

HEALTH (ERUCIC ACID IN FOOD) REGULATIONS 1978

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) and after consultation with the Minister for Agriculture and the Minister for Industry, Commerce and Energy hereby makes the following Regulations:

PART I.

Preliminary and General.

REG 1

1. These Regulations may be cited as the Health (Erucic Acid in Food) Regulations, 1978.

REG 2

2. These Regulations shall come into operation on 1st May, 1978.

REG 3

3. (1) In these Regulations—

"the Act" means the Health Act, 1947;

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

"erucic acid" means the fatty acid *cis*-docos-13-enoic acid;

"fatty acid" means any carboxylic acid obtained by the hydrolysis of oil or fat, and includes any such acid existing in a free state in oil or fat;

"food" has the meaning assigned to it in Part V of the Act;

"human consumption" includes use in the preparation of food for human consumption;

"oil or fat" means oil or fat derived from any animal, bird, fish or plant, but does not include any essential oil;

"sell" includes supply, offer or expose for sale and have in possession for sale and cognate words shall be construed accordingly.

(2) References in these Regulations to percentages shall be construed as references to percentages calculated by weight of the product as manufactured, prepared, imported, distributed or sold.

(3) For the purposes of these Regulations, 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.

(4) Any reference in these Regulations to an owner or to a person responsible for food shall, in the case of food purchased from a vending 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.

(5) Any reference in these Regulations to a numbered article shall

be construed as a reference to the article bearing that number in these Regulations.

REG 4

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

REG 5

5. (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 responsible for 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 this article may, on giving notice in writing to the owner or person responsible for 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 6

6. 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 in relation 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, Distribution and Importation of Oils, Fats and Foods containing Erucic Acid.

REG 7

7. These Regulations shall apply to the following:

- (i) oils, fats and mixtures thereof which are intended for human consumption, and
- (ii) compound foodstuffs to which oils, fats or mixtures thereof have been added and the overall oil or fat content exceeds 5 per

cent.

REG 8

8. (i) With effect from 1st May, 1978, the level of erucic acid contained in the products referred to in article 7 shall not exceed 10 per cent calculated on the total level of fatty acids in the fat component.

(ii) With effect from 1st July, 1979, the level of erucic acid in the products referred to in article 7 shall not exceed 5 per cent, calculated on the total level of fatty acids in the fat component.

REG 9

9. A person shall not manufacture, prepare, import, distribute or sell any product referred to in article 7 if it does not comply with these Regulations.

REG 10

10. These Regulations shall not apply to the following:

- (i) any food which has an overall oil or fat content of less than 5 per cent unless it is described, directly or by implication, as specially prepared for infants or young children;
- (ii) any oil, fat or food sold, consigned or delivered to a manufacturer for the purposes of his manufacturing business or to a caterer for the purposes of his catering business;
- (iii) food for export or re-export;
- (iv) any oil, fat or food manufactured before 1st May, 1978.

GIVEN under the Official Seal of the Minister for Health this 27th day of April, 1978.

CHARLES J. HAUGHEY,
Minister for Health.

EXPLANATORY NOTE.

The Regulations specify limits for the erucic acid content of oil or fat and of food to which oil or fat has been added, as follows:

- (i) in relation to any oil, fat or food manufactured before 1 July, 1979, the limit is 10 per cent calculated on the fatty acid content of the oil or fat component, and
- (ii) in relation to any oil, fat or food manufactured after that date, the limit is 5 per cent, similarly calculated.

The Regulations do not apply to food having an overall oil or fat content of less than 5 per cent unless it is described as being specially prepared for infants or young children, to oil, fat or food intended for manufacturing or catering purposes, to food manufactured before 1 May 1978, or to foods intended for export or re-export.

The Regulations implement Directive No. 76/621/EEC (OJ No. L 202, 28.7.76, p. 35) relating to the fixing of the maximum level of

erucic acid in oils and fats intended as such for human consumption and in foodstuffs containing added oil or fat.