

GUERNSEY STATUTORY INSTRUMENT

1976 No. 35

The Food and Drugs (Antioxidant in Food) Order, 1976

Made ... 27th May, 1976.

Laid before the States ...

Coming into operation ... 27th May, 1976.

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THE FOOD AND DRUGS (ANTIOXIDANT IN FOOD) ORDER, 1976

THE STATES BOARD OF HEALTH, in exercise of the powers conferred upon it by sections four, seven and forty-seven of the Food and Drugs (Guernsey) Law, 1970(a), as amended (b), and of all other powers enabling it in that behalf, hereby orders -

Citation and commencement

1. This Order may be cited as the Antioxidant in Food Order, 1976, and shall come into operation on the twenty-seventh day of May, nineteen hundred and seventy-six.

Interpretation

2.-(1) In this Order unless the context otherwise requires -

"antioxidant" means any substance which is capable of delaying, retarding or preventing the development in food of rancidity or other flavour deterioration due to oxidation but does not include -

- (a) any permitted artificial sweetener,
- (b) any permitted bleaching agent,
- (c) any permitted colouring matter,
- (d) any permitted emulsifier,
- (e) any permitted improving agent,
- (f) any permitted miscellaneous additive other than a permitted diluent combined with such an antioxidant
- (g) any permitted preservative,
- (h) any permitted stabiliser,
- (j) any permitted solvent other than a permitted diluent combined with such an antioxidant,
- (k) esters of L-ascorbic acid with straight-chain C₁₄ and C₁₈ fatty acids used or for use to dilute or dissolve colouring matter in accordance with the Colouring Matter in Food Order, 1976(c);

"appropriate designation" means, as respects any permitted antioxidant or permitted diluent, a name or description, or a name and description sufficiently specific, in each case, to indicate to an intending purchaser the true nature of the permitted antioxidant or permitted diluent to which it is applied;

"the Board" means the States of Guernsey Board of Health;

"butter for manufacturing purposes" means butter sold or intended for sale, otherwise than by retail, for use in the manufacture of production of any other article of food;

"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;

"dairy product" means any butter (other than butter for manufacturing purposes), milk, cream, condensed milk, evaporated milk, dried milk or cheese;

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- (a) Ordres en Conseil Vol. XXII, p.412
 - (b) Ordre en Conseil No. XIV of 1975
 - (c) SI 1976 No. 34

"diluent" means any substance used to dilute or dissolve antioxidant intended for use in food for human consumption;

"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 Island" includes the Islands of Guernsey, Alderney, Herm and Jethou;

"the Law" means the Food and Drugs (Guernsey) Law, 1970;

"permitted antioxidant" means any antioxidant specified in Part 1 of Schedule 1 to this Order, which satisfies the specific purity criteria relating to that antioxidant specified or referred to in Part 11 of that Schedule and, so far as it is not otherwise provided by any such specific purity criteria, satisfies the general purity criteria specified in Part 111 of that Schedule, or any mixture or two or more such antioxidants and (except in the definition of appropriate designation in this subsection and Schedules 1 and 4 to this Order) shall be construed as including any permitted diluent combined with such antioxidant or mixture of such antioxidants;

"permitted artificial sweetener" has the meaning assigned to it by the Miscellaneous Additives in Food Order, 1976(d);

"permitted bleaching agent" means any bleaching agent in so far as its use is permitted by the Miscellaneous Additives in Food Order, 1976;

"permitted colouring matter" means any colouring matter in so far as its use is permitted by the Colouring Matter in Food Order, 1976;

"permitted diluent" means any diluent described in Part 1 of Schedule 2 to this Order which satisfies the general purity criteria specified in Part 11 of that Schedule, or any of the permitted solvents ethyl alcohol (ethanol), propylene glycol and glycerol, or the permitted miscellaneous additive sorbitol and includes any combination of two or more such substances;

"permitted emulsifier" means any emulsifier in so far as its use is permitted by the Emulsifiers and Stabilisers in Food Order, 1976(c);

"permitted improving agent" means any improving agent in so far as its use is permitted by the Miscellaneous Additives in Food Order, 1976;

