



Jersey

FOOD SAFETY (ICE-CREAM) (JERSEY) ORDER 1967

Official Consolidated Version

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FOOD SAFETY (ICE-CREAM) (JERSEY) ORDER 1967

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FOOD SAFETY (ICE-CREAM) (JERSEY) ORDER 1967¹

THE HEALTH AND SOCIAL SERVICES COMMITTEE, in pursuance of Articles 6 and 58 of the [Food Safety \(Jersey\) Law 1966](#), orders as follows –

Commencement [[see endnotes](#)]

PART 1

INTERPRETATION

1 Interpretation

- (1) In this Order, unless the context otherwise requires –

“complete cold mix” means a product which is capable of manufacture into a mixture with the addition of water only, is sent out by the manufacturer in airtight containers and has been made by evaporating a liquid mixture which has already been submitted to heat treatment not less effective than that prescribed in this Order and to which, after such treatment, no substance other than sugar has been added;

“ingredient” includes sugar and any whole egg, yolk or albumen (whether or not dried, frozen or preserved) but does not include colouring or flavouring materials or fruit, nuts, chocolate or other similar substances;

“Law” means the [Food Safety \(Jersey\) Law 1966](#);

“mixture” means a product which is capable of manufacture into ice-cream by freezing only;

“sugar” means any soluble carbohydrate sweetening matter and for this purpose “carbohydrate” means a substance containing carbon, hydrogen and oxygen only in which the hydrogen and oxygen occur in the same proportion as in water.²

- (2) Nothing in Articles 2 and 3 and Schedule 1 shall apply to water ices, including ice lollies.

PART 2

COMPOSITION OF ICE-CREAM

2 Standard of composition of ice-cream

Ice-cream (whether or not it forms part of a composite article of food) intended for sale for human consumption shall conform to the standard of composition set out in Schedule 1.

3 General prohibition of sale of ice-cream not conforming to standard

- (1) No person shall sell, or offer or expose for sale, any food intended for human consumption under such a description as to lead an intending purchaser to believe the person is purchasing ice-cream or a composite article of food containing ice-cream unless the food conforms to the standard set out in Schedule 1 or, as the case may be, the composite article of food contains food which conforms to that standard.
- (2) Where a person sells any food to a purchaser in response to a request for ice-cream or for a composite article of food containing ice-cream the person shall be deemed to sell ice-cream or, as the case may be, a composite article of food containing ice-cream unless the person clearly notifies the purchaser at the time of sale that the food is not, or as the case may be, the composite article of food does not contain, ice-cream.

PART 3

MANUFACTURE OF ICE-CREAM

4 Requirements relating to the manufacture of ice-cream

The requirements set out in Schedule 2 shall be observed in the manufacture of ice-cream intended for sale for human consumption.

5 Requirements relating to the sale of ice-cream

Ice-cream shall not be sold or offered for sale for human consumption unless –

- (a) the relevant provisions of Schedule 2 have been complied with in relation to its manufacture; and either
- (b) it has been kept at a temperature not exceeding 28°F (-2.22°C) since it was frozen; or
- (c) if its temperature has risen above 28°F (-2.22°C) at any time since it was frozen, it has again been subjected to the treatment (if any) to which as a mixture it was required to be subjected under paragraph 2 of the said Schedule 2 or would have been required to be subjected thereunder but for paragraph 1 of that Schedule and, after having again been frozen, has been kept at a temperature not exceeding 28°F (-2.22°C).

PART 4

GENERAL

6 Offences

- (1) Any person who contravenes or fails to comply with any provision of this Order shall be guilty of an offence.
- (2) Articles 48(1), 50, 51, 53(2) and 54 of the Law shall apply for the purposes of this Order as if references therein to proceedings, or a prosecution, under or taken or brought under the Law included references to proceedings, or a prosecution, as the case may be, taken or brought for an offence under this Order.

