
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 305

The Fruit Juices and Fruit Nectars (Scotland) Regulations 2013

Citation, extent, commencement and expiry

1.—(1) These Regulations may be cited as the Fruit Juices and Fruit Nectars (Scotland) Regulations 2013 and they extend to Scotland only.

(2) They come into force on 20th November 2013.

(3) Regulation 15 ceases to have effect on 13th December 2014.

Definition of “fruit juice” and similar products

2.—(1) In these Regulations “fruit juice” means (unless the context otherwise requires) a product that complies with the specification in Schedule 2.

(2) In these Regulations—

“fruit juice from concentrate” means a product that complies with the specification in Schedule 3;

“concentrated fruit juice” means a product that complies with the specification in Schedule 4;

“water extracted fruit juice” means a product that complies with the specification in Schedule 5;
and

“dehydrated fruit juice” or “powdered fruit juice” means a product that complies with the specification in Schedule 6.

(3) In these Regulations “fruit nectar” means a product that complies with the specification in Schedule 7.

General interpretation

3.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“authorised additional ingredient” means an additional ingredient listed in Schedule 8;

“authorised additional substance” means an additional substance listed in Schedule 9;

“authorised treatment” means a treatment listed in Schedule 10;

“concentrated fruit purée” means the product obtained from fruit purée by the removal of a specific proportion of its water content and in respect of which, if flavour has been restored to it, such flavour has been recovered from the same species of fruit;

“[Directive 2001/112/EC](#)” means Council [Directive 2001/112/EC](#) relating to fruit juices and certain similar products intended for human consumption⁽¹⁾;

“flavour”, except in paragraph 1 of Schedule 2 and Part 2 of Schedule 7, means flavour for restoration—

(1) OJ L 10, 12.1.2002, p.58, last amended by Directive 2012/12/EU of the European Parliament and of the Council (OJ L 115, 27.4.2012, p.1).

- (a) that is obtained during the processing of fruit by applying suitable physical processes (including squeezing, extraction, distillation, filtration, adsorption, evaporation, fractionation and concentration) to obtain, retain, preserve or stabilise the flavour quality; and
- (b) that—
 - (i) is obtained from the edible parts of the fruit;
 - (ii) is cold pressed oil from citrus peel; or
 - (iii) consists of compounds from the stones of the fruit;

“fruit” means any kind of fruit (including tomatoes) that is sound, appropriately mature and

- (a) fresh; or
- (b) preserved by—
 - (i) physical means; or
 - (ii) a treatment, including a post-harvest treatment;

“fruit purée” means the fermentable but unfermented product obtained by suitable physical processes, such as sieving, grinding or milling the edible part of whole or peeled fruit without removing the juice;

“honey” has the meaning given in point 1 of Annex I to Council [Directive 2001/110/EC](#) relating to honey⁽²⁾;

“in trade” has the same meaning as in [Directive 2001/112/EC](#) and cognate expressions are to be construed accordingly;

“pulp or cells” means—

- (a) in respect of citrus fruit, the juice sacs obtained from the endocarp; or
- (b) in respect of any other fruit, the products obtained from the edible parts of the fruit without removing the juice;

“Regulation 1935/2004” means Regulation [\(EC\) No 1935/2004](#) of the European Parliament and of the Council on materials and articles intended to come into contact with food and repealing Directives [80/590/EEC](#) and [89/109/EEC](#)⁽³⁾;

“Regulation 1333/2008” means Regulation [\(EC\) No 1333/2008](#) of the European Parliament and of the Council on food additives⁽⁴⁾;

“regulated product” means any of the following—

- (a) a fruit juice;
- (b) a fruit juice from concentrate;
- (c) a concentrated fruit juice;
- (d) a water extracted fruit juice;
- (e) a dehydrated fruit juice;
- (f) a powdered fruit juice;
- (g) a fruit nectar;

“sugars” means any of the following—

(2) OJ L 10, 12.1.2002 p.47, as read with the corrigendum published in OJ L 52, 21.2.2007, p.16.
 (3) OJ L 338, 13.11.2004, p.4, last amended by Regulation [\(EC\) No 596/2009](#) of the European Parliament and of the Council (OJ L 188, 18.7.2009, p.14).
 (4) OJ L 354, 31.12.2008, p.16, last amended by Commission Regulation (EU) No 913/2013 (OJ L 252, 24.9.13, p.11).

