

HEALTH (CYCLAMATE IN FOOD) REGULATIONS 1970

The Minister for Health, in exercise of the powers conferred on him by sections 5 of the Health Act, 1947 (No. 28 of 1947), and after consultation with the Minister for Industry and Commerce and the Minister for Agriculture and Fisheries, hereby makes the following Regulations:—

REG 1

1. These Regulations may be cited as the Health (Cyclamate in Food) Regulations, 1970.

REG 2

2. These Regulations shall come into operation on the 23rd day of March, 1970.

REG 3

3. (1) In these Regulations—

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

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

"cyclamate" means any one of the substances conforming to the descriptions, specifications and requirements for cyclamic acid, calcium cyclamate or sodium cyclamate contained in the Irish Pharmacopoeia 1968;

"public analyst" means an analyst appointed by a health authority to carry out the duties of a public analyst for the area of a health authority or an analyst designated by a health authority to be a public analyst for its area;

(2) Any reference in these Regulations to an owner or to a person in apparent charge or control of food shall, in the case of a sample purchased from a vending machine, be construed as a reference—

(a) where the name and address of such 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 4

4. A person shall not manufacture, prepare, import, store, distribute or expose for sale cyclamate for use in a food intended for sale for human consumption or a food containing cyclamate intended for sale for human consumption, unless the container of the cyclamate or the container of the food is labelled in a form and manner approved by the Minister to show:

(a) that the cyclamate is intended for use in a food for consumption on medical advice, or

(b) that the food contains cyclamate and should be consumed only on medical advice in calorie-controlled diets, whichever is appropriate.

REG 5

5. (1) A person shall not advertise for sale cyclamate for use in a food for human consumption unless the advertisement includes a statement that the cyclamate should be used only in a food for consumption by persons on medical advice.

(2) A person shall not advertise for sale for human consumption any food which contains cyclamate unless the advertisement includes a statement that the food contains cyclamate and should be used only on medical advice in calorie-controlled diets.

(3) 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.

REG 6

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

REG 7

7. (1) Where under the provisions of the Health (Sampling of Food) Regulations, 1970, (S.I. No. 60 of 1970), a public analyst certifies that a substance is cyclamate or that a food contains cyclamate and where an authorised officer has reason to believe that the cyclamate or food is being or has been manufactured, prepared, imported, stored, distributed or exposed for sale in contravention of article 4 of these Regulations he may seize, remove and detain any such cyclamate or food and, with the consent in writing of the owner or person in apparent charge or control of such cyclamate or food, may destroy it or have it otherwise suitably disposed of.

(2) An authorised officer may destroy or have otherwise suitably disposed of any cyclamate or food which has been seized, removed or detained in pursuance of this article provided he has afforded, following notice in writing, the owner or person in apparent charge or control of the cyclamate or food an opportunity of bringing such cyclamate or food into compliance with the provisions of article 4 of these Regulations and where such owner or person has failed to do so within a period of 28 days of the date of such notice.

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—

(a) the composition and use of any cyclamate or food manufactured, prepared, imported, stored, distributed or exposed for sale by such person;

(b) the identity of the person from whom or the place from which any such cyclamate or food has been obtained and the person to whom and the place to which it has been consigned or otherwise disposed of.

REG 9

9. Where a health authority is of the opinion that cyclamate or any food suspected to contain cyclamate has been or is being manufactured, prepared, stored, distributed, or exposed for sale in contravention of article 4 of these Regulations and such cyclamate or food had been consigned or delivered to the area of another health authority, the first health authority shall communicate to the second health authority the name of the person manufacturing, preparing, storing, distributing or exposing for sale the cyclamate or food, whichever is appropriate, and such other information as they may obtain regarding the destination, consignment or composition of the cyclamate or food.

REG 10

10. The provisions of these Regulations shall not apply in the case of any cyclamate or any food which is intended to be exported or re-exported.

GIVEN under the Official Seal of the Minister for Health this 12th day of March, 1970.

(Sgd) ERSKINE H. CHILDERS,
Minister for Health.

EXPLANATORY NOTE

The effect of these Regulations is to prohibit the manufacture, preparation, importation, storage, distribution or exposure for sale of:

- (a) cyclamate for use in a food intended for sale for human consumption, and
- (b) any food containing cyclamate intended for sale for human consumption,

unless the container of the cyclamate or food has on it a cautionary label in a form approved by the Minister.

The Regulations also prohibit, subject to certain exceptions, the advertisement of the substances at (a) and (b) above.