

**2004 No. 133**

**FOOD**

**The Jam and Similar Products (Scotland) Regulations 2004**

<i>Made</i> - - - -	<i>17th March 2004</i>
<i>Laid before the Scottish Parliament</i>	<i>18th March 2004</i>
<i>Coming into force</i> - -	<i>28th April 2004</i>

The Scottish Ministers, in exercise of the powers conferred by sections 6(4), 16(1)(e), 17(1), 26(1) and (3) and 48(1) of the Food Safety Act 1990(a) and of all other powers enabling them in that behalf, and having had regard in accordance with section 48(4A)(b) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B)(c) of that Act, hereby make the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Jam and Similar Products (Scotland) Regulations 2004 and shall come into force on 28th April 2004.

(2) These Regulations extend to Scotland only.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

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

“aqueous extract of fruit” means the aqueous extract of fruit which, subject to the losses necessarily occurring in proper manufacturing, contains all the water-soluble constituents of the fruit used;

“authorised treatment” means a treatment described in paragraphs 2 to 4 of Schedule 2;

“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;

“chestnut” means the fruit of the sweet chestnut tree (*Castanea sativa*);

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(a) 1990 c.16; section 6(4) was amended by the Deregulation and Contracting Out Act 1994 (c.40), Schedule 9, paragraph 6 and by the Food Standards Act 1999 (c.28) (“the 1999 Act”), Schedule 5, paragraph 10(3); sections 16(1) and 48(1) were amended by the 1999 Act, Schedule 5, paragraph 8; section 17(1) was amended by the 1999 Act, Schedule 5, paragraphs 8 and 12; section 26(3) was amended by the 1999 Act, Schedule 6; amendments made by Schedule 5 of the 1999 Act shall be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) (“the 1998 Act”) by virtue of section 40(2) of the 1999 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.

(c) Section 48(4B) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.

(d) S.I. 1996/1499; the relevant amending instrument is S.I. 1998/1398.

“Directive 2001/113” means Council Directive 2001/113/EC(a) relating to fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption;

“EEA Agreement” means the Agreement on the European Economic Area(b) signed at Oporto on 2nd May 1992 as adjusted by the Protocol(c) signed at Brussels on 17th March 1993;

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

“free circulation” has the same meaning as in Article 23.2 of the Treaty establishing the European Community as read with Article 24;

“fruit” means fresh, sound fruit, free from deterioration, containing all of its essential constituents and sufficiently ripe for use, after cleaning, removal of blemishes, topping and tailing, and includes ginger, tomatoes, the edible parts of rhubarb stalks, carrots, sweet potatoes, cucumbers, pumpkins, melons and watermelons;

“fruit pulp” means the edible part of the whole fruit, with or without peel, skin, seeds or pips, as appropriate, which may have been sliced or crushed but which has not been reduced to a purée;

“fruit purée” means the edible part of the whole fruit, with or without peel, skin, seeds or pips, as appropriate, which has been reduced to a purée by being sieved or subjected to a similar process;

“ginger” means the edible root of the ginger plant in a fresh or preserved state and may be dried or preserved in syrup;

“permitted additional ingredient” means an ingredient described in paragraph 1 of Schedule 2, and which is used as specified in that paragraph;

“permitted sweetener” means any sweetener insofar as its use is permitted in the specified jam or similar product by the Sweeteners in Food Regulations 1995(d);

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

“reserved description” as regards any specified jam or similar product means any description specified in relation to that product in column 1 of Schedule 1 as read with the Notes to that Schedule;

“sell” includes offer or expose for sale and have in possession for sale, and “sale” and “sold” shall be construed accordingly;

“specified jam or similar product” means, subject to paragraph (2), any food specified in column 2 of Schedule 1 as read with the Notes relating to that Schedule;

“sugar” means–

(a) sugar as defined in Council Directive 2001/111/EC(e) relating to certain sugars intended for human consumption;

(b) fructose syrup;

(c) sugars extracted from fruit; or

(d) brown sugar,

or any combination thereof;

“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; and

“vine fruits” means muscatels, raisins, sultanas or currants.

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(a) O.J. No. L 10, 12.1.02, p.67.

(b) O.J. No. L 1, 3.1.94, p.1.

