

L.N. 215 of 2004

**FOOD SAFETY ACT
(CAP. 449)**

Preserved Milk Regulations, 2004

IN exercise of the powers conferred by article 10 of the Food Safety Act, the Minister of Health, the Elderly and Community Care has made the following regulations:-

Citation and coming
into force.

1. The title of these regulations is the Preserved Milk Regulations, 2004.

1.1 These regulations implement the provisions of Council Directive 2001/114/EEC relating to certain partly or wholly dehydrated preserved milk for human consumption.

2. These regulations shall come into force on 1st May, 2004 provided that:

2.1 products falling within the scope of these regulations which do not conform with these regulations but which conform with the provisions of the Preserved Milk Regulations (L.N. 15 of 2002), may be placed on the market until the 17th July 2004;

2.2 products falling within the scope of these regulations which do not conform with these regulations but which conform with the provisions of the Preserved Milk Regulations (L.N. 15 of 2002), and which were labelled before the 17th July 2004, may continue to be marketed until stocks are exhausted.

Applicability

3.1 These regulations shall apply to partly or wholly dehydrated preserved milk defined in the First Schedule.

3.2 These regulations shall not preclude the possibility of the addition of vitamins to the products defined in the First Schedule.

Labelling of
Products

4.1 The Labelling, Presentation and Advertising of Foodstuffs Regulations, 2002, shall apply to the products defined in the First Schedule, subject to the following conditions.

4.1.1 (a) The product names listed in the First Schedule shall apply only to the products referred to therein and shall, without prejudice to subparagraph (b), be used in trade to designate them;

(b) as an alternative to the product names referred to in subparagraph (a), the Second Schedule provides a list of particular designations. These designations may be used in the language and under the conditions laid down in the Second Schedule.

4.1.2 The labelling must state the percentage of milk fat, expressed by weight in relation to the finished product, except in the case of the products defined in points (1)(d), (g) and (2)(d) of the First Schedule, and the percentage of fat-free dried milk extract in the case of the products defined in point (1) of the First Schedule. These particulars shall appear near the trade name.

In the case of the products defined in point (2) of the First Schedule, the label must state the recommendations as to the method of dilution or reconstitution, including details of the fat content of the product thus diluted or reconstituted.

Where products weighing less than 20 g per unit are packed in an outer packaging, the particulars required by this regulation need appear on the outer packaging only, except for the designation required by point 1(a).

4.1.5 The labelling of the products defined in point (2) of the First Schedule shall state that the product is 'not intended as a food for infants under 12 months'.

FIRST SCHEDULE

Definitions of Products and Product Names**1. Partly dehydrated milk**

This means the liquid product, whether or not sweetened, obtained directly by the partial removal of water from milk, from wholly or partly skimmed milk or from a mixture of these products, which may have an admixture of cream or of wholly dehydrated milk or both, the addition of wholly dehydrated milk not to exceed, in the finished products, 25 % of total milk solids.

- Types of unsweetened condensed milk(a) *Condensed high-fat milk*

Partly dehydrated milk containing, by weight, not less than 15 % fat, and not less than 26.5 % total milk solids.

(b) *Condensed milk*

Partly dehydrated milk containing, by weight, not less than 7.5 % fat and not less than 25 % total milk solids.

(c) *Condensed, partly skimmed milk*

Partly dehydrated milk containing, by weight, not less than 1 % and less than 7.5 % fat, and not less than 20 % total milk solids.

(d) *Condensed skimmed milk*

Partly dehydrated milk containing, by weight, not more than 1 % fat and not less than 20 % total milk solids.

- Types of sweetened condensed milk(e) *Sweetened condensed milk*

Partly dehydrated milk with an admixture of sucrose (semi-white sugar, white sugar or extra-white sugar) and containing, by weight, not less than 8 % fat and not less than 28 % total milk solids.

(f) *Sweetened condensed, partly skimmed milk*

Partly dehydrated milk with an admixture of sucrose (semi-white sugar, white sugar or extra-white sugar) and containing, by weight, not less than 1 % and less than 8 % fat, and not less than 24 % total milk solids.

(g) *Sweetened condensed skimmed milk*

Partly dehydrated milk with an admixture of sucrose (semi-white sugar, white sugar or extra-white sugar) and containing, by weight, not more than 1 % fat and not less than 24 % total milk solids.

2. Totally dehydrated milk

This means the solid product, where the water content does not exceed 5 % by weight of the finished product, obtained directly by the removal of water from milk, from wholly or partly skimmed milk, from cream or from a mixture of these products.

(a) *Dried high-fat milk or high-fat milk powder*

Dehydrated milk containing, by weight, not less than 42 % fat.

(b) *Dried whole milk or whole milk powder*

Dehydrated milk containing, by weight, not less than 26 % and less than 42 % fat.

(c) *Dried partly skimmed milk or partly skimmed-milk powder*

Dehydrated milk with a fat content of more than 1,5 % and less than 26 % by weight.

(d) *Dried skimmed milk or skimmed-milk powder*

Dehydrated milk containing, by weight, not more than 1,5 % fat.

3. Treatments

(a) An additional quantity of lactose not greater than 0,03 % by weight of the finished product is authorised for the manufacture of the products defined in 1(e) to (g).

(b) Without prejudice to Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products, the preservation of the products referred to in 1 and 2 shall be achieved:

- by heat-treatment (sterilisation, UHT, etc.), for the products referred to in 1(a) to (d),
- by the addition of sucrose, for the products referred to in 1(e) to (g),
- by dehydration, for the products referred to in 2.

4. Authorised additions

Pursuant to regulation 3.2, the addition of vitamins is authorised in the case of the products referred to in this Schedule, subject to the Nutrition Labelling Regulations for Foodstuffs, 1998.

SECOND SCHEDULE

Particular designations for certain products listed in the First Schedule

(a) The English term ‘evaporated milk’ means the product defined in point (1)(b) of the First Schedule containing, by weight, at least 9 % fat and 31 % total milk solids, provided, however, that, in the case of products intended for the Maltese market, this term may also be used as a synonym for ‘unsweetened condensed milk’, qualified by suitable designations referring to its reduced fat content, where appropriate.

(b) The English terms ‘semi-skimmed milk powder’ or ‘dried semi-skimmed milk’ mean the product defined in point (2)(c) of the First Schedule with a fat content of between 14 % and 16 %.