"permitted miscellaneous additive" means any acid, anti-caking agent, anti-foaming agent, base, buffer, firming agent, glazing agent, humectant, liquid freezant, packaging gas, propellant, release agent or sequestrant in so far as its use, is in each case, permitted by the Miscellaneous Additives in Food Order, 1976;

"permitted preservative" means any preservative in so far as its use is permitted by the Preservatives in Food Order, 1976(f);

"permitted solvent" means any solvent in so far as its use is permitted by the Miscellaneous Additives in Food Order, 1976;

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- (d) SI 1976 No. 36
 - (e) SI 1976 No. 37
 - (f) SI 1976 No. 33

"permitted stabiliser" means any stabiliser in so far as its use is permitted by the Emulsifiers and Stabilisers in Food Order, 1976;

"sell" includes offer or expose for sale or have in possession for sale, and "sale" and "sold" shall be construed accordingly;

"specified food" means any food of a description specified in column 1 of Part 1 or of Part 11 of Schedule 3 to this Order;

and other expressions have the same meaning as in the Law.

(2) The Interpretation (Guernsey) Law, 1948(g) shall apply to the interpretation of this Order as it applies to the interpretation of a Guernsey enactment.

(3) Unless a contrary intention is expressed, all proportions mentioned in this Order are proportions calculated by weight of the product as sold.

(4) Any reference in this Order to a label borne on a container shall be construed as including a reference to any legible marking on the container however effected.

(5) For the purposes of this Order, 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.

(6) Except in so far as the context otherwise requires, any reference in this Order to any enactment or order shall be construed as a reference to that enactment or order as amended, repealed and replaced, extended or applied by or under any other enactment or order including this Order.

Exemptions

3. The provisions of this Order shall not apply to food having any antioxidant in it or on it, to any antioxidant or to any diluent combined with any antioxidant or antioxidants which, in each case, is intended at the time of sale, consignment, delivery or importation, as the case may be, for exportation to any place outside the Bailiwick of Guernsey.

Sale etc. of food containing antioxidants

4.--(1) Subject to subsection (2) of this section, no food sold, consigned, delivered or imported into the Island shall have in it or on it any added antioxidant other than a permitted antioxidant.

(2) Save as hereinafter provided, no food sold, consigned, delivered or imported into the Island shall have in it or on it any added permitted antioxidant specified in column 2 or Part 1 or of Part 11 of Schedule 3 to this Order:

Provided that -

(a) any specified food described in column 1 of Part 1 of Schedule 3 to this Order may, subject to the provisions of paragraph 1 of that Part, have in it or on it permitted antioxidant of the description appearing in relation thereto in column 2 of that Part in the proportion specified in relation thereto in column 3 of that Part;

(b) any specified food described in column 1 of Part 11. of Schedule 3 to this Order may have in it or on it permitted antioxidant of the description and in the proportion specified in relation thereto in columns 2 and 3 respectively of that Part of that Schedule;

(c) any food containing as an added ingredient any specified food may contain permitted antioxidant of the description specified for, in the amount appropriate to the quantity of, that specified food in accordance with paragraphs (a) and (b) of this proviso;

(d) any food containing milk fat by reason of the addition as an added ingredient of any dairy product may contain permitted antioxidant of the description, and in the amount specified, in accordance with paragraph (a) of this proviso in relation to a quantity of anhydrous edible fat equal by weight to that milk fat.

(3) No person shall sell, consign, deliver or import into the Island any food which does not comply with this regulation.

Sale, advertisement and labelling of antioxidants

5.-(1) No person shall sell, consign, deliver or import into the Island or advertise for sale any antioxidant (including any antioxidant with which any other substance has been mixed) for use as an ingredient in the preparation of food unless such antioxidant is a permitted antioxidant.

(2) No person shall sell, consign, or deliver any permitted antioxidant (including any permitted antioxidant with which any other substance has been mixed) for use as an ingredient in the preparation of food except in a container bearing a label in accordance with the requirements of Schedule 4 to this Order.