(c) O.J. No. L 1, 3.1.94, p.571.

(d) S.I. 1995/3123 to which there are amendments not relevant to these Regulations.

(e) O.J. No. L 10, 12.1.02, p.53.

(2) A food described in column 2 of items 1 to 7 of Schedule 1 is not a specified jam or similar product if–

- (a) it contains any additional ingredient other than a permitted additional ingredient;
- (b) any raw material referred to in paragraphs 2 to 4 of Schedule 2 used in the preparation of that food has been subjected to any treatment other than an authorised treatment.

(3) Any other expression used both in these Regulations and in Directive 2001/113 has the same meaning in these Regulations as in that Directive.

### **Scope of the Regulations**

**3.**—(1) Subject to paragraphs (2) and (3) these Regulations apply to specified jam or similar products, intended for human consumption and ready for delivery to the ultimate consumer or to a catering establishment.

(2) These Regulations do not apply to any specified jam or similar product intended for the manufacture of fine bakery wares, pastries or biscuits.

(3) These Regulations do not apply in respect of any product bearing the description set out at items 8 to 11 of column 1 of Schedule 1 which is brought into Scotland from–

- (a) an EEA State (other than the United Kingdom) having been lawfully produced in an EEA State; or
- (b) a Member State (other than the United Kingdom) in which it was in free circulation; or
- (c) another part of the United Kingdom–
  - (i) having been lawfully produced in an EEA State; or
  - (ii) having been in free circulation in a Member State.

### **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 specified jam or similar 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 specified jam or similar product.

### **Labelling and description of specified jam or similar products**

**5.**—(1) Without prejudice to the generality of Part II of the 1996 Regulations, no person shall sell any specified jam or similar product unless it is marked or labelled with the following particulars–

- (a) the reserved description of the product;
- (b) where any specified jam or similar product has a residual sulphur dioxide content of more than 10 milligrams per kilogram then, in addition to any particulars required to be identified in a list of ingredients by the 1996 Regulations, that residual content shall be identified in the list of ingredients according to the percentage by weight of the residue in the product as “sulphur dioxide”.

(2) Without prejudice to the generality of Part II of the 1996 Regulations, no person shall sell any product specified at items 1 to 7 of Schedule 1 unless it is marked or labelled with the following particulars—

- (a) in the case—
  - (i) of a product prepared from a single kind of fruit, an indication of that kind of fruit;
  - (ii) of a product prepared from two kinds of fruit, an indication of those kinds of fruit in descending order of the weight of the fruit, fruit pulp, fruit purée, fruit juice, fruit peel or aqueous extract of fruit used in the preparation of the product; and
  - (iii) of a product prepared from three or more kinds of fruit, an indication of those kinds of fruit in descending order of weight of fruit, fruit pulp, fruit purée, fruit juice, fruit peel or aqueous extract of fruit used in the preparation of the product or alternatively the words “mixed fruit” or similar wording or the number of kinds of fruit used in the preparation of the product;
- (b) an indication of the proportion of fruit used in the preparation of the product in the form “prepared with Xg of fruit per 100 g”, there being inserted in place of “X” the quantity in grams of fruit used or fruit from which the fruit pulp, fruit purée, fruit juice, fruit peel and aqueous extract of fruit used for every hundred grams of the finished product are derived; and
- (c) except where a nutritional claim as regards sugar content is made and the product is marked or labelled as regards sugar content with the prescribed nutrition labelling as set out in Schedule 7 to the 1996 Regulations, an indication of the total sugar content in the form “total sugar content: Yg per 100 g”, there being inserted in place of “Y” the content in grams of soluble dry matter in each hundred grams of the product, determined by refractometer at 20°C, the content shown being accurate to +/- 3 refractometric degrees.

(3) The particulars with which the product is required to be marked or labelled in accordance with paragraph (2)(b) and (c) shall appear in the labelling of the food in the same field of vision as the name of the food and in clearly visible characters.

### **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 specified jam or similar product is required to be marked or labelled by regulation 5 of these Regulations as if they were particulars with which a 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 or 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 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 Directive 2001/113.

## **Transitional provisions**

**9.** In any proceedings for an offence under these Regulations it shall be a defence for the person charged 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 Jam and Similar Products (Scotland) Regulations 1981(a) if those Regulations had been in force when the food concerned was marked or labelled.

