

1959/110



**THE FOOD AND DRUG REGULATIONS 1946,
AMENDMENT NO. 12**

—
COBHAM, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 8th day of July 1959

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Food and Drugs Act 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. (1) These regulations may be cited as the Food and Drug Regulations 1946, Amendment No. 12, and shall be read together with and deemed part of the Food and Drug Regulations 1946* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the fourteenth day after the date of their notification in the *Gazette*.

2. (1) The principal regulations are hereby amended by revoking regulation 20, and substituting the following regulation:

“20. Packages of the following foods shall be exempt from the provision in regulation 12 hereof requiring a statement of the weight or number or volume or measure of the contents:

Aerated waters (soda water, seltzer water) :

Alcoholic beverages including non-dutiable fermented beverages:

Beverage flavours:

Confectionery in any package containing less than 2 oz:

Fruit juice:

*S.R. 1946/136

Amendment No. 1: S.R. 1947/152

Amendment No. 2: (*Revoked by S.R. 1951/68*)

Amendment No. 3: S.R. 1949/158

Amendment No. 4: S.R. 1950/102

Amendment No. 5: S.R. 1950/138

Amendment No. 6: S.R. 1951/68

Amendment No. 7: (*Revoked by S.R. 1951/240*)

Amendment No. 8: S.R. 1951/240

Amendment No. 9: S.R. 1954/2

Amendment No. 10: S.R. 1955/19

Amendment No. 11: S.R. 1956/29

See also the Food and Drug Temporary Regulations 1946 (S.R. 1946/162), (regulations 5, 7, 8, 9, and 11 of which were revoked by S.R. 1947/152, 1949/158, 1950/138, and 1956/29).

Ice cream, milk ices, and ices in packages of a capacity less than 4 fluid ounces:

Non-fermented beverages (fruit beverages, flavoured beverages, compound beverages, artificial beverages):

Rennet:

Sauces, pickles, and chutney:

Soup, in any form, and imitation soup powder:

Syrups and cordials for beverage making:

Yeast, but not dried yeast."

(2) The following regulations are hereby consequentially revoked:

- (a) Regulation 10 of the Food and Drug Regulations 1946, Amendment No. 1:
- (b) Regulation 6 of the Food and Drug Regulations 1946, Amendment No. 3:
- (c) Regulation 2 of the Food and Drug Regulations 1946, Amendment No. 5:
- (d) Regulation 4 of the Food and Drug Regulations 1946, Amendment No. 11.

3. (1) Regulation 25 of the principal regulations is hereby amended by revoking clause (7), as substituted by regulation 12 of the Food and Drug Regulations 1946, Amendment No. 1, and substituting the following clause:

"(7) All lettering shall appear in a colour contrasting strongly with its background, and the colours of both the lettering and background for any particular word, phrase, sentence, or statement separately required by these regulations shall each be uniform throughout that word, phrase, sentence, or statement, and throughout the background."

(2) Regulation 12 of the Food and Drug Regulations 1946, Amendment No. 1, is hereby consequentially revoked.

4. The principal regulations are hereby amended by inserting, after regulation 27, the following regulation:

"27A. Wherever in these regulations the addition to a food of a quantity of sodium benzoate as a preservative substance is permitted, a similar quantity of sorbic acid may be added instead of sodium benzoate."

5. Paragraph (d) of clause (1) of regulation 30 of the principal regulations, as substituted by regulation 7 of the Food and Drug Regulations 1946, Amendment No. 11, is hereby amended—

- (a) By omitting the expression "692 Acid Magenta II":
- (b) By omitting the words "for colouring sausage skins only":
- (c) By omitting the expression "698 Violet 5BN", and substituting the expression "— Violet BNP":
- (d) By omitting the expression "— Chocolate Brown", and substituting the following expressions:
 "— Chocolate Brown FB":
 "— Chocolate Brown HT".

6. The principal regulations are hereby amended by revoking regulation 48.

7. (1) The principal regulations are hereby further amended by inserting after regulation 49, the following regulations and heading:

"49A. No person shall keep, carry, spread, or use, or permit to be kept, carried, spread, or used, any poisonous, noxious, or harmful substance so as to expose any food or drug intended for sale to the risk of contamination therewith at any time in the course of its manufacture, preparation, storage, packing, carriage, delivery, or exposure for sale.

