

2003 No. 305

FOOD

**Fruit Juices and Fruit Nectars Regulations
(Northern Ireland) 2003**

Made - - - - - *12th June 2003*

Coming into operation *21st July 2003*

The Department of Health, Social Services and Public Safety(a) in exercise of the powers conferred on it by Articles 15(1)(e), 16(1), 25(1) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(b) and of all other powers enabling it in that behalf, having had regard in accordance with Article 47(3A) of the said Order to relevant advice given by the Food Standards Agency and after consultation both as required by Article 9 of Regulation (EC) No.178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(c) and in accordance with Article 47(3) and (3B) of the said Order, hereby makes the following Regulations: –

Citation and commencement

1. These Regulations may be cited as the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2003 and shall come into operation on 21st July 2003.

Interpretation

2.—(1) In these Regulations –

“the 1996 Regulations” means the Food Labelling Regulations (Northern Ireland) 1996(d);

“catering establishment” means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer and is ready for consumption without further preparation;

“designated product” means, subject to paragraph (2), any food specified in Column 2 of Schedule 1;

“Directive 95/2/EC” means Directive 95/2/EC of the European Parliament and of the Council on food additives other than colours and sweeteners(e);

“EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area(f) signed at Oporto on 2nd May 1992 as adjusted by the Protocol(g) signed at Brussels on 17th March 1993;

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- (a) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I. 1), Article 3
(b) SI 1991/762 (N.I.7) as amended by S.I. 1996/1633 (N.I.12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28
(c) O.J. No. L31, 1.2.2002, p. 1
(d) S.R. 1996 No.383; the relevant amending Regulations are S.R.1998 No. 253
(e) O.J. No. L61, 18.3.1995, p. 1; as last amended by Directive 98/72/EC (O.J. No. L295, 4.11.1998, p. 18)
(f) O.J. No. L1, 3.1.94, p. 1
(g) O.J. No. L1, 3.1.94, p. 571

“the Order” means the Food Safety (Northern Ireland) Order 1991;

“reserved description”, as respects any designated product, means any description specified in relation to that product in Column 1 of Schedule 1; and

“ultimate consumer” means any person who buys otherwise than –

- (a) for the purpose of resale;
- (b) for the purposes of a catering establishment; or
- (c) for the purposes of a manufacturing business.

(2) Notwithstanding the fact that a food is specified in Column 2 of Schedule 1, it will only be treated as a “designated product” for the purposes of these Regulations if –

- (a) it has been prepared from any fruit material described in Schedule 2 either with or without any other raw material listed in that Schedule;
- (b) where it contains any additional ingredient, that ingredient is authorised for the food in question by Schedule 3;
- (c) being a food bearing the reserved description “fruit juice”, “concentrated fruit juice”, “fruit juice from concentrate” or “dehydrated or powdered fruit juice”, it has not been prepared by adding to it –
 - (i) both sugars and lemon juice (whether concentrated or not), or
 - (ii) both sugars and acidifying agents as permitted by Directive 95/2/EC;
- (d) where it has been prepared by using any treatment or additional substance, that treatment or substance is specified in Schedule 4; and
- (e) being a food bearing the reserved description “fruit nectar”, it contains the minimum juice or purée content specified in Schedule 5 read together with the Note to that Schedule.

Scope of Regulations

3. Subject to regulation 5(g), these Regulations apply in relation to designated products intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment.

Reserved descriptions

4. No person shall sell any food with a label (whether or not attached to or printed on the wrapper or container) which bears, comprises or includes any reserved description or any derivative thereof or any word or description substantially similar thereto unless –

- (a) such food is the designated product to which the reserved description relates;
- (b) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that the substance to which it relates is only an ingredient of that food; or
- (c) such description, derivative or word is used in such a context as to indicate explicitly or by clear implication that such food is not and does not contain a designated product.

