

GOVERNMENT CIRCULAR

No. 5/50.

G.O. Reference No. F.C. 18/2/5.

SUPPLIES AND SERVICES.

---

THE FOOD (LICENSING OF RETAILERS AND RATIONING)  
ORDER, 1950.

---

His Excellency the Lieutenant Governor has made the above styled Order, a copy of which is appended.

This Order re-enacts with modifications The Food (Rationing) Consolidation Order, 1947, as amended, which is revoked.

The principal changes are—

- (1) that Licences to Trade are no longer required except in the case of chocolate, chocolate confectionery and sugar confectionery, and rationed meat.
- (2) it is additionally provided that a retailer whose permits for rationed food have been revoked as a result of his conviction for an offence specified in the Order may not exercise control over a business in respect of which a licence has been granted.

The Order comes into force on the 8th day of January, 1950.

Copies of the Order may be obtained at Government Office, or may be seen at any Police Station on application to the Officer in Charge, at the Douglas Public Library, the Douglas Town Hall and the Offices of all the Town and Village Commissioners.

Failure to comply with the terms of the Order renders a person liable to the penalties imposed by the Defence Regulations.

By Order,

J. N. PANES,

Government Secretary.

Government Office,  
Isle of Man.  
6th January, 1950.

**Isle of Man to Wit.**

**BY HIS EXCELLENCY AIR VICE-MARSHAL SIR GEOFFREY RHODES  
BROMET K.B.E., C.B., D.S.O., LIEUTENANT GOVERNOR OF THE  
SAID ISLE, &c., &c., &c.**

**SUPPLIES AND SERVICES.**

---

**THE FOOD (LICENSING OF RETAILERS AND RATIONING)  
ORDER, 1950.**

---

I, the said Lieutenant Governor, in exercise of the powers conferred upon me by Regulations 55 and 98 of the Defence (General) Regulations (Isle of Man), 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) (Isle of Man) Order in Council 1946, as extended by the Supplies and Services (Extended Purposes) (Isle of Man) Order in Council, 1948, DO hereby make the following Order :—

1. In this Order—

“Catering Establishment” means an establishment registered or deemed to be registered as a catering establishment under The Food Control Committees (Registration of Establishments) Order, 1941, as amended.

“Chocolate and chocolate confectionery” includes medicated chocolate confectionery but does not include chocolate prepared for use in making a beverage, chocolate couverture, or any product—

- (a) which complies with a formula in the British Pharmacopoeia, the British Pharmaceutical Codex, the National Formulary, or recognised hospital formularies or pharmacopoeias; or
- (b) the manufacturer of which has been authorised by the Governor to manufacture and sell the same free from all the provisions of this Order; or
- (c) consists of compressed tablets of which each tablet contains one or more of the following ingredients in not less a quantity than that specified—
  - (i) phenolphthalein— $\frac{1}{2}$  grain;
  - (ii) santonin— $\frac{1}{10}$ th grain;
  - (iii) calomel— $\frac{1}{20}$ th grain.
- (d) any product which would not be regarded in the confectionery industry as suitable for retail sale without further processing.

“Chocolate couverture” means a chocolate product sold in accordance with trade usage in the chocolate industry under the trade descriptions of chocolate couverture, bakers’ covering compounds, unsweetened chocolate, neatwork, chocolate vermicelli or chocolate granulettes.

“Licence” includes a provisional licence.

“Meat” means beef, mutton, lamb, veal and pork, whether fresh, chilled, frozen or salted, and includes the bones of any such meat when sold in the ordinary course of business as part thereof, but, does not include edible offals (other than ox skins) canned meat or canned meat products, cooked meats, pressed beef, galantines, meat pastes, brawn jellied veal, or sausage, or any kinds or varieties of manufactured meat products, including meat pies, meat pasties and meat puddings.

“Rationed food” means any food prescribed as such in any Order of the Governor for the time being in force.

“Sale by retail” means any sale to a person buying otherwise than for the purpose of resale and includes any sale to a person for the purposes of a catering establishment carried on by him but does not include a sale to a manufacturer for the purposes of a manufacturing business carried on by him, and the expressions “sell by retail” and “retailer” shall be construed accordingly.

“Sugar confectionery” includes boiled sugar goods, toffees, panned goods and lozenges, liquorice and cream paste goods, pastilles, clear gums

and chewing gum and any other sweet and medicated sugar confectionery, but does not include candy (or fairy) floss, or any product—

- (a) which complies with a formula of the British Pharmacopoeia, the British Pharmaceutical Codex, the National Formulary, or recognised hospital formularies or pharmacopoeias; or
- (b) the manufacturer of which has been authorised by the Governor to manufacture and sell the same free from all the provisions of this Order; or
- (c) consists of compressed tablets of which each tablet contains one or more of the following ingredients in not less a quantity than that specified—
  - (i) phenolphthalein— $\frac{1}{2}$  grain;
  - (ii) santonin—1/10th grain;
  - (iii) calomel—1/20th grain.

or any product which would not be regarded in the confectionery industry as suitable for retail sale without further processing.