"PESTICIDE RESIDUES

"49B. (1) For the purpose of this regulation the term 'pesticide' means any insecticide or chemical which is used for the destruction or control of any pests, weeds, or injurious organisms, and which may affect the production or storage of any food.

"(2) No person shall expose any fruit, nuts, cereals, vegetables, or other food held in storage to any pesticide other than one which is volatile under ordinary conditions of air temperature and pressure and then only to such an amount of a volatile pesticide as is generally recognised as sufficient in good fumigation practice:

"Provided that this clause shall not be deemed to permit any exposure of a food to a volatile pesticide which results in a residue on or in a food at the time of sale which is greater than is specified in these regulations.

"(3) No person shall sell any food included in the following list if it contains a greater residue of pesticide than the limit specified in that list:

Pesticide	Food	Limit in Parts per Million
Aldrin	Any food	0.25
Amiton oxalate ('Metramac')	Any food	Nil
'Aramite'	Fruit	Nil
Arsenic, in compounds	Vegetables, fruit	1
Captan	Vegetables, fruit	100
Chlorobenzilate	Vegetables, fruit	5
DDT	Vegetables, fruit	5
DDT	Meat, fat of	5
Dieldrin	Vegetables, fruit	0.25
Dieldrin	Meat, fat of	2.5
Dieldrin	Milk	Nil
Dieldrin	Dairy products	Nil
Ferbam	Fruit	7
Glyodin	Vegetables, fruit	5
HETP ('Hexone')	Any food	Nil
Lindane	Vegetables, fruit	5
Malathion	Vegetables, fruit	8
Methyl bromide	Any food	20
Methyl demeton ('Metasystox')	Any food	Nil
Mercury, in compounds	Vegetables, fruit	0.05
Nicotine in compounds	Vegetables, fruit	2
Parathion	Vegetables, fruit	1
'Phosdrin'	Any food	Nil
Schradan	Any food	Nil
Selenium, in compounds	Any food	Nil
TEPP	Any food	Nil
Thiram	Vegetables, fruit	7
Zineb	Vegetables, fruit	7."

(2) The table in regulation 37 of the principal regulations is hereby consequentially amended by omitting from the column headed "Arsenic (calculated as Arsenious Oxide)" the word "Nil" where it appears opposite the words "Fruit and fruit products, canned", and substituting the figures "1·3".

(3) The following enactments are hereby consequentially revoked:

- (a) Clause (7) of regulation 146 of the principal regulations, as added by regulation 17 of the Food and Drug Regulations 1946, Amendment No. 1:
- (b) Regulation 17 of the Food and Drug Regulations 1946, Amendment No. 1:
- (c) Clause (6) of regulation 147 of the principal regulations.

8. Regulation 67 of the principal regulations is hereby amended by inserting, after clause (5B) as inserted by regulation 4 of the Food and Drug Regulations 1946, Amendment No. 9, the following clause:

"(5c) For the purposes of these regulations methyl cellulose, sodium carboxymethyl cellulose, and glyceryl distearate shall be deemed to be wholesome foodstuffs."

9. Regulation 71 of the principal regulations is hereby amended by omitting from clause (2) the words "SIX MONTHS", and substituting the words "FOUR MONTHS".

10. Regulation 72 of the principal regulations, as amended by regulation 8 of the Food and Drug Regulations 1946, Amendment No. 11, is hereby amended by revoking clause (3), and substituting the following clause:

"(3) To any food that is sold as a diabetic food there may be added saccharin in a proportion not exceeding 0·01 per cent, or, alternatively sodium cyclamate in a proportion not exceeding 0·15 per cent:

"Provided that saccharin and sodium cyclamate may be used in conjunction in the one diabetic food if the quantities are reduced proportionately."

11. The principal regulations are hereby amended by revoking regulation 74, and substituting the following regulation:

"74. Malt extract shall comply with the definition and specification for malt extract included in the 1958 edition of the *British Pharmacopoeia*."

12. Regulation 75 of the principal regulations is hereby revoked.

13. Regulation 76 of the principal regulations is hereby amended by adding the words "Bakers malt extract which from its method of extraction is devoid of enzymic activity shall be clearly labelled and described as "Non-diastatic".