Labelling and description of designated products

5. Without prejudice to the generality of Part II of the 1996 Regulations, no person shall sell any designated product unless –

- (a) subject to paragraph (d)(i), it is marked or labelled with the reserved description for the product;
- (b) in the case of a fruit juice, a concentrated fruit juice, a fruit juice from concentrate or a dehydrated or powdered fruit juice which has been sweetened by the addition of sugars, there is added to the reserved description for that product “sweetened” or “with added sugar”, and such description or other name is followed by an indication (calculated as dry matter, and expressed in grams per litre) of the maximum quantity of sugar added;
- (c) in the case of a fruit juice, a concentrated fruit juice or a fruit juice from concentrate, to which there has been added pulp or cells other than, or in excess of, the pulp or cells

originally extracted from that product, its labelling includes an indication of such addition;

- (d) in the case of –
- (i) a mixture of fruit juice and fruit juice from concentrate and which is marked or labelled with the single reserved description “fruit juice” (or such other description as, in accordance with the conditions which preface Column 1 (reserved descriptions) of Schedule 1, is required in place of the description “fruit juice”), or
 - (ii) a fruit nectar obtained partly from one or more concentrated products, its labelling bears the words “partially made from concentrate” or, as the case may be, “partially made from concentrates”, such words to appear close to the reserved description, in letters that are clearly visible and easily distinguished from the background against which they appear;
- (e) in the case of a fruit nectar obtained wholly from one or more concentrated products, its labelling bears the words “made with concentrate” or, as the case may be, “made with concentrates”, such words to appear close to the reserved description, in letters that are clearly visible and easily distinguished from the background against which they appear;
- (f) in the case of a fruit nectar, its labelling bears an indication of the minimum amount of fruit juice, or fruit purée, or mixture of fruit juice and fruit purée, that it contains, with the words “fruit content :[x] % minimum” (there being substituted for “[x]” the appropriate figure) appearing in the same field of vision as the reserved description; and
- (g) in the case of a concentrated fruit juice not intended for delivery to the final consumer, it bears an indication on its packaging, on a label attached to its packaging, or in an accompanying document, of the presence and quantity in it of any –
- (i) added sugars,
 - (ii) added lemon juice, or
 - (iii) acidifying agents as permitted by Directive 95/2/EC.

Manner of marking or labelling

6. Regulations 35, 36(1) and (5) and 38 of the 1996 Regulations (which relate to the manner of marking or labelling of food) shall apply to the particulars with which a designated product is required to be marked or labelled by regulation 5 as if they were particulars with which food is required to be marked or labelled by the 1996 Regulations.

Penalties and enforcement

7.—(1) Any person who contravenes regulation 4 or 5 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

- (2) Each district council shall enforce and execute these Regulations within its district.

Defence in relation to exports

8. In any proceedings for an offence under these Regulations it shall be a defence for the person accused to prove –

- (a) that the food in respect of which the offence is alleged to have been committed was intended for export to a country (other than an EEA State) which has legislation analogous to these Regulations and that the food complies with that legislation; and
- (b) in the case of export to an EEA State, that the legislation complies with the provisions of Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption^(a).

(a) O.J. No. L10, 12.1.2002, p. 58, as adopted by EEA Joint Committee Decision 99/2002 (O.J. No. L298, 31.10.2002, p. 10)

Application of various provisions of the Order

9. The following provisions of the Order shall apply for the purposes of these Regulations and any reference in those provisions to the Order shall be construed for the purposes of these regulations as a reference to these Regulations –

- (a) Articles 2(4) and 3 (extended meaning of sale etc.);
- (b) Article 4 (presumptions that food intended for human consumption);
- (c) Article 19 (offences due to fault of another person);
- (d) Article 20 (defence of due diligence) as it applies for the purposes of Article 7, 13 or 14 of the Order;
- (e) Article 21 (defence of publication in the course of a business);
- (f) Article 30(8) (which relates to documentary evidence);
- (g) Article 34 (obstruction, etc., of officers);
- (h) Article 36 (punishment of offences) in so far as it relates to offences under Article 34(1) and (2) as applied by paragraph (g).

