

HEALTH (ARSENIC AND LEAD IN FOOD) REGULATIONS 1972

The Minister for Health in exercise of the powers conferred on him by sections 5 of the Health Act, 1947 (No. 28 of 1947), subsection (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.

REG 1

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

REG 2

2. These Regulations shall come into operation on the first day of September, 1972.

REG 3

3. (1) In these Regulations—
"authorised officer" means an authorised officer for the purposes of Part IX of the Health Act, 1947;
"fish" includes crustacea and molluscs.
(2) In these Regulations any reference to an amount of arsenic shall be construed as a reference to that amount of elemental arsenic and where any arsenical compound is present in any food the amount of arsenic present in the food by virtue of such compound shall for the purposes of these Regulations be taken to be the amount of elemental arsenic to which the amount of such compound so present is equivalent.
(3) References in these Regulations to percentages and parts per million shall be construed as references to percentages and parts per million calculated by weight.

REG 4

4. 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.

REG 5

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

REG 6

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

REG 7

7. (1) Where a sample of any food has been certified under the provisions of 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.

REG 8

8. 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.

**PART II.
SALE ETC. OF FOOD CONTAINING ARSENIC.**

REG 9

9. Subject to the provisions of these Regulations a person shall not import, distribute, sell or expose for sale any food which contains arsenic in a proportion exceeding one part per million of such food.

REG 10

10. (1) Any food specified in the first column of Part I of the Schedule to these Regulations may contain arsenic of an amount not exceeding that specified in relation thereto in the second column of the said Part.

(2) Any food other than fish, edible seaweed or a product containing fish or edible seaweed may contain arsenic in a proportion exceeding one part per million where such arsenic is present by reason of the inclusion in such food as an added ingredient or ingredients of twenty five per cent or more of a food or foods specified in the first column of part I of the Schedule to these Regulations and such excess of arsenic is not greater in amount than the maximum quantity permitted under sub-article (1) of this article having regard to the quantity and description of the added food or foods.

(3) Any fish, edible seaweed or any product containing fish or edible seaweed may contain arsenic in a proportion exceeding one part per million where such arsenic is naturally present in that fish or edible seaweed or, as the case may be, in that product by reason of its fish or edible seaweed content.

(4) Hops or hop concentrates intended for use for brewing purposes of a trade or business may contain arsenic in a proportion exceeding one part per million.

**PART III.
SALE ETC. OF FOOD CONTAINING LEAD.**

REG 11

11. Subject to the provisions of these Regulations a person shall not import, distribute, sell or expose for sale any food which contains lead in a proportion exceeding two parts per million of such food.

REG 12

12. (1) Any food specified in the first column of Part II of the Schedule to these Regulations may contain lead of an amount not exceeding that specified in relation thereto in the second column of the said Part.

(2) Any food other than fish or any product containing fish may contain lead in a proportion exceeding two parts per million where such lead is present by reason of the inclusion in such food as an added ingredient or ingredients of twenty-five per cent or more of a food or foods specified in the first column of Part II of the Schedule to these Regulations and such excess of lead is not greater in amount than the maximum quantity permitted under sub-article (1) of this article having regard to the quantity and description of the added food or foods.

(3) Any fish or any product containing fish may contain lead in a proportion exceeding two parts per million where such lead is naturally present in that fish or, as the case may be, in that product by reason of its fish content.

SCHEDULE.

In this Schedule—

"British Pharmaceutical Codex" means the book published under that name by the Pharmaceutical Society of Great Britain;

"flavouring matter" means any product which is used in, or added to, food primarily for flavouring purposes, but does not include any preparation of yeast, coffee or chicory, any soft drink or any substance prepared by the hydrolysis of protein-containing materials;

"food colouring" means any matter which is used in or added to food primarily for colouring purposes;

"soft drink" means any non-alcoholic drink commonly known as a soft drink, whether capable or not of being used as a medicine;

PART I.

Column 1	Column 2	Food	Amount expressed in parts per million
Beverages, alcoholic, not otherwise specified	..0	Beverages, non-alcoholic, ready to drink, not otherwise specified	0.2
Black beer and mixtures of black beer with other beverages	0.1	Chemicals for which an arsenic limit is specified in the Irish Pharmacopoeia but not including synthetic colourings	0.5
Chemicals for which an arsenic limit is specified in the Irish Pharmacopoeia which-is the higher.	2.0	Chemicals for which an arsenic limit is specified in the British Pharmaceutical Codex but not including synthetic colourings	2.0
Chemicals for which an arsenic limit is specified in the edition of the British Pharmaceutical Codex current for the time being whichever is the higher.	2.0	Chemicals not otherwise specified but not including synthetic food colourings	2.0
Chicory (dried or roasted) .. ..	..4	Findings and clearing agents .. ..	..5
Food colourings other than synthetic food colourings	5.0	calculated on the dry matter or the amount permitted under the Health (Colouring Matter in Food) Regulations, 1972 (S.I. No. 41 of 1972) whichever is the higher.	Gelatine (edible)
Herbs (dried) .. ..	..2	Hops (dried) other than	..5

those intended for brewing purposes of a trade or business.2·0Hops
concentrates other than those intended for brewing purposes of a
trade or business.5·0Ice cream (including frozen confections)
..0·5Liquorice (dried extract)2·0Onions (dehydrated) ..
..2·0Pectin (liquid)2·0Pectin (solid)
..5·0Soft drink intended for consumption after dilution and
undiluted fruit juice (including concentrates intended for consumption
after dilution to an extent not greater than ten parts to one,
calculated by volume, for use by a manufacturer of soft
drink).0·5Spices (including mustard)5·0Yeast (brewers')
intended for use by manufacturers in the manufacture of yeast
products.5·0(calculated on the dry matter)Yeast and yeast products not
otherwise specified2·0(calculated on the dry matter)

PART II.