14. The principal regulations are hereby amended by inserting, after regulation 85, the following heading and regulation:

"CANNED FISH

"85A. The addition of not more than one half part per cent of sodium hexametaphosphate to canned fish is hereby permitted."

15. Regulation 94 of the principal regulations is hereby amended by adding the following clause as clause (2):

“(2) Except as specifically permitted by these regulations, no mineral oil shall be used in the preparation of any food or as an ingredient in any food.”

16. Clause (3) of regulation 140 of the principal regulations is hereby amended by omitting the words “It shall contain not more than 2 parts per cent of starch and shall not contain any other added substance”, and substituting the words “It shall contain not more than 2 parts per cent of starch and not more than one half part per cent of either calcium hydroxy orthophosphate or edible bone phosphate:

“Provided that the proportion of starch may be increased to not more than 5 parts per cent if no substance other than starch is added to the powdered sugar.”

17. Regulation 145 of the principal regulations is hereby amended by inserting, after clause (2), the following clause:

“(2A) During the process of churning ice-cream mix, the volume of air incorporated in the mix shall be such that the weight per unit volume of the ice cream in its frozen condition shall be not less than 5.1 calculated as pounds per gallon.”

18. Regulation 146 of the principal regulations is hereby amended by adding, after clause (9) as added by regulation 16 of the Food and Drug Regulations 1946, Amendment No. 3, the following heading and clause:

“FROZEN VEGETABLES

“(10) Frozen vegetables shall be fresh vegetables which immediately after harvesting have been prepared for freezing under hygienic conditions and have forthwith been quickly frozen and subsequently retained in a frozen state at all times before sale. The addition of salt or iodised salt to frozen vegetables is permitted without declaration.”

19. (1) Clause (3) of regulation 147 of the principal regulations is hereby amended—

(a) By omitting from paragraph (a) the words “for the purpose of bleaching”:

(b) By omitting from paragraph (b) the words “if bleached”.

(2) The said regulation 147 is hereby further amended by adding, after clause (11) as added by regulation 14 of the Food and Drug Regulations 1946, Amendment No. 11, the following headings and clauses:

“FROZEN FRUIT

“(12) Frozen fruit shall be fresh fruit which immediately after harvesting has been prepared for freezing under hygienic conditions and has forthwith been quickly frozen and subsequently retained in a frozen state at all times prior to sale.

“(13) Frozen apple slices may contain sulphur dioxide (or sulphites calculated as sulphur dioxide) in proportion not exceeding 500 parts per million. Declaration of the presence of sulphur dioxide is not required.

"MINCEMEAT

"(14) Mince meat shall be a mixture of fruit, preserved fruit, sugar, suet, and spices, with or without nuts, alcoholic beverages, citric acid, or salt.

"(15) Mince meat may contain the preservative substance sodium benzoate in proportion not exceeding 1,000 parts per million."

20. Regulation 159 of the principal regulations is hereby amended by revoking clause (1), and substituting the following clause:

"(1) Fruit juice shall be the expressed juice of sound fruit, with or without some of the pulp."

21. Regulation 160 of the principal regulations is hereby revoked.

22. (1) The principal regulations are hereby amended by revoking regulation 179, and substituting the following regulation:

"179. (1) For the purposes of this regulation and of regulation 180 hereof:

"The *British Pharmacopoeia*' means the edition of the *British Pharmacopoeia* published in the United Kingdom in 1958:

"The *British Pharmaceutical Codex*' means the 1954 edition of the *British Pharmaceutical Codex*, and includes the 1957 Supplement and the addenda and corrigenda thereto that have been published before the coming into force of these regulations.

"(2) Except with respect to drugs for which some other standard is prescribed by these regulations, the following provisions shall apply:

"(a) Any drugs that are included in the *British Pharmacopoeia* shall conform to the descriptions and tests prescribed therein with respect to those drugs:

"(b) Any drugs that are not included in the *British Pharmacopoeia* but are included in the *British Pharmaceutical Codex* shall conform to the descriptions and tests prescribed therein with respect to those drugs.

"(3) Wherever in the publications described in clauses (1) and (2) of this regulation it is required that a drug shall be compounded with olive oil or arachis oil, the drug, if intended solely for external use, may be compounded with olive oil, or arachis oil, or cotton seed oil, or maize oil, or soya bean oil."