Food for babies and young children

6. 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, being a label, ticket or notice which bears any words, device or description calculated to indicate either directly or indirectly that the food is intended mainly for babies or young children, or

(b) publish, or be a party to the publication of any advertisement for any food, being an advertisement which includes any words, device or description as aforesaid, or

(c) use on, or in connection with, the sale of any food any such words, device or description as aforesaid,

If the food has in it or on it butylated hydroxyanisole, butylated hydroxytoluene, octyl gallate, dodecyl gallate, propyl gallate or ethoxyquin.

Condemnation of food

7. Where any food is certified by the States Analyst as being food which it is an offence against section 4 of this Order to sell, consign, deliver or import into the Island, that food may be treated for the purposes of section 9 of the Law (under which food may be seized and destroyed on the order of the Magistrate's Court) as being unfit for human consumption.

Penalties

8. If any person contravenes or fails to comply with any of the foregoing provisions of this Order he shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both, and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

Defences

9.-(1) In any proceedings for an offence against this Order 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 any antioxidant for use as an ingredient in the preparation of food, or of any food having added antioxidant in it or on it, for an offence against this Order 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.

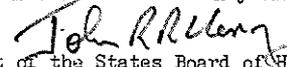
Application of various sections of the Law

10. Subsections (2) and (3) of section thirty-seven (which relate to prosecutions), section thirty-eight (which relates to evidence of analysis), section forty (which relates to a contravention due to some person other than the person charged), subsection (2) of section forty-one (which relates to the conditions under which a warranty may be pleaded as a defence) and section forty-two (which relates to offences in relation to warranties and certificates of analysis) of the Law shall apply for the purposes of this Order as if references therein to proceedings, or a prosecution, under or taken or brought under the Law included references to proceedings, or a prosecution as the case may be, taken or brought for an offence under this Order.

Extent

11. This Order shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Dated this Twenty seventh Day of May, Nineteen hundred and seventy-six.


President of the States Board of Health
for and on behalf of the Board

PART I

PERMITTED ANTIOXIDANTS

Column 1	Column 2
Name of Antioxidant	Serial Number
L-Ascorbic acid	E300
Sodium L-ascorbate	E301
Calcium L-ascorbate	E302
Ascorbyl palmitate	E304
Extracts of natural origin rich in tocopherols	E306
Synthetic <i>alpha</i> -tocopherol	E307
Synthetic <i>gamma</i> -tocopherol	E308
Synthetic <i>delta</i> -tocopherol	E309
Octyl gallate	E311
Dodecyl gallate	E312
Propyl gallate	—
Butylated hydroxyanisole (BHA)	E320
Butylated hydroxytoluene (BHT)	E321
Ethoxyquin	—

PART II

SPECIFIC PURITY CRITERIA FOR PERMITTED ANTIOXIDANTS

E300 L-Ascorbic acid

Description	...	...	...	...	The product shall be L (+) ascorbic acid and shall be a white or slightly yellowish crystalline powder.
Content	...	...	...	...	Not less than 99 per centum of $C_6H_8O_6$ (after drying for 24 hours in a desiccator containing sulphuric acid or phosphorus pentoxide).
Melting range	...	...	...	...	189°C. to 193°C. with slight decomposition.
Specific rotation, $[\alpha]_D^{20}$	...	...	...	...	Not less than + 22° and not more than + 23° (using a 2 per centum weight/volume aqueous solution).
Volatile matter	...	...	...	...	Not more than 0.4 per centum (determined by drying for 24 hours in a desiccator containing sulphuric acid or phosphorus pentoxide).
Sulphated ash	...	...	...	...	Not more than 0.1 per centum (on a volatile matter-free basis).
pH (2 per centum weight/volume aqueous solution)	...	...	...	...	Not less than 2.4 and not more than 2.8.