Column 1	Column 2	Food	Amount expressed in parts per million	Alcoholic
cordials or cocktails	1·0	Alginic Acid, alginates, agar, carrageen and similar products derived from seaweed	..10·0
dextrose	0·5	Apples	.. . . . .3·0
Beer	3·0	Beer	.. . . .
Beverages, non-alcoholic, ready to drink, not otherwise specified	0·5	Beverages, non-alcoholic, ready to drink, not otherwise specified	.. . . . .0·2
Beverages, alcoholic, not otherwise specified	1·0	Brandy	.. . . . .0·5
Caramel	0·5	Caramel	.. . . . .
Chemicals for which a lead limit is specified in the Irish Pharmacopoeia	The limits specified in the Irish Pharmacopoeia	.. . . .	Chemicals for which a lead limit is specified in the British Pharmaceutical Codex	.. . . .
Chemicals for which a lead limit is specified in the British Pharmaceutical Codex	The limits specified in the edition of the British Pharmaceutical Codex current for the time being	Chemicals not otherwise specified	.. . . .	10·0
Cider	0·5	Cocoa powder	.. . . . .5·0
(calculated on the dry fat-free substance)	Concentrates used in the manufacture of soft drinks	.. . . .	2·5	Dextrose monohydrate
..	0·5	Fats (edible)	.. . . . .
..	0·5	Fish, canned	.. . . . .5·0
..	5·0	Fish pastes, canned	.. . . . .5·0
..	10·0	Flavouring matters	.. . . . .10·0
(except caramel)	20·0	Food colourings (except caramel)	.. . . . .20·0
calculated on the dry colouring matter or the amount permitted under the Health (Colouring Matter in Food) Regulations, 1972 (S.I. No. 41 of 1972), whichever is the higher.	Fruit Juice (other than lime juice, lemon juice)	.. . . .	0·5	Fruit Juice, concentrated
..	2·0	Gelatin (edible)	.. . . . .
..	0·5	Gin	.. . . . .0·5
..	0·5	Glucose, liquid and solid	.. . . . .
..	10·0	Herbs (dried)	.. . . . .10·0
Ice-cream or any similar commodity (excluding water ices and similar frozen confections)	1·0	Ices (water) or other similar frozen confections not otherwise specified	.. . . . .0·5
..	0·5	Lecithin	.. . . . .5·0
..	2·0	Lemon juice, lime juice	.. . . . .2·0
..	1·0	Liqueurs	.. . . . .1·0
..	5·0	Meat, canned	.. . . . .5·0
..	5·0	Meat pastes, canned	.. . . . .5·0
..	5·0	Meat extracts	.. . . . .5·0
..	1·0	Milk-based products, pre-packed, ready to drink	.. . . . .1·0
..	5·0	Molasses (edible)	.. . . . .5·0
..	10·0	Oils (edible)	.. . . . .10·0
..	0·5	Onions (dehydrated)	.. . . . .0·5
..	10·0	Pears	.. . . . .10·0
..	3·0	Pectin (liquid)	.. . . . .3·0
..	10·0	Pectin (solid)	.. . . . .10·0
..	50·0	Perry	.. . . . .50·0
..	0·5	Protein, hydrolysed	.. . . . .0·5

..5·0Rum0·5Soft drink (ready to drink) .. .
 ..0·2Soft drink intended for consumption after dilution without
 further processing1·0Spices, ground (including mustard) ..
 ..20·0Spices (other than ground spices)10·0Starch conversion
 products with sulphated ash content exceeding 1 per cent .. .
 ..5·0Sugar, raw, intended only for the manufacture of refined sugar,
 and all other types of sugar, sugar syrups, invert sugar and direct
 consumption coloured sugar having a sulphated ash content exceeding
 1·0 per cent .. .5·0Sugar, refined white, the sulphated ash content
 of which does not exceed 0·03 per cent .. .0·5Tea
10·0Tomato juice, tomato juice cocktails .. .1·0Tomato
 puree, paste or powder (containing 15 per cent or more but less
 than 25 per cent total solids)3·0Tomato puree,
 paste or powder (containing 25 per cent or more total solids) ..
 ..5·0Vegetable juice (other than tomato juice, tomato juice
 cocktails)0·5Vegetables, dried or dehydrated (other
 than onion)5·0Whiskey0·5Wine
 (except vintage port)1·0Yeast (brewers') intended for use
 by manufacturers in the manufacture of yeast products10·0(calculated
 on the dry matter)Yeast and yeast products not otherwise
 specified7·0(calculated on the dry matter)

GIVEN under the Official Seal of the Minister for Health
 this 17th day of February, 1972.

ERSKINE H. CHILDERS,
 Minister for Health.

EXPLANATORY NOTE.

These Regulations which come into operation on 1st September, 1972,
 restrict the amounts of arsenic and of lead which may be present
 in food which is imported, distributed, sold or exposed for sale.
 In respect of food generally, the Regulations provide for a limit
 of one part per million by weight of arsenic and two parts per
 million by weight of lead. In respect of certain specified foods,
 special limits are prescribed.

The Regulations also 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.