
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 293

**The Fruit Juices and Fruit Nectars
(Scotland) Regulations 2003 (revoked)**

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 and shall come into force on 12th July 2003.

(2) These Regulations shall extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“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 European Parliament and Council Directive 1995/2 on food additives other than colours and sweeteners ^{M1};

“EEA Agreement” means the Agreement on the European Economic Area ^{M2} signed at Oporto on 2nd May 1992 as adjusted by the Protocol ^{M3} signed at Brussels on 17th March 1993;

“EEA State” means a State which is a Contracting Party to the EEA Agreement;

“preparation” includes manufacture and any form of processing or treatment, and “prepared” shall be construed accordingly;

“the 1996 Regulations” means the Food Labelling Regulations 1996 ^{M4};

“reserved description”, as respects any designated product, means any description specified in relation to that product in column 1 of Schedule 1 as read with the conditions which preface column 1 of Schedule 1;

“sell” includes offer or expose for sale or have in possession for sale and “sale” and “sold” shall be construed accordingly; 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) A food described in column 2 of Schedule 1 is not a designated product if—

- (a) it has been prepared from any raw material other than those listed in Schedule 2;

Status: Point in time view as at 12/07/2003.

Changes to legislation: There are currently no known outstanding effects for the The Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (revoked). (See end of Document for details)

- (b) it contains any additional ingredient other than such as is authorised for the designated product in question in Schedule 3;
- (c) being a fruit juice, concentrated fruit juice, fruit juice from concentrate, or dehydrated or powdered fruit juice, it has been prepared by adding—
 - (i) both sugars and lemon juice (whether concentrated or not); or
 - (ii) both sugars and acidifying agents as permitted by Directive [95/2/EC](#), to the same juice;
- (d) it has been subjected to any treatment or contains any additional substance other than such as are specified in Schedule 4; and
- (e) in the case of a fruit nectar, it does not contain the minimum juice or purée content specified in Schedule 5 as read with the Note to that Schedule.

Marginal Citations

- M1** O.J. No. L 61, 18.3.65, p.1; as last amended by Directive 98/72/EC (O.J. No. L 275, 41198, p.18).
- M2** O.J. No. L 1, 3.1.94, p.1.
- M3** O.J. No. L 1, 3.1.94, p.571.
- M4** [S.I. 1996/1499](#); the relevant amending instruments are [S.I. 1998/1398](#), 1999/747, 1999/1136 and 1999/1483 and [S.I. 2000/309](#).

Scope of Regulations

3. With the exception of regulation 5(2), these Regulations apply 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.—(1) Without prejudice to the generality of Part II of the 1996 Regulations, no person shall sell any designated product unless it is marked or labelled with the following particulars:—

- (a) subject to paragraph (d)(i), a reserved description of 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 the word “sweetened” or the words “with added sugar”, to the reserved description for that product 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, 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 is required in place of the description “fruit juice” in accordance with the conditions which preface column 1 (reserved descriptions) of Schedule 1)); or
 - (ii) a fruit nectar obtained partly from one or more concentrated products, 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, 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, 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.
- (2) No person shall sell a concentrated fruit juice not intended for delivery to the ultimate consumer, unless 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—
- (a) added sugars;
 - (b) added lemon juice; or
 - (c) acidifying agents as permitted by Directive [95/2/EC](#).

Manner or marking or labelling

6. Regulations 35, 36(1) and (5) and 38 (which relate to the manner of marking or labelling of food) of the 1996 Regulations shall apply to the particulars with which a designated product is required to be marked or labelled by regulation 5 of these Regulations 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 or fails to comply with regulations 4 and 5 of these Regulations shall be guilty of an offence.

(2) Any person found guilty of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Each food authority shall enforce and execute these Regulations in its area.

Defence in relation to exports

8. In any proceedings for an offence under these Regulations it shall be a defence for the person charged 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

Status: Point in time view as at 12/07/2003.

Changes to legislation: There are currently no known outstanding effects for the The Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (revoked). (See end of Document for details)

- (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 ^{M5}.

Marginal Citations

M5 O.J. No. L 10, 12.1.02, p.58, as adopted by EEA Joint Committee Decision 99/02 (O.J. No. L 298, 31.10.02, p.10).

Transitional provision

9. In any proceedings for an offence under these Regulations 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 (Scotland) Regulations 1977 ^{M6} if those Regulations had been in force when the food was marked or labelled.

Marginal Citations

M6 [S.I. 1977/1026](#), amended by [S.I. 1977/1833](#), 1981/1320, 1982/1619, 1983/270, 1985/1068, 1990/2625, 1991/1284 and 1476, 1992/2596, 1995/236, 3124, 3187 and 3267, 1996/1499, 1997/1413, and 1999/1136.