## **Application of various provisions of the Act**

**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 any Part thereof shall be construed 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 section 8, 14 or 15 of the Act;
- (e) section 22 (defence of publication in the course of a 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) and (2) as applied by 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 Jam and Similar Products (Scotland) Regulations 1981 and the Jam and Similar Products (Scotland) Amendment Regulations 1990(b) are revoked.

(2) The following entries relating to the Jam and Similar Products (Scotland) Regulations 1981 shall be omitted—

- (a) in the Food and Drugs (Scotland) Act 1956 (Transfer of Enforcement Functions) Regulations 1983(c), in Schedule 2;
- (b) in the Food (Revision of Penalties and Mode of Trial) (Scotland) Regulations 1985(d), in Schedules 1 and 2;
- (c) in the Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990(e), in Schedule 1, Part I, Schedule 3, Part II and Schedules 5 and 8;
- (d) in the Food Safety (Exports) Regulations 1991(f), in Schedule 2;
- (e) in the Food (Forces Exemptions) (Revocations) Regulations 1992(g), in the Schedule, Part II;

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(a) S.I. 1981/1320, amended by S.I. 1983/270, 1985/1068, 1990/2180 and 2625, 1991/1476, 1992/2596, 1995/3123, 3124 and 3187, 1998/1398 and 1999/1136.

(b) S.I. 1990/2180.

(c) S.I. 1983/270, to which there are amendments not relevant to these Regulations.

(d) S.I. 1985/1068 to which there are amendments not relevant to these Regulations.

(e) S.I. 1990/2625 to which there are amendments not relevant to these Regulations.

(f) S.I. 1991/1476 to which there are amendments not relevant to these Regulations.

(g) S.I. 1992/2596.

- (f) in the Sweeteners in Food Regulations 1995(a), in regulation 10(2);
- (g) in the Colours in Food Regulations 1995(b), in regulation 12(3);
- (h) in the Miscellaneous Food Additives Regulations 1995(c), in regulation 10(9);
- (i) in the Food Labelling Regulations 1996, in regulation 49(8);
- (j) in the Food Labelling (Amendment) Regulations 1998(d), in regulation 18; and
- (k) in the Miscellaneous Food Additives (Amendment) Regulations 1999(e), in regulation 14(1).

(3) In the Miscellaneous Food Additives Regulations 1995, in Schedules 2, 3 and 7 for “Directive 79/693/EEC” in each place where it occurs substitute “Directive 2001/113/EC.”

(4) In the Colours in Food Regulations 1995, in Schedule 3, for “Directive 79/693/EEC” in each place where it occurs substitute “Directive 2001/113/EC.”

*TOM McCABE*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
17th March 2004

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(a) S.I. 1995/3123, to which there are amendments not relevant to these Regulations.  
(b) S.I. 1995/3124, to which there are amendments not relevant to these Regulations.  
(c) S.I. 1995/3187, to which there are amendments not relevant to these Regulations.  
(d) S.I. 1998/1398, to which there are amendments not relevant to these Regulations.  
(e) S.I. 1999/1136, to which there are amendments not relevant to these Regulations.

## SCHEDULE 1

Regulation 2(1)

### SPECIFIED JAM OR SIMILAR PRODUCTS AND THEIR RESERVED DESCRIPTIONS

<i>Column 1</i> <i>Reserved Descriptions</i>	<i>Column 2</i> <i>Specified jam or similar product</i>
1. Jam	<p>A mixture, brought to a suitable gelled consistency, of sugars, the pulp or purée or both of one or more kinds of fruit and water, such that the quantity of fruit pulp or fruit purée or both used for every 1000 grams of the finished product is not less than–</p> <ul style="list-style-type: none"> <li>(i) 250 grams in the case of redcurrants, blackcurrants, rosehips, rowanberries, sea buckthorns or quinces,</li> <li>(ii) 150 grams in the case of ginger,</li> <li>(iii) 160 grams in the case of cashew apples,</li> <li>(iv) 60 grams in the case of passion fruit,</li> <li>(v) 350 grams in the case of any other fruit.</li> </ul> <p>Citrus jam may be made from the whole fruit cut into strips or slices.</p>
2. Extra Jam	<p>A mixture, brought to a suitable gelled consistency, of–</p> <ul style="list-style-type: none"> <li>(a) sugars, the unconcentrated pulp of one or more kinds of fruit and water, or</li> <li>(b) in the case of rosehip extra jam, or seedless raspberry, blackberry, blackcurrant, blueberry or redcurrant extra jams, of sugars, the unconcentrated purée of those fruits, or a mixture of the unconcentrated pulp and purée of those fruits, and water,</li> </ul> <p>but the following fruits may not be used mixed with others in the manufacture of extra jam: apples, pears, clingstone plums, melons, watermelons, grapes, pumpkins, cucumbers and tomatoes,</p>