Consequential amendments and revocations

10.—(1)(a) In the Colours in Food Regulations (Northern Ireland) 1996(a), in item 17 of Schedule 2, for “Directive 93/77/EEC” there shall be substituted “Directive 2001/112/EC”;

(b) in the Miscellaneous Food Additives Regulations (Northern Ireland) 1996(b), in Schedule 7 –

- (i) for “Fruit juices and nectars as defined in Directive 93/77/EEC” there shall be substituted “Fruit juices and nectars as defined in Directive 2001/112/EC”;
- (ii) for “Pineapple juice as defined in Directive 93/77/EEC” there shall be substituted “Pineapple juice as defined in Directive 2001/112/EC”;
- (iii) for “Nectars as defined in Directive 93/77/EEC” there shall be substituted “Nectars as defined in Directive 2001/112/EC”;
- (iv) for “Grape juice as defined in Directive 93/77/EEC” there shall be substituted “Grape juice as defined in Directive 2001/112/EC”;
- (v) for “Fruit juices as defined in Directive 93/77/EEC” there shall be substituted “Fruit juices as defined in Directive 2001/112/EC”.

(2) In the provisions of the Regulations specified in paragraph (3) the entries relating to the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977(c) shall be deleted.

(3) The provisions are –

- (a) Schedule 1 to the Food (Revision of Penalties and Mode of Trial) Regulations (Northern Ireland) 1987(d);
- (b) Part 1 of Schedule 1, and Schedules 2, 3 and 5 to the Food Safety (Northern Ireland) Order 1991 (Consequential Modifications) Order (Northern Ireland) 1991(e);
- (c) the Schedule to the Food Safety (Exports) Regulations (Northern Ireland) 1991(f);
- (d) the Schedule to the Food (Forces Exemptions) (Revocations) Regulations (Northern Ireland) 1992(g);
- (e) Schedule 9 to the Miscellaneous Food Additives Regulations (Northern Ireland) 1996.

(4) The following Regulations are hereby revoked –

- (a) the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977;

(a) S.R. 1996 No. 49, to which there are amendments not relevant to these Regulations

(b) S.R. 1996 No. 50; the relevant amending Regulations are S.R.1999 No. 244

(c) S.R. 1977 No. 182, as amended by S.R. 1983 No. 48, S.R. 1989 No. 152, S.R. 1991 Nos. 203, 251, and 344, S.R. 1992 No. 264, S.R. 1995 No. 106, S.R. 1996 Nos. 53 and 383 and S.R. 1997 No. 340

(d) S.R. 1987 No. 38

(e) S.R. 1991 No. 203

(f) S.R. 1991 No. 344

(g) S.R. 1992 No. 464

- (b) the Fruit Juices and Fruit Nectars (Amendment) Regulations (Northern Ireland) 1983(a);
- (c) the Fruit Juices and Fruit Nectars (Amendment) Regulations (Northern Ireland) 1991(b);
- (d) the Fruit Juices and Fruit Nectars (Amendment) Regulations (Northern Ireland) 1995(c).

Transitional provision

11. In any proceedings for an offence under regulation 7 it shall be a defence for the accused to prove that –

- (a) the food concerned was marked or labelled before 12th July 2004; and
- (b) the matters constituting the alleged offence would not have constituted an offence under the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977 as they stood immediately before the date of coming into operation of these Regulations.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 12th June 2003.

(L.S.)