E301 Sodium L-ascorbate

Description	...	...	...	...	The product shall be a derivative of L (+) ascorbic acid and shall be a white or slightly yellowish crystalline powder.
Content	...	...	...	...	Not less than 99 per centum of $C_6H_7O_6Na$ (after drying for 24 hours in a desiccator containing sulphuric acid or phosphorus pentoxide).
Specific rotation, $[\alpha]_D^{20^\circ C}$	...	...	...	...	Not less than -103° and not more than $+106^\circ$ (using a 5 per centum weight/volume aqueous solution).
Volatile matter	...	...	...	...	Not more than 0.3 per centum (determined by drying for 24 hours in a desiccator containing sulphuric acid or phosphorus pentoxide).
pH (10 per centum weight/volume aqueous solution)					Not less than 6.8 and not more than 8.0.

E302 Calcium L-ascorbate

Description	...	...	...	...	The product shall be a derivative of L (+) ascorbic acid and shall be a white or very slightly greyish crystalline powder.
Content	...	...	...	...	Not less than 99 per centum of $(C_6H_7O_6)_2Ca \cdot 2H_2O$ (after drying for 24 hours in a desiccator containing sulphuric acid or phosphorus pentoxide).
Specific rotation, $[\alpha]_D^{20^\circ C}$	...	...	...	...	Not less than $+95^\circ$ and not more than $+97^\circ$ (using a 5 per centum weight/volume aqueous solution).
Volatile matter	...	...	...	...	Not more than 0.3 per centum (determined by drying for 24 hours in a desiccator containing sulphuric acid or phosphorus pentoxide).
pH (10 per centum weight/volume aqueous solution)					Not less than 6.0 and not more than 7.0.

E304 Ascorbyl palmitate

Description	...	...	...	...	The product shall be the 6-palmitoyl derivative of L (+) ascorbic acid and shall be an impalpable white or yellowish-white powder or yellowish-white crystals.
Content	...	...	...	...	Not less than 98 per centum of $C_{22}H_{38}O_7$ (on a volatile matter-free basis).
Melting range	...	...	...	...	$111^\circ C.$ to $113^\circ C.$ (oozes without melting distinctly).
Specific rotation, $[\alpha]_D^{20^\circ C}$	...	...	...	...	Not less than $+21^\circ$ and not more than $+24^\circ$ (using a 5 per centum weight/volume solution in methanol).

Volatile matter	...	...	...	Not more than 1 per centum (determined by drying for 24 hours in a desiccator containing sulphuric acid or phosphorus pentoxide).
Sulphated ash	...	...	...	Not more than 0.2 per centum (on a volatile matter-free basis).

E306 Extracts of natural origin rich in tocopherols

Appearance	...	...	...	Clear brownish-red to red viscous oil.
Content	...	...	...	Not less than 34 per centum of total tocopherols.
Relative density, d_{4}^{20}	...	...	...	Not less than 0.928 and not more than 0.951.
Free fatty acids	...	...	...	Neutralisation of a 10 g. sample shall require not more than 10 ml. of 0.1N sodium hydroxide (or potassium hydroxide) solution using phenolphthalein as indicator.

E307 Synthetic alpha-tocopherol

Description	...	...	...	The product shall be synthetic DL <i>alpha</i> -tocopherol and shall be a clear yellowish viscous oil which darkens on exposure to air or light.
Content	...	...	...	Not less than 96 per centum of $C_{29}H_{50}O_2$.
Refractive index, n_D^{20}	...	...	...	Not less than 1.503 and not more than 1.507.
Relative density, d_{4}^{20}	...	...	...	Not less than 0.947 and not more than 0.958.
Specific absorption, $E_1^{1\%}$ per centum	...	...	...	Not less than 72 and not more than 76 at absorption maximum of 292 nm. Not less than 6 and not more than 8 at absorption minimum of 255 nm. (determined in ethanol).
Sulphated ash	...	...	...	Not more than 0.1 per centum.

E308 Synthetic gamma-tocopherol

Appearance	...	...	...	Clear slightly yellowish viscous oil which darkens on exposure to air or light.
Content	...	...	...	Not less than 97 per centum of $C_{28}H_{48}O_2$.
Refractive index, n_D^{20}	...	...	...	Not less than 1.503 and not more than 1.507.
Relative density, d_{4}^{20}	...	...	...	Not less than 0.948 and not more than 0.959.
Specific absorption, $E_1^{1\%}$ per centum	...	...	...	Not less than 91 and not more than 97 at absorption maximum of 298 nm.