Application of various provisions of the Food Safety Act 1990

10. The following provisions of the Act shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the Act or Part thereof shall be construed for the purposes of these Regulations as a reference to these Regulations:—

- (a) section 2 (extended meaning of “sale”, etc.);
- (b) section 3 (presumption that food intended for human consumption);
- (c) section 20 (offences due to fault of another person);
- (d) section 21 (defence of due diligence) as it applies for the purposes of sections 8, 14 or 15 of the Act;
- (e) section 22 (defence of publication in the course of business);
- (f) section 30(8) (which relates to documentary evidence);
- (g) section 33 (obstruction etc. of officers);
- (h) section 35(1) to (3) (punishment of offences), insofar as it relates to offences under section 33(1) or (2) as applied by sub-paragraph (g);
- (i) section 36 (offences by bodies corporate);
- (j) section 36A (offences by Scottish partnerships); and
- (k) section 44 (protection of officers acting in good faith).

Amendments and revocations

11.—(1) The following entries relating to the Fruit Juices and Fruit Nectars (Scotland) Regulations 1977 shall be omitted:—

- (a) in the Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983 ^{M7}, in Schedule 1;
 - (b) in the Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985 ^{M8} in Schedules 1 and 2;
 - (c) in the Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990 ^{M9} in Schedule 1, Part I, Schedule 2, Schedule 3, Part II and Schedules 5 and 8;
 - (d) in the Food Safety (Exports) Regulations 1991 ^{M10} in Schedule 2;
 - (e) in the Food (Forces Exemptions) (Revocations) Regulations 1992 ^{M11} in the Schedule, Part II;
 - (f) in the Miscellaneous Food Additives Regulations 1995 ^{M12}, in regulation 10(6) and in Schedule 9;
 - (g) in the Food (Miscellaneous Revocations and Amendments) Regulations 1995 ^{M13}, in the Schedule;
 - (h) in the 1996 Regulations, in regulation 49(1);
 - (i) in the Miscellaneous Food Additives (Amendment) Regulations 1997 ^{M14}, in regulation 12; and
 - (j) in the Miscellaneous Food Additives (Amendment) Regulations 1999 ^{M15}, in regulation 14(1).
- (2)
- (a) In the Jam and Similar Products (Scotland) Regulations 1981 ^{M16}, in each of Regulations 11(3) and 12(2C), for “the Fruit Juices and Fruit Nectars Regulations 1977” there shall be substituted “ the Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 ”;
 - (b) in the Colours in Food Regulations 1995 ^{M17}, in item 17 of Schedule 2, for “Directive [93/77/EEC](#)” there shall be substituted “ Directive [2001/112/EC](#) ”;
 - (c) in the Miscellaneous Food Additives Regulations 1995, 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](#) ”.

(3) The Fruit Juices and Fruit Nectars (Scotland) Regulations 1977, the Fruit Juices and Fruit Nectars (Scotland) Amendment Regulations 1977, the Fruit Juices and Fruit Nectars (Scotland) Amendment Regulations 1982 ^{M18} and (insofar as they extend to Scotland), the Fruit Juices and Fruit Nectars (England, Wales and Scotland) (Amendment) Regulations 1991 ^{M19} and the Fruit Juices and Fruit Nectars (England, Wales and Scotland) (Amendment) Regulations 1995 ^{M20} are hereby revoked.

Marginal Citations

M7 [S.I. 1983/270](#) to which there are amendments not relevant to these Regulations.

Status: Point in time view as at 12/07/2003.

Changes to legislation: There are currently no known outstanding effects for the The Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (revoked). (See end of Document for details)

- M8** S.I. 1985/1068 to which there are amendments not relevant to these Regulations.
- M9** S.I. 1990/2625 to which there are amendments not relevant to these Regulations.
- M10** S.I. 1991/1476 to which there are amendments not relevant to these Regulations.
- M11** S.I. 1992/2596 to which there are amendments not relevant to these Regulations.
- M12** S.I. 1995/3187, relevant amending instruments are S.I. 1997/1413 and 1999/1136.
- M13** S.I. 1995/3267 to which there are amendments not relevant to these Regulations.
- M14** S.I. 1997/1413.
- M15** S.I. 1999/1136.
- M16** S.I. 1981/1320; relevant amending instrument is S.I. 1990/2180.
- M17** S.I. 1995/3124, to which there are amendments not relevant to these Regulations.
- M18** S.I. 1982/1619.
- M19** S.I. 1991/1284.
- M20** S.I. 1995/236.

St Andrew's House, Edinburgh
5th June 2003

TOM McCABE
Authorised to sign by the Scottish Ministers

Status:

Point in time view as at 12/07/2003.

Changes to legislation:

There are currently no known outstanding effects for the The Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 (revoked).