

**2011 No. 47**

**FOOD**

**The Fruit Juices and Fruit Nectars (Amendment) Regulations  
(Northern Ireland) 2011**

*Made* - - - - - *23rd February 2011*

*Coming into operation* - *18th March 2011*

The Department of Health, Social Services and Public Safety(**a**) makes the following Regulations in exercise of the powers conferred by Articles 15(1)(a) and (e), 16(1) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**b**).

In accordance with Article 47(3A) of that Order, it has had regard to relevant advice given by the Food Standards Agency.

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**), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Fruit Juices and Fruit Nectars (Amendment) Regulations (Northern Ireland) 2011 and come into operation on 18th March 2011.

**Amendment of the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2003**

2.—(1) The Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2003(**d**) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(2)—

- (a) at the end of sub-paragraph (d) omit the word “and”;
- (b) at the end of sub-paragraph (e) substitute “; and” for the full stop; and
- (c) after sub-paragraph (e) insert—

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(a) Formerly the department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)  
(b) S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1663 (N.I.12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28 and S.R. 2004 Nos. 482 and 505  
(c) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 596/2009 (OJ No. L188, 18.7.2009, p.14)  
(d) S.R. 2003 No. 305, as amended by S.R. 2005 No. 574, S.R. 2009 No. 415 and S.R. 2009 No. 416

“(f) being a food bearing the reserved description “fruit juice from concentrate”, it complies with the minimum Brix level specified in Schedule 6, read together with the Notes to that Schedule.”.

(3) In regulation 5—

(a) for paragraph (d) substitute —

“(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 from concentrate” or, as the case may be, “partially 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;”;

(b) for paragraph (e) substitute—

“(e) in the case of a fruit nectar obtained wholly from one or more concentrated products, its labelling bears the words “from concentrate” or, as the case may be, “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;”.

(4) In Schedule 1—

(a) in column 2 of item 3 (Fruit juice from concentrate), at the end insert—

“The minimum Brix levels for fruit juices from concentrate are indicated in Schedule 6.”;  
and

(b) in column 2 of item 5 (Fruit nectar), for “Schedule 4” substitute “Schedule 5” in both places.

(5) After Schedule 5, insert Schedule 6, as set out in the Schedule to these Regulations.

Sealed with the official seal of the Department of Health, Social Services and Public Safety on 23rd February 2011.



*Andrew McCormick*

A senior officer of the Department of Health, Social Services and Public Safety

## SCHEDULE

Regulation 2(5)

### “SCHEDULE 6 Regulation 2 and Schedule 1

#### MINIMUM BRIX LEVELS FOR FRUIT JUICES FROM CONCENTRATE

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Fruit's Common Name</i>	<i>Botanical Name</i>	<i>Minimum Brix level for fruit juices from concentrate (i.e. for reconstituted fruit juice and reconstituted fruit purée)</i>
Apple (*)	<i>Malus domestica</i> Borkh.	11.2
Apricot (**)	<i>Prunus armeniaca</i> L.	11.2
Banana (**)	<i>Musa sp.</i>	21.0
Blackcurrant (*)	<i>Ribes nigrum</i> L.	11.6
Grape (*)	<i>Vitis vinifera</i> L. or hybrids thereof <i>Vitis labrusca</i> L. or hybrids thereof	15.9
Grapefruit (*)	<i>Citrus x paradise</i> Macfad.	10.0
Guava (**)	<i>Psidium guajava</i> L.	9.5
Lemon (*)	<i>Citrus limon</i> (L.) Burm.f.	8.0
Mandarin (*)	<i>Citrus reticulata</i> Blanco	11.2
Mango (**)	<i>Mangifera indica</i> L.	15.0
Orange (*)	<i>Citrus sinensis</i> (L.) Osbeck	11.2
Passion Fruit (*)	<i>Passiflora edulis</i> Sims	13.5
Peach (**)	<i>Prunus persica</i> (L.) Batsch var. <i>Persica</i>	10.0
Pear (**)	<i>Pyrus communis</i> L.	11.9
Pineapple (*)	<i>Ananas comosus</i> (L.) Merr.	12.8
Raspberry (*)	<i>Rubus idaeus</i> L.	7.0
Sour Cherry (*)	<i>Prunus cerasus</i> L.	13.5
Strawberry (*)	<i>Fragaria x ananassa</i> Duch.	7.0

**Notes:**

1. If a juice from concentrate is manufactured from a fruit not mentioned in the above list, the minimum Brix level of the reconstituted juice shall be the Brix level of the juice as extracted from the fruit used to make the concentrate.
2. For those products marked with an asterisk (\*), which are produced as a juice, a minimum relative density is determined as such in relation to water at 20/20 °C.
3. For those products marked with two asterisks (\*\*), which are produced as a purée, only a minimum uncorrected Brix reading (without correction of acid) is determined.

4. In respect of blackcurrant, guava, mango and passion fruit, the minimum Brix levels only apply to reconstituted fruit juice and reconstituted fruit purée produced in the EU.”

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, provide for the implementation of Commission Directive 2009/106/EC amending Council Directive 2001/112/EC relating to fruit juices and certain similar products intended for human consumption (OJ No. L212, 15.8.2009, p.42).

Commission Directive 2009/106/EC makes two amendments to Council Directive 2001/112/EC (OJ No. L10, 12.1.2002, p. 58). First, it makes a small linguistic change in relation to mixed juice products containing fruit juice and fruit juices from concentrate and to nectars obtained wholly or partly from one or more concentrated products, in order to alleviate translational difficulties across Member States of the EU. Second, it introduces a table laying down the minimum Brix levels for fruit juices from concentrate.

These Regulations amend the Fruit Juices and Fruit Nectars Regulations (Northern Ireland) 2003 (S.R. 2003 No. 305), so as to—

- (a) provide that a fruit juice from concentrate must contain the minimum Brix levels specified in Schedule 6, read together with the Notes to that Schedule (*regulation 2(2) and the Schedule*);
- (b) make a small linguistic change to the labelling and description of mixed juice products containing fruit juice and fruit juices from concentrate, and of nectars obtained wholly or partly from one or more concentrated products (*regulation 2(3)*);
- (c) amend Schedule 1 (Reserved Descriptions For Designated Products) so that item 3 (Fruit juice from concentrate) of Schedule 1 cross-refers to Schedule 6 (Minimum Brix Levels For Fruit Juices From Concentrate) (*regulation 2(4)(a) and the Schedule*);
- (d) amend Schedule 1 so that an incorrect reference within item 5 (Fruit nectar) is corrected (*regulation 2(4)(b)*); and
- (e) add as Schedule 6 a new Schedule which provides ‘Minimum Brix Levels For Fruit Juices From Concentrate’ (*regulation 2(5) and the Schedule*).

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