				Not less than 5 and not more than 8 at absorption minimum of 256 nm. (determined in ethanol).
Sulphated ash	...	...	...	Not more than 0.1 per centum.
<i>E309 Synthetic delta-tocopherol</i>				
Appearance	...	...	...	Clear slightly yellowish or orange viscous oil which darkens on exposure to light or air.
Content	...	...	...	Not less than 97 per centum of $C_{27}H_{46}O_2$.
Refractive index, $n_D^{20^\circ C}$	...	...	...	Not less than 1.500 and not more than 1.504.
Relative density, $d_4^{20^\circ C}$	...	...	...	Not less than 0.952 and not more than 0.962.
Specific absorption, $E_1^{1\% \text{ cm}}$	...	...	...	Not less than 89 and not more than 95 at absorption maximum of 297 to 298 nm. Not less than 3 and not more than 6 at absorption minimum of 257 nm. (determined in ethanol).
Sulphated ash	...	...	...	Not more than 0.1 per centum.

<i>E311 Octyl gallate</i>				
Appearance	...	...	...	White to very slightly yellowish crystalline powder.
Content	...	...	...	Not less than 98.5 per centum of $C_{15}H_{22}O_5$ (after drying at 60°C. for 4 hours).
Melting range	...	...	...	100.0°C. to 102.5°C. (after drying at 90°C. for 6 hours).
Specific absorption, $E_1^{1\% \text{ cm}}$	...	...	...	Not less than 375 and not more than 390 at 275 nm. (determined in ethanol).
Volatile matter	...	...	...	Not more than 0.5 per centum (determined by drying at 60°C. for 4 hours).
Sulphated ash	...	...	...	Not more than 0.05 per centum (on a volatile matter-free basis).
Free acids	...	...	...	Not more than 0.5 per centum (expressed as gallic acid and on a volatile matter-free basis). (9.407 mg. of gallic acid correspond to 1 ml. of 0.05N sodium hydroxide).

<i>E312 Dodecyl gallate</i>				
Appearance	...	...	...	White to cream crystalline powder.
Content	...	...	...	Not less than 98.5 per centum of $C_{19}H_{30}O_5$ (after drying at 60°C. for 4 hours).
Melting range	...	...	...	96°C. to 98°C. (after drying at 60°C. for 4 hours).
Specific absorption, $E_1^{1\% \text{ cm}}$	...	...	...	Not less than 300 and not more than 325 at 275 nm. (determined in ethanol).

Volatile matter	...	...	...	Not more than 0.5 per centum (determined by drying at 60°C. for 4 hours).
Sulphated ash	...	...	...	Not more than 0.05 per centum (on a volatile matter-free basis).
Free acids	...	...	...	Not more than 0.5 per centum (expressed as gallic acid and on a volatile matter-free basis). (9.407 mg. of gallic acid correspond to 1 ml. of 0.05N sodium hydroxide).

Propyl gallate

The criteria in the monograph for propyl gallate contained in the British Pharmacopoeia 1973 at page 399.

E320 Butylated hydroxyanisole (BHA)

Description	...	...	...	Powder or large crystals of waxy appearance, white to slightly yellowish with a slight aromatic odour.
Content	...	...	...	Not less than 98.5 per centum of $C_{11}H_{14}O_2$ and not less than 85 per centum of 3- <i>tert</i> -butyl-4-hydroxyanisole.
Specific absorption, $E_{1\%}^{1\text{cm}}$	...	...	...	Not less than 191 and not more than 210 at 290 nm. Not less than 326 and not more than 345 at 228 nm. (determined in ethanol).
4-Hydroxyanisole content	...	...	...	Not more than 0.5 per centum.
Sulphated ash	...	...	...	Not more than 0.05 per centum.

E321 Butylated hydroxytoluene (BHT)

Appearance	...	...	...	Crystalline product or powdery white crystals.
Content	...	...	...	Not less than 99 per centum of $C_{15}H_{24}O$.
Melting range	...	...	...	69°C. to 70°C.
Specific absorption, $E_{1\%}^{1\text{cm}}$	...	...	...	Not less than 81 and not more than 88 at 278 nm. (determined in ethanol).
Sulphated ash	...	...	...	Not more than 0.005 per centum.