W. B. Smith

A Senior Officer of the Department of Health, Social Services and Public Safety

(a) S.R.1983 No. 48
(b) S.R.1991 No. 251
(c) S.R.1995 No. 106

SCHEDULE 1

Regulation 2

RESERVED DESCRIPTIONS FOR DESIGNATED PRODUCTS

Column 1 <i>Reserved descriptions</i>	Column 2 <i>Designated products</i>
<p>In the descriptions listed in items 1 to 5 –</p> <p>(a) if the product is manufactured from a single kind of fruit the name of that fruit shall be substituted for “fruit”;</p> <p>(b) subject to condition (c), if the product is manufactured from two or more kinds of fruit (excluding the use of one or both of lemon juice or concentrated lemon juice where this is in accordance with the authorisation described in paragraph 4 of Schedule 3 the reserved description shall be supplemented by the names of the fruits used, in descending order of the volume (calculated as unconcentrated juice or purée) of the juice or purée included from each kind of fruit; and</p> <p>(c) if the product is manufactured from three or more kinds of fruit, then unless its reserved description is supplemented as required by condition (b) it shall, in the alternative, be supplemented by the words “several fruits” or by similar wording, or by the number of the kinds of fruit used.</p>	
<p>1. Fruit juice</p>	<p>The fermentable but unfermented product obtained from fruit which is sound and ripe, fresh or preserved by chilling, of one or more kinds mixed together, having the characteristic colour, flavour and taste typical of the juice of the fruit from which it comes;</p> <p>in which flavour, pulp and cells from the juice which are separated during processing may be restored to the same juice;</p> <p>in which, in the case of citrus fruits other than limes, the juice must come from the endocarp; and</p> <p>in which, in the case of limes, the juice may be obtained from the whole fruit, by suitable production processes whereby the proportion of constituents of the outer part of the fruit is reduced to a minimum.</p>
<p>2. Concentrated fruit juice</p>	<p>The product obtained from fruit juice of one or more kinds by the physical removal of a specific proportion of its water content. Where the product is intended for direct consumption the proportion of water content removed must be at least 50%.</p>
<p>3. Fruit juice from concentrate</p>	<p>The product obtained by replacing, in concentrated fruit juice, water extracted from that juice during concentration, and by restoring the flavours and, if appropriate, pulp and cells lost from the juice but recovered during the process of producing the fruit juice in question or fruit juice of the same kind;</p>

Column 1 <i>Reserved descriptions</i>	Column 2 <i>Designated products</i>
<p>4. Dehydrated or powdered fruit juice</p> <p>5. Fruit nectar</p>	<p>in which the water added must display such chemical, microbiological, organoleptic and, if appropriate, other characteristics as will guarantee the essential qualities of the juice; and</p> <p>the product must display organoleptic and analytical characteristics at least equivalent to those of an average type of fruit juice obtained from fruit or fruits of the same kind.</p> <p>The product obtained from fruit juice of one or more kinds by the physical removal of virtually all of its water content.</p> <p>The fermentable but unfermented product obtained by adding water and (in an amount not exceeding 20% of the total weight of the finished product) any one or more of –</p> <ul style="list-style-type: none"> (a) sugars, or (b) sweeteners, or (c) honey, <p>to –</p> <ul style="list-style-type: none"> (i) fruit juice, or (ii) concentrated fruit juice, or (iii) fruit juice from concentrate, or (iv) dehydrated fruit juice, or (v) powdered fruit juice, or (vi) a fruit purée, or (vii) to any mixture of products in (i) to (vi), <p>such product to meet the minimum content requirement (as to fruit juice, fruit purée, or a mixture of such juice and purée) specified in Schedule 4, and where sweeteners are used their use is to be also in accordance with the requirements of Directive 94/35/EC of the European Parliament and of the Council on sweeteners for use in foodstuffs^(a).</p> <p>Where the kind of fruit used is any one or more of apricots or the fruits listed in Part II and III of Schedule 4, the product may be manufactured without the addition of any sugars, sweeteners or honey.</p>

(a) O.J. No. L237, 10.9.94, p. 3, as amended by Directive 96/83/EC (O.J. No. L48, 19.2.97, p. 16)

SCHEDULE 2

Regulation 2(2)(a)