(2) Regulation 17 of the Food and Drug Regulations 1946, Amendment No. 11, is hereby consequentially revoked.

23. (1) Regulation 186B of the principal regulations, as substituted by regulation 2 of the Food and Drug Regulations 1946, Amendment No. 6, is hereby amended by adding to clause (3) the following paragraph:

"(c) Within three months after the prescription authorising the supply has been written."

(2) The said regulation 186B is hereby further amended by adding to clause (6) the words "and shall endorse the prescription on the face and above the signature of the prescriber with the name and address of the pharmacy or dispensary and the date of dispensing".

(3) The said regulation 186B is hereby further amended by revoking paragraph (a) of clause (7), and substituting the following paragraph:

"(a) Be in writing and signed and dated personally in his own handwriting by the person giving it:"

(4) The said regulation 186B is hereby further amended by adding to clause (7) the following paragraph:

“(f) If intended to be dispensed on more than one occasion, specify the number of occasions on which it is intended that the drug may be supplied or the period for which it is intended that the drug shall be used.”

(5) Clause (13) of the said regulation 186B is hereby consequentially revoked.

(6) The said regulation 186B is hereby further amended by revoking paragraph (a) of clause (16), and substituting the following paragraph:

“(a) No prescription shall be dispensed on more than one occasion, unless it bears a direction permitted by paragraph (f) of clause (7) of this regulation; and no prescription bearing such a direction shall be dispensed on more occasions than such direction specifies or indicates:”

24. Regulation 188 of the principal regulations is hereby amended by adding to paragraph (d) in clause (3) the following proviso:

“Provided that this shall not be required in the case of any disinfectant or germicide in which the principal active ingredient is a quaternary ammonium compound or other substance having significant bacteriostatic properties, and a quantitative statement naming that compound or substance and the proportion present is written in the label.”

25. (1) The Sixth Schedule to the principal regulations, as substituted by regulation 3 of the Food and Drug Regulations 1946, Amendment No. 6, and amended by regulation 21 of the Food and Drug Regulations 1946, Amendment No. 11, is hereby further amended by revoking clause (3) and substituting the following clauses:

“(3) Cortisone and steroid suprarenal cortical hormones, either natural or synthetic, their derivatives, and preparations of them or their derivatives.

“(4) Androgens, oestrogens, progestogens, either natural or synthetic, their derivatives, and preparations of them or their derivatives.”

(2) Regulation 21 of the Food and Drug Regulations 1946, Amendment No. 11, is hereby consequentially revoked.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations make miscellaneous amendments to the Food and Drug Regulations 1946.

Regulation 2 varies the list of classes of foods entitled to an exemption from statement of weight, measure, or volume.

Regulation 3 varies the provisions governing the size and colour of letters used in labels or notices.

Regulation 4 permits the use of sorbic acid as a substitute for sodium benzoate as a preservative.

Regulation 5 varies the list of harmless colouring substances.

Regulations 6 and 7 vary the provisions governing the exposures of food to poisons, and contain new provisions in respect of pesticide residues.

Regulation 8 recognises that methyl cellulose and sodium carboxymethyl cellulose are harmless non-nutritive food additives which may safely be used in certain foodstuffs.

Regulations 9 to 14 vary the provisions governing the labelling of infants' food; the use of artificial sweetening substances in diabetic foods; malt and malt extracts; and canned fish.

Regulation 15 forbids the use of mineral oil in the preparation of any food or as an ingredient in any food.

Regulations 16 to 21 affect icing sugar, ice cream, frozen vegetables, dried fruit, frozen fruit, mincemeat, fruit juice, and fruit squash.

Regulation 22 governs drugs referred to in the *British Pharmacopoeia* and the *British Pharmaceutical Codex*.

Regulation 23 amends the existing provisions for "prescription only" products so as to authorise doctors, dentists, and veterinarians to write prescriptions for products that may be supplied on more than one occasion.

Regulation 24 affects the labelling of quaternary ammonium compounds.

Regulation 25 extends the list of restricted drugs.

Issued under the authority of the Regulations Act 1936.

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These regulations are administered in the Department of Health.