

# S.I. No. 304/1972 — Health (Solvents in Food) Regulations, 1972.

S.I. No. 304/1972:

HEALTH (SOLVENTS IN FOOD) REGULATIONS, 1972.

HEALTH (SOLVENTS IN FOOD) REGULATIONS, 1972.

The Minister for Health in exercise of the powers conferred on him by sections 5, 54 and 59 of the Health Act, 1947 (No. 28 of 1947), sub-section (3) of section 38 of the Health Act, 1953 (No. 26 of 1953) and section 6 of the Health Act, 1970 (No. 1 of 1970) after consultation with the Minister for Industry and Commerce and the Minister for Agriculture and Fisheries hereby makes the following Regulations :—

## PART I PRELIMINARY AND GENERAL

1. These Regulations may be cited as the Health (Solvents in Food) Regulations, 1972.

2. (1) In these Regulations—

"authorised officer" means an authorised officer for the purposes of Part IX of the Health Act, 1947 ;

"British Standard" means a specification published by the British Standards Institution;

"container" includes any form of packaging of food and any wrapper or band;

"food" does not include solvents;

"permitted solvent" means any solvent described in the First Schedule to these Regulations which complies with the specification in that Schedule in relation to such solvent;

"solvent" means any liquid substance which is capable of extracting and dissolving food and the primary use of which in food is to facilitate the incorporation of ingredients but

does not include—

(a) any substance, the use of which is permitted under Regulations other than these Regulations, for the time being in force under Part V of the Health Act, 1947 ;

(b) sodium hydroxide and ammonium hydroxide;

(c) acetic acid and lactic acid;

(d) any substance suitable for use and commonly used as food which is wholly a natural product whether or not it has been processed or treated;

(e) carbon dioxide or any inert gas or low boiling point liquid which, when added to food in a suitable container, is capable of expelling the food from the container without the application of external pressure to the food.

(2) References in these Regulations to percentages shall be construed as references to percentages calculated by weight.

(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.

3. Any reference in these Regulations to an owner or to a person in apparent charge or control of food shall in the case of food purchased from an automatic machine be construed as a reference—

(a) where the name and address of the proprietor is stated on the machine and such address is in the State, to the proprietor of the machine;

(b) in other cases, to the occupier of the premises at or on which the machine stands or to which it is affixed.

4. These Regulations shall not apply to any food or solvent which is intended to be exported or re-exported.

5. These Regulations shall be enforced and executed by health boards in their functional areas.

6. (1) Where a sample of any food has been certified under the Health (Sampling of Food) Regulations, 1970 ( S.I. No. 50 of 1970 ) not to comply with these Regulations, an authorised officer may seize, remove and detain such food as being food which is unfit for human consumption.

(2) With the consent in writing of the owner or person in apparent charge or control of such food an authorised officer may destroy or otherwise dispose of it so as to prevent

its use for human consumption.

(3) An authorised officer who has seized any food in pursuance of the provisions of this article may, on giving notice in writing to the owner or person in apparent charge or control of such food of his intention to do so, apply to a Justice of the District Court for an order directing that such food be destroyed or otherwise disposed of as being food which is unfit for human consumption.

(4) A Justice of the District Court to whom the application is made for an order under sub-article (3) of this article shall, if satisfied that such food does not comply with these Regulations, order that it be destroyed or otherwise disposed of after such period, not exceeding fourteen days, as may be specified in such order, as being food which is unfit for human consumption and an authorised officer shall destroy or dispose of it accordingly.

(5) A person shall give to any authorised officer all reasonable assistance that the officer may require in the performance of his duties under these Regulations and such assistance shall include the giving of information relating to the composition and use of any food and the identity of the person from whom or the place from which any such food has been obtained and the person to whom and the place to which it has been consigned or the manner in which it has otherwise been disposed of.

(6) In this article "food" includes solvents.

## PART II SALE, ETC. OF SOLVENTS AND FOOD CONTAINING SOLVENTS

7. Subject to the provisions of these Regulations a person shall not import, distribute, sell or expose for sale

(a) any solvent, other than a permitted solvent, for use in the manufacture or preparation of food;

(b) any permitted solvent in such a manner as to be likely to lead to its use contrary to these Regulations.

8. Subject to the provisions of these Regulations a person shall not import, distribute, sell or expose for sale any food which contains any solvent other than a permitted solvent.

## PART III LABELLING AND ADVERTISING

9. (1) A person shall not import, distribute, sell or expose for sale any substance for use as a solvent in food unless such substance is packed in a container bearing a label in the form specified for such a label in the Second Schedule to these Regulations.

