



MINISTRY OF FOOD

# THE LABELLING AND ADVERTISING OF FOODS

*Presented by the Minister of Food to Parliament  
by Command of His Majesty  
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## THE LABELLING AND ADVERTISING OF FOODS.

1. The Ministry of Food is charged with the responsibility of providing the public with a supply of food which is adequate in quantity and satisfactory in quality to maintain the nation in health. This carries with it the obligation to protect the consumer against being misled in regard to foodstuffs which are offered for sale.

2. This protection is even more important in war than in peace. In times of plenty false and misleading claims regarding the quality or nutritive properties of particular foodstuffs, while highly reprehensible, may cause less actual harm than under wartime conditions, as in the former case adequate supplies of alternative foods are available. But when the national diet is only just sufficient to maintain health the use of inferior articles for which exaggerated claims are made may be serious, particularly to mothers, children and adolescents.

3. As a first step towards providing additional protection for the public in regard to the quality and nutritional properties of its food supply the Food Substitutes Order, 1941, was issued making it an offence, except under licence of the Minister of Food, to manufacture any product which purported to be a substitute for a food. Where necessary appropriate labelling was made a condition of the grant of licences under the Order, but the Order was, of course, only applicable to the limited range of products coming within the definition of a food substitute.

4. The desirability of protecting the consumer by the determination of food standards which had been the subject of recommendations by earlier Committees was again emphasized by the Departmental Committee on Composition and Description of Food which issued its Report in 1934. As a result suitable provision was made in the Food and Drugs Act, 1938. This Act did not come into force until October, 1939, by which date the Ministry of Food was in existence. Consequently the Minister of Health has not exercised the power conferred upon him by the Act for the determination of standards for food. The need for standards has been accentuated by wartime shortage of supplies and the consequent danger of a reduction of the quality of certain manufactured foodstuffs.

5. For these reasons, the Government have decided that, in the present circumstances, the Minister of Food shall be responsible for the protection of the consumer against false and misleading claims in regard to foodstuffs and shall exercise certain of the powers already granted by Parliament to the Minister of Health and the Board of Trade. These powers are contained in Section 8 (1) (b) and (c) of the Food and Drugs Act, 1938, and Section 9 (1) (c) of the Sale of Food (Weights and Measures) Act, 1926 (see appendix). The former enables the Minister of Health to make regulations stipulating the manner in which foods are to be labelled and regulating the composition of food. The latter empowers the Board of Trade to make regulations requiring pre-packed foods to be labelled with an indication of their weight or measure.

6. The Defence (Sale of Food) Regulations(a) have recently been made, involving the following changes in the law:—

(a) Section 6 of the Food and Drugs Act, 1938 (see appendix), is suspended as from 1st January, 1944, so far as it relates to food, and is re-enacted in a modified form, with the effect that:

(i) the display of a label which falsely describes any food exposed for sale is now an offence, whereas under the Act no offence was committed until a sale was made.

(ii) whereas, under the Act, it is an offence to give a label, or to publish or to be a party to the publication of an advertisement, which

falsely describes or is otherwise calculated to mislead as to the nature, substance or quality of a food, this offence will now specifically include giving a label or publishing an advertisement which misleads as to the nutritional or dietary value of a food.

(b) The necessary powers to control the labelling and composition of food are granted to the Minister of Food who is authorised to proceed by Order.

(c) An additional power, not contained in previous legislation, is conferred on the Minister of Food enabling him by Order to restrict the making in advertisements of food of claims or suggestions of the presence of vitamins or minerals.

(d) Where the law regarding the labelling and advertising of food in Scotland and Northern Ireland is affected by these Regulations, it is, so far as practicable, made uniform with the law in England and Wales.

(e) The Minister of Food becomes an enforcing authority in addition to those already acting under the statutes referred to above.

(f) Except in such cases as Orders under the Regulations may provide, the consent of the Minister of Food is required before proceedings under the Regulations may be instituted by a Food and Drugs authority.

7. Under the powers granted by the Regulations the Minister of Food will issue Orders creating standards for particular foods as necessity arises. In order to obtain technical assistance in fixing appropriate food standards in cases where they have become urgently necessary as a result of wartime conditions, the Minister of Food has appointed an Advisory Committee consisting of representatives of the Ministry of Food, the Ministry of Health and the Government Chemist's Department, and of public analysts nominated by the Society of Public Analysts and other Analytical Chemists. This Committee has already had under consideration standards for a number of foods and has been in close consultation with representatives of the traders concerned. It is the Government's intention that in fixing standards full consideration shall continue to be given to responsible trade opinion.