PERMITTED RAW MATERIALS IN PREPARATION OF DESIGNATED PRODUCTS

1. Fruit, *of any kind other than tomatoes.*
2. Fruit purée, *being the fermentable but unfermented product obtained by sieving the edible part of whole or peeled fruit without removing the juice.*
3. Concentrated fruit purée, *being the product obtained from fruit purée by the removal of a specific proportion of its water content.*
4. Sugars, *being –*
 - (a) *in the preparation of fruit nectars –*
 - *sugars as defined in Council Directive 2001/111/EC relating to certain sugars intended for human consumption(a);*
 - *fructose syrup;*
 - *sugars derived from fruit;*
 - (b) *in the preparation of fruit juice from concentrate –*
 - *sugars as defined in the said Directive 2001/111/EC;*
 - *fructose syrup;*
 - (c) *in the preparation of fruit juice –*
 - *any sugar permitted in paragraph (b) above in respect of fruit juice from concentrate provided it contains less than 2% water.*
5. Honey, *being the product defined as “honey” in Council Directive 2001/110/EC relating to honey(b).*
6. Pulp or cells, *being –*
 - *in respect of citrus fruit, the juice sacs obtained from the endocarp;*
 - *in respect of any other fruit, the products obtained from the edible parts of the fruit without removing the juice.*

SCHEDULE 3

Regulation 2(2)(b)

ADDITIONAL INGREDIENTS PERMITTED IN PARTICULAR DESIGNATED PRODUCTS

1. Vitamins and minerals may be added to any designated product.
2. In grape juice, salts of tartaric acids may be restored.
3. In fruit juice, concentrated fruit juice, fruit juice from concentrate, and dehydrated or powdered fruit juice, other than any prepared from grapes or pears, sugars may be added
 - (a) for the purpose of regulating acidic taste, in an amount (expressed as dry matter) not exceeding 15g per litre of the juice;
 - (b) for the purpose of sweetening, in an amount (expressed as dry matter) not exceeding 150g per litre of the juice,the total amount of such added sugars for either purpose not to exceed 150g per litre of the juice.
4. In any designated product, for the purpose of regulating acidic taste –
 - (a) lemon juice, or
 - (b) concentrated lemon juice, or
 - (c) both lemon juice and concentrated lemon juice,

(a) O.J. No. L10, 12.1.2002, p. 53

(b) O.J. No. L10, 12.1.2002, p. 47

(expressed as anhydrous citric acid) may be added, the total amount of such added juice not to exceed 3g per litre of the product.

5. In any designated product, carbon dioxide may be added.
6. In any designated product, any substance permitted pursuant to Council Directive 89/107/EEC on the approximation of laws of member States concerning food additives authorised for use in foodstuffs intended for human consumption(a) may be added.

SCHEDULE 4

Regulation 2(2)(d)

PERMITTED TREATMENTS AND ADDITIONAL SUBSTANCES

Treatments

1. Mechanical extraction processes.
2. The usual physical processes (being those included in that description in Annex I, Part II, point 2, to Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption) and including, in the production of concentrated fruit juice other than that produced from grapes, in-line water extraction, or diffusion, of the edible parts of the fruit.
3. In the production of grape juice where sulfitation of the grapes with sulphur dioxide has been used, desulfitation by physical means, provided that the total quantity in the finished grape juice does not exceed 10 mg per litre of the juice.

Additional substances

4. Pectolytic enzymes.
5. Proteolytic enzymes.
6. Amylolytic enzymes.
7. Edible gelatine.
8. Tannins.
9. Bentonite.
10. Silicon aerogel.
11. Charcoal.
12. Chemically inert filtration adjuvant and precipitation agents, including perlite, washed diatomite, cellulose, insoluble polyamide, polyvinylpyrrolidone, and polystyrene, which comply with the Community Directives on materials and articles intended to come into contact with foodstuffs(b).
13. Chemically inert adsorption adjuvants which comply with the said Community Directives and which are used to reduce the limonoid and naringin content of citrus juice without significantly affecting the limonoid glucosides, acid, sugars (including oligosaccharides) or mineral content of such juice.