- (a) sugars as defined by Council [Directive 2001/111/EC](#) relating to certain sugars intended for human consumption⁽⁵⁾;
- (b) fructose syrup;
- (c) sugars derived from fruits.

(2) Any other expression not defined in these Regulations and used in these Regulations and in [Directive 2001/112/EC](#) has the same meaning in these Regulations as in that Directive.

(3) In these Regulations any reference to an EU instrument listed in Schedule 1 is a reference to that instrument as amended from time to time.

Use of the name fruit juice

4.—(1) A person trading in a fruit juice must use the name “[x] juice” as the name of the product with the relevant name of the fruit from which the juice comes substituting “[x]” in accordance with regulation 10.

(2) Paragraph (1) does not prevent a name listed in column 2 of Schedule 11 being used as the name of a fruit juice provided that—

- (a) the name is in the language provided for in column 2 of that Schedule; and
- (b) the fruit juice meets the requirements of the corresponding product description in column 3 of that Schedule.

(3) A person must not use the name “fruit juice” or “juice” together with the name of a fruit, in trade, as the name of a product if the product is not fruit juice.

Use of the name fruit juice from concentrate

5.—(1) A person trading in a fruit juice from concentrate must use the name “[x] juice from concentrate” as the name of the product with the relevant name of the fruit from which the juice comes substituting “[x]” in accordance with regulation 10.

(2) A person must not use the name “fruit juice from concentrate” or the name “juice from concentrate” together with the name of a fruit, in trade, as the name of a product if the product is not fruit juice from concentrate.

Use of the name concentrated fruit juice

6.—(1) A person trading in a concentrated fruit juice must use the name “concentrated [x] juice” as the name of the product with the relevant name of the fruit from which the juice comes substituting “[x]” in accordance with regulation 10.

(2) A person must not use the name “concentrated fruit juice” or the name “concentrated juice” together with the name of a fruit, in trade, as the name of a product if the product is not concentrated fruit juice.

Use of the name water extracted fruit juice

7.—(1) A person trading in a water extracted fruit juice must use the name “water extracted [x] juice” as the name of the product with the relevant name of the fruit from which the juice comes substituting “[x]” in accordance with regulation 10.

(2) A person must not use the name “water extracted fruit juice” or the name “water extracted juice” together with the name of a fruit, in trade, as the name of a product if the product is not water extracted fruit juice.

(5) OJ L 10, 12.1.2002, p.53, to which there are corrigenda not relevant to the English version of the Directive.

Use of the names dehydrated fruit juice and powdered fruit juice

8.—(1) A person trading in a product that complies with the specifications in Schedule 6 must use the name “dehydrated [x] juice” or “powdered [x] juice” as the name of the product with the relevant name of the fruit from which the juice comes substituting “[x]” in accordance with regulation 10.

(2) A person must not use the name “dehydrated fruit juice” or “powdered fruit juice” or the name “dehydrated juice” or “powdered juice” together with the name of a fruit, in trade, as the name of a product if the product does not comply with the specification in Schedule 6.

Use of the name fruit nectar

9.—(1) A person trading in a fruit nectar must use the name “[x] nectar” as the name of the product with the relevant name of the fruit from which the nectar comes substituting “[x]” in accordance with regulation 10.

(2) Paragraph (1) does not prevent a name listed in column 2 of Schedule 12 being used for a fruit nectar provided that—

- (a) the name is in the language provided for in column 2 of that Schedule; and
- (b) the fruit nectar meets the requirements of any corresponding product description in column 3 of that Schedule.

(3) A person must not use the name “fruit nectar” or “nectar” together with the name of a fruit, in trade, as the name of a product if the product is not fruit nectar.

