



## THE FOOD REGULATIONS 1984, AMENDMENT NO. 3

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THOMAS EICHELBAUM, Administrator of the Government

### ORDER IN COUNCIL

At Wellington this 4th day of December 1989

Present:

THE RIGHT HON. G. W. R. PALMER PRESIDING IN COUNCIL

PURSUANT to section 42 of the Food Act 1981, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Food Regulations 1984, Amendment No. 3, and shall be read together with and deemed part of the Food Regulations 1984\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of January 1990.

**2. Two new regulations (relating to margarine and reduced fat spread) substituted**—The principal regulations are hereby amended by revoking regulation 88, and substituting the following regulations:

“88. **Margarine**—(1) Margarine shall be a product in the form of a plastic emulsion, that is of the type water-in-oil, produced principally from edible fats and edible oils, including milk fat.

\*S.R. 1984/262  
Amendment No. 1: S.R. 1985/300  
Amendment No. 2: S.R. 1987/265

“(2) Margarine shall contain not less than 80% fat and not more than 16% water.

“(3) Margarine may contain any of the following:

“(a) Salt:

“(b) Any carbohydrate sweetener specified in regulation 147 (1) of these regulations:

“(c) Suitable edible protein sources, including skim milk or skim milk powder:

“(d) The following colouring substances:

“Annatto extracts (bixin, norbixin);

“Anthocyanins;

“Beet red (betanin);

“ $\beta$ -carotene;

“ $\beta$ -apo-8'-carotenol;

“ $\beta$ -apo-8'-caratenoic acid, and its ethyl and methyl esters;

“Canthaxanthin;

“Chlorophyll;

“Cochineal (carminic acid);

“Riboflavin (lactoflavin);

“Saffron (crocin, crocetin);

“Turmeric (curcumin); and

“Xanthophylls:

“(e) Permitted flavouring substances:

“(f) Any emulsifier specified in regulation 253 (2) (a) of these regulations:

“(g) Any antioxidant specified in regulation 249 (3) of these regulations, in a proportion not exceeding the maximum specified in that regulation in relation to that antioxidant, calculated on the total food:

“(h) The following acidity regulators:

Any acidity regulator specified in regulation 253 (2) (c) of these regulations; and

Sodium hydroxide:

“(i) Lactic acid cultures:

“(j) Drinking water:

“(k) Vitamin A and vitamin D.

“(4) A margarine may be described as ‘polyunsaturated’ if the proportion of cis-methylene interrupted polyunsaturated fatty acids, present as triglycerides, is at least 40% of the total fatty acids, and the proportion of the saturated fatty acids present as triglycerides does not exceed 20% of the fatty acids.

“(5) Any margarine may contain nitrogen if the label on each package of the margarine bears, in association with the name of the food, the word ‘whipped’ or any word or words of similar meaning.

“(6) Subject to subclause (10) of this regulation, no label on a package of margarine shall bear, in association with the name of the food, the word ‘dairy’, or any word or words of similar meaning, unless at least 75% of the fat content of the margarine is milk fat.

“(7) A margarine in which at least 75% of the fat content is milk fat may be described as ‘dairy blend’, and this shall be considered to be the common name for the purposes of regulation 4 (1) (a) of these regulations.

“(8) Subject to subclause (10) of this regulation, no label on a package of margarine shall bear, elsewhere on the label, the word ‘dairy’ or any word or words of similar meaning, unless—

“(a) At least 60% of the fat content of the margarine is milk fat; and

“(b) The label bears a statement of the proportion of milk fat in the margarine.

“(9) Subject to subclause (10) of this regulation, no label on a package of margarine shall bear the word ‘butter’, or any word or words of similar meaning, or contain any pictorial or other descriptive matter that includes, resembles, or suggests the word ‘butter’.

“(10) Subclauses (6), (7), (8), and (9) of this regulation shall not apply to the use of the word ‘dairy’, or the word ‘butter’, or any word or words of similar meaning,—

“(a) In the list of ingredients; or

“(b) As part of the trading name and business address in the statement required by regulation 4 (1) (c) of these regulations; or

“(c) As part of a declaration of the absence of dairy ingredients in margarine.

“88A. **Reduced fat spread or reduced fat margarine**—(1) Reduced fat spread or reduced fat margarine shall be a product in the form of a spreadable emulsion that is mainly of the type water-in-oil produced principally from water and edible fats and edible oils, including milk fat, in which the fat content is not less than 30% and not more than 50%.

