

MINISTRY OF HEALTH,
Whitehall, S.W. 1.
11th August, 1925..

**PUBLIC HEALTH (PRESERVATIVES, &c., IN FOOD)
REGULATIONS, 1925.**

SIR,

I am directed by the Minister of Health to forward for the information of the Authority a copy of the Public Health (Preservatives, &c., in Food) Regulations, 1925, which are based on the recommendations of the recent Departmental Committee on the Use of Preservatives and Colouring Matters in Food.

The Regulations provide for the prohibition of the importation and sale of articles of food to which preservatives and other specified substances have been added. The provisions as to importation contained in Part III of the Regulations will be enforced by the Officers of Customs and Excise and by the Port and other Sanitary Authorities responsible for the administration of the Public Health (Imported Food) Regulations, 1925. The Regulations in terms give co-ordinate jurisdiction to the Officers of Customs and Excise and to the Local Authorities and their officers, but it has been arranged with the Commissioners of Customs and Excise that so far as meat and fish and their products are concerned, the enforcement will normally be left to Local Authorities and their officers, and that the Officers of Customs and Excise will normally enforce the Regulations so far as they apply to other articles of food. Local Authorities are not precluded from taking action with regard to such other articles, but in order to avoid any duplication it is desirable that wherever they propose to take samples of any such article or to initiate proceedings in connection with its importation they should notify the local Officer of Customs and Excise. Under Article 9 (3) an officer of a Local Authority must in certain circumstances obtain the consent of the Officer of Customs and Excise before taking a sample.

One of the recommendations of the Departmental Committee was, that any prohibitions or limitations imposed by Regulations should bind the Courts in proceedings taken under the Sale of Food and Drugs Acts. The Committee went on to say :—

“ If this were done, traders and the public generally would know what was permissible and what was not, and there would be no

conflict of expert evidence on the question whether the amount of preservative or colouring matter was or was not injurious to health. The only point at issue would normally be whether the preservative or colouring matter found in the food, or the amount of it, was in contravention of the Regulations. A change in the law in this direction would, we feel sure, be appreciated both by Local Authorities and by traders."

The Minister is entirely in agreement with the view of the Committee but it has not been practicable up to the present time to introduce legislation to give effect to this recommendation. The Minister commends the matter, however, to the consideration of Local Authorities and suggests that proceedings should not be taken under the Sale of Food and Drugs Acts in respect of the addition of preservatives to food except where such addition would be contrary to the provisions of the Regulations. In this connection Local Authorities will no doubt have regard to the fact that in conformity with the recommendation of the Committee, the Regulations have been framed so as to allow time for the adjustment of methods and processes, and the clearance of existing stocks, before they come into operation.

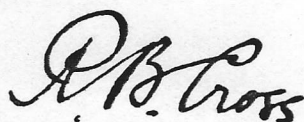
Representations have been made to the Minister that a Local Authority, before instituting proceedings under the Regulations, should give the person concerned an opportunity of furnishing an explanation. This suggestion has been made mainly on the ground that, especially during the early period of operation of the Regulations, difficulties may occur which would be satisfactorily cleared up by administrative action and would not justify the institution of legal proceedings. The Minister is in general agreement with the suggestion but he thinks that the matter is one that can properly be left to the discretion of Local Authorities and he has, therefore, decided not to include in the Regulations any specific provision on this point.

Representations have also been made that a retailer should be entitled, as in the case of the Sale of Food and Drugs Acts, to plead the defence of warranty. The Minister feels that the proposal is equitable in principle but he is advised that, in view of the statutory powers under which the Regulations are made, it is not possible to include a suitable provision to give effect to it in the Regulations. Attention may, however, be drawn to Article 7 which empowers a Local Authority instead of, or in addition to, taking proceedings against a retailer, to take proceedings against the manufacturer or wholesaler by whom the article was previously sold. It is suggested that this provision might be used with advantage in many cases where an article of food is sold in a sealed container bearing the name and address of the manufacturer or of the wholesale dealer responsible for its distribution. In connection with this matter reference may be made to the terms of Article 14 which enables the officers of the Local Authority

to make any necessary enquiries as to the origin of an article
to which the Regulations apply.

I am, Sir,

Your obedient Servant,

A handwritten signature in cursive script that reads "A. B. Cross". The signature is written in dark ink and is positioned above a horizontal line.

Assistant Secretary.

The Town Clerk or,
The Clerk to the Council or,
The Clerk to the Port Sanitary
Authority.