(2) Each label to which sub-article (1) of this article relates shall be securely affixed to or be part of the container and shall be so placed as to be clearly visible and if the container bears a main label shall be placed in close proximity thereto or be part thereof.

(3) This article shall come into operation on the 1st January, 1974.

10. (1) A person shall not advertise for sale—

(a) any solvent for use in food other than a permitted solvent;

(b) any permitted solvent in such a manner as to be likely to lead to its use or sale contrary to these Regulations.

(2) Where a person is charged with a contravention of this article, it shall be a good defence to show that the advertisement was published in such circumstances that he did not know and could not, by the exercise of reasonable care, have known that he was taking part in the publication of such advertisement.

## FIRST SCHEDULE

### PERMITTED SOLVENTS

Name of Solvent	Specification of Solvent
Ethyl Alcohol (Ethanol)	As set out in the Irish Pharmacopoeia, 1968.
Ethyl Acetate .. ..	British Standard 553 : 1965.
Diethyl Ether (Solvent Ether) .. ..	As set out in the Irish Pharmacopoeia, 1968.
Glycerol .. . . .	British Standard 2625 : 1964.
Glycerol mono-acetate (Monoacetin)	It shall have a boiling point of 158°C. at 165 mm. Hg. and shall be of a standard of purity consistent with good manufacturing practice.
Glycerol di-acetate (Diacetin)	Relative Density : 1·180-1·195 g/ml. at 20°C. Ash : 0·02% W/W max. Acidity : 0-3% W/W max. Ester Content : 85·95% W/W calculated as C <sup>3</sup> H <sup>3</sup> (OH) (COOCH <sup>3</sup> ) <sup>2</sup> . Sulphates : 0-5% W/W max.

	calculated as $\text{SO}^4$ .
	Chlorides : 0.05% W/W max.
	calculated as $\text{C}^1$ .
	Ash, acidity, ester content, sulphates and chlorides shall be determined by the methods set out in British Standard 1594 : 1950.
Glycerol tri-acetate (Triacetin)	Relative Density : 1.156-1.166 g/ml. at 20°C. Refractive Index : 1.430-1.434 at 20°C. for sodium D. line. Water : 0.2% W/W max. Ash : 0.02% W/W max. Total Acidity : 0.05% W/W max. calculated as $\text{CH}^3\text{COOH}$ . Ester Content : 98.0-100% calculated as $(\text{CH}^3\text{COO})^3 \text{C}^3\text{H}^5$ . Colour : 15 Hazen Units. Water, ash, total acidity and ester content shall be determined by the methods set out in British Standard 1997 : 1962. Colour shall be determined by the method set out in British Standard 4117: 1967.
Iso-Propyl Alcohol ..	As set out in the Irish Pharmacopoeia, 1968.
Propylene Glycol ..	As set out in the Irish Pharmacopoeia, 1968.

## SECOND SCHEDULE

### LABELLING OF SOLVENTS

1. The label to which article 9 relates shall be in the following form or in a form substantially to the like effect: —

#### FOOD SOLVENT

(X)

(Y)

The label shall be completed by inserting at (X) the name of the solvent and at (Y) a

correct description of any other substance present in the preparation in the container.

2. Two or more substances declared at (Y), pursuant to paragraph I of this Schedule, shall appear in the order of the proportion by weight which such substances bear respectively to the total contents of the container at the time of sale by the manufacturer, the substance present in the greatest proportion by weight being specified first.

3. The label prescribed in this Schedule shall be printed distinctly and legibly in dark type upon a light-coloured ground or in light type upon a dark-coloured ground. The type shall be not less than one-eighth of an inch in height. Every letter of every word shall be of uniform size and colour provided that the initial letter in any word may be larger than the other letters in that word.

GIVEN under the Official Seal of the Minister for Health this

8th day of December, 1972.

ERSKINE H. CHILDERS,

Minister for Health.

#### EXPLANATORY NOTE.

These Regulations provide that food being imported, distributed, sold or exposed for sale shall not contain solvents, as defined, except as provided for in the Regulations.

The Regulations prohibit the importation, distribution, sale or exposure for sale for use in food of any solvents other than a permitted solvent or any permitted solvent in such a manner as to be likely to lead to its use contrary to the Regulations. They prescribe requirements for labelling and advertising of solvents for use in food.

The Regulations provide that where a sample of food has been certified not to comply with the Regulations, an authorised officer may seize, remove and detain such food as being food which is unfit for human consumption and, in certain circumstances, destroy it.