<i>Column 1</i> <i>Reserved Descriptions</i>	<i>Column 2</i> <i>Specified jam or similar product</i>
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the quantity of fruit pulp or, in the case of rosehip extra jam, or seedless raspberry, blackberry, blackcurrant, blueberry or redcurrant extra jam, the total quantity of fruit pulp and fruit purée, used for every 1000 grams of the finished product being not less than–

- (i) 350 grams in the case of redcurrants, blackcurrants, rosehips, rowanberries, sea buckthorns or quinces,
- (ii) 250 grams in the case of ginger,
- (iii) 230 grams in the case of cashew apples,
- (iv) 80 grams in the case of passion fruit,
- (v) 450 grams in the case of any other fruit.

Citrus extra jam may be made from the whole fruit cut into strips or slices.

3. Jelly

An appropriately gelled mixture of sugars and fruit juice or aqueous extract (or both fruit juice and aqueous extract) of one or more kinds of fruit the quantity of fruit juice or aqueous extract of fruit or both used for every 1000 grams of the finished product being not less than–

- (i) 250 grams in the case of redcurrants, blackcurrants, rosehips, rowanberries, sea buckthorns or quinces,
- (ii) 150 grams in the case of ginger,
- (iii) 160 grams in the case of cashew apples,
- (iv) 60 grams in the case of passion fruit,
- (v) 350 grams in the case of any other fruit.

The quantities in paragraphs (i) to (v) above are calculated after deduction of the weight of water used in preparing the aqueous extracts.

4. Extra Jelly

An appropriately gelled mixture of sugars and fruit juice or aqueous extract (or both fruit juice and aqueous extract) of one or more kinds of fruit but the following fruits may not be used mixed with others in the manufacture of extra jelly: apples, pears, clingstone plums, melons, watermelons, grapes, pumpkins, cucumbers and tomatoes,



<i>Column 1</i> <i>Reserved Descriptions</i>	<i>Column 2</i> <i>Specified jam or similar product</i>
	<p>the total quantity of fruit juice and aqueous extract of fruit (or both) used for every 1000 grams of the finished product being not less than–</p> <ul style="list-style-type: none"> <li>(i) 350 grams in the case of redcurrants, blackcurrants, rosehips, rowanberries, sea buckthorns or quinces,</li> <li>(ii) 250 grams in the case of ginger,</li> <li>(iii) 230 grams in the case of cashew apples,</li> <li>(iv) 80 grams in the case of passion fruit,</li> <li>(v) 450 grams in the case of any other fruit.</li> </ul> <p>The quantities in paragraphs (i) to (v) above are calculated after deduction of the weight of water used in preparing the aqueous extracts.</p>
5. Jelly marmalade	The composition of marmalade, as described below but where the product contains no insoluble matter except possibly for small quantities of finely sliced peel.
6. Marmalade	A mixture, brought to a suitable gelled consistency, of water, sugars and one or more of fruit pulp, fruit purée, fruit juice, fruit peel or aqueous extract of fruit, in every case obtained from citrus fruit, the quantity of citrus fruit used for every 1000 grams of the finished product being not less than 200 grams, of which not less than 75 grams is obtained from the endocarp.
7. Sweetened chestnut purée	A mixture brought to a suitable consistency, of water, sugar and puréed chestnuts, such that the quantity of puréed chestnuts used for every 1000 grams of the finished product is not less than 380 grams.
8. X curd	<p>An emulsion of edible fat or oil (or both), sugar, whole egg or egg yolk (or both), and any combination of fruit, fruit pulp, fruit purée, fruit juice, aqueous extract of fruit or essential oils of fruit, with or without other ingredients, such that–</p> <ul style="list-style-type: none"> <li>(a) the quantity of fat or oil or both used for every 1000 grams of the finished product is not less than 40 grams;</li> <li>(b) the quantity of whole egg and egg yolk or both used for every 1000 grams of the finished product is not less than 6.5 grams of egg yolk solids; and</li> </ul>