Indication of kinds of fruits used

10.—(1) A person must not trade in a regulated product unless the name of the product indicates the kinds of fruit from which it has come in accordance with paragraphs (2) to (7).

(2) If a regulated product is manufactured from a single kind of fruit, the name of that fruit must substitute “[x]” in the product name.

(3) If a regulated product is manufactured from two kinds of fruit (excluding the use of one or more of lemon juice, lime juice, concentrated lemon juice and concentrated lime juice in accordance with paragraph 3 of Schedule 8), a list of the names of the fruits used must substitute “[x]” in the product name.

(4) If a regulated product is manufactured from three or more kinds of fruit (excluding the use of one or more of lemon juice, lime juice, concentrated lemon juice and concentrated lime juice in accordance with paragraph 3 of Schedule 8), “[x]” in the product name must be substituted by—

- (a) a list of the names of the fruits used;
- (b) the words “several fruits” or similar wording; or
- (c) the number of kinds of fruit used.

(5) For the purposes of paragraphs (3) and (4)(a), the list of the names of the fruits must be set out in descending order by volume of the juices or purées included from each kind of fruit, as indicated in the list of ingredients.

(6) Where a species of fruit specified in column 2 of Schedule 13 is used in the preparation of a fruit juice, fruit purée or fruit nectar, the name given as the name of the fruit in the product name in accordance with the requirements of this regulation must be—

- (a) the common name for the fruit specified in column 1 of Schedule 13; or
- (b) the botanical name for the fruit specified in column 2 of Schedule 13.

(7) In the case of any other species of fruit used in the preparation of a fruit juice, fruit purée or fruit nectar, the name given as the name of the fruit in the product name in accordance with the requirements of this regulation must be—

- (a) the common name for the fruit; or
- (b) the botanical name for the fruit.

(8) In this regulation any reference to “[x]” in a product name must be construed taking into account the provisions relating to product names in regulations 4 to 9.

Indication of added extra pulp or cells

11.—(1) A person must not trade in a fruit juice to which there has been added extra pulp or cells unless its labelling indicates such addition.

(2) In paragraph (1) “fruit juice” has the same meaning as in the second subparagraph of point 5 of Article 3 of [Directive 2001/112/EC](#).

Labelling of a fruit juice partially made from concentrate

12.—(1) A person must not trade in a fruit juice that contains a mixture of fruit juice and fruit juice from concentrate unless its labelling bears the words “partially from concentrate” or, as the case may be, “partially from concentrates”.

(2) The wording required by paragraph (1) must appear close to the product name in characters that are clearly visible and stand out well from the background against which it appears.

Labelling of concentrated fruit juice not intended for delivery to the final consumer

13. A person must not trade in a concentrated fruit juice that is not intended for delivery to the final consumer unless the presence and quantity in the concentrated fruit juice of any of the following is indicated on its packaging, on a label attached to its packaging, or in an accompanying document—

- (a) added lemon juice;
- (b) added lime juice;
- (c) acidifying agents as permitted by Regulation 1333/2008.

Labelling of a fruit nectar

14.—(1) A person must not trade in a fruit nectar unless the labelling of the product complies with paragraphs (2) to (8).

(2) The labelling of a fruit nectar must indicate the minimum content of fruit juice, fruit purée, or mixture of fruit juice and fruit purée, that it contains, using the words “fruit content: [x] % minimum” with the appropriate figure substituting “[x]”.

(3) The wording required by paragraph (2) must be located in the same field of vision as the product name.

(4) The labelling of a fruit nectar obtained wholly from one or more concentrated products must bear the words “from concentrate” or, as the case may be, “from concentrates”.

(5) The labelling of a fruit nectar obtained partly from one or more concentrated products must bear the words “partially from concentrate” or, as the case may be, “partially from concentrates”.

(6) The wording required by paragraphs (4) and (5) must appear close to the product name in characters that are clearly visible and stand out well from the background against which it appears.