8. Under the powers conferred by the Regulations in the matter of labelling it is proposed to require by Order that, in general, pre-packed articles of food shall bear a label indicating the following particulars:

- (a) The name and address of the packer.
- (b) The common or usual name (if any) of the food.
- (c) The minimum quantity of food contained in the package.
- (d) The common or usual names (but not the proportions) of the ingredients of the food.

Provision will be made for relaxing these requirements in appropriate cases and the disclosure of ingredients will not be necessary in the case of foods for which a standard is prescribed under the Regulations. In this way the public will be fully protected as to the quantity of food they are buying, and also as to its quality, either by the existence of a standard or by the disclosure of its ingredients. In all cases where the public will not be seriously prejudiced ample time will be allowed traders to enable them, with the minimum of inconvenience, to amend their labels and dispose of existing stocks.

9. The necessity for restricting claims or suggestions in advertisements regarding the presence of vitamins and minerals in a food is in part the direct consequence of the Government's nutritional policy. It is essential for the health of the nation that the value of protective foods should be emphasized. This policy must not be exploited in relation to foodstuffs where the protective element is absent or present in ineffective quantity. In the case of products



recommended as medicines, in which the presence of vitamins or minerals is claimed, it is already necessary that the label should bear a quantitative disclosure of these active ingredients. After consultation with the Medical Research Council the Government have decided that a similar quantitative disclosure of the vitamin or mineral content shall also be required in the case of foods in which the presence of these constituents is claimed.

10. The defences available to traders under the Food and Drugs Act, 1938, and the Sale of Food (Weights and Measures) Act, 1926, are preserved in relation to offences under these Regulations. This continuity is secured by the provision that an Order issued under the Regulations may include the warranty defence and the defence available where some other person is responsible for the commission of the offence charged. In regard to offences respecting misleading advertisements, the defence available in the Food and Drugs Act, 1938, to those whose business it is to publish or arrange for the publication of advertisements is also retained.

Ministry of Food,  
London, N.W.1.

November, 1943.

#### APPENDIX.

##### FOOD AND DRUGS ACT, 1938.

###### Section 6.

###### *Labels and advertisements describing incorrectly food or drugs.*

(1) A person who gives with any food or drug sold by him a label, whether attached to or printed on the wrapper or container or not, which falsely describes that food or drug, or is otherwise calculated to mislead as to its nature, substance or quality, shall be guilty of an offence, unless he proves that he did not know, and could not with reasonable diligence have ascertained, that the label was of such a character as aforesaid.

(2) A person who publishes, or is a party to the publication of, an advertisement (not being such a label so given by him as aforesaid) which falsely describes any food or drug, or is otherwise calculated to mislead as to its nature, substance or quality, shall be guilty of an offence.

Provided that in proceedings under this subsection it shall be a defence for the defendant to prove either:—

(a) that he did not know, and could not with reasonable diligence have ascertained, that the advertisement was of such a character as aforesaid; or

(b) that, being a person whose business it is to publish, or arrange for the publication of, advertisements, he received the advertisement for publication in the ordinary course of business.

In any such proceedings as aforesaid against the manufacturer, producer or importer of the food or drug, it shall rest on the defendant to prove that he did not publish and was not a party to the publication of, the advertisement.

###### Section 8.

###### *Power of Minister of Health to make regulations as to the importation, preparation, storage, sale, delivery, etc., of food.*

(1) The Minister of Health (hereafter in this Act referred to as "the Minister") may, subject to the provisions of this section, make regulations (in this Act referred to as "Food Regulations") for all or any of the purposes mentioned in any of the following paragraphs, that is to say:—

(b) requiring wrappers or containers enclosing or containing food of various kinds to be labelled or marked in accordance with the Regulations;

(c) prohibiting or restricting the addition of any substance to, and regulating generally the composition of, any food.

##### SALE OF FOOD (WEIGHTS & MEASURES) ACT, 1926.

###### Section 9.

###### *Power of Board of Trade to make Regulations.*

(1) The Board of Trade, after consultation with the Minister of Agriculture and Fisheries and such interest as appear to them to be concerned, may make regulations for the purpose

(c) of requiring any pre-packed articles of food other than those mentioned in the first Schedule to the Act to be labelled with an indication of their weight or measure.