<i>Column 1</i> <i>Reserved Descriptions</i>	<i>Column 2</i> <i>Specified jam or similar product</i>
	(c) the quantity of fruit, fruit pulp, fruit purée, fruit juice, aqueous extract of fruit, or essential oil of fruit is sufficient to characterise the finished product.
9. Lemon cheese	A food conforming to the description in item 8 above appropriate for lemon curd.
10. Y flavour curd	An emulsion of edible fat or oil (or both), sugar, whole egg or egg yolk (or both), and flavouring material with or without other ingredients, such that— <ul style="list-style-type: none"> <li>(a) the quantity of fat or oil or both used for every 1000 grams of the finished product is not less than 40 grams;</li> <li>(b) the quantity of whole egg or egg yolk or both used for every 1000 grams of the finished product is not less than 6.5 grams of egg yolk solids; and</li> <li>(c) the quantity of flavouring material used is sufficient to characterise the product.</li> </ul>
11. Mincemeat	A mixture of sweetening agents, vine fruits, citrus peel, suet or equivalent fat and vinegar or acetic acid, with or without other ingredients, such that— <ul style="list-style-type: none"> <li>(a) the quantity of vine fruits and citrus peel used for every 1000 grams of the finished product is not less than 300 grams, of which not less than 200 grams consists of vine fruits; and</li> <li>(b) the quantity of suet or equivalent fat used for every 1000 grams of the finished product is not less than 25 grams.</li> </ul> <p>For the purposes of this entry, “sweetening agents” means—</p> <ul style="list-style-type: none"> <li>(a) any sugar product defined in the Annex to Directive 2001/111/EC(a) relating to certain sugars intended for human consumption;</li> <li>(b) brown sugar;</li> <li>(c) cane molasses;</li> <li>(d) honey, as defined in Council Directive 2001/110/EC(b) relating to honey.</li> </ul>

(a) O.J. No. L 10, 12.1.02, p.53.

(b) O.J. No. L 10, 12.1.02, p.47.

## NOTES

**1.** In the case of a product prepared from a mixture of kinds of fruit, column 2 of this Schedule shall be read as if the minimum quantities specified for the various kinds of fruit referred to were reduced in proportion to the relative quantities of the kinds of fruit used.

**2.** The products described in this Schedule must have a soluble dry matter content of 60% or more as determined by refractometer at 20°C except for—

- (a) those products in respect of which sugars have been wholly or partially replaced by permitted sweeteners;
- (b) those products labelled “reduced sugar” which may have a soluble dry matter content of not less than 25% and not more than 50%;
- (c) those products described in items 8 to 11 which must have a soluble dry matter content of 65% or more.

**3.** Column 1 of this Schedule shall be read as if for “X” in item 8 there were substituted—

- (a) the name of a particular kind of fruit;
- (b) the words “mixed fruit”; or
- (c) the word “fruit” preceded by an indication of the number of kinds of fruit used in the preparation of the food described in column 2 of the item.

**4.** Column 1 of this Schedule shall be read as if for “Y” in item 10 there were substituted—

- (a) the name of a particular kind of fruit; or
- (b) the words “mixed fruit”.

