

STATUTORY RULES AND ORDERS

1945 No. 1550

EMERGENCY POWERS (DEFENCE)

Food (Labelling)

ORDER, DATED DECEMBER 10, 1945, AMENDING THE LABELLING OF FOOD
(No. 2) ORDER, 1944.

In exercise of the powers conferred upon him by Regulation 2 of the Defence (Sale of Food) Regulations, 1943(a), and of all other powers him enabling, the Minister of Food hereby makes the following Order:—

1. The Labelling of Food (No. 2) Order, 1944, as amended(b), shall be further amended as follows:—

(a) by inserting in paragraph (1) of Article 1 thereof the following additional definitions:—

“ “ Intoxicating liquor ” means spirits, wine, beer, porter, cider, perry and sweets and any fermented, distilled or spirituous liquor which cannot be lawfully sold without an excise licence.

“ Spirits ” means spirits of any description, and includes all liquors mixed with spirits and all mixtures, compounds or preparations made with spirits, other than fortified wines or fortified sweets.”;

(b) by inserting at the end of Article 2 thereof (which relates to the labelling of pre-packed food for retail sale) the following additional paragraph:—

“ (7) Paragraphs (3) and (4) of this Article shall not apply to intoxicating liquors pre-packed for sale as such, but in the case of such intoxicating liquors (other than those wholly exempt from the provisions of this Article by virtue of the First Schedule to this Order) the said statement must also include, except in the case of spirits, the appropriate designation of the product and in every case such one of the following declarations as may be applicable or such other declaration substantially to the like effect as may be allowed by the Minister:—

(i) in the case of liquor (other than spirits) which, in so far as it is derived from fruit, is derived exclusively from one variety of fruit:—

FRUIT BASIS EXCLUSIVELY (x)
ALCOHOL CONTENT NOT LESS THAN (y)

(ii) in the case of liquor (other than spirits) derived from more than one variety of fruit:—

FRUIT BASIS (x) AND (x)
ALCOHOL CONTENT NOT LESS THAN (y)

(a) S.R. & O. 1943 (No. 1553) II, p. 70.

(b) S.R. & O. 1944 (No. 1447) II, p. 518, and 1945 Nos. 464 and 1178.

- (iii) in the case of liquor (other than spirits) which is not derived either wholly or in part from fruit:—

NOT MADE FROM FRUIT
ALCOHOL CONTENT NOT LESS THAN (y)

- (iv) in the case of spirits:—

ALCOHOL CONTENT
NOT LESS THAN (y)

The declaration shall be completed by inserting at (x) in cases (i) and (ii) a word or words accurately specifying the description of fruit or fruit products as used by the manufacturer of the liquor and at (y) in each case the minimum alcohol content expressed either as a percentage by volume or as a percentage of proof spirit, and followed immediately by the words "PER CENT. BY VOLUME" or "PER CENT. PROOF SPIRIT" as the case may be.

In case (ii), the fruit or fruit products used shall be specified in the order of the proportion in which they were used, that used in the greatest proportion (by weight) being specified first. In every case, the declaration shall be printed in dark block type not less than $\frac{1}{8}$ inch in height upon a light coloured ground and shall be enclosed by a surrounding line and no matter other than that hereinbefore described shall be printed within such surrounding line.

For the purposes of this paragraph—

- (a) "appropriate designation" means a name or description, being a specific and not a generic name or description, calculated to indicate to a prospective purchaser the true nature of the product to which it is applied;
- (b) "fruit" includes rhubarb;
- (c) intoxicating liquor shall be deemed not to be derived from any fruit which is present therein only in insignificant quantities.";
- (c) by substituting in Article 4 and Article 7 thereof for the words "Articles 2, 3 or 5 of this Order" the words "Articles 2, 3, 4A or 5 of this Order";
- (d) by inserting after Article 4 thereof the following additional Article:—

"Special provisions as to intoxicating liquor.

4A. No person shall sell or have in his possession for sale intoxicating liquor produced in the United Kingdom described in a label, whether attached to or printed on the wrapper or container or not—

- (i) by any name or words calculated to indicate either directly or by ambiguity, omission or inference, that the liquor is or resembles imported wine or is a substitute for or has the flavour of imported wine, unless such liquor, in so far as it is derived from fruit, is derived exclusively from grapes; or

- (ii) (in the case of liquor derived wholly or partly from fruit other than grapes) by the use of the word " wine ", unless that word is immediately preceded in identical lettering by a word or words accurately specifying the description of fruit or fruit product used.";
- (e) by inserting in entry No. 10 in Table A in the First Schedule thereto (which specifies certain foods partly exempt from paragraph (3) of Article 2 of the Order) after the words " ' M ' flour " the words " Intoxicating liquor ";
- (f) by substituting in Table B of the said First Schedule (which specifies foods wholly exempt from Article 2 of the Order when pre-packed for sale as such and partly exempt when forming an ingredient of some other food) for the entry relating to intoxicating liquor the following entry—
- " Intoxicating liquor of the following descriptions, that is to say, spirits containing more than 40 per cent of proof spirit, wine imported into the United Kingdom, beer, porter and any product sold under the description cider or perry ".
- 2.—(1) Sub-paragraphs (b), (d), (e) and (f) of Article 1 of this Order shall come into force—
- (a) so far as they affect the sale or possession for sale otherwise than by retail or the delivery pursuant to a sale otherwise than by retail of intoxicating liquor by the packer or labeller thereof, on the first day of February, 1946;
- (b) in all other respects, on the first day of April, 1946.
- (2) The remaining provisions of this Order shall come into force on the date hereof.

By Order of the Minister of Food.

F. N. Tribe,
Secretary to the Ministry of Food.

Dated the 10th day of December, 1945.

EXPLANATORY NOTE

Hitherto the labelling provisions of the Labelling of Food (No. 2) Order, 1944, have not applied to intoxicating liquor. This amending Order brings them into operation as regards " sweets ", including British wines, and spirituous liquors containing not more than 40 per cent. proof spirit, subject to certain modifications necessitated by the nature of these products.

An additional Article imposes restrictions on the labelling of such products, if the fruit basis of the product is not exclusively grapes, or products derived from grapes.

The Order will come into force on the 1st April, 1946, except that as regards the sale or delivery of intoxicating liquor by the packer or labeller otherwise than by retail the Order will come into force on the 1st February, 1946.

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LONDON

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:

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1945

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