“(2) Reduced fat spread or reduced fat margarine may contain any of the following:

“(a) Salt:

“(b) Any carbohydrate sweetener specified in regulation 147 (1) of these regulations:

“(c) Suitable edible protein sources, including skim milk or skim milk powder:

“(d) Any stabiliser, thickener, or gelling agent specified in regulation 253 (2) (b) of these regulations:

“(e) The following colouring substances:

“Annatto extracts (bixin, norbixin);

“Anthocyanins;

“Beet red (betanin);

“ $\beta$ -carotene;

“ $\beta$ -apo-8'-carotenol;

“ $\beta$ -apo-8'-caratenoic acid, and its ethyl and methyl esters;

“Canthaxanthin;

“Chlorophyll;

“Cochineal (carminic acid);

“Riboflavin (lactoflavin);

“Saffron (crocin, crocetin);

“Turmeric (curcumin); and

“Xanthophylls:

“(f) Permitted flavouring substances:

“(g) Any emulsifier specified in regulation 253 (2) (a) of these regulations:

“(h) Any preservative specified in the table to regulation 248 (7) of these regulations in relation to reduced fat spread or reduced fat margarine, in a proportion not exceeding the maximum permitted by that regulation:

“(i) Any antioxidant specified in regulation 249 (3) of these regulations in a proportion not exceeding the maximum specified in that regulation in relation to that antioxidant, calculated on the total food:

“(j) The following acidity regulators:  
Any acidity regulator specified in regulation 253 (2) (c) of these regulations; and  
Sodium hydroxide:

“(k) Lactic acid cultures:

“(l) Drinking water:

“(m) Vitamin A and vitamin D.

“(3) A reduced fat spread or reduced fat margarine may be described as ‘polyunsaturated’ if the proportion of cis-methylene interrupted polyunsaturated fatty acids, present as triglycerides, is at least 40% of the total fatty acids, and the proportion of the saturated fatty acids present as triglycerides does not exceed 20% of the fatty acids.

“(4) The label on each package of reduced fat spread or reduced fat margarine shall bear a declaration of the fat content of the food.

“(5) No label on a package of reduced fat spread or reduced fat margarine shall bear the words ‘low fat’.

“(6) Any reduced fat spread or reduced fat margarine may contain nitrogen if the label on each package of the reduced fat spread or reduced fat margarine bears, in association with the name of the food, the word ‘whipped’, or any word or words of similar meaning.

“(7) Subject to subclause (9) of this regulation, no label on a package of reduced fat spread or reduced fat margarine shall bear, in association with the name of the food, the word ‘dairy’ or any word or words of similar meaning, unless 100% of the fat content of the reduced fat spread or reduced fat margarine is milk fat.

“(8) Subject to subclause (10) of this regulation, no label on a package of reduced fat spread or reduced fat margarine shall bear, elsewhere on the label, the word ‘dairy’ or any word or words of similar meaning, unless—

“(a) At least 60% of the fat content of the reduced fat spread or reduced fat margarine is milk fat; and

“(b) The label bears a statement of the proportion of milk fat in the reduced fat spread or reduced fat margarine.

“(9) Subject to subclause (10) of this regulation, no label on a package of reduced fat spread or reduced fat margarine shall bear the word ‘butter’ or any word or words of similar meaning, or contain any pictorial or other descriptive matter that includes, resembles, or suggests the word ‘butter’.

“(10) Subclauses (7), (8), and (9) of this regulation shall not apply to the use of the word ‘dairy’, or the word ‘butter’, or any word or words of similar meaning,—

“(a) In the list of ingredients; or

“(b) As part of the trading name and business address in the statement required by regulation 4 (1) (c) of these regulations; or

“(c) As part of a declaration of the absence of dairy ingredients in reduced fat spread or reduced fat margarine.”

**3. Preservatives**—The table to regulation 248 (7) of the principal regulations is hereby amended by inserting, after the item relating to uncooked shrimps and uncooked prawns, the following item:

“Reduced fat spread or reduced fat margarine	—	1000	2000.”
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**4. Antioxidants**—(1) Regulation 249 (2) of the principal regulations is hereby amended by omitting the words “containing an antioxidant”, and substituting the words “to which an antioxidant has been added”.

(2) Regulation 249 (3) of the principal regulations is hereby amended by omitting the words "Where permitted by these regulations, there may be added to edible oils and edible fats the following antioxidants", and substituting the words "The following substances shall be antioxidants for the purposes of these regulations".

C. J. HILL,  
for Clerk of the Executive Council.

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EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 January 1990, amend the Food Regulations 1984.

*Regulation 2* substitutes a new standard for margarine, and prescribes a new standard for reduced fat spread or reduced fat margarine.

*Regulation 3*, relating to preservatives, prescribes maximum limits of benzoic acid and sorbic acid in reduced fat spread or reduced fat margarine.

*Regulation 4* makes minor amendments relating to antioxidants that may be added to food.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 7 December 1989.

These regulations are administered in the Department of Health.