“Sell” includes offer or agree to sell or expose for sale.

“Specified food” means chocolate, chocolate confectionery and sugar confectionery and meat.

“Food Control Committee” means a Food Control Committee constituted in pursuance of the Food Control Committees Constitution Order, 1942, as continued under this Order.

2.—(1) The following shall continue to be duly constituted Food Control Committees for the purpose of food rationing in the Isle of Man for their respective districts :—

- (a) The Mayor, Aldermen and Burgesses of the Borough of Douglas;
- (b) The Commissioners of all the Town, Village, and Parish districts in the Isle of Man.

(2) The following shall continue to be duly constituted Food Executive Officers :—

- (a) The Town Clerk of Douglas for the Borough of Douglas;
- (b) The Clerks to the Commissioners of all the Town, Village and Parish districts in the Isle of Man for their respective districts.

Provided that a Food Control Committee may, with the approval of the Governor, appoint some other person to act as Food Executive Officer for its district.

3. The powers and duties of a Food Control Committee or a Food Executive Officer, as the case may be, shall be such as are from time to time assigned to them by or on behalf of the Governor, and such Committees and Officers shall in the exercise of those powers and the performance of those duties comply with such directions as may from time to time be given by or on behalf of the Governor.

4. A Food Control Committee shall furnish such reports, returns and information as may from time to time be required by or on behalf of the Governor.

5.—(1) Except under and in accordance with the terms of a licence granted by or on behalf of the Governor, no person shall sell by retail any specified food:

Provided that—

- (a) the foregoing restrictions shall not apply to the sale by retail of any specified food which the seller proves to have been sold—
  - (i) otherwise than for human consumption;
  - (ii) for medicinal purposes; or
  - (iii) otherwise than by way of trade or business, so however that this exemption shall not apply in the case of any rationed food;

- (b) the foregoing restrictions shall not apply to the sale by retail of—
- (i) chocolate, chocolate confectionery or sugar confectionery by a person who at the time of the sale in question is by virtue of Article 10 of this Order, authorised to sell by retail chocolate and sugar confectionery;
  - (ii) meat other than cooked meat, by a person who at the time of the sale in question is, by virtue of Article 10 of this Order, authorised to sell by retail, meat chilled, fresh or frozen, or meat chilled, fresh, frozen or salted.
- (c) a manufacturer, in the course of his manufacturing business may sell by retail any sub-standard sugar confectionery, chocolate or chocolate confectionery to which the provisions of the Rationing (Personal Points) Order, 1949, do not apply by virtue of the provisions of Article 2 thereof;
- (d) any person may sell chewing gum by retail if he regularly sold chewing gum by retail before the 27th day of July, 1942, so however that the authority given in this sub-paragraph shall cease to apply to any person upon whom a notice in writing to that effect shall have been served by or on behalf of the Governor as from the date specified in that notice;
- (e) where a person is authorised under a Form S.A.1. or other authority of the Governor to obtain any specified food for sale for such purposes as would indicate that the food was being obtained by that person for sale by retail by him, he may sell such food by retail, for the purpose so indicated.

(2) The Governor may revoke or suspend the licence of a retailer licensed as aforesaid.

(3) A register of persons to whom, and the premises or businesses in respect of which licences to sell have been granted, shall be kept by Food Control Division in the case of chocolate, chocolate and sugar confectionery, and by "C" Division, Government Office, in the case of meat.

(4) Any licence or authorisation under this Order including any licence or authorisation having effect by virtue of Article 16 of this Order shall, save as the Governor may otherwise authorise or direct, be subject to the conditions set out in the First Schedule to this Order and to such other conditions as may have been or may be attached to the licence or authorisation.

(5) In the event of a transfer of a business in respect of which a licence is held under this Order or in the event of the death of the holder of such licence, the transferee or other person succeeding to the business shall, on having duly made an application for a licence under this Order and pending the decision of the Governor upon such application, be deemed to hold a provisional licence under this Order whereby he shall be entitled, unless the Governor shall otherwise direct, to sell by retail any specified food to which the first mentioned licence applied subject to any conditions contained therein.

(6) No person shall, except under the authority of the Governor alter or deface any licence granted under or having effect by virtue of this Order, or make any entry in such licence.

6. The holder of a licence shall exhibit such licence in a conspicuous place in the shop or premises to which the licence relates whenever the shop or premises is open for sale of such foodstuffs.

7. A retailer of any specified food shall, as and when required by the Food Control Division or "C" Division, Government Office, furnish such particulars relating to his dealings in, and stocks of any specified food as such Division may require.

8.—(1) Every food retailer is hereby required to keep at his place of business a record of the names and addresses of the persons registered with him for the supply of :—

- (i) Sugar
- (ii) Bacon (including ham)

- (iii) Butter, Margarine and Cooking Fats (including lard)
- (iv) Meat
- (v) Cheese
- (vi) Imported Eggs.

