Schedule” means the Schedule to these regulations.

**Exemptions.**

3. These regulations shall not apply to any casein or caseinate:-

(a) manufactured before 1st March, 1988 or,

(b) not intended for sale for human consumption, or

- (c) intended at the time of sale, consignment, delivery or importation for export to any place outside Gibraltar.

**General Restrictions on use of reserved descriptions.**

4. No person shall:-

- (a) give with any food sold by him any label, whether attached to or borne on the container or not, or display with any food offered or exposed by him for sale any ticket or notice, or
- (b) publish, or be a party to the publication of, any advertisement for food,

which bears or includes any reserved description or any derivative thereof of any word or description substantially similar thereto unless:-

- (i) such food is a casein product to which the reserved description relates, or
- (ii) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is an ingredient of that food, or
- (iii) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not a casein product and does not contain one

**Labelling of casein products.**

5.(1) Without prejudice to the Food Labelling Regulations and subject to paragraph (3) of this regulation, no person shall sell any casein product unless it is marked or labelled with:-

- (a) the reserved description specified for that product with, in the case of caseinates, an indication of the cation or cations;
- (b) in the case of casein products sold as mixtures:-
  - (i) the words "mixture of", followed by the reserved descriptions of the casein products which make up the mixture, in descending order of weight;
  - (ii) an indication of the cation or cations in the case of caseinate and caseinates; and

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(iii) in the case of mixtures containing caseinates, the protein content, calculated on the dried extract, expressed as a percentage of the total weight of the product as sold;

(c) the name or business name and the address of the manufacturer or packer or of a seller established within the European Economic Community;

(d) in the case of products imported from countries outside the European Economic Community, the name of the country of origin; and

(e) the date of manufacture or some marking by which the batch can be identified.

(2) The particulars required by subparagraphs (a), (b), (d) and (e) of paragraph (1) of this regulation shall be given in English, either exclusively or in addition to any other language.

(3) The particulars required by subparagraphs (b) (iii), (c) and (d) of paragraph (1) of this regulation may be given in a document accompanying the product. In the case of a product delivered in bulk, the indication of the cation or cations in any caseinate or caseinates and the particulars required by subparagraphs (b) (ii) and (e) of the said paragraph (1) may also be given in an accompanying document.

#### **Heat treatment.**

6. No person shall use as an ingredient in the preparation of any casein product any casein or caseinate which has not been subjected to heat treatment at least equivalent to pasteurisation unless that casein product is itself subjected to such heat treatment during its preparation.

#### **Penalties.**

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

#### **Defences.**

8.(1) In any proceedings for an offence against these regulations it shall be a defence for the defendant to prove that he took all reasonable steps to ensure compliance with the regulations.

(2) 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.

(3) In any proceedings against the manufacturer or importer of any casein product or other food 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 party to the publication of, the advertisement.

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

9. (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 analysis by the Government Chemist in the United Kingdom);
- (d) section 50 (which relates to a contravention due to another's fault);
- (e) section 51(2) (which relates to a warranty pleaded as a defence);
- (f) section 52 (which relates to offences as to warranties and analysis certificates).

(2) Section 49 of the Act shall apply for the purposes of these regulations as if the reference therein to section 46(3) of the Act included a reference to that subsection as applied by paragraph (1) of this regulation.

**Amendment of Food Labelling Regulations.**

10. The Food Labelling Regulations are hereby amended by deleting from Schedule 3 thereof the reference therein to caseinates.