7 Penalties

Any person guilty of an offence under this Order shall be liable to a fine not exceeding £100 or to imprisonment for a term not exceeding 3 months, or to both such fine and such imprisonment, and, in the case of a second or subsequent offence, to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 2 years, or to both such fine and such imprisonment.

8 Citation

This Order may be cited as the Food Safety (Ice-Cream) (Jersey) Order 1967.³

SCHEDULE 1

(Article 2)

STANDARD OF COMPOSITION OF ICE-CREAM

1. The standard of composition of ice-cream (whether or not it forms part of a composite article of food) shall be as follows –
 - (a) ice-cream shall contain not less than 5% fat and 7½% milk solids other than fat so, however, that where ice-cream contains any fruit, fruit pulp or fruit puree it shall either conform to the aforementioned standard or, alternatively, the total content of fat and milk solids other than fat shall be not less than 12½% of the whole including fruit, fruit pulp or fruit puree, as the case may be, and such total content of fat and milk solids other than fats shall include not less than 7½% fat and 2% milk solids other than fat:

Provided that as respects any ice-cream sold, or offered or exposed for sale, under any of the descriptions hereinafter specified in this sub-paragraph, or under any such other description as is calculated to lead an intending purchaser to believe that the purchaser is purchasing ice-cream of any such description as is so specified, the standard of composition shall be as follows –

 - (i) Dairy Ice-Cream, Dairy Cream Ice or Cream Ice shall in each case contain not less than 5% milk fat and no other fat (save as may be introduced by the use in the manufacture thereof of any egg, any flavouring substance or any emulsifying or stabilising agent) and not less than 7½% milk solids other than fat, so, however, that where any Dairy Ice-Cream, Dairy Cream Ice or Cream Ice contains any fruit, fruit pulp or fruit puree it shall either conform to the standard of composition for that ice-cream or, alternatively, the total content of milk fat and milk solids other than fat shall be not less than 12½% of the whole including the fruit, fruit pulp or fruit puree, as the case may be, and such total content of milk fat and milk solids other than fat shall include not less than 7½% milk fat and no other fat (save as may be introduced by the use in the manufacture thereof of any egg, any flavouring substance or any emulsifying or stabilising agent) and not less than 2% milk solids other than fat,
 - (ii) Milk Ice, or Milk Ice containing any fruit, fruit pulp or fruit puree, shall contain not less than 2½% milk fat and no other fat (save as may be introduced by the use in the manufacture thereof of any egg, any flavouring substance or any emulsifying or stabilising agent) and not less than 7% milk solids other than fat,
 - (iii) “Parev” (Kosher) ice shall contain not less than 10% fat and no milk fat or other derivative of milk;
 - (b) no ice-cream of any description shall contain any artificial sweetener.
2. In this Schedule –

- (a) “artificial sweetener” means any chemical compound which is sweet to the taste, and the expression includes polyhydric alcohols but does not include sugar or any other carbohydrate;
- (b) each reference to any proportion or percentage means that proportion or percentage by weight.

SCHEDULE 2

(Article 4)

REQUIREMENTS RELATING TO THE MANUFACTURE OF ICE-CREAM

1. Where a complete cold mix is used which is reconstituted with wholesome drinking water and to which nothing is added other than sugar, colouring or flavouring materials, fruit, nuts, chocolate or other similar substances, the reconstituted mixture shall be converted into ice-cream within one hour of reconstitution.
2. Subject to the provisions of paragraph 3, in any case other than that referred to in paragraph 1 after the ingredients have been mixed together the following provisions shall apply –
 - (a) the mixture shall not be kept for more than one hour at any temperature which exceeds 45°F (7.22°C) before being pasteurised or sterilised in accordance with sub-paragraph (b);
 - (b) the mixture shall be subjected to one or other of the methods of pasteurization or sterilization set out hereunder –

Pasteurization**METHOD 1**

The mixture shall be raised to and kept at a temperature of not less than 150°F (65.55°C) for at least 30 minutes.

METHOD 2

The mixture shall be raised to and kept at a temperature of not less than 160°F (71.11°C) for at least 10 minutes.