(2) Such record shall be produced for inspection on demand by the Food Control Committee for the district or by any person authorised by or on behalf of the Governor.

(3) A food retailer shall furnish a copy of the record to the Food Control Committee for the district at any time when required to do so by such Food Control Committee.

9. A retailer shall supply to any person registered with him under the foregoing provisions of this Order only such quantities of rationed foodstuffs and in such manner as may from time to time be authorised by or on behalf of the Governor.

10. Any licence to trade in a specified food, granted by a Food Control Committee under the provisions of the Food (Rationing) (No. 5) Order, 1941, and the Food Control Committees (Local Distribution) Order, 1942, or any Order repealed or re-enacted by such Orders, shall be deemed to be a licence granted under this Order.

11. For the avoidance of doubt it is hereby declared that nothing contained in this Order or any licence or authorisation granted under this Order shall operate to relieve any person from compliance with the provisions of any other Order or of any Act, Regulation or Bye-Law for the time being in force.

12.—(1) A person licensed under or by virtue of this Order shall, before ceasing to carry on business as a retailer at any premises, give to the Food Control Division of Government Office, in the case of chocolate, chocolate confectionery and sugar confectionery and to "C" Division of Government Office, in the case of meat, not less than 14 days' notice in writing, of his intention to cease carrying on business as aforesaid, and shall return to Food Control Division or "C" Division as the case may be, any licence held by him under or by virtue of this Order in respect of those premises: provided that where in any proceedings a person is charged with a contravention of this Article it shall be a defence for him to prove that it was not practicable for him to give such notice, or that he gave notice as soon as it was practicable for him to do so.

(2) Where the business of a retailer is no longer carried on at any premises, owing to the death of the retailer and no notice has been given under the preceding paragraph, the retailer's personal representative shall forthwith give notice to the appropriate Division of Government Office, that such business is no longer carried on, and shall return to such Division any licence granted under or by virtue of this Order in respect of such premises.

13. The holder of a licence granted under this Order shall not, except under the authority of the Governor, knowingly permit any of the persons set out in the Second Schedule hereto to exercise any control, direct or indirect, financial, managerial or otherwise, over the policy, management or conduct of the business in respect of which such licence has been granted.

14.—(1) The provisions of this Order are subject to any directions which may at any time be given by or on behalf of the Governor and to any licence or authorisation which may be granted by or on behalf of the Governor under this Order.

(2) Every person holding a licence or authorisation granted under this Order shall comply with every condition imposed by such licence or authorisation.

(3) Every licence or authorisation granted under this Order is and shall remain the property of the Governor, and the licensee or any person being in possession of any such licence or authorisation shall, if requested to do so by or on behalf of the Governor, produce or deliver it to such person or to a person of such class or description and within such time as may be specified in the request.

15. Infringements of this Order are offences against the Defence (General) Regulations (Isle of Man), 1939.

16.—(1) The Food (Rationing) Consolidation Order, 1947, as amended, is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof, provided that any licence or authorisation granted or deemed to be granted under that Order and subsisting immediately before the coming into force of this Order shall continue to have effect as though granted under this Order.

(2) Any reference in any Order of the Governor to the Food (Rationing) Consolidation Order, 1947, as amended, or to a person licensed thereunder or any such reference in any document issued by or on behalf of the Governor for the purpose of those Orders, or any of them, shall unless the contrary intention appears, be construed as a reference to this Order, or, as the case may be, to a retailer licensed under this Order.

17. This Order shall come into force on the 8th January, 1950, and may be cited as the Food (Licensing of Retailers and Rationing) Order, 1950.

GIVEN under my hand this 6th day of January, 1950.

G. R. BROMET,

Lieutenant Governor.

## FIRST SCHEDULE.

### Conditions.

1. A licence granted under this Order shall not, except under the authority of the Governor, extend to the sale by retail of any specified food—

- (a) by the agent of any person holding such a licence, or
- (b) by any person holding such a licence, as agent for or servant of any other person.

2.—(1) The holder of a licence granted under this Order shall not, except under the authority of the Governor, sell by retail any specified food in respect of which the licence is granted except from the premises named in the licence, and in the course of his business as a retailer of food carried on from those premises.

(2) For the purpose of this condition "premises" includes a stall or kiosk.

## SECOND SCHEDULE.

1. Any person who was the holder of a licence granted to him by or on behalf of the Governor or a Food Control Committee, or any retailer who was the holder of a ration document granted to him by or on behalf of the Governor, and whose licence or ration document has been revoked, as a result of his being convicted of an offence

- (i) against any of the Defence (General) Regulations (Isle of Man), 1939, or any Order made thereunder, in respect of any article of food;
- (ii) against the Larceny Act, 1946, in respect of any article of food;
- (iii) against the Sale of Food (Weights and Measures) Act, 1940;
- (iv) against the Adulteration Act, 1925, or any Regulation made thereunder.

2. Any person who was a director or officer of any body corporate whose licence or ration document has been revoked, such director or officer having been convicted together with that body corporate in respect of the offence or offences in question.