PERMITTED ADDITIONAL INGREDIENTS AND AUTHORISED  
TREATMENTS FOR THE PRODUCTS DESCRIBED IN ITEMS 1  
TO 7 OF SCHEDULE 1

1. The following additional ingredients may be used, to the extent stated below—
  - (a) honey as defined in Council Directive 2001/110/EC of 20th December 2001 relating to honey: in all products as a total or partial substitute for sugars;
  - (b) fruit juice: only in jam;
  - (c) citrus fruit juice: in products obtained from other kinds of fruit: only in jam, extra jam, jelly and extra jelly;
  - (d) red fruit juices: only in jam and extra jam manufactured from rosehips, strawberries, raspberries, gooseberries, redcurrants, plums and rhubarb;
  - (e) red beetroot juice: only in jam and jelly manufactured from strawberries, raspberries, gooseberries, redcurrants and plums;
  - (f) essential oils of citrus fruits: only in marmalade and jelly marmalade;
  - (g) edible oils and fats as anti-foaming agents: in all products;
  - (h) liquid pectin: in all products;
  - (i) citrus peel: in jam, extra jam, jelly and extra jelly;
  - (j) leaves of *Pelargonium odoratissimum*: in jam, extra jam, jelly and extra jelly, where they are made from quince;
  - (k) spirits, wine and liqueur wine, nuts, aromatic herbs, spices, vanilla and vanilla extracts: in all products;
  - (l) vanilline: in all products; and
  - (m) any substance permitted pursuant to Council 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<sup>(a)</sup>.
2. Fruit, fruit pulp, fruit purée and aqueous extract of fruit may be treated in the following ways—
  - (a) heated, chilled or frozen;
  - (b) freeze-dried;
  - (c) concentrated, to the extent that is technically possible; and
  - (d) except in relation to extra jam or extra jelly, sulphited, that is to say sulphur dioxide (E 220) or its salts (E 221, E 222, E 223, E 224, E 226 and E 227) may be used as an aid to manufacture provided that the maximum sulphur-dioxide content laid down in Directive 95/2/EC<sup>(b)</sup> on food additives other than colours or sweeteners is not exceeded.
3. Apricots and plums to be used in the manufacture of jam may also be treated by other drying processes apart from freeze-drying.
4. Citrus peel may additionally be preserved in brine.

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<sup>(a)</sup> O.J. No. L 040, 11.2.89, p.27.

<sup>(b)</sup> O.J. No. L 61, 18.3.95, p.1.

## EXPLANATORY NOTE

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

These Regulations, which extend to Scotland only, implement Council Directive 2001/113/EC concerning fruit jams, jellies and marmalades and sweetened chestnut purée intended for human consumption (O.J. No. L 10, 12.1.02, p.67) and also contain national measures for similar products. They revoke and replace the Jam and Similar Products (Scotland) Regulations 1981 (“the 1981 Regulations”) as amended.

The Regulations—

- (a) prescribe definitions and reserved descriptions for jams and certain similar products such as fruit curds, lemon cheese and mincemeat. The Directive applies to items 1 to 7 of Schedule 1. Items 8 to 11 of Schedule 1 are included as national measures (regulation 2 and Schedules 1 and 2);
- (b) provide for the circumstances in which the Regulations apply (regulation 3);
- (c) restrict the use of reserved descriptions to the specified jam and similar products to which they relate (regulation 4);
- (d) prescribe labelling requirements for such products (regulation 5);
- (e) prescribe the manner of marking or labelling and apply specified provisions of the Food Labelling Regulations 1996 (regulation 6);
- (f) specify a penalty, enforcement authorities and, in accordance with Articles 2 and 3 of Council Directive 89/397/EEC on the official control of foodstuffs (O.J. No. L 186, 30.6.89, p.23) and the European Economic Area Agreement, a defence in relation to exports (regulations 7 and 8);
- (g) make transitional provisions (regulation 9);
- (h) apply various provisions of the Food Safety Act 1990 (regulation 10); and
- (i) revoke the previous Regulations and make consequential amendments (regulation 11).

The Regulations differ from the 1981 Regulations by—

- (a) inserting new reserved descriptions and definitions for sweetened chestnut purée and jelly marmalade;
- (b) omitting the reserved description and definition of UK standard jelly;
- (c) introducing technical compositional changes for specified jams and similar products; and
- (d) re-enacting with modifications labelling requirements and methods of analysis to determine certain characteristics of specified jam and similar products.

These Regulations have been notified in draft to the European Commission in accordance with Directive 98/34/EC (O.J. No. L 204, 21.7.98, p.37) as amended by Directive 98/48/EC (O.J. No. L 217, 5.8.98, p.18), in respect of items 8 to 11 of Schedule 1.

A Regulatory Impact Assessment which includes a compliance cost assessment of the effects which these Regulations are likely to have on business costs, has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.

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