METHOD 3

The mixture shall be raised to and kept at a temperature of not less than 175°F (79.44°C) for at least 15 seconds.

Sterilization

The mixture shall be raised to and kept at a temperature of not less than 300°F (148.88°C) for at least 2 seconds;

- (c) the apparatus used for subjecting the mixture to pasteurization by Method 3 or to sterilization shall be thermostatically controlled and shall be fitted with positive displacement pump or such other device as may be approved by the Minister for ensuring a constant rate of flow of the mixture during its retention at the specified temperature and also with a device which, if any mixture has not been raised to the specified temperature, will automatically divert the flow of any such mixture or, as an alternative in the case of sterilisation, stop the apparatus;
- (d) after the mixture has been pasteurised or sterilised as aforesaid it shall be reduced to a temperature of not more than 45°C (7.22°C) within 1½ hours and shall be kept at such a temperature until the freezing process is begun:

Provided that –

- (i) this requirement shall not apply to a mixture which has been sterilised in accordance with the requirements of sub-paragraph (b) if, immediately after the mixture has been so sterilised, it is placed in sterile airtight containers under sterile conditions and the containers remain unopened,
 - (ii) the temperature of a mixture may be allowed to rise above 45°F (7.22°C) when added to a mixture having a pH value of 4.5 or less) for the preparation of water ice or other similar frozen confection if the combined mixture is frozen within one hour of the combination;
 - (e) any mixture to which sub-paragraph (d)(i) applies shall, on the container being opened, be reduced forthwith to a temperature of not more than 45°F (7.22°C) and shall be kept at such a temperature until the freezing process is begun;
 - (f) such indicating and recording thermometers shall be used as the Minister may reasonably require for ensuring that the foregoing provisions relating to the temperature to or at which the mixture is raised, kept or reduced have been complied with;
 - (g) the records of any thermometers used to record temperatures to or at which the mixture is raised, kept or reduced shall be preserved for a period of not less than one month;
 - (h) all apparatus used for the purposes of this paragraph shall be installed, maintained and operated to the satisfaction of the Minister.
3. The requirements set out in paragraph 2 shall not apply to any mixture (whether containing milk solids or not) used, either alone or with other mixtures, in the manufacture of water ice or other similar frozen confection if the mixture has a pH value of 4.5 or less.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Food and Drugs (Ice-Cream) (Jersey) Order 1967	R&O.4948	24 July 1967
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	R&O.45/2005	9 December 2005
States of Jersey (Transfer of Functions No. 9) (Health and Social Services to Environment) (Jersey) Regulations 2017	R&O.67/2017	11 July 2017

Table of Renumbered Provisions

Original	Current
PART I	PART 1
PART II	PART 2
PART III	PART 3
PART IV	PART 4
FIRST SCHEDULE	SCHEDULE 1
SECOND SCHEDULE	SCHEDULE 2
paragraph 2(i)	paragraph 2(a)
paragraph 2(ii)	paragraph 2(b)
METHOD I	METHOD 1
METHOD II	METHOD 2
METHOD III	METHOD 3
paragraph 2(iii)	paragraph 2(c)
paragraph 2(iv)	paragraph 2(d)
paragraph 2(iv) proviso (a)	paragraph 2(iv) proviso (i)
paragraph 2(iv) proviso (b)	paragraph 2(iv) proviso (ii)
paragraph 2(v)	paragraph 2(e)
paragraph 2(vi)	paragraph 2(f)
paragraph 2(vii)	paragraph 2(g)
paragraph 2(viii)	paragraph 2(h)

Table of Endnote References

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- ¹ *This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *Article 1(1)*
- ³ *citation*
- amended by R&O.67/2017*
- the name of this Order was revised from the “Food and Drugs (Ice-Cream) (Jersey) Order 1967” to the “Food Safety (Ice-Cream) (Jersey) Order 1967” by the Law Revision Board in pursuance of the law revision powers contained in the Law Revision (Jersey) Law 2003 and in response to amendments which made the original name unsuitable*