

MINISTRY OF FOOD - Food Standards & Labelling Division,

Mussoorie,  
Colwyn Bay,  
Denbighshire.

22nd December, 1943.

Sir,

THE DEFENCE (SALE OF FOOD) REGULATIONS, 1943.

- (1) SUSPENSION OF SEC.6 OF FOOD & DRUGS ACT. I am directed to remind you that Regulation 1 of the Defence (Sale of Food) Regulations, 1943, comes into force on the 1st January, 1944, from which date Section 6 of the Food & Drugs Act, 1938, is suspended so far as it relates to food as defined in the Regulations. The suspension, however, is without prejudice to proceedings already commenced. It is provided in Regulation 5 (1) that the consent of the Minister of Food must be obtained before proceedings for an infringement of the Regulations are instituted, and in order to facilitate the smooth administration of this provision, Authorities are asked to note the following information.
- (2) ADDRESS. Applications by Authorities for the Minister's consent should be addressed to the Ministry of Food, Food Standards & Labelling Division, Mussoorie, Colwyn Bay, Denbighshire.
- (3) DOCUMENTS REQUIRED. Applications should be accompanied by copies of all documents, statements and certificates relating to the proceedings contemplated, and a draft of the proposed information. These will be retained by the Ministry, and it is essential, therefore, that copies and not originals should be sent.
- (4) TIME LIMIT. Under Regulation 93 of the Defence (General) Regulations, 1939, proceedings in respect of an infringement of the Defence (Sale of Food) Regulations must be commenced within 12 months of the commission of the offence. This does not, of course, affect the periods within which proceedings must be brought for any offence under the Food & Drugs Act. Where Authorities propose to bring charges both under the Regulations and under any other enactment, for example, Section 3 of the Food & Drugs Act, the Ministry's attention should be called to this fact so that if necessary priority can be given to the consideration of such cases.
- (5) PENALTIES AND DEFENDANT. Offences against the Regulations are punishable with the same penalties as offences against the Defence (General) Regulations, 1939, when tried summarily, namely, by imprisonment for a term not exceeding 3 months or by a fine not exceeding £100 or by both. The Ministry suggests that wherever possible proceedings shall be instituted against the person primarily responsible for the commission of the offence and not against a retailer whose guilt may be only of a technical nature. If in any case there are special circumstances which justify a departure from this general principle, they should be stated in the application.

- (6) ENFORCEMENT. Neither the Regulations nor Orders to be made under them are enforceable by Food Control Committees. Although the Minister of Food may himself institute proceedings, it is not proposed to exercise this power except in special circumstances.
- (7) EXISTING LABELS. The Ministry proposes that in order to give traders a reasonable time in which to make any necessary amendments, some leniency should be exercised for a few months in the case of statements on labels which mislead as to the nutritional or dietary value of the food. It is not intended that such latitude should be allowed in the case of grossly misleading labels, or of labels which contravene Regulation 1 as regards nature, substance or quality only.
- (8) RESULT OF HEARINGS. Where the Minister's consent to proceedings has been given, a report of the result of the hearing should be sent as soon as possible thereafter to the address indicated ~~on the leaf~~.
- (9) A copy of this circular is being sent to the Medical Officer of Health and the Public Analyst.

I am, Sir,  
Your obedient Servant,  
CHARLES A. ADAMS,  
Assistant Secretary.

The Clerk of the Council.

2255/1000/12.43.