(a) O.J. No. L40, 11.2.1989, p. 27

(b) The Directives are Council Directive 89/109/EEC on the approximation of the laws of the member States relating to materials and articles intended to come into contact with foodstuffs O.J. No. L40, 11.2.1989, p. 38, and Commission Directive 2002/72/EC relating to plastic materials and articles intended to come into contact with foodstuffs O.J. No. L220, 15.8.2002, p. 18

SCHEDULE 5

Regulation 2(2)(e)

MINIMUM JUICE AND PUREE CONTENT OF FRUIT NECTARS

	<i>Minimum juice, purée or juice and purée content (% by volume of finished product)</i>
I. Fruit nectars made from fruits with acidic juice unpalatable in the natural state	
Passion fruit	25
Quito naranjillos	25
Blackcurrants	25
Whitecurrants	25
Redcurrants	25
Gooseberries	30
Sallow–thorn berries	25
Sloes	30
Plums	30
Quetsches	30
Rowanberries	30
Rose hips	40
Sour cherries	35
Other cherries	40
Bilberries	40
Elderberries	50
Raspberries	40
Apricots	40
Strawberries	40
Mulberries / blackberries	40
Cranberries	30
Quinces	50
Lemons and limes	25
Other fruits belonging to this category	25
II. Fruit nectars made from low–acid, pulpy or highly flavoured fruits with juice unpalatable in the natural state	
Mangoes	25
Bananas	25
Guavas	25
Papayas	25
Lychees	25
Azeroles (Neapolitan medlars)	25
Soursop	25
Bullock’s heart or custard apple	25
Sugar apples	25
Pomegranates	25

	<i>Minimum juice, purée or juice and purée content (% by volume of finished product)</i>
Cashew fruits	25
Spanish plums	25
Umbu	25
Other fruits belonging to this category	25

III. Fruit nectars made from fruits with juice palatable in the natural state

Apples	50
Pears	50
Peaches	50
Citrus fruits except lemons and limes	50
Pineapples	50
Other fruits belonging to this category	50

Note:

In the case of a product prepared from a mixture of types of fruit, this Schedule shall be read as if the minimum quantities specified for the various types of fruit mentioned or referred to therein were reduced in proportion to the relative quantities of the types of fruit used.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption (O.J. No. L10, 12.1.2002, p.58). They revoke and replace the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 1977, as amended.

The Regulations –

- (c) prescribe definitions and reserved descriptions for certain designated fruit juice products (*regulation 2(2) and Schedule 1*);
- (d) prescribe the raw materials, treatment processes and additional ingredients to be used in preparation of designated products (*regulation 2(2) and Schedules 2, 3 and 4*);
- (e) prescribe minimum fruit juice content for products bearing the reserved description “fruit nectar” (*regulation 2(2) and Schedule 5*);
- (f) provide for the circumstances in which the Regulations apply (*regulation 3*);
- (g) restrict the use of reserved descriptions to the designated products to which they relate (*regulation 4*);
- (h) prescribe labelling requirements for such products (*regulation 5*);
- (i) make provision as to the manner of marking and labelling of designated products (*regulations 5 and 6*);
- (j) specify a penalty for contraventions, and enforcement authority (*regulation 7*);
- (k) in accordance with Articles 2 and 3 of Council Directive 89/397/EEC on the official control of foodstuffs (O.J. No. L186, 30.6.1989, p.23) and the European Economic Area Agreement, specify a defence in relation to exports (*regulation 8*);
- (l) apply various provisions of the Food Safety (Northern Ireland) 1991 (*regulation 9*);
- (m) revoke the previous Regulations and make consequential amendments and transitional provision (*regulations 10 and 11*).

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