Ethoxyquin

Description	...	...	...	Light-amber oil when freshly prepared. Tendency to polymerise on exposure to light and oxygen with darkening in colour.
Content	...	...	...	Not less than 92 per centum of the monomer 1,2-dihydro-6-ethoxy-2,2,4-trimethyl-quinoline ($C_{14}H_{19}NO$). The remainder shall consist of the dimer and higher polymers.
Boiling point	...	...	...	125°C. at 1 to 2 mm. of mercury.
Refractive index, $n_D^{25^\circ C}$	...	...	...	Not less than 1.569 and not more than 1.572.

PART III
GENERAL PURITY CRITERIA FOR PERMITTED ANTIOXIDANTS

Each antioxidant shall not contain—

- (a) more than 3 milligrams per kilogram of arsenic;
- (b) more than 10 milligrams per kilogram of lead;
- (c) more than 50 milligrams per kilogram of copper, or 25 milligrams per kilogram of zinc, or 50 milligrams per kilogram of any combination of copper and zinc.

SCHEDULE 2 Section 2(1)

PART I

PERMITTED DILUENTS (SEE DEFINITION IN REGULATION 2(1))

Drinking water, demineralised water, distilled water
Edible oils and fats

PART II

GENERAL PURITY CRITERIA FOR PERMITTED DILUENTS DESCRIBED IN
PART I ABOVE

Each diluent shall not contain—

- (a) more than 3 milligrams per kilogram of arsenic;
- (b) more than 10 milligrams per kilogram of lead;
- (c) more than 50 milligrams per kilogram of copper, or 25 milligrams per kilogram of zinc, or 50 milligrams per kilogram of any combination of copper and zinc.

SCHEDULE 3

Antioxidant Permitted only in Certain Foods

Part 1

Column 1	Column 2	Column 3
Specified Food	Permitted Antioxidant	Milligrams per kilogram exceeding
(a) Anhydrous edible oils and fats, whether hardened or not and vitamin oils and concentrates other than preparations containing more than 100,000 I.U.'s Vitamin A per gram	Propyl gallate or Octyl gallate or Dodecyl gallate or any mixture of two or more thereof or	100
	Butylated hydroxyanisole (BHA) or	200
	Butylated hydroxytoluene (BHT) or	200
	Any mixture of BHA and BHT	200
(b) Any permitted emulsifier or permitted stabiliser containing combined fatty acids whether or not those fatty acids have been polymerised	Propyl gallate or Octyl gallate or Dodecyl gallate or any mixture of two or more thereof or	100
	Butylated hydroxyanisole (BHA) or	200
	Butylated hydroxytoluene (BHT) or	200
	Any mixture of BHA and BHT	200
(c) Butter for manufacturing purposes	Propyl gallate or Octyl gallate or Dodecyl gallate or any mixture of two or more thereof or	80
	Butylated hydroxyanisole (BHA) or	160
	Butylated hydroxytoluene (BHT) or	160
	Any mixture of BHA and BHT	160
(d) Essential oils and isolates from the concentrates of essential oils	Propyl gallate or Octyl gallate or Dodecyl gallate or any mixture of two or more thereof or	1,000
	Butylated hydroxyanisole (BHA) or	1,000
	Butylated hydroxytoluene (BHT) or	1,000
	Any mixture of BHA and BHT	1,000
(e) Apples and Pears	Ethoxyquin	3

1. The permitted antioxidants butylatedhydroxyanisole or butylated hydroxytoluene or any mixture thereof within the limits specified for them in column 3 may be used in conjunction with the permitted antioxidants propyl gallate, octyl gallate or dodecyl gallate or any mixture of two or more thereof within the limits specified for them in column 3, but so that the total amount of antioxidant shall not exceed 1,000 milligrams per kilogram in the case of specified foods in column 1 of item (d).

