

## HEALTH (VINYL CHLORIDE IN FOOD) REGULATIONS 1984

In exercise of the powers vested in the Minister for Health by sections 3 of the Health Act, 1947 (No. 28 of 1947), sub-section (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), which said powers are delegated to me by the Health (Delegation of Functions) Order, 1984 (S.I. No. 4 of 1984), I, JOHN F. DONNELLAN, Minister of State at the Department of Health, after consultation with the Minister for Industry, Trade, Commerce and Tourism and the Minister for Agriculture, hereby make the following Regulations:

### REG 1

1. These Regulations may be cited as the Health (Vinyl Chloride in Food) Regulations, 1984.

### REG 2

2. These Regulations shall come into operation on the 1st day of May, 1984.

### 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;

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

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

(2) 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.

(3) Any reference in these Regulations to an owner or to a person responsible for 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 4

4. These Regulations shall not apply to food for export.

### REG 5

5. These Regulations shall be enforced and executed in the functional area of a health board by the health board.

### REG 6

6. (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 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 the provisions 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 7

7. 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.

#### REG 8

8. Subject to the provisions of these Regulations, a person shall not manufacture, import, distribute or sell any food which contains vinyl chloride in a proportion exceeding 0.01 milligrams per kilogram of such food.

Signed this 13th day of April, 1984.

JOHN F. DONNELLAN,  
Minister of State at the Department of Health.

#### EXPLANATORY NOTE.

These Regulations specify a maximum permissible level for vinyl chloride in food of 0.01 mg/kg.

They implement Article 2.2 of EEC Council Directive No. 78/142/EEC of 30th January, 1978, on the approximation of the laws of the Member States relating to materials and articles which contain vinyl chloride monomer and are intended to come into contact with foodstuffs.

The Regulations come into operation on 1st May, 1984.

