

HEALTH (MINERAL HYDROCARBONS 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 (Mineral Hydrocarbons in Food) Regulations, 1972.

REG 2

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

REG 3

3. In these Regulations—

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

"chewing gum" includes any product similar in its composition and use to chewing gum;

"mineral hydrocarbon" means any liquid, semi-liquid or solid hydrocarbon product derived from any substance of mineral origin and includes hard paraffin, liquid paraffin, microcrystalline wax, petroleum jelly and white oil.

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 in the case of 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 MINERAL HYDROCARBONS.

REG 9

9. Subject to the provisions of these Regulations a person shall not—

(a) import, distribute, sell or expose for sale any food which contains any mineral hydrocarbon;

(b) use or permit to be used any mineral hydrocarbon in the manufacture or preparation of food intended for sale for human consumption.

REG 10

10. (1) Currants, prunes, raisins and sultanas may contain not more than 0·5 part by weight of mineral hydrocarbon per 100 parts by weight of such fruit.
- (2) Citrus fruit may contain not more than 0·1 part by weight of mineral hydrocarbon per 100 parts by weight of such fruit.
- (3) Sugar confectionery may contain mineral hydrocarbon by reason only of the use of mineral hydrocarbon as a polishing or glazing agent for confectionery if such confectionery contains not more than 0·2 part by weight of mineral hydrocarbon per 100 parts by weight of such confectionery.
- (4) Any food may contain mineral hydrocarbon—
 - (i) by reason only of the use in the manufacture or preparation of such food of currants, prunes, raisins, sultanas, citrus fruit or sugar confectionery, or any two or more of these commodities, containing mineral hydrocarbon not in excess of the relevant quantities permitted for such fruit or confectionery in accordance with sub-articles (1), (2) and (3) of this article;
 - (ii) by reason only of the use of mineral hydrocarbon as a lubricant or greasing agent on some surface with which such food has necessarily to come into contact during the course of preparation if such food contains by reason thereof not more than 0·2 part by weight of mineral hydrocarbon per 100 parts by weight of the food.
- (5) Chewing gum may contain not more than 60 parts by weight of solid mineral hydrocarbon, which complies with the specification therefor in paragraph 4 of the Schedule to these Regulations, per 100 parts by weight of chewing gum.
- (6) The rind of any whole pressed cheese may contain mineral hydrocarbon.
- (7) Any egg may contain mineral hydrocarbon by reason of its having been subjected to a process of preservation consisting of being dipped in, sprayed with or otherwise treated with mineral hydrocarbon if before sale or exposure for sale it is marked on the shell with the word "SEALED".
- (8) Any reference in this article, excluding sub-article (5), to any mineral hydrocarbon shall mean any liquid mineral hydrocarbon, any semi-liquid mineral hydrocarbon or any solid mineral hydrocarbon, as the case may be, which complies with the specifications therefor in paragraphs 1, 2 and 3 of the Schedule to these Regulations or a mixture of such liquid, semi-liquid or solid mineral hydrocarbons.

SCHEDULE.

SPECIFICATIONS FOR LIQUID MINERAL HYDROCARBON, SEMI-LIQUID MINERAL HYDROCARBON AND SOLID MINERAL HYDROCARBON.

Specification for liquid mineral hydrocarbon.

1. Liquid mineral hydrocarbon—

- (a) shall be a transparent, almost colourless and tasteless mixture of liquid mineral hydrocarbons;
- (b) shall have an ultra-violet extinction (otherwise called

absorbance) over the range 240-280 millimicrons not greater than 0·04 for a 1 centimetre layer of a solution in iso-octane containing 1 gram per litre, that is to say, shall not be greater than 0·04 where $E = \log_{10} (I_0/I)$ and I_0 and I are the intensities of the incident radiation and of the transmitted radiation respectively; and (c) shall comply with the tests for acidity or alkalinity, carbonisable substances, solid paraffins and sulphur compounds given in the monograph for Liquid Paraffin in the Irish Pharmacopoeia. Specification for semi-liquid mineral hydrocarbon.

