

2002 No. 379

FOOD, ENGLAND

**The Sweeteners in Food (Amendment) (England)
Regulations 2002**

<i>Made - - - -</i>	<i>21st February 2002</i>
<i>Laid before Parliament</i>	<i>22nd February 2002</i>
<i>Coming into force</i>	<i>15th March 2002</i>

The Secretary of State, in exercise of the powers conferred on him by sections 16(1)(a) and (e), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990(a), and of all other powers enabling him in that behalf, having had regard, in accordance with section 48(4A) of that Act, to relevant advice given by the Food Standards Agency, and after consultation in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

Title, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Sweeteners in Food (Amendment) (England) Regulations 2002, shall come into force on 15th March 2002 and shall extend to England only.

(2) In these Regulations “the principal Regulations” means the Sweeteners in Food Regulations 1995(b).

Amendment of the Sweeteners in Food Regulations 1995

2. The principal Regulations shall be amended, in so far as they extend to England, in accordance with regulations 3 and 4.

3. In paragraph (1) of regulation 2 (interpretation)—

(a) in the definition of “Directive 95/31/EC” there shall be added at the end the expression “and by Directive 2001/52/EC”(c); and

(a) 1990 c.16. Functions formerly exercisable by “the Ministers” are now exercisable, in relation to England, by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999 (1999 c.28). Functions formerly exercisable by “the Ministers”, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act. Those functions, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c.46) as read with section 40(2) of the 1999 Act. Section 17(1) was amended by paragraph 12(a), and section 48 by paragraph 21, of Schedule 5 to the 1999 Act. Regulation 13(4) of S.I. 2000/656 expressly authorises the Secretary of State to amend existing Regulations made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the Food Safety Act 1990.

(b) S.I. 1995/3123, amended by S.I. 1996/1477, S.I. 1997/814, S.I. 1999/982 and S.I. 2001/2294.

(c) The reference for Directive 2001/52/EC is OJ No. L190, 12.7.2001, p. 18.

(b) for the definition of “permitted sweetener” there shall be substituted the following definition—

““permitted sweetener” means any sweetener specified in column 2 of Schedule 1 which satisfies the specific purity criteria for that sweetener set out—

(a) in the case of any sweetener other than sucralose, in the Annex to Directive 95/31/EC; and

(b) in the case of sucralose, at pages 119 to 124 of the Food and Agriculture Organisation’s Compendium of Food Additives Specifications Addendum 2 (1993) FAO Food and Nutrition Paper 52 Addendum 2;”.

4. In Schedule 1 (permitted sweeteners and the foods in or on which they may be used) there shall be added at the end, in columns 2 to 4, the provisions specified in the Schedule to these Regulations.

Consequential amendments

5.—(1) Paragraph (2) of regulation 4 (consequential amendments) of the Sweeteners in Food (Amendment) (England) Regulations 2001(a) shall cease to have effect.

(2) In the provisions specified in paragraph (3), insofar as they extend to England, references to the principal Regulations shall be construed as references to those Regulations as amended up to and including the amendments effected by these Regulations:

(3) The provisions are—

(a) the definition of “permitted sweetener” in paragraph (1) of regulation 2 (interpretation) of the Jam and Similar Products Regulations 1981(b);

(b) the definition of “additive” in paragraph (1) of regulation 2 (interpretation) of the Meat Products and Spreadable Fish Products Regulations 1984(c);

(c) the definition of “sweetener” in Part II of Schedule 1 (categories of food additives) to the Food Additives Labelling Regulations 1992(d);

(d) the definition of “sweetener” in paragraph (1) of regulation 2 (interpretation) of the Miscellaneous Food Additives Regulations 1995(e); and

(e) in the Food Labelling Regulations 1996(f)—

(i) paragraph (1) of regulation 34 (foods containing sweeteners, added sugar and sweeteners, aspartame or polyols); and

(ii) in Schedule 8 (misleading descriptions) Part I (general), the condition in column 2 opposite the description “ice cream” in column 1.

Signed by authority of the Secretary of State for Health

Yvette Cooper
Parliamentary Under Secretary of State,
Department of Health

21st February 2002

(a) S.I. 2001/2294.

(b) S.I. 1981/1063; the relevant amending instruments are S.I. 1983/1211 and S.I. 1995/3123.

(c) S.I. 1984/1566; the relevant amending instruments are S.I. 1995/3123, S.I. 1995/3124 and S.I. 1995/3187.

(d) S.I. 1992/1978; the relevant amending instrument is S.I. 1995/3123.

(e) S.I. 1995/3187 to which there is an amendment not relevant to these Regulations.

(f) S.I. 1996/1499 to which there are amendments not relevant to these Regulations.

