

POLICY NOTE

The Fruit Juices and Fruit Nectars (Scotland) Regulations 2013

SSI 2013/305

1. The above instrument was made by the Scottish Ministers in exercise of the powers conferred by sections 16(1) (a) and (e), 17(1) and 48(1) of the Food Safety Act 1990, sections 56A, 56B and 56D of the Education (Scotland) Act 1980, paragraph 1A of Schedule 2 to the European Communities Act 1972 and all other powers enabling them to do so. This instrument is subject to the negative resolution procedure.

Policy Objectives

2. The purpose of the instrument is to implement in Scotland Commission Directive 2012/12/EU and to revoke and consolidate the existing legislation relating to fruit juices and certain similar products intended for human consumption. Commission Directive 2012/12/EU, which takes effect from 28 October 2013, makes amendments to Council Directive 2001/112/EC.

Policy Background

3. The new Regulations introduce changes to the existing rules on fruit juices which arise as a result of an amendment to Council Directive 2001/112/EC on Fruit Juices and Fruit Nectars. These changes were proposed and agreed by Members States in order to further align EU rules with the Codex Alimentarius Standard on Fruit Juices. This will help ensure a level playing field in international trade of this commodity and assures consumers additional protection in terms of fruit juice quality.
4. The most substantial changes brought in by Council Directive 2012/12/EU are listed below:

Processing methods

- Move from mandatory to optional restoration of aromas to fruit juice and fruit juice from concentrate in line with Codex.
- Permit a new category of juice called water extracted fruit juice (juice produced by the diffusion of water with pulpy whole fruit or dehydrated whole fruit) in line with Codex.
- Permit the freezing of fruit as an approved method of preservation and clarification.

Sugar Prohibition

- Prohibition of sugar addition to fruit juices.
- Prevention of 'no added sugar' claims on fruit juices.

- Optional use of clarifying text to educate consumers for a time limited period that in the future fruit juice will no longer contain added sugar.
- Prevention of the use “no added sugar claims” on nectars containing added sweeteners.
- Lowering of ‘Brix’ values for blackcurrant, guava, mango and passion fruit to those laid down in Codex. (Brix values provide a measure of quality by setting minimum soluble solids i.e. sugar content, for fruit juices.)

Labelling

- Requirement for the product name to reflect the fruits represented in the ingredients list.
- Inclusion of tomatoes in the list of fruits used in fruit juice production.
- To amend the definition of fruit juice to clarify that the use of fruit purees is acceptable in juice production and can be regarded as “juices” for the purposes of the Directive.

Consultation

5. One hundred and twenty interested parties throughout Scotland were consulted between 4 June and 6 September 2013 on the draft Regulations. This included consumer and health professional groups, manufacturers and industry bodies, enforcement bodies, individuals and other government departments. No concerns were raised by stakeholder organisations on the draft Scottish Regulations. No substantive responses were received.
6. However, at a UK level, consultation revealed changes that were needed to the draft implementing legislation and there has been a delay in reaching an agreed UK position in light of these changes and the need for clearance with UK departments. This means that the Regulations will come into force 23 days later than the planned implementation date. However, this should have no adverse effect for consumers or industry.

Other Administrations

7. These Regulations apply to Scotland only and will come into force on 20 November. In order to fully align the implementation of the underlying EU Directive across the UK, the equivalent instruments for England, Northern Ireland and Wales will also come into force at the same time.

Financial Implications

8. During the consultation period, a total of eleven Scottish businesses considered likely to deal with fruit juices and thus possibly affected by the new legislation were contacted for their views. Only three businesses responded. Consideration of an initial draft of the Business and Regulatory Impact Assessment (BRIA) and a draft of the Scottish Statutory Instrument (SSI) raised no concerns for the new requirements in the SSI or the financial estimates set out in the BRIA.

9. Costs to local authorities should be minor, relating only to familiarisation with the new legislation. No additional testing of products is expected.

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