2. Semi-liquid mineral hydrocarbon—

(a) shall be a white translucent unctuous mixture, barely fluorescent in daylight, of semi-liquid mineral hydrocarbons;

(b) shall contain not more than 0·1 per cent by weight of sulphated ash;

(c) shall have an ultra-violet extinction (otherwise called absorbance) at 290 millimicrons not greater than 1·0 for a 1 centimetre layer of a solution in iso-octane containing 1 gram per litre, that is to say, shall not be greater than 1·0 where $E = \log_{10} (I_0/I)$ and I_0 and I are the intensities of the incident radiation and of the transmitted radiation respectively; and

(d) shall comply with the tests for acidity or alkalinity and sulphur compounds given in the monograph for Liquid Paraffin in the Irish Pharmacopoeia.

Specification for solid mineral hydrocarbon other than any solid mineral hydrocarbon in chewing gum

3. Solid mineral hydrocarbon other than any solid mineral hydrocarbon in any chewing gum—

(a) shall be an almost odourless and tasteless mixture of solid mineral hydrocarbons;

(b) shall contain not more than 0·1 per cent by weight of sulphated ash;

(c) shall comply with the test for acidity or alkalinity given in the monograph for Liquid Paraffin in the Irish Pharmacopoeia;

(d) shall comply with the test for sulphur compounds given in the monograph referred to in the preceding sub-paragraph of this Schedule, provided that such test shall be carried out at 70°C., or at 5°C. above the congealing point of the solid mineral hydrocarbon, whichever is the higher;

(e) shall comply with the requirements specified in one of the following sub-paragraphs, namely—

(i) shall have been tested, before being used in the composition, manufacture or preparation of any food, for the presence of polycyclic hydrocarbon with the result that the light extinction of the extract per centimetre path length does not exceed the following limits:

Wavelength range (millimicrons)

280—289, 290—299, 300—359, 360—400.

Extinction limit

0·15, 0·12, 0·08, 0·02.

and if such solid mineral hydrocarbon is tested subsequently shall give the said result; or

(ii) shall have a viscosity at 99°C. not greater than 7·0

centistokes and an ultra-violet extinction (otherwise called absorbance) at 290 millimicrons not greater than 0·04 for a 1 centimetre layer of a solution in iso-octane containing 1 gram per

litre, that is to say, shall not be greater than 0·04 where $E = \log_{10} (I_0/I)$ and I_0 and I are the intensities of the incident radiation and of the transmitted radiation respectively; or
(iii) shall have a viscosity at 99°C. not less than 10·0 centistokes and an ultra-violet extinction (otherwise called absorbance) at 290 millimicrons not greater than 1·0 for a 1 centimetre layer of a solution in iso-octane containing 1 gram per litre, that is to say, shall not be greater than 1·0 where $E = \log_{10} (I_0/I)$ and I_0 and I are the intensities of the incident radiation and of the transmitted radiation respectively.

Specification for solid mineral hydrocarbon in chewing gum.

4. Solid mineral hydrocarbon in any chewing gum—

(a) shall comply with the requirements contained in sub-paragraphs (a), (b), (c) and (d) of paragraph 3 of this Schedule; and

(b) shall have been tested, before being used in the manufacture or preparation of any chewing gum, for the presence of polycyclic hydrocarbon with the result that the light extinction of the extract per centimetre path length does not exceed the following limits:

Wavelength range (millimicrons)

280—289, 290—299, 300—359, 360—400.

Extinction limit

0·15, 0·12, 0·08, 0·02.

and if such mineral hydrocarbon is tested subsequently by the said method, shall give the said result.

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—

(a) provide (subject to certain exemptions) that the use of any mineral hydrocarbon in the manufacture or preparation of food and the importation, distribution, sale or exposure for sale of any food containing any mineral hydrocarbon is prohibited;

(b) provide that the prohibition on the presence of mineral hydrocarbon in food shall not apply to eggs, dried fruit (currants, prunes, raisins and sultanas), citrus fruit, sugar confectionery, lubricants or greasing agents, the rind of pressed cheese, chewing gum, or food in which dried fruit, citrus fruit or sugar confectionery is an ingredient;

(c) prescribe limits for the presence of mineral hydrocarbon in some of the exempted foods;

(d) prescribe specifications for mineral hydrocarbons the use of which is regulated in relation to the permitted exemptions;

(e) provide that where a sample of food has been certified by a public analyst not to comply with the provisions of 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.