SCHEDULE

Regulation 4

PROVISIONS ADDED TO COLUMNS 2 TO 4 OF SCHEDULE 1 TO THE
PRINCIPAL REGULATIONS

Sucralose(a)	Non-alcoholic drinks	
	Water-based flavoured drinks, energy-reduced or with no added sugar	300 mg/l
	Milk- and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar	300 mg/l
	Desserts and similar products	
	Water-based flavoured desserts, energy-reduced or with no added sugar	400 mg/kg
	Milk- and milk-derivative-based preparations, energy-reduced or with no added sugar	400 mg/kg
	Fruit- and vegetable-based desserts, energy-reduced or with no added sugar	400 mg/kg
	Egg-based desserts, energy-reduced or with no added sugar	400 mg/kg
	Cereal-based desserts, energy-reduced or with no added sugar	400 mg/kg
	Breakfast cereals with a fibre content of more than 15%, and containing at least 20% bran, energy-reduced or with no added sugar	400 mg/kg
	Fat-based desserts, energy-reduced or with no added sugar	400 mg/kg
	Confectionery	
	Confectionery with no added sugar	1000 mg/kg
	Breath-freshening micro-sweets, with no added sugar	2400 mg/kg
	Tablet-form confectionery, energy-reduced	200 mg/kg
	Cocoa- or dried-fruit-based confectionery, energy-reduced or with no added sugar	800 mg/kg
	Starch-based confectionery, energy-reduced or with no added sugar	1000 mg/kg
	Chewing gum with no added sugar	3000 mg/kg
	Strongly flavoured freshening throat pastilles with no added sugar	1000 mg/kg
	Miscellaneous	
	“Snacks”: certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts	400 mg/kg
	Cornets and wafers, for ice-cream, with no added sugar	800 mg/kg
	<i>Essoblaten</i>	800 mg/kg
Cocoa-, milk-, dried-fruit- or fat-based sandwich spreads, energy-reduced or with no added sugar	400 mg/kg	
Drinks consisting of a mixture of a non-alcoholic drink and beer, cider, perry, spirits or wine	250 mg/l	
Cider and perry	250 mg/l	
Alcohol-free beer or with an alcohol content not exceeding 1.2% vol	250 mg/l	

(a) Authorised provisionally in accordance with Article 5 of Directive 89/107/EEC (OJ No. L40, 11.2.89, p. 27) pending consideration for inclusion in Directive 94/35/EC (OJ No. L237, 10.9.94, p. 3). The provisional authorisation is due to expire on 14th March 2004.

“Bière de table/Tafelbier/Table beer” (original wort content less than 6%) except for “Obergäriges Einfachbier”	250 mg/l
Beers with a minimum acidity of 30 milli-equivalents expressed as NaOH	250 mg/l
Brown beers of the “oud bruin” type	250 mg/l
Energy-reduced beer	10 mg/l
Spirit drinks containing less than 15% alcohol by volume	250 mg/l
Edible ices, energy-reduced or with no added sugar	320 mg/kg
Canned or bottled fruit, energy-reduced or with no added sugar	400 mg/kg
Energy-reduced jams, jellies and marmalades	400 mg/kg
Energy-reduced fruit and vegetable preparations	400 mg/kg
<i>Feinkostsalat</i>	140 mg/kg
Sweet-sour preserves of fruit and vegetables	180 mg/kg
Sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs	120 mg/kg
Sauces	450 mg/kg
Energy-reduced soups	45 mg/l
Mustard	140 mg/kg
Fine bakery products: energy-reduced or with no added sugar	700 mg/kg
Complete formulae for weight control intended to replace total daily food intake or an individual meal	320 mg/kg
Complete formulae and nutritional supplements for use under medical supervision	400 mg/kg
Liquid food supplements/dietary integrators	240 mg/kg
Solid food supplements/dietary integrators	800 mg/kg
Food supplements/diet integrators based on vitamins, and/or mineral elements, syrup-type or chewable	2400 mg/kg

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England only, further amend the Sweeteners in Food Regulations 1995 (S.I. 1995/3123 as already amended) which extend to Great Britain, by—

- (a) bringing up to date the definition of “Directive 95/31/EC” (which relates to specific purity criteria) so as to cover its amendment by Directive 2001/52/EC (OJ No. L190, 12.7.2001, p. 18) to substitute new purity criteria for mannitol and acesulfame K (regulation 3(a));
- (b) granting provisional authorisation for the marketing and use as a sweetener of sucralose, as permitted by Article 5 of Directive 89/107/EEC on the approximation of the laws of the member States concerning food additives authorised for use in foodstuffs intended for human consumption (OJ No. L40, 11.2.1989, p. 27) (regulations 3(b) and 4); and
- (c) bringing up to date references to the 1995 Regulations in other Regulations (regulation 5).

No regulatory impact assessment has been prepared in relation to these Regulations.

Copies of the document referred to in regulation 3(b) may be obtained from:

The Stationery Office
PO Box 29
St Crispin’s House
Norwich
NR3 1PD

Alternatively, copies may be obtained online from www.thestationeryoffice.com.

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