(7) A claim stating that sugars have not been added to a fruit nectar, or any claim likely to have the same meaning for the consumer, may not be made unless the product does not contain any added

monosaccharides or disaccharides or any other food used for its sweetening properties, including sweeteners as defined in Regulation No 1333/2008.

(8) Where a claim stating that sugars have not been added to a fruit nectar, or any claim likely to have the same meaning to the consumer, is made and sugars are naturally present in the fruit nectar, the indication “contains naturally occurring sugars” must also appear on the label.

Manner of marking or labelling

15.—(1) Regulations 35(1), 36(1) and (5) and 38 of the Food Labelling Regulations 1996⁽⁶⁾ (which relate to the manner of marking or labelling of food) apply to the particulars with which a regulated product is required to be marked or labelled by the provisions of these Regulations listed in paragraph (2).

(2) The provisions are—

- (a) regulation 10(1);
- (b) regulation 11(1);
- (c) regulation 12(1);
- (d) regulation 13; and
- (e) regulation 14(1), as read with regulation 14(2), (4), (5) and (8).

Enforcement

16. It is the duty of each food authority within its area to enforce these Regulations.

Offences and penalties

17.—(1) A person who contravenes or fails to comply with a provision listed in paragraph (2) commits an offence.

(2) The provisions are—

- (a) regulation 4(1), as read with regulation 4(2);
- (b) regulation 4(3);
- (c) regulation 5(1);
- (d) regulation 5(2);
- (e) regulation 6(1);
- (f) regulation 6(2);
- (g) regulation 7(1);
- (h) regulation 7(2);
- (i) regulation 8(1);
- (j) regulation 8(2);
- (k) regulation 9(1), as read with regulation 9(2);
- (l) regulation 9(3);
- (m) regulation 10(1);
- (n) regulation 11(1);
- (o) regulation 12;

⁽⁶⁾ S.I. 1996/1499, as amended by S.I. 1999/747, S.S.I. 2000/83, S.S.I. 2000/309 and to which there are other amendments not relevant to these Regulations.

- (p) regulation 13;
- (q) regulation 14(1); and
- (r) regulation 15.

(3) A person who commits an offence under this regulation is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Application and modification of other provisions of the Act

18. The provisions of the Act specified in column 1 of Schedule 14 apply with the modifications specified in column 2 of that Schedule for the purposes of these Regulations.

Revocations

19. The following are revoked—

- (a) the Fruit Juices and Fruit Nectars (Scotland) Regulations 2003(7);
- (b) regulation 9 of the Food Enzymes (Scotland) Regulations 2009(8); and
- (c) the Fruit Juices and Fruit Nectars (Scotland) Amendment Regulations 2011(9).

Consequential amendments

20. Schedule 15 has effect.

Transitional provisions

21.—(1) Before 28th April 2015, it is a defence for a person to prove, in relation to any proceedings against them for an offence under regulation 17, that—

- (a) the proceedings relate to food that was placed on the market or labelled before 28th October 2013; and
- (b) the matters constituting the alleged contravention would not have constituted an offence under the Fruit Juices and Fruit Nectars (Scotland) Regulations 2003 as they stood immediately before 28th October 2013.

(2) Before 28th October 2016, the following statement may appear on the label of a fruit juice, a fruit juice from concentrate, a concentrated fruit juice, a water extracted fruit juice or a dehydrated or powdered fruit juice, in the same field of vision as the name of the product—

“from 28 April 2015 no fruit juices contain added sugars”(10).

St Andrew’s House,
Edinburgh
29th October 2013

MICHAEL MATHESON
Authorised to sign by the Scottish Ministers

(7) [S.S.I. 2003/293](#) as last amended by [S.S.I. 2011/153](#).

(8) [S.S.I. 2009/435](#).

(9) [S.S.I. 2011/153](#).

(10) As regards the date of 28 April 2015 which may appear in the statement, see the corrigendum correcting Article 3(2) of Directive 2012/12/EU (published in the Official Journal, OJ L 31, 31.1.2013, p.83).