Part 11

Column 1	Column 2	Column 3
Specified Food	Permitted Antioxidant	Milligrams per kilogram for each 1,000 I.U.'s Vitamin A per gram - Not exceeding
Preparations containing more than 100,000 I.U.'s Vitamin A per gram	Butylated hydroxyanisole (BHA) or	10
	Butylated hydroxytoluene (BHT) or any mixture of BHA and BHT	10
		10

SCHEDULE 4

Section 5(2)

Labelling of Permitted Antioxidants and Permitted Diluents

1.-(1) Each container to which section 5(2) of these regulations applies shall bear a label on which is printed a true statement, -

- (a) in respect of each permitted antioxidant present, of the serial number, if any, as specified in relation thereto in column 2 or Part 1 of Schedule 1 to this Order, and of the common or usual name or an appropriate designation of that permitted antioxidant;
- (b) where any permitted diluent or diluents or any other substance or substances is or are present, of the common or usual name or an appropriate designation of each such diluent or substance; and
- (c) if two or more such substances are present, of the proportion of each permitted antioxidant, permitted diluent and other substance present save that label shall only have printed on it a statement of the proportion of any such other substance present if any Order other than this Order or any amendment to this Order made under the Law contains a requirement to that effect.

(2) The said statement shall be headed or preceded by the words "for foodstuffs (restricted use)".

2. Any statement required by the preceding paragraph -

- (a) shall be clear and legible;
- (b) shall be in a conspicuous position on the label which shall be marked on, or securely attached to, the container in such a manner that it will be readily discernible and easily read by an intending purchaser under normal conditions of purchase;
- (c) shall not be in any way hidden or obscured or reduced in conspicuousness by any other matter, whether pictorial or not,

3. The figures and letters in every word in any statement to which the preceding paragraph applies -

(a) shall be in characters of uniform colour and size (being not less than 1.5 millimetres in height for a label on a container of which the greatest dimension does not exceed 12 centimetres and not less than 3 millimetres in height for a label on a container of which the greatest dimension exceeds 12 centimetres), but so that the initial letter of any word may be taller than any other letter in the word;

(b) shall appear on a contrasting ground, so however that where there is no ground other than such is provided by a transparent container and the contents of that container are visible behind the letters, those contents shall be taken to be the ground for the purposes of this paragraph;

(c) shall be within a surrounding line and no other written or pictorial matter shall appear within that line;

4. For the purposes of this Schedule -

(a) the height of any lower case letter shall be taken to be the x height thereof, disregarding any ascender or descender thereof;

(b) any requirement that figures or letters shall be of uniform height, colour or size, shall be construed as being subject to the saving that any inconsiderable variation in height, colour or size, as the case may be, may be disregarded.

EXPLANATORY NOTE

(This Note is not Part of the Order)

The Order -

(a) specifies permitted antioxidants and permitted diluents which may be combined with such antioxidants, and prescribes purity criteria for those antioxidants and diluents (section 2 and Schedules 1 and 2);

(b) prohibits the sale or importation of food having in it or on it any added antioxidant other than a permitted antioxidant and confines the use of certain particular permitted antioxidants to specified foods subject to prescribed limits (section 4(1), 4(2) proviso (a) and (b), 4(3) and Schedule 3);

(c) permits food containing as an added ingredient any specified food described in Schedule 3 to contain permitted antioxidant of a description and to an amount, specified in that Schedule for that ingredient (section 4(2) proviso (c));

(d) permits food containing milk fat by reason of the addition, as an added ingredient, of any dairy product to contain permitted antioxidant of a description and to an amount, permitted in relation to an amount of anhydrous edible fat equal to that milk fat (section 4(2) proviso (d));

(e) prohibits the importation, sale or advertisement for sale, for use as an ingredient in the preparation of food, of any antioxidant other than a permitted antioxidant (section 5(1));

(f) prescribes labelling requirements for permitted antioxidants sold as such (section 5(2) and Schedule 4);

(g) prohibits the description or advertisement of any food as intended mainly for babies or young children if it has in it or on it specified antioxidants (section 6);

The Order does not apply to any antioxidant, to any diluent combined with any antioxidant or to any food having an antioxidant in it or on it which is sold, consigned, delivered or imported for export (section 3).